

10299 O.D.

CHARTER
CITY OF MOORHEAD
CLAY COUNTY
MINNESOTA

1947

STATE OF MINNESOTA
DEPARTMENT

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FEB 7 - 1947

W. H. ...
Secretary

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10299

CHARTER

OF THE

City of Moorhead

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HOME RULE CHARTER ADOPTED

TUESDAY, JANUARY 7, 1947



BY ORDER OF THE CITY COUNCIL

OF THE CITY OF MOORHEAD

1947

CERTIFICATE OF CHARTER COMMISSION

To The HONORABLE RUDOLPH B. BERGLAND, Mayor of the City of Moorhead.

We, the undersigned, appointed by the Honorable, The District Court of the State of Minnesota, in and for the County of Clay, as a Board of Freeholders and Charter Commission within and for the City of Moorhead in said County and State under the provisions of Section 36, Article IV, of the Constitution of the State of Minnesota and Statutes of the State of Minnesota enacted in pursuance of, do hereby respectfully submit and return to you the foregoing draft of the proposed revision of the Charter of the City of Moorhead.

Dated this 9th day of December, 1946.

WAYNE PETERSON	SIGURD MUNDHJELD
B. J. RECHTIENE	C. A. BALLARD
HENRY C. STIENING	CLARENCE JESTEN
A. S. SIGURDSON	JOSEPH KISE
A. T. BRANDT	Secretary
M. E. BECK	ALEX J. NEMZEK
C. I. EVENSON	Vice Chairman
GLENN E. JOHNSON	GEORGE M. COMSTOCK
	Chairman

CERTIFICATE OF ADOPTION

STATE OF MINNESOTA, }
 COUNTY OF CLAY. } ss.

City of Moorhead:

I, R. B. Bergland, Mayor of the City of Moorhead, in Clay County, Minnesota, do hereby certify that the annexed and foregoing Charter of the City of Moorhead, was returned to the Mayor of the City of Moorhead by the Charter Commission duly appointed by the Judges of the District Court for the Seventh (7th) Judicial District of the State of Minnesota under authority of the Constitution of the State of Minnesota, and the Laws of Minnesota duly enacted and in force in respect thereto, as a draft of the proposed Charter to be submitted to the qualified voters of said City of Moorhead; that said Charter was, under the provisions of the Laws of the State of Minnesota and of the Constitution of said State, duly submitted to the qualified voters of said City at a special election called for the purpose only, which was held in said City on January 7, 1947 and was duly ratified by four-sevenths (4/7) of the qualified voters voting thereat, there being 650 votes cast at said election, of which 578 votes were cast in favor of said proposed Charter and 72 votes were cast against said proposed Charter. And I further certify that the foregoing and annexed presentation of said Charter is a true and correct copy of the original drafts of the same on file and of record in the office of the City Clerk of the City of Moorhead, Minnesota.

IN WITNESS WHEREOF, I have signed this certificate and caused it to be authenticated by the corporate seal of the City of Moorhead, Minnesota in duplicate this 10th day of January, 1947.

(SEAL)

R. B. BERGLAND,
 Mayor of City of Moorhead, Minnesota.

ATTEST:
 PAUL A. COOK,
 City Clerk.

CHARTER

CHARTER OF THE CITY OF MOORHEAD

Framed and Adopted Pursuant To Section 36, of Article 4, of the Constitution of the State of Minnesota, and the General Laws of the State of Minnesota Relating To Home Rules Charters.

CHAPTER I.

NAME, POWERS AND BOUNDARIES.

Name and Powers

SECTION 1. All that district of country in the county of Clay and State of Minnesota, contained within the limits and boundaries hereinafter described, and all the people now inhabiting, and those who shall hereafter inhabit, said district, shall be a municipal corporation by the name of the "City of Moorhead", and by that name may sue and be sued, plead and be impleaded in any court or tribunal; have perpetual succession, make and use a common seal, and alter it at pleasure; take, hold, purchase, lease and convey all such real, personal and mixed property within or without the limits of said district as the purposes of the corporation may require, or the transaction or exigencies of its business may render convenient; shall be capable of contracting and being contracted with and shall have all the general powers possessed by municipal corporations at common law, and, in addition thereto, all powers that may be granted to it under the general laws of the State of Minnesota, or by this charter.

City Boundaries

SEC. 2. The lands and territory included within the following described boundaries and limits shall constitute the said City of Moorhead, to-wit: Commencing at the northeast corner of section four (4), township one hundred thirty-nine (139), range forty-eight (48); running thence south two and one-half miles to the quarter post between sections fifteen (15) and sixteen (16); thence west along said quarter section line to the main channel of the Red River of the North; thence northerly down the said main channel of the Red River of the North, to a point opposite the township line between town-

ships one hundred thirty-nine (139) north and one hundred and forty (140) north, where said line intersects said river; thence east to the place of beginning; all being in township one hundred thirty-nine (139) north, of range forty-eight (48) west of the Fifth Principal Meridian. Also that section known as Oakpark Addition commencing 2,525 feet west from the southeast corner of section thirty-two (32), township one hundred forty (140), range forty-eight (48); thence running north 365 feet; thence west approximately 600 feet to the Red River of the North; thence along the said Red River in a southwesterly direction to the intersection of same with the south line of Oakport Township; thence east along the south line of said Oakport Township to the place of beginning, all being in the county of Clay and State of Minnesota.

Ward Boundaries

SEC. 3. The City of Moorhead is hereby divided into four wards, bounded and described as follows:

First Ward. The first ward of the City of Moorhead shall comprise all the territory within the said city limits, north of the center line of Fourth Avenue South and west of the center line of Eighth Street to include all territory west and north to the city boundary.

Second Ward. The second ward of the City of Moorhead shall comprise all the territory, within said city limits, south of the center line of Fourth Avenue South and west of the center line of Eighth Street to include all territory south and west to the city boundary.

Third Ward. The third ward of the City of Moorhead shall comprise all the territory, within said city limits, north of the center line of the Northern Pacific Railroad right-of-way and east of the center line of Eighth Street to include all territory north and east to the city boundary, also including that section known as Oakpark Addition.

Fourth Ward. The fourth ward of the City of Moorhead shall comprise all the territory, within said limits, south of the center line of the Northern Pacific Railroad right-of-way and east of the center line of Eighth Street to include all ter-

ritory south and east of the city boundary.

Provided, that, after the adoption of this charter, the council shall by a vote of a majority of its members re-divide the City into four wards with equal population, as near as possible, whenever it become apparent from two successive regular elections that the voting population in any one ward is twenty-five per cent greater or smaller than any other ward.

Succession

Sec. 4. When this charter takes effect, the City of Moorhead shall be and become the legal successor of the City of Moorhead, under its former charter, and shall be vested with all franchises, rights and immunities, formerly vested in said City of Moorhead, except as herein otherwise provided. All property and property rights and interests, of every kind and nature, formerly vested in said City, shall, when this charter takes effect, be and become vested in, and be possessed by, the City of Moorhead, under this charter.

CHAPTER II. ELECTIONS AND GENERAL PROVISIONS.

OFFICERS.

Elective.

SECTION 5. There shall be elected in the City of Moorhead a mayor, two members of the council from each ward, who shall be known as aldermen, two justices of the peace, one of whom shall be designated as Police Magistrate and one as City Justice of the Peace, and one constable from the city at large, and said officers shall be known as the elective officers of said City and shall have all powers granted them by the constitution and the laws of Minnesota except as otherwise specified in this charter.

Appointive

The appointive officers of said City shall be clerk, treasurer, attorney, assessor, engineer, members of the board of health, street commissioner, scaler and weigher, public service commissioners, park commissioners and library board. Said officers shall be appointed by the council. Such appointment shall be made by ballot and it shall require the affirmative vote of a majority of all the members of the council to appoint such officers, except as otherwise provided in this charter.

Term of Office

SEC. 6. The term of office of all elective officers shall be for two years and shall begin on the first day of January following the regular municipal election. The term of office of all appointive officers, except as herein otherwise provided, shall be for one year and shall be construed as beginning on the first day of February of each year.

All officers, whether elected or appointed shall continue in office until their successors are elected or appointed and qualified, and in case an officer is elected or appointed to fill an unexpired term, such term shall expire at the same time that the term of the original incumbent would expire.

Time of Elections.

SEC. 7. The regular elections shall be held biennially on the first Tuesday in November in each odd numbered year, and the first regular election under this charter shall be held on the first Tuesday in November, A. D. 1947. At said first regular election and biennially thereafter there shall be elected the following officers, to-wit: Mayor, two justices of the peace, one of whom shall be designated upon the ballot as Police Magistrate and one as City Justices of the Peace, one constable, and two aldermen from each ward. The mayor, or in case of his refusal, the council may, by the affirmative vote of a majority of all its members, call a special election of the voters of the city and provide for holding the same. The purpose of such election shall be clearly stated in such resolution and no other matter shall be submitted thereat.

Election Laws.

SEC. 8. All general laws of the State of Minnesota relating to elections and the preliminaries thereof shall, so far as applicable, apply to and govern all elections under this charter, and are hereby adopted as a part of this charter the same as if herein specifically re-enacted. The returns shall be made to the clerk and within one week after any election under this charter the council shall meet and canvass the returns thereof and declare the result as appears from such returns, and the clerk shall forthwith give notice in writing to the officers elected of their respective elections. A plurality of votes for elective officers shall constitute an election. When two or more persons shall receive

an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the council, at such time and place and in such manner as it may direct.

Resignation and Abandonment.

SEC. 9. Any elective or appointive officer provided for by this charter, having entered upon the duties of his office, may resign the same by and with the consent of the council; provided, that any member of a board may resign, with the consent of such board. Any elective or appointive officer, changing his residence from the City, or any alderman from the ward for which he was elected or appointed, and any such officer who shall refuse or without cause, neglect to enter upon the discharge of the duties of his office, for ten days after the beginning of the term for which he was elected or appointed to fill, and ten days after being notified by the clerk of his election or appointment, shall be deemed to have vacated and abandoned such office.

REMOVALS.

By Council.

SEC. 10. Any elective or appointive officer, provided for by this charter, may be removed from his office by the affirmative vote of three-fourth of all the members of the council; but no such officer shall be removed except for cause, nor unless he has first been served with a copy of the charges against him and has had reasonable opportunity to be heard in person, or by counsel, in his own defense. The council shall fix the time and place of trial of such officer, who shall be given at least ten days' notice thereof to arrange the mode of trial; to compel attendance of witnesses and the production of papers; to administer oaths and to hear the proofs and arguments.

If such officer shall neglect, after due notice has been served, to make answer to such charges, the same shall be cause for removal without further notice. When any such hearing is ended, the council shall forthwith proceed without debate to vote viva voce on roll call upon a motion declaring such officer removed. Among such causes shall be continued absence by aldermen from meetings of council, or by any member of a board from the meetings of such board, or neglect of duty by any officer.

By Court.

Whenever 200 or more resident freeholders of the City of Moorhead shall file in the district court of Clay county a verified complaint, charging that any elective or appointive officer of the city has been guilty of a misdemeanor or malfeasance in office, or has committed any act which is cause for removal from office, under this charter, and setting forth the facts upon which such charges are based, any one of the judges of said court, upon presentation of such complaint to him, may issue an order, returnable before him or said district court, requiring the officer complained of to appear and answer said complaint and show cause why he should not be removed from his office. Upon the return of such order, said court or judge thereof, shall prescribe the course of pleading, the time of trial and the manner of procedure therein, and after hearing the said cause, said court shall remove such officer from office and shall declare his office vacant if it shall appear at the trial that said officer has been guilty of the misdemeanor or malfeasance in office specified in the complaint or has committed any act which is cause for removal from office under this charter.

Qualifications.

SEC. 11. No person shall be eligible to any office under this charter who has ever been convicted of any crime, or who is not at the time of filing his nomination certificate or at the time of his appointment to such office a qualified elector of the City of Moorhead and able to read and write the English language understandingly, or who is at such time interested in any contract with the City of Moorhead to which he is a party either individually or as a firm.

Contracts Prohibited.

SEC. 12. No officer or employee of the City shall vote for or make any contract in behalf of said City or any department thereof with himself, or with any firm of which he is a member, nor shall he be in any manner directly or indirectly interested in any contract with the city; and any contract in which any such officer or employee is, or becomes, directly or indirectly interested shall be and become absolutely void; and any such officer, by the fact of such vote, shall forfeit his office; and any money which

shall be paid on such contract by the City may be recovered back from any or all the persons interested therein by a joint or separate action; provided, that this section shall not be construed to apply to a contract for the deposit of the funds of the city.

Penalties For Malfeasance.

SEC. 13. Any officer or employee of the city who shall willfully or negligently violate any of the provisions of this charter, or convert any of the public property to his own use, or knowingly permit any other person to so convert it, shall be guilty of a misdemeanor; and shall upon conviction be punished, when a punishment therefor is not otherwise provided by law, as misdemeanors are punishable by the criminal laws of the state, and on conviction thereof, shall also forfeit his office and shall be liable to the city for any amount of loss or damage suffered by reason of such violation of law.

