

CHAPTER 238.

H. F. No. 150.

An act relating to the framing of its own charter for its government as a city, by any city incorporated prior to the adoption of Article IV., Section 36, Constitution of Minnesota, of any village desiring to be incorporated as a city, and to the amending of any charter, already or hereafter adopted by any city or any village, for its government as a city, under the provisions of section 36, of Article IV. of the Constitution of Minnesota, and of any Statutes enacted in pursuance thereof.

City
charter.

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

SECTION 1. Any city incorporated prior to the adoption of Article IV., section 36, Constitution of Minnesota, or any village desiring to be incorporated as a city, may frame a charter for its government as a city, and any such city, or any village, which has already adopted, or may hereafter adopt a charter for its government as a city, under the provisions of section 36 of Article IV. of the Constitution of the State of Minnesota, and of any statutes enacted in pursuance thereof, may amend such charter as in this act provided.

May
frame own
charter
under
certain
conditions.

SEC. 2. The judge or judges of the district court of the judicial district in which such city or village is situated, may, in his or their discretion, appoint a board of fifteen (15) freeholders, whenever such judge or judges shall deem it for the best interests of such city or village so to do, or upon the presentation to him or them of a petition requesting such action signed by at least ten per cent of the legal voters of such city or village, according to the returns of the next preceding election therein shall appoint such board.

Appoint-
ment of
charter
commission.

SEC. 3. The freeholders so appointed, or any who may be appointed to succeed them, or either of them, shall be and for the past five years shall have been qualified voters of such city or village. If a member shall permanently remove from the corporate limits of such city or village, he shall cease to be a member of said board. The members of any such board, whether the same has been already or may hereafter be appointed, shall hold office for a term of four years from the date of its appointment. In case a vacancy shall occur in any

Qualifications
of members.

Removal.

Term.

Vacancy.

such board, whether caused by death, disability to perform duties, resignation, removal from the corporate limits, or expiration of term of office, it shall be filled by appointment in the same manner as the original board was created. Any person appointed to fill a vacancy caused by the death, disability to perform duties, resignation or removal from the corporate limits of a previous appointee, shall hold office until the expiration of the term of the original appointee to whose place he is appointed. Persons appointed to fill vacancies caused by the expiration of the term of office of previous appointees shall hold office for the term of four years. The board shall always contain its full complement of members, and its members shall receive no compensation for their services.

Term of person appointed to fill vacancy.

Order appointing, to be filed with clerk of court.

Acceptance, oath.

Rules, reports.

Draft of proposed charter to be returned within six months.

Submission to voters.

Any appointment hereafter made to any such board, shall be made by order, to be filed with the clerk of the district court of the county in which such city or village is situated, and appointees shall qualify by filing with such clerk a written acceptance of their several appointments and an oath or affirmation to faithfully perform the duties of such office. Any appointee who shall fail to so qualify within thirty days after the date of the filing of the order of his appointment shall be deemed to have declined such appointment, and the vacancy, so existing, shall be filled in the same manner and with the same effect as though he had resigned.

It shall be the duty of the judge or judges of the district court who appoint such board, to make such rules in reference to such board, and require such reports from such board, as may appear to be desirable or necessary for effectuating the purposes of this act.

SEC. 4. Such board, so appointed, shall within six (6) months after its appointment, return to the chief magistrate of such city or village a draft of the proposed charter, signed by the members of said board, or a majority thereof. Such charter shall be submitted for adoption to the qualified voters of such city or village at the next election thereof, and the lawmaking authorities shall forthwith on the return of such charter to the chief magistrate, as aforesaid, make suitable provision for such submission. The question of its adoption may be submitted either at the next general election or at a special election to be held prior thereto, as such lawmaking

authorities may determine, and whether such election be general or special, it shall be conducted in all respects in the manner provided for such election by the laws of this state. Said lawmaking authorities are hereby empowered to call a special election for the purpose of submitting said charter or it may be submitted at a special election called for any other purpose. Said lawmaking authorities in calling a special election for said purpose are hereby empowered to fix the date for such special election, coincident with the date of a general county or other election, and if this is done, said special election shall be held at the same voting places as said general election, and the election officers for said general election shall act as the election officers for said special election. The ballot to be used at such election shall be prepared as provided by the general election laws of the state and shall have printed upon it this question, "Shall the proposed new charter of the city (or village) of _____ be ratified." Following and to the right of such question shall be printed or written the words, Yes. No. The voter shall indicate his choice by an "X" marked to the right of the "Yes" or "No," according as he is in favor of the ratification of such charter or opposed thereto.

