

CHAPTER 255.

S. F. No. 525.

An act authorizing any city or village in this state to frame its own charter for its government as a city, consistent with and subject to the laws of this state.

City or village may frame its own charter.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. Any city or village in this state may frame a charter for its own government as a city consistent with and subject to the laws of this state.

SEC. 2. Whenever requested by an ordinance passed by the common council of any such city or village so to do or by petition signed by at least eight per cent. (8%) of the legal voters thereof according to the next preceding election returns, the judge or judges of the judicial district in which such city or village is situated shall appoint a board of fifteen freeholders, who shall be and for the past five years shall have been qualified voters thereof. Whenever said judge or judges, or majority of same, deem the public interest so require, he or they may appoint such commission on his or their motion.

Appointment of board.

Said board shall within six months after its appointment return to the chief magistrate of said city or village a draft of such proposed charter, signed by the members of said board or a majority thereof. Said charter shall be submitted to the qualified voters of such city or village at the next election thereafter, or at a special election called for the purpose, and if four-sevenths ($\frac{4}{7}$) of the qualified voters voting upon its adoption at such election shall ratify the same it shall at the end of thirty days thereafter become the charter of such city or village as a city and supersede any existing charter and amendments thereof; *provided*, that in cities having patrol limits now established such charter shall require a three-fourths ($\frac{3}{4}$) majority vote of the qualified voters voting at said election to change the patrol limits now established. Duplicate certificates shall be made setting forth the charter and ratification, which shall be signed by the chief magistrate of said city or village and authenticated by its corporate seal.

Submission of charter to qualified voters.

Certifying to charter and its ratification.

One of said certificates shall be deposited in the office of the secretary of state, and the other, after being recorded in the office of the register of deeds for the county in which said city or village is situated shall be deposited among the archives of said city or village, and all courts shall take judicial notice thereof. Said charter so deposited may be amended by a proposal therefor made by a board of fifteen freeholders as aforesaid,

Amendment of charter.

published for at least thirty days in three newspapers of general circulation in such city or village and accepted by three-fifths ($\frac{3}{5}$) of the qualified voters of such city or village voting at the next election and not otherwise. Such charter shall always be in harmony with and subject to the constitution and laws of the state of Minnesota. The board of freeholders above provided for shall hold their office for a term as provided for in the constitution and laws of this state, and all vacancies by death, disability to perform duties, resignation or removal from the corporate limits shall be filled by appointment in the same manner as the original board was created, and said board shall always contain its full complement of members.

Provision of
charter.

SEC. 3. It shall be a feature of all such charters that there shall be provided among other things for a mayor, or chief magistrate, a legislative body of either one or two houses, and if two at least one of them shall be elected by general vote of the citizens of such municipality. In submitting any such charter or amendment thereto to the qualified voters of such city or village any alternate section or article may be presented for the choice of the voters and may be voted on separately without prejudice to other articles or sections of the charter or any amendment thereof.

Manner of
voting upon
adopting
charter.

SEC. 4. Upon the draft of such charter being returned to such chief magistrate as aforesaid, the law-making authorities of such city or village, as the case may be, shall forthwith fix the time for holding an election at which such proposed charter shall be submitted to the qualified voters of such city or village, as the case may be, which may be at a general or special election called for that purpose, and cause notice of such election to be published for at least twenty (20) days in two or more newspapers of circulation in such city or village. At such city election the form of the ballots may be "for the charter," followed by sufficient space to the right thereof on which may be written or printed the words "yes" or "no," in accordance with the choice of the person voting such ballot. In the event of any alternate section or article being presented for the choice of the voters any form of ballot may be used which will clearly indicate the choice of the person voting such ballot between such alternate section or articles.

Charter not
to affect
rights or
liabilities of
former
charter.

SEC. 5. Such charter in superseding any previous charter and amendments thereof shall not affect any right, lien or liability accrued, established or subsisting previous to the time when such charter takes effect, nor affect any action or proceeding pending when such right, lien or liability shall be in force, and such action or pro-

ceeding shall be carried on in all respects as if such charter had not taken effect, nor shall such charter be in anywise construed as to affect any right or liability acquired or accrued under the previous charter and amendments superseded thereby on the part of any city or any person or body corporate.

SEC. 6. All ordinances, resolutions, regulations in force at the time such charter takes effect and not inconsistent with the provisions thereof shall remain and be in force until altered, modified or repealed by the law-making authorities of such cities.

Ordinances and resolutions to remain in force until changed.

SEC. 7. All rights of action, penalties and forfeitures accrued to such city before such charter takes effect shall remain unaffected thereby, and may be prosecuted, recovered and received as fully in every respect as though such charter had not taken effect.