Vacancies.

SEC. 14. Whenever a vacancy shall occur in any of the elective or appointive offices provided for by this charter by reason of death, resignation, change of residence, refusal or neglect to enter upon the discharge of his office, or any other cause, such vacancy shall be filled for the unexpired term by appointment of the council; provided, however, that when such vacancy shall occur in the office of mayor, alderman or justice of the peace, and such vacancy occurs more than six months before the expiration of the term for which he was elected, then such vacancy shall be filled by a special election to be held on the Tuesday next following the expiration of forty days from the date when such vacancy occurred. If any elective officer is not elected or fails to qualify, for any reason, at the time when he should be elected and qualified under this charter, the council shall forthwith hold a special election to fill the vacancy, except where other provision is made herein for such emergency.

Powers.

SEC. 15. From and after the time this charter shall go into effect, the various officers of the City of Moorhead, whether then in office or subsequently appointed, shall be vested with such powers and functions, and with such powers and functions only, as shall be

specified in this charter as to their respective offices.

Reports, Transfers of Property.

SEC. 16. Every elective and appointive officer, except the clerk and members of the council, and all boards provided for in this charter, shall annually, on or before the first regular meeting in January, make and transmit to the council full and detailed reports, properly verified by affidavit, of the business of such office or department for the last fiscal year, together with a true and full inventory of all money, property and other effects of the City in the possession of such officer or board, or under his or its control. The city clerk shall file his annual report on or before February first of each year. Such officers and boards shall likewise make to the council similar reports and exhibit all their books of account, papers and other records kept by them, whenever requested by the council so to do. Every elective and appointive officer and board, and member thereof, provided for by this charter shall, at the expiration of his term of office, in whatsoever way terminated, turn over to the City or to his successor in office all the books, papers, files, records, money and other property and things whatsoever pertaining to his office which may be in his possession or under his control.

Oath.

SEC. 17. Every person elected or appointed to any office under this charter shall, before he enters upon the duties of such office, take and subscribe an oath of office and file the same with the clerk.

Salaries.

SEC. 18. The salaries of all officers, unless otherwise specified herein, shall be fixed by the council by resolution at the regular meeting in October of each year, for the succeeding year.

CHAPTER III. OFFICERS, THEIR POWERS AND DUTIES.

Mayor.

Powers and Duties.

SECTION 19. The mayor shall be a member of the council and preside over its meetings, but shall have no vote, except in case of a tie, when he shall have the power to cast the deciding vote. He shall not serve on any committee of the council except upon an unanimous vote of the entire council. He shall

be the chief executive officer of the City and shall have command and control of its police force. He shall cause the laws of the State, the provisions of this charter and the ordinances of the city, to be duly observed and enforced within the City, and all other officers of the city to discharge their respective duties; and to that end may institute and maintain any appropriate action or proceeding against any delinquent officer. He shall, from time to time, give the council such information and recommend such measures as he shall deem advantageous to the City. He shall sign all warrants and orders drawn on the treasurer and all bonds, obligations and contracts on behalf of the City, except as may be otherwise provided for herein. He shall, upon service of notice, summons or process upon him, in any action or proceeding against the City, forthwith inform the attorney and council thereof.

Veto Power.

SEC. 20. Every ordinance or resolution of the council shall, before it takes effect, be presented to the mayor for approval. If he shall approve it, he shall sign the same, but, if he disapprove it, he shall return it to the council with his objection thereto, by depositing the same with the clerk to be presented to the council at its next regular meeting, or at a special meeting called for that purpose. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be deemed to have been reconsidered and the question shall again be put upon the passage of the same, notwithstanding the objections of the mayor, and, if upon such submission, the council shall pass the same by a three-fourths vote of all aldermen, it shall have the same effect as if approved by the mayor. In case the vote shall be entered by yeas and nays, it shall be entered by the clerk. If an ordinance or resolution shall not be deposited with the clerk by the mayor within five days after it shall have been presented to him, the same shall have the same effect as if approved by him.

Acting Mayor.

SEC. 21. During the absence of the mayor from the City or because of his inability from any cause to discharge the duties of his office, the council shall elect by ballot from its own number an officer who shall be styled acting mayor, and

such person shall, for the time being, exercise all of the powers and discharge all the duties and be subject to all the liabilities imposed by general law, or the city charter or ordinances, upon the mayor. His acts while so acting as mayor shall have the same force and validity as if performed by the mayor.

He shall have the right to vote in the council, but shall not cast the deciding vote in the event of a tie. Such acting mayor shall continue to discharge the duties herein assigned to him until the mayor returns to his duties and actually resumes the duties of his office; and in case of vacancy in the office of the mayor for any cause, an acting mayor shall be chosen who shall continue in office until the successor of the mayor is elected or appointed and qualified.

Clerk.

Duties.

SEC. 22. The clerk shall keep and preserve permanently the corporate seal of the city and all papers and records thereof except as herein otherwise provided; attend all meetings of the council and keep a record of all proceedings thereof. He shall draw and sign all orders on the treasurer as directed by the council, and he shall keep a full and accurate account of the orders so drawn by him in books provided for that purpose, and said books shall show to whom and for what purpose the same were drawn. He shall attest the signature of the mayor to all contracts and affix the seal of the city thereto and deliver the same to the proper officer or party. He shall keep regular books of account which shall, at all times, show the precise financial condition of the City, a record of all bonds, orders, warrants or other evidence of indebtedness issued, a record of all orders, bonds, warrants or other evidence of indebtedness which have been redeemed and the amount of each outstanding.

Said books shall contain separate accounts with the different city officers and the various funds of the City, the amount, date and purpose of each appropriation made by the council and all payments made on account of the same. He shall endorse upon each ordinance and resolution the time when the same was delivered by him to the mayor and the time when it was returned to him by the mayor. He shall, upon request, furnish certified copies of papers and records in his posses-

sion and when so certified to by him, under the corporate seal of the City, they shall be received in evidence in any and all courts the same as if the original thereof were produced by said clerk in such court, and he shall be entitled to collect and receive for such services such fees as are allowed to the clerk of the district court of Clay county for similar services.

The clerk shall check up the books of the treasurer at least once in every month, count the cash and verify the bank balances and forthwith report to the council the condition of the moneys of the city and of its several funds at the time of his examination. He shall also report to the council as to the correctness of each statement made by the treasurer to the council and as to whether the moneys reported by the treasurer are actually in his hands or on deposit as set forth in said treasurer's statement. He shall, also, at least once in every month, check up the books and accounts of the public service department and of all other receiving and disbursing officers, boards and departments of the city and shall certify to the correctness or incorrectness of such books and accounts and of the reports submitted by said officers to the council. Upon the discovery of any inaccuracy or deficiency in the accounts or reports of any of said officers, he shall forthwith notify the mayor and council thereof.

For the purpose of making any examination provided for in this charter the clerk shall have power to summon before him and examine under oath any officer or employee of the city or any other person concerning any transaction of the City or the accounts of any officers, boards, department or employee thereof, and to compel the production of any books, accounts or other papers pertaining to such transaction or account, and he shall on or before the tenth day of the month following make a detailed report of such examination to the council, and such report shall give the financial condition of the City at the close of the month reported, and shall be published in the official paper in the issue thereof next following the meeting of the council, at which said report is presented.

He shall, in addition to the duties herein prescribed, perform such other duties as may be required of him by the general laws or by the council.

Official Powers.

SEC. 23. The clerk shall have the supervision of all printing and of publications ordered by the council and he shall cause to be published in the official paper the minutes of all proceedings of the council as soon after each meeting as practicable, and also cause to be published in said paper all ordinances as soon as practicable after their final passage.

The clerk shall have the power to administer oaths and affirmations and to take and certify acknowledgments of deeds and other instruments in all cases in which the same are required or sanctioned by law.

Claims Against the City.

SEC. 24. All claims and demands against the City or any board or department thereof shall, before they are allowed by the council, be audited and adjusted by the clerk and by him distributed into the appropriate funds.

Estimates and Tax Levy.

SEC. 25. He shall annually, on or before the first day of August present to the council an estimate of the expenses of the City for the following year and the revenues necessary to be raised therefor.

Distribution of Funds.

SEC. 26. It shall be his duty, immediately upon the receipt of any taxes by the city from the county treasurer, or upon receipt of assessments or moneys from any other source, to cause the proper distribution of such moneys to be made into the several funds.

Purchasing Agent.

SEC. 27. The clerk shall be the purchasing agent for the city. In all cases, where bids are not required by law to be advertised for, supplies for the public works and purposes of the city shall be purchased as follows: The purchasing committee of the council or such officer or board, as by it shall be designated for that purpose, shall make an estimate of the necessary supplies and draw a requisition upon the clerk therefor, who shall make a full record of the same, and upon which he shall, under the direction of the purchasing committee, after being authorized by the council, purchase such supplies for account of the city, provided there be money in the particular fund from which payment therefor may be made to meet the same.

Deputy Clerk.

SEC. 28. The clerk may appoint a deputy clerk subject to the confirmation of the council. Said deputy clerk shall perform such duties as are assigned to him by the clerk. In the clerk's absence, he shall exercise the powers and perform the duties of the clerk.

Ex-Officio Duties.

SEC. 29. The council may direct the clerk or the deputy clerk to act as secretary of the public service commission, park board, library board and any or all municipal boards and commissions.

Audit.

SEC. 30. An annual examination of the books and accounts of the City shall be made by the public examiner of the State of Minnesota, or by such certified public accountant as may be designated by the council.

TREASURER.**Appointment - Duties.**

SEC. 31. At the first regular meeting in January following the biennial election, a treasurer shall be appointed by a majority vote of the council to serve for two years. He shall receive and safely keep all moneys belonging or accruing to the City, including license money and fines, and shall keep accurate and detailed account thereof, and he shall be entitled to and shall demand and receive of the treasurer of Clay county, at the times specified by law, all moneys due the City for taxes and assessments including interest and penalties thereon on account of all levies or assessments made by the City or its predecessors.

He shall be the custodian of all bonds, certificates of indebtedness or other securities held by the City or in the sinking fund of said City. Upon the receipt of any money by him, he shall forthwith credit the same to the separate funds to which the same respectively belongs, or for which it has been levied, and shall deposit the same daily in the name of the City to the order of the treasurer, in such depositories as shall have been designated by the council therefor.

Depositories.

SEC. 32. Depositories for the City funds, deposits of money therein, furnishing of bonds by said depositories, and all matters relating thereto shall in all things be governed by the Statutes of Minnesota relating

to depositories in cities of like classification.

When To Pay Out Money.

SEC. 33. The treasurer shall pay no money out of the treasury except in the following cases: Upon an order or warrant properly drawn and countersigned, which has been first duly authorized by the council and which shall specify the purpose for which it is drawn and the fund out of which and the person to whom it is payable; and upon the payment and receipt by him of any such order or warrant, the treasurer shall cancel and file the same, and it shall not be again issued, and he shall keep separate orders drawn on each particular fund. All warrants so cancelled by him, as aforesaid, shall be turned over to the clerk by said treasurer monthly along with his report hereinafter referred to.

In case said warrants were issued for the payment of the bonds of said City, or interest coupons thereon, then such bonds or coupons shall be cancelled by the treasurer and returned by him with such warrant to the clerk.

Monthly Statement.

SEC. 34. The treasurer shall, on the first of each month, make a statement to the council of the amount by him received and disbursed on account of each fund and a statement of the amount of money in his hands in the various funds, deposited with each depository, and the total amount of the City's funds and where placed and deposited.

He shall, whenever notified so to do by the council, withdraw all funds from any depository so designated, as hereinbefore provided, and notify the council thereof, and shall deposit no more therein until authorized so to do by the council.

Misuse of City Funds

SEC. 35. No funds of the City shall be loaned by the treasurer to any city officer or any other person or otherwise disposed of except in accordance with the law. Any violation of any of the provisions of this section shall, upon conviction, unless otherwise punishable by the criminal laws of the state, be punished by a fine in a sum not exceeding one thousand dollars or by imprisonment in the county jail of Clay county, not exceeding one year. The treasurer is prohibited from paying any warrant which upon its

face shows that it is drawn in violation of this charter or the laws of the state, and in case of any such payment, the treasurer and the sureties upon his bond shall be liable to the City for the amount of such warrant.

ATTORNEY.

Appointment,

Duties and Qualifications.

SEC. 36. At the first regular meeting in January following the biennial election, a city attorney shall be appointed by a majority vote of the council to serve for two years. No person shall be appointed to the office of attorney unless he be at the time of his appointment a counsellor of the supreme court of this state of two years' standing.