Ballot.

SEC. 5. If four-sevenths (4-7) of the qualified voters, voting at any such election, shall ratify the charter so drafted, returned and submitted, it shall, at the end of thirty days thereafter, become the charter of such city, or village as a city. *provided* that in cities having patrol limits now established, such charter shall require a three-fourths (3-4) majority of the qualified voters voting at such election to change the patrol limits now established.

Four-sevenths vote required to ratify.

Three-fourths vote to change patrol limits.

Save as herein otherwise specified, on so becoming the charter, it shall supersede any existing charter and amendments thereof.

Supersede existing charter.

Such charter or amendments in superseding any previous charter and amendments thereof, or any general law, shall not affect any right, lien or liability accrued, established or subsisting previous to the time when such charter or amendments take effect, nor affect any action or proceeding pending when such right, lien or liability shall be in force, and such action or proceeding shall be carried on in all respects as if such charter or amendments had not taken effect, nor shall any charter, or

Shall not affect any right, lien or liability accrued, nor action pending.

amendments, be in anywise construed as to affect any right or liability acquired or accrued under the previous charter and amendments or general laws superseded thereby on the part of any city or any person or body corporate.

Ordinances in force, not inconsistent, not repealed.

All ordinances, resolutions and regulations in force at the time such charter or amendments take 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.

All rights, etc., accrued unaffected.

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

Liens on real property.

Any lien on real property existing in the State of Minnesota or such city or village, at or before the taking effect of such charter, or amendments thereto, for taxes, or special assessment levied by such city or village, and all right, title or estate acquired by or vested in the State of Minnesota, or any such city or village, by reason of the forfeiture or sale to the state, city or village, of any tract of land, town, city or village lots offered in a public sale for taxes or special assessment levied by such city or village, 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 or village, and all lands, town city or village lots forfeited or sold to the state or such city or village, shall, from the taking effect of such charter or amendments thereof be deemed and taken to be forfeited and sold to the state, or such city or village, as the case may be. In all cases where certificates of purchase have at the time such charter or amendments thereof, take 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 or amendments thereof contained.

Right of redemption not impaired.

Special laws, when excepted in charter, unaffected.

Any existing special law applicable to such city or village, in whole or in part, may be excepted from repeal or modification by provision to that effect in said charter, and if so excepted and recited therein as continuing in force, shall be unaffected by the adoption of such charter.

No local charter, provision or ordinance passed thereunder, shall supersede any general law of the state defining or punishing crimes or misdemeanors.

General
laws not
superseded.

SEC. 6. Such charter, so adopted, may be amended by a proposal therefor made by said board and accepted by the qualified voters of such city or village, in the manner herein provided. Or upon the application of five (5) per cent of the legal voters of any such city or village, by written petition addressed to and filed with such board of fifteen (15) freeholders, such board shall submit to the vote of the people any amendments to such charter endorsed by such application and petition.

Amend-
ments.

Any such proposed amendment, whether the proposal therefor is made by the board itself or on application and petition, as aforesaid, shall, when drafted, be returned by said board to the chief magistrate of such city or village, within thirty days, signed by the members of said board, or a majority thereof, and the law-making authorities of such city or village shall forthwith, on the return of such proposed amendment to the chief magistrate, as aforesaid, make suitable provision for submitting to the qualified voters of such city or village the question of the adoption of such amendment at the next election. Such question may be submitted either at the next general election or at a special election to be held prior thereto, and whether such election be general or special, it shall be conducted in all respects in the manner provided for general or special elections by the general laws of this state. Said law-making authorities are hereby empowered to call a special election for the purpose of submitting such amendment or amendments, or they may be submitted at a special election called for any other purpose. Said law-making authorities in calling a special election for said purpose are hereby empowered to fix the date for said special election coincident with the date of a general county or other election, and if this is done, said special election shall be held at the same voting places as said general election, and the election officers for said general election shall act as the election officers for said special election. The proposal for any such amendment shall be published for at least thirty (30) days prior to such election in three (3) newspapers of general circulation in such city or village. The form of ballot to be used in submitting any such amendment or amendments shall be

Publication.

Ballot.