SEC. 8. Any lien on real property existing in the state of Minnesota or such city at or before the taking effect of such charter for taxes and special assessment levied by such city, and all right, title or estate acquired by or vested in the state of Minnesota or any such city by reason of the forfeiture or sale to the state or city of any tract of land, town or city lots offered in a public sale for taxes or special assessment levied by such city, interest and costs due thereon, and not sold to others for want of bidders, are hereby assigned and transferred to and continued in such city, and all lands, town or city lots forfeited or sold to the state or such city shall from the taking effect of such charter be deemed and taken to be forfeited and sold to such city. In all cases where certificates of purchase have at the time of such charter takes effect been made out in the name of purchasers at any sale for such delinquent taxes or special assessment, the right to redeem any such sale shall not be impaired by anything in this act or any such charter contained.

Lien on real property for taxes transferred.

SEC. 9. It shall be lawful for any such city in such charter or by amendment thereof to provide for regulating and controlling the exercise by any person or corporation of any public franchise or privilege in any of the streets or public places in such city, whether such franchises or privileges have been granted by said city or by or under the state of Minnesota, or any other authority; but no perpetual franchise or privilege shall ever be granted; nor shall any exclusive franchise or privilege be granted unless the question of granting the same shall have been first submitted to the qualified voters of such city and adopted by a majority voting at such election on the question, nor in such case for a longer period than ten years.

Granting of franchises.

Property and
finances in
control of
city council.

SEC. 10. That the city council shall control the property and finances of the city and shall have the power to appropriate money for city purposes only, except as hereinafter provided; to provide for the payment of its debts and expenses; to borrow money on its credit for city purposes and to issue bonds therefor; to issue bonds in the place of and to supply means for paying maturing bonds, and to consolidate or fund the same; *provided*, that the total indebtedness of such city, except as hereinafter provided, shall not thereby be made to exceed five (5) per cent. of the total value of the taxable property of such city, according to the last preceding assessment for the purposes of taxation, except in cities where such limit has already been reached, or expenditures have already been authorized by vote of the people of said city, which will cause the said limit to be reached; *provided, however*, that the certificates of indebtedness issued for the creation and maintenance of a permanent improvement revolving fund shall not be considered as portion of the indebtedness of the city for the purposes of this section. *Provided, further, however*, that in case of any such city now organized, or territory hereinafter to be organized, the total indebtedness of which at the time of the passage of this act exceeds five per cent. (5%) of the total value of the taxable property of said city, according to the last preceding section for the purposes of taxation, the city council of such city incorporating under the provisions of this act may issue bonds sufficient to pay the floating indebtedness then existing of any such city, the proceeds of which bonds shall be used solely for the purpose of paying such indebtedness; and thereafter the city council of any such city shall not be authorized to issue any bonds, except as hereinafter provided, and except for the paying of maturing bonds of said city, until the total indebtedness of said city, except as hereinafter provided, shall be reduced to an amount less than five per cent. (5%) of the total value of the taxable property of such city according to the last preceding assessment for the purpose of taxation, and thereafter the city council of such city may issue bonds in accordance with the provisions hereof and within the limits herein first prescribed. *Provided, further*, that any city having a population of less than eight thousand and indebtedness not to exceed ten per cent. (10%) of the total value of the taxable property of such city may be incurred by the issuing of bonds in the same manner as above provided for the incurring of indebtedness not to exceed five per cent. (5%). *Provided, further*, that where any city has, prior to its becoming incorporated under the provisions of this act, and for the pur-

When indebtedness exceeds 5% of value of taxable property.

In cities of less than 8,000 inhabitants, indebtedness limited to 10%

pose of constructing, regulating, maintaining, or extending or improving suitable water and light plants, or either of such plants, or for the purpose of purchasing, maintaining, extending, and improving any water and light plants, or either of such plants, already in existence in such city, or for the purpose of acquiring or paying for any real estate or other property needed in connection with such water or light plants, or either of them, for the protection of the purity of the water supply, or otherwise, issued or authorized to be issued bonds, so that the amount of said bonds when added to the other indebtedness of said city shall cause the entire indebtedness thereof to exceed five per cent.

(5%) of the total value of the taxable property of said city, according to the last preceding assessment for purposes of taxation, then said bonds shall not be deemed to be a part of the total indebtedness of said city, which said city is hereinbefore forbidden to make to exceed five per cent. (5%) of the total value of said taxable property; and thereafter said city may issue such additional bonds as may be necessary to extend, enlarge or improve such water and light plants or either of such plants, and such additional bonds so issued for such purposes shall also not be deemed to be a part of the total indebtedness of said city, which said city is hereinbefore forbidden to make to exceed five per cent.

(5%) of the total value of said taxable property. Such bonds shall be authorized issued, negotiated and sold in the same manner as other city bonds, and shall be a first lien upon all water and light plants and structures of every kind, if issued for both; or if for only one, then upon the appliances and structures thereof, and all property acquired or used in connection therewith, erected, owned or purchased by said city, and the proceeds of said bonds shall not be expended for any other purpose than that for which they are issued. No city council of any city in this state shall issue bonds for any purpose to the amount of one hundred thousand dollars (\$100,000) or over, until the proposition to issue said bonds has been approved by a majority of the legal voters of that city voting at a general or special election.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved April 23, 1897.

Bonds issued for public works previous to incorporation under this act not part of limited indebtedness.

Bonds a first lien on works for which they are issued.