He shall be the legal adviser of the City and of all the boards and departments thereof and shall perform all services incident to that office; he shall appear in and conduct all civil suits, prosecutions and proceedings in which the City or any board or department thereof shall be directly or indirectly interested and when necessary shall take charge of and conduct all prosecutions for the violation of all ordinances or resolutions of the City or any board or department thereof and for the violation of any of the provisions of this charter.

He shall, when so requested, furnish a written opinion upon any subject submitted to him by the council, or any committee thereof or by the mayor or any board of the city, in respect to their official duties or municipal affairs; he shall personally attend all meetings of the council and when requested so to do, the meetings of said committees and boards; he shall notify the council in writing of the result of all actions to which the City is a party or in which it is interested; he shall keep a registry of files of all actions, suits and proceedings under his charge, in which the City is interested, and safely keep copies of all briefs used in cases wherein he appears for the City, and copies of all official communications and opinions given by him to any officer, department or board; he shall deliver all property and records of whatever description in his possession or under his control, belonging to the City or to the office, to his successor in office, who shall give duplicate receipts therefor, one of

which he shall file with the clerk; he shall prepare all contracts and bonds and other instruments of writing, in which the city or any department thereof, shall be concerned.

Suits Against Employees

SEC. 37. He shall, when directed so to do by the council, appear and conduct the defense in any action, prosecution or proceeding against any officer or employee of the city, or any board or department thereof, on account of any act done by such officer, board or department while engaged in the performance of official duties.

Inability To Act.

SEC. 38. In case of sickness or inability of the attorney to act, he may, at his own expense, appoint, by and with the consent of the council, another attorney to act in his stead for the time being.

ASSESSOR.

Duties.

SEC. 39. The assessor and his deputies, hereinafter mentioned, shall qualify in the manner and form prescribed by general law and shall perform all the duties and shall have all the rights and powers conferred by the general laws of the state of Minnesota.

Appointment, Deputies.

SEC. 40. The assessor must be a resident of the City and an elector thereof. He shall be appointed by the council. He shall, with the consent of the council, appoint such deputies as may be required to enable him to properly perform the duties of his office, and may discharge such deputies at will.

Board of Equalization.

SEC. 41. The mayor, who shall be the chairman, and one member of the council from each ward appointed by it for that purpose, shall constitute the board of equalization. The members thereof shall be sworn according to law, as such, and shall meet at the council chamber on the fourth Monday in June, at ten o'clock in the forenoon, and from day to day thereafter by adjournment, until their work is completed. Said board shall cause notice of its meetings to be published at least ten days prior to the first day of meeting in the official paper of the City and also in at least one daily paper in said City. Said board shall elect one of its members sec-

retary who shall keep a record of its proceedings and perform such other duties as may be herein provided.

The powers and duties of such board of equalization shall be the same as that prescribed by general law for township boards of review and county boards of equalization so far as relates to property within the City of Moorhead, and the mode of procedure shall be the same as that prescribed by the general laws for the conduct of the proceedings of such boards. The assessor shall attend the sessions and hearings of said board and give information when desired. He shall revise his assessment rolls in accordance with the decisions of said board and after the same shall have been certified by the mayor and the secretary of said board, he shall transmit to the county auditor such revised assessment rolls not later than the fifteenth day of August in each year.

Compensation.

SEC. 42. The city council shall fix the salary of the assessor. The salaries of all deputies shall be paid by the assessor. Each member of the board of equalization shall receive not to exceed one dollar per hour of actual service upon said board.

ENGINEER.

Appointment, Duties.

SEC. 43. The council shall appoint a civil engineer of at least three years' practical experience as such who shall hold his office at the pleasure of the council and receive such compensation for his services as may be determined by said council. He shall have the supervision and general charge of all the work done for the City and all work done on any street, highway or alley in the city; he shall, under the direction of the council, establish all official lines, elevations and grades; he shall keep a full official and permanent record of all work done in his office or under his supervision. Upon the termination, for any cause, of his employment with the City, said records shall be delivered to his successor in office or the clerk of the City of Moorhead as the council may direct. He shall direct the manner of performing all engineering work of the City and the manner of the construction of all sidewalks, street crossings, bridges, pavements, sewers or other structures in or upon

any street or public grounds; he may suspend such work when the construction thereof shall not conform to contract, and he shall take care that the terms of all contracts for any work or construction on behalf of the City are fully complied with.

Surveys.

SEC. 44. All surveys, profiles, plans and estimates made by him or his assistants for said City and his official records shall be the property of said City and shall be carefully indexed and preserved in the office of the clerk and be public records of the City. He shall possess the same power in the City in making surveys, plats and certificates as is or may from time to time be given by general law to county surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of county surveyors.

BUILDING INSPECTOR.

Appointment, Qualifications, Duties.

SEC. 45. The council shall appoint a building inspector. He shall enforce or cause to be enforced the laws of the state and ordinances of the City relating to the construction, inspection and location of all buildings, structures and public utilities and all service facilities, fixtures and appliances in connection therewith, unless the installation and inspection of these is regulated by the state law or the ordinances of the City and unless therein is otherwise especially provided.

The building inspector shall have the right to enter into any unfinished or unoccupied building or structure, between the rising and setting of the sun, in the discharge of the duties of his office. He shall have power to inspect plans and specifications for buildings and for the location of heating and lighting apparatus and to grant permits for the construction and alteration of buildings. No building shall, after the adoption of this charter, be erected within the limits of the City without a permit first obtained from the building inspector.

The building inspector shall receive as compensation for his services such salary or fees as the council may by resolution or ordinance determine.

STREET COMMISSIONER.**Appointment, Powers, Compensation.**

SEC. 46. The council, after consultation with the city engineer, shall appoint a street commissioner who shall hold his office at the pleasure of the council. The street commissioner shall supervise the maintenance and repair of pavements, sewers, streets, sidewalks and maintaining, repairing, cleaning, sweeping and sprinkling of all streets, alleys and other public places within the City, and the grading of all streets and alleys whether in original construction or otherwise, and all work shall be done by the street commissioner under the supervision of the city engineer unless otherwise provided by the council. He shall receive such compensation as the council may determine.

JUSTICES OF THE PEACE.**Powers, Duties.**

SEC. 47. The justices of the peace shall enter upon the discharge of their respective official duties on the first day of January after their election, and shall perform all the duties prescribed by law and the charter and ordinances of this City, and particularly as follows:

1. Police Magistrate.

The police magistrate shall have, except as otherwise herein provided, exclusive jurisdiction of, and it shall be his duty to hear, try and determine all offenses against the charter or any ordinance, resolution, or regulation of this City without the right of change of venue and he may proceed to the trial and determination thereof in a summary manner without the aid of a jury and there shall be no right of appeal.

In all actions brought before him as such magistrate, whether with or without a jury, all forms, processes, proceedings and regulations had or allowed by him, and all authority and jurisdiction possessed by him therein, and all fines, penalties, forfeitures, fees and costs imposed by him therein shall, unless otherwise provided, be such as are authorized and provided by the laws of Minnesota in similar actions before justices of the peace. All moneys collected by him in said actions, whether by fines or otherwise, shall belong to the City and be by him

paid to the city treasurer who shall place all such moneys in the general fund. Said police magistrate shall be a conservator of the peace and his court shall be open daily, Sundays and other times forbidden by law excepted, at such reasonable place and hour as may be fixed by the city council for the trial and determination of any action or proceeding within his jurisdiction as such magistrate. Complaints may be made to him and process issued by him at all times in court or otherwise. He shall also possess the general jurisdiction, authority, and be subject to the penalties of a justice of the peace elected under the general laws of Minnesota, in all actions, civil and criminal, and shall be entitled to receive all fees and compensation connected with the discharge of the duties of said office, except as herein otherwise provided.

2. City Justice of the Peace.

The city justice of the peace shall have the jurisdiction, authority and be subject to the penalties of a justice of the peace elected under the general laws of Minnesota; and all forms, proceedings, processes, regulations, fines, forfeitures, penalties and costs, had or imposed in actions brought before him shall, unless otherwise provided, be those authorized by the laws of Minnesota in similar actions before a justice of the peace; and in addition thereto, he shall have, in case of the death, resignation, removal from office, temporary absence, interest or disability of the police magistrate, the jurisdiction and authority of such magistrate and shall act in his stead; and in case of vacancy, until a successor has been appointed or elected. For such services rendered, he shall receive, during the continuance thereof, the same salary as is paid such magistrate which shall be deducted from such magistrate's salary.

Security For Good Behavior.

SEC. 48. In all cases of conviction, either under state law or ordinance of the City for assault, battery or affray, breach of the peace, disorderly conduct keeping or frequenting houses of ill fame, and keeping or maintaining disorderly or ill-governed houses said justices shall have power, in addition to the fine or penalty imposed, to compel the offender to give security in a

sum not exceeding five hundred dollars for their good behavior and to keep the peace for a period not exceeding six months.

Disposition of Fines.

SEC. 49. All fines and penalties imposed by the justices of the peace of this City for the violation of this charter or any ordinance, resolutions, by-laws or regulation thereof shall belong to and be turned into the general fund of the City unless otherwise provided by ordinance.

Reports, Fees.

SEC. 50. The justices of the peace designated as the police magistrate and city justice of the peace respectively shall, on the first of each month and oftener if required by the council, make full report to it of all actions or proceedings brought before them in which the City is interested, together with a detailed statement of all fines, forfeitures, penalties and costs collected by them, except costs in civil actions, which fines, forfeitures, penalties and costs they shall at the same time pay to the treasurer. Said justices of the peace shall be entitled to receive from the county of Clay, in criminal cases brought before them where the state is a party, such fees as are allowed by law to a justice of the peace in similar proceedings.

WEIGHER AND SCALER.

Appointment, Duties.

SEC. 51. The council shall appoint an official weigher and scaler for the City who shall hold his office for one year. He shall have such powers, perform such duties and receive such compensation as ordered and fixed by the city council.

PARK COMMISSIONERS.

Appointment, Powers, Duties.

SEC. 52. The council shall appoint three freeholders of said City to act as park commissioners, who shall have such powers and perform such duties as the council may direct. They shall serve without compensation. Their term of office shall be for three years, provided that the first appointments made following the adoption of this charter one member be appointed for one year, one for two, and one for three years and that thereafter appointments shall be made for the three year period.

OFFICIAL PRINTING

SEC. 53. The council shall, at the annual meeting, or within thirty days thereafter, let the contract for publishing the ordinances and proceedings of the council and other public notices required by law to some newspaper published in the City and possessing the qualifications of a legal newspaper, under the general laws of the state of Minnesota, and such contract shall be let as other contracts are required to be let; provided that the compensation paid for such printing shall never exceed the rate fixed by Minnesota Statute for legal advertisements, and provided further that if each and all the proposals received by the council for such printing shall fix a price in excess of the maximum herein provided, or if no proposals shall be received, then and in either event, the council may adopt such other method for publication of ordinances, proceedings and other matters as it may deem best. The compensation therefore shall in no event exceed the amount herein provided. The newspaper in which such contract for printing is let shall be designated the official paper.

CHAPTER IV.

COUNCIL—POWERS, DUTIES.

General Powers, Eligibility.

SECTION 54. The legislative power of the city shall be vested in a council which shall be composed of the mayor and aldermen.

No person shall be a member of the council who is not a freeholder of the City and a resident thereof and who shall not have been for at least three years next preceding his election. Except as in this charter otherwise provided, no member of the council shall hold any other office, position or employment, directly or indirectly, under the city government, during the term for which he was elected.

Organization, Appointment of Officers.

SEC. 55. The annual meeting of the council shall be held on the first Monday following the first Friday in January of each year, at eight o'clock in the evening, at which meeting, or within one month thereafter, all appointive officers of the City, whose selection is not otherwise provided for herein, shall be appointed by the council.

Canvassing Votes.

SEC. 56. The council shall have power to, and it shall, within three days after any city election, meet and canvass the returns of votes cast at such election, and declare the results thereof; and it shall be the judge of the election and qualifications of its own members.

Quorum.

SEC. 57. A majority of all the members of the council shall constitute a quorum, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as the council may prescribe.

Rules, Meetings.

SEC. 58. The council shall prescribe rules for its proceedings, determine the time for its regular meetings and provide for the calling of special meetings, but no business shall be transacted at a special meeting unless the same shall have been specified in the call therefor. It shall keep a journal of its proceedings and cause the same to be published in an issue of the official paper within the ten days next succeeding the meeting. No ordinances, resolution or other act of the council required by this charter to be published in the official paper shall be published in the report of the proceedings in such paper, but reference thereto only in such report shall be made. The ayes and noes shall, on demand of any member, upon any vote, be taken and entered in the journal.

The council shall have authority to punish its members for disorderly or contemptuous behavior in its presence.

Any member of the council, who, being present when his name is called, fails to vote upon any question, shall, unless excused by the council, be counted as having voted in the negative of said question.