Three-fifths
vote
required.

prepared as provided by the general election laws of this state, and the general nature of any such proposed amendment, or amendments, shall be briefly indicated thereon. When only one amendment is to be submitted, the ballot shall have printed on it this question: "Shall the proposed amendment to the charter of the city of be ratified?" When more than one amendment is to be submitted, such amendments shall be numbered separately and the ballot shall have printed upon it, as to each amendment: "Shall the proposed amendment to the charter of the city of numbered, be ratified?" Following and to the right of any such question shall be printed the words "Yes, No, the one under the other. The voter shall indicate his choice by an "X" marked to the right of the "Yes" or of the "No," according as he is in favor of or opposed to the ratification of any proposed amendment. If any such proposed amendment is accepted by three-fifths (3-5) of the qualified voters of such city or village voting at the election, whether general or special, next following the return thereof to the chief magistrate, it shall become a part of such charter at the end of thirty (30) days after the election at which the same was accepted and ratified, unless the proposed amendment otherwise provides, in which event it shall take effect and be in force only from the date provided for in such proposed amendment. Any and all amendments to any such charter which have heretofore been adopted shall, within ninety (90) days from and after the passage of this act, be duly certified, authenticated, recorded and filed in the same manner as herein provided for certifying, authenticating, recording and filing amendments hereafter made, ratified and accepted; and when so certified, authenticated, recorded and filed (and not otherwise) the same shall be received in evidence by any court of this state.

SEC. 7. In submitting any such charter or amendment thereto to the qualified voters of such city or village, any alternate (alternative) 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 amendments thereto.

Duplicate
certificates.

SEC. 8. Duplicate certificates shall be made setting forth the charter and ratification thereof, or in case of an amendment or amendments of any such charter proposed and ratified, as herein provided, a certificate in

duplicate wherein shall be set forth every such amendment so proposed and ratified and a recital of the ratification of such amendment shall be made. Said certificates in all cases shall be signed by the chief magistrate of such city or village, and authenticated by its corporate seal. Within ten days after their execution, one of such 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 of the county in which such city or village is situated, shall be deposited in the office of the city or village clerk or the corresponding official of such city or village, and all courts shall take judicial notice thereof.

Filing.

SEC. 9. Such charter and its amendments shall always be in harmony with and subject to the constitution and laws of the State of Minnesota. It shall be a feature of all such charters that there shall be provision made among other things, for a mayor or chief magistrate and a legislative body of either one or two houses, and if of two houses, at least one of them shall be elected by general vote of the electors. Subject to these limitations and the limitations otherwise prescribed by this act, such charter and its amendments may provide for any form and scheme of municipal government, and may embrace provisions for the regulation, management, administration and control of all departments of the city government and of all local municipal governmental functions, as fully and comprehensively as could the Statutes of the State of Minnesota had section 33 of article IV. of the constitution not been adopted. But it shall be lawful for such board in framing any such charter or amendment, to omit therefrom provisions in reference to any department which, prior to the framing thereof, is administered under any existing special or general law of this state, and in such event, such department shall continue to be so administered notwithstanding the adoption of such charter. For the economical and proper operation of the government created by such charter, or its amendments, provision may be made therein for methods of procedure and the performance of duties by the courts of the district and officers of the county, in which such city or village is situated, not inconsistent with the provisions of the constitution and statutes of this state, and such courts and officers shall perform the duties so prescribed in this connection.

Charter must be in harmony and subject to laws and state constitution.

Form of government.

Acquisition
of public
parks, li-
braries, etc.

It shall also be lawful for any such city to make provisions in its charter or by amendments thereof for the acquisition and holding by gift, devise, purchase, or by the exercise of the power of eminent domain through condemnation proceedings of property, for public use, either within the corporate boundaries of such city or outside of such corporate boundaries, for public parks, public libraries, cemeteries, penal institutions, hospitals, rights-of-way for sewers, for uses connected with water supply, for the convenient discharge of any governmental or business function which said city is capable of exercising, or for any other public purpose, and to provide for managing, controlling and policing the same.

It shall not be lawful for any such city or village in such charter, or by amendment thereof, to curtail or add to its territorial limits, except as herein otherwise provided.

Public
franchise.

It shall be lawful for any such city or village, 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 said village, or by or under the State of Minnesota, or any other authority, to the same extent, and in the same manner as might the legislature of said state, but no perpetual franchise or privilege shall ever be granted, nor shall any exclusive franchise or privilege be granted or extended unless the question of granting or extending the same shall have been first submitted to the qualified voters of said city, and adopted by a majority voting at such election on the question. In no case shall any franchise or privilege be granted or extended for a longer period than twenty-five years.