The council shall have power to compel the attendance of witnesses and the production of books, papers and other evidence at any of its meetings. It may issue subpoenas for witnesses, signed by the mayor, which shall be served in the same manner as process issued by a justice of the peace; and witnesses shall be deemed to be guilty of contempt for the same causes and acts as witnesses in district court; and the council shall have the same

powers, as the district court of the state of Minnesota, to punish such contempt.

Solicitation.

SEC. 59. Saving only as he is authorized to do so by law, no member of the council shall demand, request or solicit any officer, department or employee of the City to engage or hire any person to work for the City or to place any man upon the pay roll of the City, and any member of the council so demanding, requesting or soliciting shall be guilty of a misdemeanor.

Ordinances, Resolutions.

SEC. 60. Every legislative act of the council shall be by ordinance or resolution. The enacting clause of every ordinance shall be in these words: "Be it ordained by the City of Moorhead, as follows." No ordinance or resolution shall contain more than one subject, which shall be expressed in its title, nor shall any ordinance be amended after its introduction so as to change its original purpose.

Passage of Ordinances.

SEC. 61. No ordinance, except emergency ordinances, shall be introduced except at a regular meeting, at which meeting it shall have its first reading. Its second reading shall be at an adjourned regular meeting or at a regular meeting, which shall occur not less than one week after its first reading. Its third reading shall be had, and it may be passed only at an adjourned regular meeting or at a regular meeting, occurring at least one week after its second reading, and no ordinance other than an emergency ordinance shall be passed until it has had three readings, as herein provided. No ordinance shall be reconsidered except at the first regular meeting after its adoption or rejection, nor at such meeting unless there are present as many members of the council as were present when said ordinance was adopted or rejected.

Emergency Ordinances and Resolutions.

SEC. 62. An emergency ordinance or resolution is an ordinance or resolution for the immediate preservation of the public peace, health, or safety in which the emergency is defined or declared in a preamble thereto, separately voted upon, and

both preamble and ordinance or resolution may be passed only upon the unanimous vote of the council. An emergency ordinance or resolution must be in writing but may be enacted without previous filing or reading. No grant of any franchise shall be construed to be an emergency ordinance.

Publication. Approval.

SEC. 63. It shall require the affirmative vote of at least a majority of all the members of the council to enact an ordinance or resolution. The vote shall be taken by yeas and nays and be entered upon its journal. Every ordinance or resolution, before it takes effect, shall be published in the official paper. The proof of such publication by affidavit of the foreman or publisher of the paper, or any other competent proof thereof, shall be prima facie evidence of the legal passage, enactment, approval, publication and promulgation of such ordinance or resolution in any court of this state or elsewhere.

Certain Ordinances and Resolutions.

SEC. 64. Every ordinance or resolution, providing for any specific improvement, or involving the appropriation or disposition of public property, or the expenditure of public money, or levying any tax or assessment, or creating any liability, or awarding or approving any contract for the payment of money, or ordering any condemnation of private property, or the making of any local improvement, shall require a three-fourths vote of all aldermen; provided, however, that the pay roll of certain officers and employees hereinafter specified, shall only require a majority vote of the members of the council present.

Ordinances Granting Franchises Or For Expenditures of Funds.

SEC. 65. Except as otherwise provided in the constitution of the state or as otherwise specified in this charter, an ordinance or resolution for:

(1) the lease or sale of any public property exceeding \$7,500.00 in value,

(2) the granting of any franchise, must be submitted to the vote of the electors of the City before the same shall be valid, and in no case shall any franchise be granted for

a longer period than twenty-five years.

(3) the purchase of property of the value of \$7,500.00 and upwards, unless such purchase be approved by unanimous vote of all the aldermen and approved by the mayor, in which case the limit of purchase shall be \$15,000.00.

The ballots used at such election shall contain the words, "for the ordinance" (stating the nature of the proposed ordinance) and "against the ordinance" (stating the same).

Returns of such election shall be made to the clerk, as provided for other elections, and the council must meet and canvass the returns within three days.

If a majority of the votes cast upon such submission shall be in favor thereof, the council shall, within thirty days from the time of such election, proclaim such fact, and upon such proclamation, such ordinance shall be legal and binding. No such franchise or lease or sale of any public utility or any such purchase of property shall be of any force or effect except it be made in the manner above provided.

Recording.

SEC. 66. All ordinances and resolutions, with proof of publication, shall be deposited with the clerk, who shall record the same at length in a suitable book, but proof of recording shall not be required in any proceeding where it is necessary to prove such ordinance.

Powers, Specific and General.

SEC. 67. The council shall have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, resolutions, rules and by-laws for the enhancement of the general welfare, for the government, morals and good order of the City, for the protection of the public health, comfort and safety, for the suppression of vice, immorality and intemperance, for the regulation of business and the prevention and punishment of crime, as it shall deem expedient and to enforce the same. All ordinances enacted by said council are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state or to the provisions of this charter.

Powers To Impose Penalties.

SEC. 68. The council shall also have the power to prescribe, in any ordinance enacted by it, the punishment for the violation of such ordinance by subjecting the offender to pay a fine not to exceed one hundred dollars, or to be confined and kept at hard labor in the workhouse of the City, upon the public works of the City, or in any county jail, or in any place of confinement maintained by the City, for a period not to exceed ninety days.

Compilation.

SEC. 69. On the adoption of this charter, the council shall within one year provide for the compilation and publication, in book or pamphlet form, of the charter and a codification of the ordinances of the City, which books or pamphlets may also contain the rules of the council and any of the departments of the City and important municipal statistics and such statutes of the state as it may designate and may provide for the distribution, by sale or otherwise, of copies of such compilation or publication. Such books or pamphlets so issued, purporting on the title page to be published by authority of the council, and to contain the charter and ordinances of the city, or other matter in this section above mentioned, shall be prima facie evidence of their contents in all courts of this state, and all provisions of the charter and such ordinances, rules, regulations and resolutions found therein, shall be presumed to have been duly and legally passed, approved, adopted and promulgated.

All justices of the peace and other courts, which may hereafter be established in this City, shall take judicial notice of this charter and its provisions and all ordinances and resolutions duly passed by the council of this City.

Nuisances.

SEC. 70. The powers conferred upon the City to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law.

Jurisdiction of the City.

SEC. 71. The jurisdiction of the city, for the suppression of diseases and the abatement of public nuisances, or the suppression of any

business or traffic contrary to the regulations of the council, shall extend for a distance of one mile beyond the limits thereof.

Damaged Buildings, Removals.

SEC. 72. Whenever any owner or occupant of any property shall fail to remove any building or structure which has been injured by fire and condemned by the State Fire Marshal, then and in that case, the council may proceed to cause to be removed such building or structure and assess the expense of such removal against the property from which such removal is had. Before effecting such removal, however, the council shall give at least five days' notice to the owner or occupant of said premises of its intention to so remove said building or structure, and to assess the cost thereof upon said property, which notice may be served upon such owner or occupant personally, if found within the City; if not occupied and said owner does not reside within the City, then said notice may be served by mailing a copy thereof to said owner at his last known postoffice address, and such notice shall be served in the manner provided by law for the service of papers by mail, or service made on a non-resident by the publication of said notice in the official paper for two consecutive issues thereof.

At said meeting of the council, or at any meeting to which said matter may be adjourned, the council shall hear all interested parties and, if determined upon to make an assessment against said property, such assessment for expense of removal by the council may be for the full amount of the expense of such removal; and, before making the same, the council shall require the clerk to give notice by publication in the official paper at least once a week for two successive weeks of its intention to make such assessment upon such property at a meeting of the council to be specified in the notice. At said meeting or at any subsequent meeting to which said matter may be put over, the council shall hear all interested parties and shall then, or at a subsequent meeting, proceed to make an assessment against such property, which assessment shall be certified and returned to the county auditor of Clay county, Minnesota, to be collected in the same manner as other city assessments are by him collected.

Nothing herein contained shall be construed to prohibit the council or the mayor or building inspector to order torn down without notice any building or structure within said City which may be dangerous to passers by.

Control of Streets.

SEC. 73. The council shall have the care, supervision and control of all public highways, bridges, streets, lanes, alleys, public squares and grounds, sewers, public improvements and of the entire water front of the City bordering on the Red River of the North, and shall have full power and authority to regulate and control all wharves and landing places, the discharge of all cargoes and the landing of passengers and, generally, shall have the care, supervision and control of all public property within the limits of the City.

It shall have authority to open streets when necessary and shall cause all streets which may have been opened under the authority of the City, or with its consent, to be kept open and in repair and free from obstruction and nuisance. The City shall be exempt from all liability for damage caused to either person or property by reason of the existence or operation of any railroad along, across, under, over or upon any public highway, bridge, street, lane, alley or other public way within the limits of the City.

Vacation of Streets.

SEC. 74. The council shall have exclusive power to vacate or discontinue public grounds, streets, alleys, highways, other than park ways, within the City, and also all county, town and state roads, whether actually traveled or used at the date of such petition for vacation or not. No such vacation or discontinuance shall be granted or ordered by the council except upon a petition of the majority of owners of property on the line of such public ground, street, alley or highway within such City, proposed to be vacated, together within a distance of three hundred feet in each direction from the end of such portion so proposed to be vacated, and a corporation, otherwise a proper party, may join in and verify such petition by any officer and be counted as a resident for the purpose of this section. Each petition provided for in this section shall

state the facts and reasons for such vacation accompanied by a plat of the ground, and it shall be verified by one of the petitioners. The council, when the petition is presented, shall, if it deems it expedient that the matter shall be proceeded with, thereupon order the petition to be filed with the clerk, who shall give notice by publication in the official paper for two successive weeks, at least once a week, to the effect that such petition has been filed, as aforesaid, and the same shall be heard and considered by the council on a day and at a place therein specified, not less than ten days from the expiration of such publication. The council shall, at the time and place appointed, investigate and consider said matter and shall hear the testimony and evidence on the part of the parties interested. The council, after hearing the same, may, by resolution passed by a three-fourth vote of all the aldermen thereof, declare such street, alley, highway or road vacated, which resolution, if approved by the mayor, or passed over his veto, shall go into effect the same as other resolutions, after a transcript thereof, and copy of said plat duly certified by the clerk, has been filed for record, and duly recorded in the office of the register of deeds of said Clay county.

The council may by resolution in any case provide that no such vacation shall be valid until the value of the premises so vacated shall be deposited in the treasury, which value shall be fixed by resolution of the council by three-fourths vote of all the aldermen thereof, and shall in no case be less than a proportionate value of the abutting property.

Provided that vacations and discontinuances of any county, state or town road, may be granted upon the petition of a majority of the owners of such property to which the same or the portions thereof sought to be vacated, passes, when such owner shall have platted the same, and shall have provided, in lieu of such roads, sufficient streets in the opinion of the council, and the acceptance of such plat and the resolution of vacation, shall, when recorded, be conclusive evidence thereof.

New Offices Not To Be Created.

SEC. 75. The council shall have no power or authority to create any new or salaried office, but nothing

herein contained shall prevent the City and its officers from employing such servants and agents from day to day and from month to month as shall be authorized by the council by resolution.

Relief.

SEC. 76. The council shall not have the power or authority to relieve any citizen from the payment of any lawful tax, assessment, fine or license, or to exempt him from any burden imposed upon him by law or ordinance, or to ordain the payment of any demand not authorized and audited, according to law, except by a three-fourths vote of all the aldermen.

Compromises.

SEC. 77. The council shall not have the power or authority, except by resolution adopted by vote of three-fourths of all the aldermen to authorize any compromise of any disputed demand or any portion thereof.

Damages For Injuries.

SEC. 78. The council shall not have the power to authorize the payment of any damages claimed for alleged injuries to persons or property except by resolution adopted by a vote of three-fourths of all the aldermen.

Appeals To District Court.

SEC. 79. Whenever any claim, excepting the claim of any employee or officer of the City for wages or salary, is allowed and ordered to be paid in whole or in part by the council, no warrant for the same shall be signed by the mayor until ten days after such allowance; and the attorney of the City may, and if the amount so ordered to be paid exceeds twenty-five dollars and seven tax payers of the City file with him a request in writing to appeal therefrom, he shall, on behalf of and in the name of the City, appeal from the decision of the council to the district court of said Clay county at any time within said ten days, and such appeal shall be perfected in the same manner, and like proceedings shall be had, as in cases of allowances of claims by the board of county commissioners of claims against the county and appeals therefrom, as provided by the general laws of this state. In case of appeal being taken, the clerk shall forthwith, without charge, make a return thereof to said district court, which return shall in-

clude a certified copy of the claim and a transcript from the records in the office of the clerk of the action of the council and mayor thereon. In all such appeal cases, the proceedings shall be put on the trial calendar, among the issues of fact, for trial at the next general term of the district court of said Clay county, held after eight days from the date of the appeal, and on or before the second day of such term, pleadings shall be made up under the direction of the court, as in civil actions, and thereupon all proceedings shall be had as in other cases in district court.

CHAPTER V.

FINANCIAL DEPARTMENT.

Fiscal Year.

SEC. 80. The fiscal year of the City shall begin on the first day of January.

Debt Not To Be Increased.

SEC. 81. The debt of the City shall not be increased nor shall any new bond of the City or warrant be issued except as herein provided nor shall the City loan its credit, become a stockholder or make any contribution or donation to any person, company or corporation.

Provision To Pay Indebtedness.

SEC. 82. The council is hereby authorized to provide by taxation for the prompt payment of interest, and for a sinking fund for the purpose of paying the bonds of the City, whether heretofore or hereafter issued.

Warrants.

SEC. 83. All money and other property belonging to the City except as otherwise provided in this charter shall be under the management and control of the council, and moneys shall be paid out upon the warrant of the mayor, countersigned by the clerk, after having been duly authorized by resolution of the council, passed by an affirmative vote of three-fourths of all the aldermen, provided, that the salaries of all regular officers and employees of the City may be paid upon motion of the council duly passed by a majority vote. The resolution providing for the issue of a warrant shall state the fund upon which such warrant shall be drawn and every warrant shall designate the specific purpose for which it is issued and the specific

fund upon which it is drawn and shall be payable out of none other. Each warrant shall be payable to the order of the person in whose favor it is drawn. No warrant on any specific fund shall be drawn or issued until there is money sufficient in the treasury to the credit of such fund to pay the same, together with all other warrants issued that may be outstanding against such fund. No officer or official body of the City shall have any power to contract or create any indebtedness against the City except in accordance with the provisions of this charter, or to create any liability against the City by the issuance of any warrant contrary to the provisions of this section, and any warrant issued contrary thereto shall be wholly void as to the City.

Board of Tax Levy.

SEC. 84. There shall be a board of tax levy, which shall consist of the mayor, clerk, the chairman of the finance committee of the council, and one other member of the council. Said board shall meet at the office of the clerk on or before the second Monday in August each year, and may adjourn from time to time as may be made necessary by the duties hereby required of it. Not later than the thirty-first of August said board shall consider, determine and fix a maximum rate of taxation for the various purposes for which the council is authorized to levy taxes for such year, and it shall be the duty of such board to reduce the maximum rate of taxation for such purposes to the lowest practical limit, and the clerk shall, on or before the 10th day of September, certify to the council such maximum rate and the council shall, thereupon, make such levy as it may deem necessary.

Funds.

SEC. 85. There shall be maintained in the treasury the following funds: A sinking fund, a permanent improvement fund, a permanent improvement revolving fund, a water and light fund, a poor fund, a park fund, a library fund and such other funds as the council may by resolution or ordinance direct.

The sinking fund is created for the purpose of accumulating money to pay the principal of the bonded indebtedness of the City, and for the maintenance of this fund, there shall be levied an annual tax of

five mills on the dollar of the assessed valuation of all taxable property in the City; there shall also be assigned and placed in the sinking fund fifty per cent of all license fees collected by the city. The treasurer shall keep a separate account with the city depositories of all moneys belonging to the sinking fund and the treasurer is hereby forbidden to place any money hereby appropriated to the sinking fund, in any other fund.

There shall also be paid into the sinking fund all taxes collected to pay interest in excess of the amount required to pay such interest.

Sinking Fund Commissioners.

The mayor, clerk, treasurer and attorney shall constitute a board of sinking fund commissioners and the council may, by resolution, define such duties for said board as are not herein provided. Said commissioners shall have charge of the sinking fund and shall, by and with the consent of the council, invest the same in bonds or other obligations of the City, issued pursuant to this charter, or in such other bonds as are permitted by law for the investment of the public school funds of the state of Minnesota, or in any county or school bonds of this state. In case of investment in the bonds or other obligations of the City, the same shall not be cancelled, but shall be held in the sinking fund, and the interest thereon shall be paid over and applied to such sinking fund. Whenever any bonds of the City shall become due, the said commissioners shall, by and with the consent of the council, dispose of such bonds then in said fund, with the money on hand belonging to the same, as shall be necessary to pay such maturing bonds. And said commissioners, by and with the consent of the council, may dispose of any of the bonds in said fund at such other time as said commissioners and council may deem for the best interests of said fund. Whenever the amount of such sinking fund, together with the interest and revenue therefrom, computed to the time of the maturity of the City bonds, is sufficient to pay all of said bonds, the levy of five mills hereinbefore provided for may be omitted and the money otherwise devoted to this fund may be diverted to other funds; but, in case of decrease of interest, or for any other cause, said fund shall, in the judgment of the council, be in-

sufficient to pay said bonds of the City at maturity, such tax shall be resumed.

Said commissioners shall make a detailed report to the council at the first meeting in July each year and at such other times as the council may require, and said report shall show the condition of said sinking fund, the nature and value of each of the securities thereunto belonging, with the full description of said securities.

Any tax payer of the City or any of the owners of the bonds of this City shall have the right to maintain in a court of competent jurisdiction any proper action or proceeding to enforce, upon the part of the council or said commissioners, compliance with the provisions of this section. Whenever, at the maturity of any bonds of the City, said sinking fund shall not have money in it, sufficient to pay the bonds so maturing, and whenever the council shall deem it advisable and for the best interests of the City, to take up any outstanding bonds not due, the council may issue other bonds of the City to run not exceeding twenty years, on such terms as to place and times of payment and rate of interest as may be deemed advisable, and in such amount as may be necessary to meet such deficiency, and to take up and refund such bonds if not due, provided that refunding bonds shall in no case draw a higher rate of interest than the bonds taken up.

The permanent improvement fund is created for the purpose of paying the cost of all real property and all rights therein and all improvements thereon which the City may have or acquire for its various purposes, payment for which is not otherwise provided for out of other funds, and also for the purpose of paying such portions of the expense of local improvements as shall devolve upon the City.

There shall be paid into this fund all moneys received from the sale of any permanent improvements or property of the City, the proceeds whereof are not otherwise disposed of under this charter, and also such amounts as may from time to time be realized from the sale of bonds issued on account of this fund, and the principal sum of all excess of assessments for water mains and sewers. It shall be further maintained by an annual tax which shall be levied by the council as a part of the annual tax levy. Pro-

vided, that for the purpose of providing funds for general city improvements, the council may levy not to exceed fifteen (15) mills on the assessed valuation of the City.

The permanent improvement revolving fund is created for the purpose of providing money for paying for that portion of local improvements under the provisions of this charter for which assessments may be levied. It shall not be supported by taxation. There shall be paid into it all moneys received from all assessments levied under this charter for local improvements, and also such amounts as may be realized from the sale of bonds or certificates authorized therefor in this charter.

The water and light fund is created to provide for the support and maintenance of any plant owned or operated by the City for furnishing to the City or its inhabitants water and light, and of paying the cost of the purchase, construction, extension, operation, maintenance and repair of the City water and light plant, and the interest on all bonds and outstanding obligations issued on account of said water and light plant.

This fund shall not be maintained by taxation, but there shall be paid into it all moneys derived from the sale of any property acquired for or used in connection with the water and light plants of the City; also the proceeds of all special assessments levied on account of or in connection with such plants; also such amounts as may from time to time be realized from the sale of bonds issued on account of said plants; and also all moneys received from the operation of said plants.

The poor fund is created for the purpose of providing moneys to be paid out in taking care of the poor of the City. This fund shall be supported by taxation, but no larger amount shall be levied therefor in any one year than $2\frac{1}{2}$ mills.

The park fund is created to provide moneys for the purpose of buying, maintaining and improving parks and playgrounds. This fund shall be supported by taxation, but no larger amount shall be levied therefor in any one year than four mills on the dollar assessed valuation of the taxable property in the City.

The library fund is created to provide moneys for the support, maintenance and improvement of

the public library. This fund shall be supported by taxation, but no larger amount shall be levied therefor than 5 mills in any one year. Into this fund shall be paid all moneys derived from the operation of the library and all funds received from other political subdivisions and school districts for services rendered and expenses incurred.

The general fund is created to provide moneys for the payment of all other legal obligations of the City. It shall be maintained by a tax levy of not to exceed 15 mills, and there shall also be paid into it all moneys belonging to the City not specifically designated as belonging to any other fund.

The Several Funds

SEC. 86. The income and revenue of the City paid into the treasury shall by the treasurer, under the direction of the clerk, be apportioned to and kept in the separate funds established by this charter and by the council, and it shall be unlawful to transfer moneys from one fund to another or to divert money from the fund to which it belongs except that when there shall be a surplus of cash to the credit of any such fund, the council may, by resolution passed by a three-fourths vote of all the aldermen, authorize said surplus cash to be placed in the sinking fund except as herein otherwise provided. Money shall never be transferred to any other fund, from the sinking fund, until the several purposes for which said fund has been established and maintained shall have been fully accomplished.

No Debt Created Without Authority of the Council.

SEC. 87. None of the departments respectively of the City or any officer of such department shall have power or authority to make any contract or to create any debt against the City before the council shall have authorized the same by a three-fourths vote of all the aldermen; and no committee of the council or officer thereof shall allow or approve any claim in favor of any person, firm or corporation for any purpose whatever attempted to be created as aforesaid unless the creating of such claim or the incurring of such indebtedness shall have been previously authorized by the council. Every requisition from any officer, department

or commission to purchase supplies or create any indebtedness against the City shall be itemized.

Bonded Debt and Debt Limitations.

SEC. 88. In addition to all the powers in respect to borrowing money, and with reference to the issuance of bonds and certificates of indebtedness specifically or impliedly granted by this charter, and any amendments thereto, the City of Moorhead shall have all the powers relative to these subject matters granted to cities of the fourth class by chapter 10 of Mason's Minnesota Statutes for 1927, and the acts of the State Legislature amendatory thereof and supplementary thereto.

No bonds of the City shall be issued whereby its bonded indebtedness would be made to exceed ten per cent of the last assessed valuation of the taxable property therein; provided that notwithstanding any other provisions of this charter to the contrary, certificates of indebtedness or bonds issued before or after the adoption of this charter shall not be included in or counted as a part of such bonded indebtedness, if (1) for the construction of public drainage ditches or the acquisition of lands therefor, or for the improvement of parks, streets or other public projects, to the extent that they are payable from the proceeds of assessments upon property especially benefited by such improvements; or (2) if issued for the creation or maintenance of a permanent improvement revolving fund in an amount not to exceed \$50,000; or (3) if held in the sinking fund maintained by the City; or (4) if issued for the acquisition, equipment, purchase, construction, maintenance, extension, enlargement, or improvement of the water and light plant, gas, heat or power plants or any other sanitary facility or public service from which revenue is or may be derived, owned and operated by the City.

Bonds may be issued by ordinance adopted by three-fourths vote of all the aldermen within the limits prescribed in (1) and (2) above without approval of the voters. For the issuance of bonds or certificates of indebtedness for any other purpose, the approval of the majority of the electors of the City voting thereon at a general or special election shall be required.

Bonds issued as in (4) above for the water and light plant and other plants, facilities and services owned and operated by the City shall be a first lien upon the appliances and structures of the one for which issued only, and, if so designated, upon the revenues derived therefrom, and shall be payable therefrom.

The City shall have authority to protect itself by acquiring title to any property subject to special assessment for local improvements, and shall have authority by ordinance to assign and convey any property so acquired, whether proceedings to acquire such title have been held prior to the time of the going into effect of this charter or thereafter, and shall have the power in like manner to assign any lien or right of action held by the City on account of or arising out of any such assessment as security for the payment of any bonds, certificates of indebtedness or other evidence of indebtedness mentioned in this section, or to provide that such bonds, certificates, or other evidence of indebtedness mentioned herein, may be collected out of any such property, liens or rights of action.

Bonds, certificates and other evidence of indebtedness and obligations of the City authorized by this section shall in no event bear a greater rate of interest than six per cent per annum, and if they run for more than five years, shall not bear a greater rate of interest than five per cent per annum, and shall in no event be sold for less than the par value thereof, and shall be sold in accordance with the provisions of the laws of the state of Minnesota pertaining thereto. Except as provided in this charter, no warrants, bonds or other evidence of indebtedness shall be issued by the City or any one in its behalf.

Penalties.

SEC. 89. Any willful neglect or refusal on the part of the treasurer or clerk to perform the duties required in this chapter or by the charter of the City or any vote or act of the mayor or any member of the council or of said officers or other officers of the City made or done with the willful intent to evade the provisions of this chapter or this charter, or to divert the funds raised by taxation or pledged by ordinance to any specified pur-

pose, is hereby declared to be malfeasance in office, and upon conviction thereof, such officer shall be removed from office and shall, in addition thereto, be punished by a fine not exceeding one thousand dollars, or by imprisonment in the Clay county jail not exceeding one year, and any occurrence of any neglect, refusal, vote or act, as aforesaid, shall be prima facie evidence that the same was done with such wilful intent.