Limitation
of bonded
indebtedness.

It shall not be lawful for any such charter or amendments thereof to permit or provide for the issuance of any bonds by any such city, if, by such issue, the aggregate outstanding bonded indebtedness of such city shall be made to exceed ten (10) per cent of the assessed valuation of the taxable property of such city according to the last then preceding assessment for the purposes of taxation, and if any city has over fifty thousand inhabitants at the time of the adoption of such charter, or had over fifty thousand inhabitants at the time of the adoption of any such charter already framed and adopted, it shall not

be lawful for such charter or any amendments thereof to permit or provide for the issuance of any bonds by such city, except bonds issued for the purpose of funding outstanding and maturing bonds, if by such issue, the aggregate outstanding bonded indebtedness thereof shall be made to exceed five (5) per cent of such assessed valuation, unless it is also provided in such charter or amendments that before any bonds in excess of such five (5) per cent limit are issued, the proposition of making any proposed issue shall be first submitted to the legal voters of such city at a general or special election, and approved by at least a majority of such voters voting on such proposition at such election. But if such charter or amendments thereto shall so provide, certificates of indebtedness or bonds issued by any such city or village prior to the adoption of any such charter, (a) for the creation or maintenance of a permanent improvement revolving fund, or (b) for the purpose of anticipating the collection of general taxes for the year in which they may be issued, or (c) for the purpose of purchasing, constructing, regulating, maintaining, extending, enlarging or improving water and lighting plants, or either of such plants, owned, maintained and operated by such city or village, or for the purpose of acquiring any real or other property needed in connection with any such plant or plants (d) or bonds or securities in any sinking fund maintained by such city or village, shall not be counted as part of the outstanding bonded indebtedness of such city or village for the purpose of determining its authority to issue further bonds under the limitations herein prescribed. And it shall be lawful for any such charter or its amendments to provide that after the adoption of any such charter by any such city or village, any such city may issue certificates of indebtedness or bonds up to any limit such charter or its amendments may prescribe, and without having the proposition of their issue approved by the legal voters of such city, if such certificates of indebtedness or bonds are for any of the following purposes, to wit: (1) for the creation and maintenance of a permanent improvement revolving fund, or (2) for the purpose of anticipating the collection of general taxes for the year in which they may be issued, or (3) for the purpose of extending, enlarging or improving water and lighting plants, or either of such plants, owned main-

Indebtedness not counted as outstanding.

What certificates or bonds may issue without submission to voters.

tained or operated by such city, or for the purpose of acquiring any real or other property needed in connection with such extending, enlarging or improving such plants, or either of them, or (4) for the purpose of paying the lawful floating indebtedness of any such city or village, which floating indebtedness is existing prior to the adoption of such charter, and is not already funded into bonds.

Rejection of
proposed
charter,
new proposed.

SEC. 10. In case of the rejection of a charter proposed by such board, said board may propose a new charter, in the same manner as is above provided, for the submission of the first charter adopted by said board, and such charter so proposed shall be voted on in like manner and with the same effect as is above provided in the case of said first charter, and if adopted may be amended in like manner.

Board
heretofore
appointed
to continue
in office.

SEC. 11. In all cases, where a board has heretofore been appointed under the provisions of section 36 of Article IV. of the Constitution of the State of Minnesota, and of chapter 351, General Laws Minnesota 1899, passed in pursuance thereof, to frame a charter for any city or village, nothing in this act contained shall be construed as abridging or extending the term of office of the members of said board, but they shall continue in office for the period of their original appointment. Nor shall anything in this act contained be construed as amending or changing any charter already adopted by any city, or as affecting the right of any city to continue to be governed by any charter already adopted, but all the provisions of this act shall govern, limit and apply to any proceedings hereafter taken in reference to any charter or amendments thereto framed or proposed or to be framed or proposed by any such board heretofore appointed, or its successors, and shall govern, limit and apply to any such charter or amendments thereto hereafter framed or proposed by such board or its successors.

Charter
heretofore
adopted un-
affected.

Ch. 129,
1901, not
repealed.

SEC. 12. All acts and parts of acts inconsistent with this act are hereby repealed, save that chapter 129, General Laws of Minnesota 1901, is not repealed, or modified hereby.

SEC. 13. This act shall take effect and be in force from and after its passage.

Approved April 17, 1903.