CHAPTER VI

PUBLIC SERVICE DEPARTMENT

Power Of City.

Sec. 90. The City may construct or purchase its water and electric light and power plant, or either of them, and dispose of the same at will. The City may maintain, enlarge, extend, repair and operate the same. It may buy and sell electric current and may furnish power, water and light for all municipal purposes and may supply the same to the inhabitants of the City, and to such others as it may deem expedient. It may buy, construct, operate and maintain or dispose of sanitation facilities or other public services from which revenue sufficient to maintain the service is derived within or without the City limits.

Commissioners

Sec. 91. The control, management and operation of all power, water and light plants shall be committed to a board to be known as the Public Service Commission. At its discretion, the city council may commit the management and control of any or all sanitation facilities or public service facilities to this board.

Eligibility, Appointment, Salaries

SEC. 92. Said board shall consist of not less than three and not more than five members, all of whom shall be residents and citizens of the City and at least the majority of whom shall be freeholders and residents of the City for five years prior to their appointment. The term of appointment shall be for three years, and appointments shall be made annually by the city council at the time and in the manner that other officers are appointed. In event of increase of the number of members of the board to four or five, not more than one addi-

tional member may be appointed in any one year. In case the board consists of less than four members, not more than one appointment may be made in any one year. Provided, however, that no such appointment shall be made by the council except by a vote of three-fourths of all the aldermen. The three members of the water and light commission holding office at the time this charter is adopted shall be members of the public service commission and continue to hold office for their respective terms and until their successors shall be appointed as herein provided.

The members of said board shall be paid a salary not to exceed two hundred dollars a year each, the same to be paid out of the water and light fund and form a part of the operating expenses of the plant.

Organization, Powers

Sec. 93. Said board shall organize by electing one of its number president and another secretary. Said board shall employ a superintendent and an office manager and such other necessary help as will enable it to properly perform its duties under this charter, and may discharge said employees at will. Said board shall prescribe the duties of all such employees and shall fix their compensation. Said board and its employees may enter upon any premises for the purpose of examining the same and making surveys, and it may prosecute any action in the name of the City against any person for the use of water or light or power or for injury to any of the property or works entrusted to its care.

Said board may require from the persons employed by it, bonds for the faithful performance of their duties. The amount of such bonds shall be fixed by the board, provided that the office manager shall give a bond in at least the sum of five thousand dollars.

By-Laws, Rules

Sec. 94. Said board is hereby vested with full power to make and enforce such by-laws, rules and regulations as may be necessary to carry into effect the object and intent of this chapter and to cause all such by-laws, rules and regulations to be entered in a book kept for that purpose and signed by

the members, which, when so entered and signed, shall be open at all times for inspection and shall be evidence in any court of justice. Said board shall fix and maintain the rents and rates for power, water, light and such other facilities or plants as may be under its control so that income from such services of the City shall, in each fiscal year, be at least sufficient to defray the cost of the operation, maintenance and extension of such public services and to pay the interest on all bonds of the City, designated under this charter, which have been issued on account of the construction of such public services and to maintain a sinking fund of five per cent or more of the amount of any bonds outstanding issued for each such public service.

Distribution, Price

Sec. 95. Said board shall regulate the distribution and use of water and lights in all places and for all purposes where the same shall be required for either public or private use, and shall fix the price and rates therefor, provided, that in case of hydrants for extinguishing fires, and fountains and watering troughs, and lights for the streets, public buildings and other public places, the board shall fix and locate the same as the council may direct; provided that said board shall not charge the City for such water or light a higher rate than is charged to private parties, and the price to be charged per year for each hydrant shall not exceed forty dollars. The City shall pay, out of the general fund to the account of the board or to the power, water and light fund, at the price and rate so fixed by the board, for all power, water, and light supplied to the City for public purposes.

Said board is hereby authorized and required to restrain and prevent any and all waste of power, water and light, and may, when in its judgment necessary, shut off the power, water or light or take such other action as in its judgment may be proper.

Payment In Advance Required

Sec. 96. The board shall have full power and authority to require payment in advance for the use

of water furnished by it in or upon any building, place or premises, and, in case prompt payment for the same shall not be made, then it shall shut off such water; and, in case prompt payment of light and power bills shall not be made, as required by the board, then such light shall be shut off and said board shall not again supply said building, place or premises with power, water or light until all arrears, with interest thereon, together with the cost and expenses of turning said power, water or light off and on, shall have been fully paid.

Liability Of Owner Of Property

SEC. 97. The owner of any private property which has upon it pipes connected with the city water works to convey water thereto, or wires and fixtures connected with the city lighting plant to convey light thereto, shall, as well as the lessee or occupant of such premises, if any, be liable to the City for the rents or rates for all water from said water works and all lights and power from said plant, used upon such premises and such rents or rates may be recovered in any action against such owner, lessee or occupant or against any one or more of them.

Supplies

SEC. 98. All supplies purchased by the public service commission shall be purchased as follows: An itemized list of supplies shall be made by said board and delivered to the clerk, who shall register the same and submit it with his report thereon to the council, and if approved by the council said bill of supplies shall be purchased by the clerk at the direction of the council. The council may authorize the purchase of supplies for amounts up to the sum of two thousand dollars in open market without inviting proposals therefor. In event of urgent necessity, purchases by the clerk up to the amount of one thousand dollars may be made after approval by majority vote of the public service commission. In the event of any extraordinary or sudden injury to said plant, whereby great damage might ensue by reason of delay, the board shall make its requisition for supplies to the clerk, who, by and with the consent of the mayor, shall purchase supplies on account of the city without an

order from the council therefor, and said board shall cause the damage or break to be repaired in such manner as it may deem best for the interests of the City. Provided further, that if any requisition of said board for any such supplies shall be refused by the council for any reason, said board may at once make application to the district court of Clay county for an appropriate writ to compel the council to furnish such supplies and the court shall, forthwith, hear and determine said matter upon eight days' notice to the City by service upon the mayor or clerk. And, during the pendency of such proceeding, said court may order said board to contract for and purchase such supplies as the court may deem necessary and proper and all such supplies, so purchased by the board under order of court, shall be paid for by the City by order of the council as other supplies are paid for.

Extension Of Service

SEC. 99. Extensions of the water pipes of the City and of electric light lines shall not be made except when ordered by said board and approved by the council.

PENALTIES

For Injuries To Works

SEC. 100. Any person who shall willfully and without authority from said board break, remove or in any manner damage any of the pipes, gates, boxes, hydrants, machinery, hose, wires, transformers or other property of any description belonging to or in any manner connected with said power, water and light plants or either of them, shall, on conviction thereof, be punished by imprisonment in the state prison for a term not exceeding five years or in the common jail of Clay county for a term not exceeding two years, or by a fine not exceeding one thousand dollars, or by both fine and imprisonment.

Unauthorized Use Of Water

SEC. 101. Any person who shall, without authority from the board, tap or tamper with any main or surface pipe or take water therefrom, or open or shut any surface cock or fire hydrant or unscrew wholly or partially the tap from such hydrant, or turn water into any tunnel or ditch excavated or

used by the board for the purpose of laying pipes or mains, or who, being authorized by the board to take water from any pipe for any specified purpose, shall, without authority from said board, use such water for other than such specified purpose, or permit any other person to use any such water, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail of Clay county for not exceeding three months.

Interference With Water

Sec. 102. If any person shall maliciously or willfully divert the water, or any portion thereof, from said works or plant, or shall corrupt or render the same impure, or shall interfere with, destroy or injure any pipe, conduit, machinery, or other property used or required for procuring or distributing water, shall forfeit to the City, to be recovered in a civil action, treble the amount of damages occasioned by him, besides costs, and all such acts are hereby declared to be misdemeanors, and may be punished as provided for in section 100 of this chapter.

Omissions From Water Rates

Sec. 103. It is hereby declared to be punishable by a fine of not exceeding five hundred dollars, or by imprisonment in the county jail of Clay county for not exceeding one year, or by both fine and imprisonment, in the discretion of the court, for any member of said board to neglect or refuse to collect the water or light rates or rentals, or the cost of labor or supplies furnished by said board, to any person or corporation, or to discriminate in favor of or against any individual in regard thereto.

Taxes

Sec. 104. There shall be no taxes levied by the City on the water and light plant or any sanitation facility or other public service belonging to the City. The council may, however, by resolution approved by three-fourths vote of all the aldermen, transfer from the funds of such plants, facilities or services to the general revenue fund in an amount not to exceed twenty-five percent of the gross earnings of the electrical utility

and not to exceed five per cent of the gross earnings of any other plant, facility or service.

CHAPTER VII FIRE DEPARTMENT

Organization

SECTION 105. There shall be a fire department of which the mayor shall have general supervision. The head of said department shall be known as the chief of the fire department.

Election Of Officers

SEC. 106. The mayor shall nominate and the council shall elect the chief and with the chief's approval such other officers and members of the department as may be deemed expedient, and they shall be paid such compensation as the council shall, from time to time designate.

Such department is also authorized and required to make and submit to the council a draft of all needful rules and regulations, not inconsistent with the laws of the state, the provisions of this charter or the ordinances of the City, for the government and control of such department and the prevention and extinguishment of fires. Thereupon the council may consider the same and formulate and adopt such rules and regulations as shall govern and control the said department in all its operations.

Powers And Duties Of Chief

SEC. 107. The chief of the fire department, under the direction of the mayor and council, shall have the general superintendence of the fire department and the custody of all engines, hooks and ladders, trucks, hose and other property used and maintained for the purpose of said department. He shall see that the same are kept in proper order and that all the rules and regulations and all provisions of this charter, relative to the fire department and to the prevention and extinguishment of fires, are duly executed. He shall superintend the preservation of all property endangered by fire and shall have control and direction, in case of fire, of all persons, organizations or associations engaged in preserving such property. In case of the absence or disability of the chief

for any cause, the assistant chief shall exercise all the powers, perform all the duties, and be subject to all the responsibilities of chief.

Authority At Fires

SEC. 108. The council may, by ordinance, provide for the removal and keeping away of any and all persons from fires and may confer powers for that purpose upon the mayor, the chief, assistant chief and other officers of the fire department and the police officers of the City; and for such purposes the chief or assistant chief shall be vested with police powers. The mayor shall have authority, under such provisions as the council may enact, to send fire engines and other apparatus of the department, with a competent force of employees, to the relief of any other community, or for the preservation of property endangered by fire outside of the limits of the City.

Fire Alarm And Other Property

SEC. 109. The council shall provide for the establishment and maintenance of an efficient fire alarm system for the purpose of the fire department and shall provide for the purchase or lease of such fire engines and other apparatus for fire protection as may be necessary to secure the highest efficiency of the department.

The council shall also provide for the sale or disposal of any property no longer necessary for the use of the department and the proceeds thereof shall be paid over to the treasurer. The council shall also have power to provide for the erection of fire stations or engine houses and the purchase or condemnation of sites therefor.

The powers in this section granted are subject to the general restrictions contained in this charter.

Destruction Of Buildings

SEC. 110. Whenever any building in the City shall be on fire, it shall be lawful for, and shall be the duty of, the mayor or the chief of the fire department to order and direct the destruction and removal of, and to destroy, pull down and remove such building, or any other building in the vicinity, or any part thereof, that he may deem hazardous or likely to communicate fire, and no action shall be maintained against any person, or said

City, therefor, or on account thereof.

Penalties

SEC. 111. If any person shall, at any fire, refuse to obey the orders of the chief of the fire department, or other officer vested with authority at such fire, such person shall be guilty of a misdemeanor and shall be punished as prescribed by the ordinances of this City, or, in case the offense is not punishable under the ordinances of the City, then as misdemeanors are punished under the laws of the state.

CHAPTER VIII.

Health Department.

Appointment, Qualification, Duties

SEC. 112. The health department shall consist of three members, one of whom shall be a physician, duly licensed to practice medicine within the state of Minnesota, of good standing in his profession and who shall have been in active practice for at least three years. He shall be styled health officer. Such physician shall be chairman of the board of health. The members of said board shall be appointed for the term of two years and shall be residents and electors of the City at the time of their appointment and during their term of office. The health officer shall be compensated for his services as directed by the city council.

The members of the board of health shall have the same authority as police officers in enforcing the ordinances for the security of the public health of the City. They shall also have all the authority and powers and shall perform all the duties, granted to or imposed upon local boards of health by the statutes of the state of Minnesota insofar as the same are applicable to the City of Moorhead and they shall enforce all rules and ordinances of the City relating to the public health.

CHAPTER IX.

Police Department

Organization

SECTION 113. There shall be in the City a police department, of which the mayor shall have control and supervision and of which he shall be the chief executive officer and head; said department shall consist of a chief of police and

such patrolmen as, from time to time, may be authorized by the council; all members of said department shall be employees of the City, and they shall be nominated by the mayor as provided by statute creating Police Civil Service Commissions, but must be confirmed by the council before entering upon the discharge of their duties.

The number of members shall be limited and regulated by the number of inhabitants of the City, as determined by the last state or government census thereof. Including the chief of police, there shall not be more than one officer to every one thousand inhabitants of the City or fraction thereof. Provided, that the mayor, in case of large public gatherings or other unusual occasions, requiring additional police force, may appoint such other patrolmen, at a compensation not exceeding that paid to regular members of the department, as he may deem necessary, but such temporary appointment shall not continue in force for more than three days.

Special Policemen

SEC. 114. The mayor may, likewise, at the request of any person, corporation or organization, desiring special police protection, appoint special policemen, who shall serve without expense to the City, and possess police power to preserve the peace, protect property and make arrests for crime at such places and within such limits as may be designated by the mayor, but such special policemen shall not exercise any official authority or wear any badge of office outside of the limits so designated, except that, in the event of any arrest made by a special policeman, he may wear such badge while taking the person so arrested to the police station. Provided further that during the months of September, October and November, of each year, by consent of three-fourths of all the aldermen, two additional policemen may be employed.

Qualifications

SEC. 115. No person shall be eligible to appointment in the police department who is not a citizen of the United States, or able to read and write the English language understandingly, or who has been convicted of a crime. Nor shall any

person be eligible to any appointment in any department, who shall not have been a resident of the City for at least one year immediately preceding his appointment.

Powers Of Police Officers

SEC. 116. The chief of police shall possess the powers of constable at common law and under the statutes of this state and shall have the power to serve and execute any warrant, summons or other process issued out of any justice court of the City, and shall have authority to pursue and arrest, in the City or beyond the limits thereof, or in any part of the state, any person charged with or who has committed any violation of any ordinance of the City, or any other offense or crime within the City, but no such officer shall have power to arrest without such warrant, except in cases in which arrests without a warrant are authorized by the general statutes of the state, and the violation of any City ordinance shall be deemed a public offense.

Conservators Of The Peace

SEC. 117. The mayor or acting mayor, the chief of police, the sheriff of the county and all police officers and constables shall be conservators of the peace. They may command the peace and suppress in a summary manner all riotous or disorderly behavior or proceedings within the City limits and for such purpose may require the assistance of all bystanders and, if need be, of all citizens, and in suppressing any riotous or disorderly behavior or proceedings, the authority to command shall be in the officer present, in the order in this section named.

Penalties

SEC. 118. If any bystander or citizen shall refuse to aid in preserving the peace, or in suppressing riotous or disorderly behavior or proceedings, when thereto required as provided in the preceding section, he shall be guilty of a misdemeanor and be punished by a fine of not more than fifty dollars or imprisonment for not more than thirty days.

If any person shall, without lawful authority, assume to act as a police officer of the City, or falsely pretend to be authorized so to

act, or wear a badge of a police officer within the City, he shall be liable to a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding ninety days.

Gratuity Or Rewards Prohibited

SEC. 119. Any member of the police department who shall accept, directly or indirectly, from any person while in his custody, or after he shall have been discharged, any gratuity or reward, or any kind of intoxicating drink, or who shall receive from any person, without the written permission of the mayor, any reward for the arrest of any thief, or recovery of any goods or money, or compensation for damages sustained while in the discharge of his duties, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not exceeding one hundred dollars, or imprisonment not to exceed ninety days.

Compensation To Be Fixed By Council

SEC. 120. Except as otherwise herein provided, the compensation of the chief of police, patrolmen, and other employees of the police department, shall be fixed by the council in the same manner as the compensation of city officers.

CHAPTER X CONTRACTS

Definitions

SEC. 121. All contracts for commodities or service to be furnished or performed for the City or any department thereof, involving an expenditure of more than two thousand dollars shall be made as in this chapter provided and not otherwise.

The words "commodities" and "service", as used in this chapter, shall be construed to include all work, labor, materials, supplies or other property and all lighting and other service, and all local or public improvements.

The word "contract", as used in this chapter, shall be construed to include every agreement, in writing or otherwise, executed or executory, by which any commodities, work or service are to be furnished to or done for the City, and every transaction whereby an expenditure is made or incurred on the part

of the City or any department or officer thereof.

All action in this chapter required or authorized to be taken by the council shall be by resolution or ordinance.

Estimates, Amount of Contract

SEC. 122. The council, in the first instance, shall, on its own motion, or may, on the recommendation or report of any department or officer of the City, determine in a general way the commodities, work or service to be done or furnished, and shall fix the estimated cost thereof, and in order to determine such estimated cost may require estimates from any officer or employee of the City.

In case such estimated cost, as determined by the council, shall not exceed the sum of two thousand dollars, the council may direct that the commodities, work or service be procured by or through the proper department or officer of the City without public bids.

In all cases where such estimated cost shall exceed the sum of two thousand dollars, said commodities, or service shall only be furnished or done upon public bids.

Plans And Specifications

SEC. 123. Before advertising for bids, the council shall cause to be prepared by the proper department, or officer of the City and filed with the clerk, detailed plans and specifications and the proposed contract for commodities and service.

Advertising

SEC. 124. After filing the same, the council shall direct the clerk to advertise for bids for doing or furnishing said commodities or service in accordance with such contract, plans or specifications. Such advertisement shall be published in the columns of the official paper and in such other papers and at such other times and in such other manner as the council may direct.

All advertisements for bids shall clearly state that such bids are to be received and opened at a public meeting of the council or of the public service commission, as the case may be, in the council chamber, upon a certain day and hour.

Certified Checks

SEC. 125. In advertising for any

bid, the council shall require any bidder to deliver his bid and a certified check upon some reputable bank of this state, payable to the City of Moorhead, for at least ten per cent of the total amount of such bid, which check and the amount thereof shall be forfeited to the City of Moorhead, as liquidated damages, if the bidder, upon letting of a contract to him, shall fail to enter into the contract so let. All advertisements for bids shall reserve the right to reject any and all bids.

Receiving And Opening Bids

SEC. 126. At the time and place mentioned in the advertisement for bids, the council or the public service commission, in the event that such bids are for supplies or services for any plants under their supervision, shall meet in public session and publicly receive, open and read all bids that may be presented. Before any of said bids are opened, they shall be numbered consecutively and no further bids shall be received after any bid has been opened. The council or public service commission shall give all persons who desire the same an opportunity to inspect all bids when they are opened. No bid shall be considered when not accompanied by the specified check.

If said bids are opened by the public service commission, the latter shall thereupon consider the same, make written recommendations thereon and thereafter file each of said bids, the certified check accompanying the same, and the recommendations thereon with the city clerk who shall thereafter submit the same to the city council for action thereon at its next meeting.

Action By Council

SEC. 127. The council shall act upon such bids and determine which one shall be accepted. All contracts shall be awarded to the lowest reliable and responsible bidder complying with the foregoing requirements, provided, that the council may reject any bids which it may deem unreasonable or unreliable, and the council in determining the reliability of the bid shall consider the question of the responsibility of the bidder and his ability to perform his contract, without any reference to the responsibilities

of the sureties on his bond, and any person who shall have defaulted in any contract awarded by the City, except, as to time, or who shall have refused to enter into a contract after the same shall have been awarded to him, shall not be considered a reliable and responsible bidder. In case the lowest responsible bid shall be more than the estimated cost of such commodities or service, the council may reject all bids and abandon the proposed contract or it may require the clerk to readvertise for new bids in the manner hereinbefore provided.

All contracts shall be executed by the bidder within five days after the contract is ready for his signature, and if not executed by him in said time, he shall be deemed to have abandoned the same.

Performance Of Contracts

SEC. 128. After the acceptance by the council of any bid, it shall direct the execution of a contract by the proper officers, in accordance therewith and also in accordance with the said plans, specifications and proposed contract, and such contract shall be carried out by the proper department or officer of the City, as in this charter provided.

In case the council shall determine that any commodities or service are to be procured in open market, the same shall be procured or done by the proper department or officer in accordance with such general directions as the council may give.

Bond

SEC. 129. Every person or corporation to whom a contract is awarded for an amount exceeding two thousand dollars shall give bond with corporate surety in such sum as the council may direct, which bond shall comply in all respects with and shall be governed by the laws of the state of Minnesota pertaining thereto. But no such bond shall be approved by the council unless the same shall have been procured through a legally authorized local agent of the corporate surety issuing such bond. The council may, in its discretion, require such bonds in case of contracts for a less amount than two thousand dollars.

Expenditures

SEC. 130. It shall be the duty of each officer or head of a department to report to the council, quarterly, the commodities, work and service likely to be needed for the operation of his department or office, during the remainder of the then fiscal year, and not theretofore contracted for.

Emergencies

SEC. 131. In case of emergency, and when the delays provided for in this chapter will cause great damage to the public interest or endanger public safety, the head of any department, with the written approval of the mayor, may make necessary repairs by day labor and procure materials therefor in the open market.

Contracts Not To Be Assigned

SEC. 132. No contract for which a bond or deposit is required as provided in this charter shall be assigned or transferred in any manner and any assignment or transfer thereof, except by operation of law, and except by consent of council expressed by resolution, shall fully end and determine such contract and shall make the same null and void as to any other or further performance thereof by the contractor or his assigns, without any act on the part of the City; and the City, through its proper authorities, may at once proceed to re-let such contract, or may, at its discretion, proceed to complete the same as the agent and at the expense of such contractor and his sureties.

Affidavits That Claims Are Paid

SEC. 133. Before any contractor or his personal representatives shall receive any estimates on any contract for which a bond or deposit is required, as provided in this chapter, said contractor or his representatives shall make and file with the clerk an affidavit that all claims for all work, labor, and materials to date on the work for which an estimate is asked, has been fully paid.

Penalty

SEC. 134. Any contract made in violation of the provisions of this chapter shall be absolutely void, and any money paid on account of such contract by the City, or

any department or officer thereof may be recovered by the City, without restitution of the property or the benefits received or obtained by the City thereunder.

Any officer of the City violating any provision of this chapter shall thereby forfeit his office, in addition to all other penalties prescribed therefor, and such office may be declared to be vacant by proper proceedings in the courts of the state or by action of the council as provided for in this chapter.

CHAPTER XI**Salaries And Bonds****Salaries**

SEC. 135. The mayor shall receive an annual salary of \$600.00 payable monthly. The aldermen shall each receive the sum of \$9.00 for each regular meeting attended and the sum of \$6.00 for each special meeting or adjourned regular meeting attended, payable monthly, provided, however, that no alderman shall receive in excess of \$200.00 in any one year. The other elective officers and all appointive officers and employees of the City shall receive such compensation as may be fixed from time to time by action of the city council except as herein otherwise provided. Also there shall each year be set apart from the general fund \$400.00 for the mayor's contingent expenses which shall be paid out by the treasurer upon the mayor's warrant and which he may expend for any purpose connected with the proper discharge of the duties of his office; he shall file proper vouchers for all such expenditures and if any part of said sum remains unexpended at the close of the fiscal year, it shall be returned to the general fund.

Salaries Not Changed

SEC. 136. The salaries of the officers of the City shall not be increased or diminished during the term for which any such officer shall have been elected or appointed, nor during the period intervening between the election or appointment of any such officer and the commencement of his term of service; provided, that this section shall not apply to the members of the public service commission.

All officers appointed or elected under the former charter of the

City, who by the terms of this charter continue to act as officers after this charter goes into effect, shall receive the compensation herein provided for such office.

Gifts

SEC. 137. No officer or member of any board or employee of the City shall directly or indirectly in or about the performance of his office or position ask or receive any gift, compensation, gratuity, reward or other valuable thing whatever, excepting the salary or fees prescribed herein.

Official Bonds

SEC. 138. The city treasurer, the city clerk and such other officers and employees of the City as may be provided for by ordinance, each shall, before entering upon the duties of their respective offices, give bond to the City with a surety company authorized to do business in the state of Minnesota, as surety in such sum as may be fixed by the city council as an additional security for the faithful performance of their respective official duties and the safe keeping of the public funds. All bonds shall be approved by the city attorney as to form and by the council and shall be endorsed by at least three members of the council as having been so approved. They shall be filed with the city clerk except the bond of the clerk which shall be filed with the county auditor. The premium of such surety bonds shall be paid by the City.

The provisions of the laws of the state relating to official bonds, not inconsistent with this charter, shall be complied with.

CHAPTER XII

Public Improvements And Special Assessments Zoning Ordinance

SEC. 139. The city council shall, with the assistance of the engineer and an advisory city commission, if such commission be appointed by the city council, and such other service as it may deem necessary, prepare and adopt by ordinance a complete plan for the physical development of the City. Such plan may be altered from time to time in the same manner. The plan shall include provisions for zoning to regulate the location,

size, use and height of buildings, the arrangement of buildings on lots, and the density of population in the City; and may make varied regulations for the different districts thereof; and may include provisions for platting and development of new areas, for the planning and location of public works of art, public buildings, parks, playgrounds, bridges, transportation lines and other public facilities and for the laying out, grading and improving the streets, streams and public places, as well as for all other matters which may seem essential to such plan.

Enforcement Of The City Plan

SEC. 140. The city council shall have all necessary power to compel complete adherence by all persons to the plan adopted and all officers are charged with the duty of reporting to the city council all departures from the city plan which come to their attention.

Power To Make Improvements And Levy Assessments

SEC. 141. The City of Moorhead shall have the power to make any and every type of improvement not forbidden by the laws of the state, and to levy special assessments for all such as are of a local character. The amounts assessed against benefited property to pay for local improvements may equal the cost of the improvements plus the necessary incidental expenses with interest paid, but shall in no case exceed the value of the benefits resulting to such property.

Local Improvement Regulations

SEC. 142. After this charter takes effect, all local improvements shall continue for the time being to be made under the laws and ordinances applicable thereto. The council shall prepare and adopt a comprehensive ordinance, prescribing the procedure which shall determine all matters pertaining to the making of local improvements thereafter, and such ordinance shall supplant all other provisions of law on the same subject and may be amended only by a three-fourths vote of all the aldermen. Such ordinance shall provide for such notice and hearing in the ordering of improvements and the making of assessments therefor as shall be necessary to meet constitutional requirements.

Such ordinance shall also require a petition of a majority in number and interest of the owners of property to be assessed for such improvement, or improvements, for the initiation thereof; provided that the council may proceed upon its own initiative hereunder and under such ordinance by resolution adopted by unanimous vote of the council after a proper notice and hearing.

Under this charter no more than one-half of the cost of paving or sewer located opposite to any property owned by the City and not more than one-half of the cost of paving of all street intersections shall be assessed upon benefited property; and the City shall pay its share of the costs from taxes from the permanent improvement fund.

Public Works: How Performed

SEC. 143. Public works, including all local improvement except sewers and water mains, may be constructed, extended, repaired and maintained either by contract or, if the estimated cost is less than \$2,000.00, directly by day labor.

Sewers and water mains may be constructed, extended, repaired and maintained either by contract or directly by day labor. In all cases where contracts are to be considered or awarded, provisions of Chapter X of this charter shall govern.

CHAPTER XIII

Eminent Domain

Power To Acquire Property

SEC. 144. The City of Moorhead is hereby empowered to acquire, by purchase, gift, devise, or condemnation, any property, corporeal, or incorporeal, either within or without its corporate boundaries, which may be needed by said City for any public use or purpose. In addition to the power to acquire property for other public purposes, the City may also acquire, as herein provided, any gas, water, heat, power, light, telephone or other public utility from which revenue may be derived; but no proceedings to acquire any such public utility shall be consummated until authorized by vote of the people, and provisions for paying for the property proposed to be acquired has been made. Easements for slopes, fills, sewers, building lines, poles, wires, pipes, and conduits for water, gas, heat, and power may be acquired by

gift, devise, purchase, or condemnation in the manner provided by law.

Proceedings In Acquiring Property

SEC. 145. The necessity for the taking of any property by the City shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be and state the use to which it is to be devoted. The acquisition of such property may be accomplished by proceedings at law, as in taking land for public use by right of eminent domain according to the laws of this state, except as otherwise provided in this charter.

Payment Of Award

SEC. 146. Whenever an award of damages shall be confirmed in any proceeding for the taking of property under this charter, or whenever the court shall render final judgment in any appeal from any such award, and the time for abandoning such proceedings by the City shall have expired, the City shall be bound to, and shall, within sixty days of such final determination, pay the amount of the award with interest thereon at the rate of six per cent per annum from the date of the confirmation of the award or judgment of the court, as the case may be; and if not so paid, judgment therefor may be had against the City.

City May Abandon Proceedings

SEC. 147. The City may, by resolution of the council, at any state of the condemnation proceedings, or at any time within sixty days after any commissioners appointed by the court hereunder shall have filed their report with the clerk of court, or in case of an appeal to the district or supreme court at any time within thirty days after final determination thereof, abandon such proceedings as to all or any parcel of the property sought to be acquired and shall pay all costs thereof.

City May Acquire Entire Plant

SEC. 148. In case the City shall condemn a public utility which is operated at the time of the commencement of the condemnation proceedings as one property or one system, it shall not be necessary in such condemnation proceedings, or any of the proceedings of the

council, to describe or treat separately the different kinds of property composing such system, but all of the property, lands, articles, franchises, and rights which enter into and go to make up such system may, unless otherwise ordered by the court, be treated together as constituting one property, and an award for the whole property in one lump sum may be made by the commissioners on condemnation or other body assessing the damages. But this shall not prevent the City, in cases where the plant and property is separable into distinct parts, from taking only such part or parts thereof as may be necessary in the public interest.

CHAPTER XIV

Actions And Evidence Limitations Of Actions, Notice To City

SEC. 149. No action shall be maintained against the City on account of injuries received in any manner whatever to persons or property by means of any defect in the condition of any bridge, street, sidewalk or thoroughfare, unless such action be commenced within six months from the receiving or happening of the injury, nor unless notice shall have been given in writing to the mayor or to the clerk within thirty days after the receiving or occurrence of said injury, stating the time when and the place where the same was received or suffered, and that the person injured will claim damages of the City for such injury; but the notice shall not be required when the person injured shall in consequence thereof be bereft of reason.

Adverse Possession

SEC. 150. No right, title, estate or easement of the City in or to any property shall be lost by any adverse possession or occupancy, and no statute of limitation shall run or operate as against the City in favor of any person or persons occupying any of the public or platted streets or public or platted grounds, parks, park-ways or boulevards of the City, whether any such streets, or grounds or any such property shall be improved or not.

Obstructions, Etc., In Streets

SEC. 151. If any person or company shall place or leave any obstruction or make any excavation

or opening, or cause any defect in any street, road, alley, public ground in the City, or leave any obstruction, excavation or opening or defect, unguarded or without proper protection, such person or company shall be liable to any person injured in person or property without his fault, because of any such obstruction, excavation, opening or defect. And in case any judgment shall be recovered in any action against the City for any injury caused by such obstruction, excavation, opening or defect, the City shall have the right to recover the amount of any such judgment from the person or company placing or leaving such obstruction, making such excavation or opening or causing such defect.

Process Against The City

SEC. 152. Service of summons, process or notice in any action or proceeding against the City may be had by leaving a copy thereof with the mayor or clerk.

Disqualifications

SEC. 153. No judge, justice of the peace, or juror shall be incompetent or disqualified to act as, such by reason of his being an inhabitant or tax payer of the City, in any action or proceeding in which the City shall be a party in interest.

Security, Appeal

SEC. 154. The City shall not be required in taking an appeal or in suing out any writ or process, in or about any action or proceeding, to enter into any bond or undertaking, or to give any security whatever. Any stay allowed by law, or ordered by the court, in favor of the City shall take effect without the giving of any such bond or security.

Judgment Against The City

SEC. 155. Whenever any final judgment shall be rendered against the City, said judgment shall be paid or enforced in the manner provided by the general laws of the state for the payment and enforcement of judgments against cities.

Warrants

SEC. 156. In all prosecutions for the violation of the provisions of this charter, or the ordinances of the City, the first process shall be by warrant, which shall run in the name of the City of Moorhead; provided, that no warrant shall be

necessary in the case of an arrest of any person while in the act of violating any provision of this charter or ordinance of the City; and the person or persons so arrested shall be proceeded against, bound-over, tried, convicted, and punished or discharged in the same manner as if the arrest had been made by warrant.

Affidavits Of Publication

SEC. 157. The proprietor of the official paper, shall immediately after the publication of any notice, ordinance, resolution, or proceeding of the council, or of any other matter which is required by any provision of this charter, file with the clerk a copy of such publication; and such affidavit shall be prima facie evidence of the publication, and no account or claim for any publication whatever, shall be allowed or adjusted by the clerk, or warrant issued by the council, until such affidavit shall have been filed with the clerk.

Verification Of Claim

SEC. 158. Before any account, claim or demand against the City for any services, property or material, for which the City shall be liable, shall be audited or allowed by any board, person or persons authorized by this charter to audit or allow the same, the person in whose favor such claim shall be, or his agent having personal knowledge of the facts, shall reduce the same to writing in items and shall verify the same, provided that the provisions of this section shall not apply to any claim or demand for the salary of any city official or regular employee under any department of the city government or for any claim or demand of any contractor under any contract by him secured by bond to the City as provided in this charter.

Penalties

SEC. 159. Any member of any board or any person or persons authorized by this charter to audit or allow any account, claim or demand against the City, or any department thereof, who shall audit or allow any such account, claim or demand which does not conform to the requirements of the preceding section, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than

twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period of not less than six months, or by both fine and imprisonment.

CHAPTER XV

Franchises

Franchises Defined

SEC. 160. The word "franchise" as used in this charter shall be construed to mean any special privilege granted for the purpose of profit to any person or corporation in, over, upon or under any of the streets, alleys or public places of the City of Moorhead, whether such privilege has been granted by the City of Moorhead or by or under the state of Minnesota.

It shall also be construed to mean the privilege granted to any person or corporation of furnishing for profit from any established plant, factory or works, to any person, corporation or to the public generally, any electricity or gas for lighting or heating purposes or motive power; any water through service pipes for general use or motive power; or any steam for heating purposes or motive power, whether such privilege has been or shall hereafter be granted by said City or by or under said state.

Ordinances, Granting Franchise

SEC. 161. Every ordinance by which the council shall propose to grant any franchise shall contain all the terms and conditions of the franchise to be granted, and it shall be a feature of every franchise so granted, that the maximum price for the service or charge shall be stated in the grant thereof, and before any such ordinance shall be in force, it shall be submitted to the qualified voters of the City at some general or special election in the manner that other ordinances are submitted under the provisions of section 65 of this charter.

Regulations Of Rates

SEC. 162. The City shall have the power to regulate and control the maximum rate to be charged by any corporation or person exercising any franchise in the City for the services rendered by it in the City, but such price shall be fair and reasonable to such corporation or

person and to the public. The manner in which such rate shall be regulated shall be fixed by the council by ordinance and said council shall have the right and is hereby authorized to prescribe by ordinance for the appointment of commissioners to fully investigate and hear and determine all questions with reference to rates to be charged by any such corporation or person, and the council may further provide by ordinance that every person or corporation exercising any franchise in the City shall pay a gross earnings tax, provide the amount thereof and the method of its collection.

Reports

SEC. 163. Every corporation or person exercising any franchise in the City of Moorhead shall file annually on the first Monday in February, in the office of the clerk, a statement subscribed and sworn to by some officer of such corporation or person who knows the facts, setting forth in detail for the preceding calendar year, the then actual cost of the plant or business operated by such party, the actual incumbrance, debts and obligations thereon, if any, the amount of stock issued and to whom, the gross earnings, the expenses and the net income, and the amount of stock of any such corporation. Said statement shall be open to public inspection, and if the owner of any such franchise refuses or neglects to file such report as herein provided, the council may proceed by ordinance to cancel and revoke such franchise.

CHAPTER XVI

Miscellaneous Provisions Terms Of Office

SEC. 164. The terms of office of all persons who are now holding office or who may be elected or appointed, excepting only the members of the public service commission and library board shall expire on the first day of January 1948, or upon the date when their successors shall be elected or appointed and qualified.

Additional Duties

SEC. 165. The council may, at any time, require other and further duties to be performed by any officer, whose duties are prescribed in this charter; provided that such other and further duties are not inconsistent with this charter.

Statutes Not Affected By Charter

SEC. 166. All general laws and statutes of the state applicable to all cities operating under home rule charters or applicable to cities of the same class as the City of Moorhead, operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the City of Moorhead, and shall be construed as supplementary to the provisions of this charter.

Inspection Of Books

SEC. 167. All records, books and papers pertaining to the business of the City or any board or department thereof, shall be public and open to the inspection of any citizen of said City at all reasonable times and places.

City To Succeed To Rights And Obligations Of Former City

SEC. 168. The City shall succeed to all the property rights and privileges and shall be subject to all legal obligations of the City under the former charter.

Charter A Public Act

SEC. 169. This charter shall be a public act and need not be pleaded or proved in any case. It shall take effect thirty days from and after its adoption by the voters.

Existing Ordinances Continued

SEC. 170. All legal ordinances and regulations of the City, in force, when this charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect until amended or repealed.

Pending Condemnations And Assessments

SEC. 171. All condemnation and assessment proceedings in progress when this charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the City prior to the time when this charter takes effect shall be collected and the lien thereof enforced in the same manner as if this charter had not been adopted.

Jail Fees

SEC. 172. The City of Moorhead shall not be liable in any case for the board or jail fees of any person who may be committed by any officer or magistrate of the City to the jail of Clay County under the State Laws.

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STATE OF MINNESOTA
DEPARTMENT OF STATE
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W. H. Johnson
Secretary of State.

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