

10401
O. J.

CHARTER
of the
CITY OF
CHATFIELD

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 23 1947

W. H. Holm
Secretary of State.

CHARTER
of the
City of Chatfield

Adopted By Election
September 30, 1947

First Election Under New Charter
December 2, 1947

Charter Became Effective on November 1, 1947

CHARTER COMMISSION

Debs T. Lake, Chairman

George H. Potter, Secretary

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Drafted by Harold W. Moody,
Municipal Bond Attorney, Saint Paul, Minnesota, August, 1947

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Chatfield City Charter

CHAPTER 1

**NAME, BOUNDARIES AND
POWERS OF THE CITY**

SECTION 1. Name & Boundaries. The City of Chatfield, in the Counties of Fillmore and Olmsted in the State of Minnesota, shall, upon the taking effect of this charter, continue to be a city under the name of the City of Chatfield and shall continue to be a municipal corporation and shall include the following described land and territory situated in the Counties of Fillmore and Olmsted:

BOUNDARIES

The South one-half ($S\frac{1}{2}$) and also the Southeast quarter of the Northeast quarter ($SE\frac{1}{4}$ of $NE\frac{1}{4}$) of Section Thirty-One (31) in Township One hundred and Five (105) North, Range Eleven (11) West, in Olmsted County, Minnesota, and the East one-half ($E\frac{1}{2}$) of Section Six (6) in Township One hundred and four (104) North, Range Eleven (11) West, and the East one-half of the South-west quarter ($E\frac{1}{2}$ of $SW\frac{1}{4}$) of said Section Six (6) and the Northwest quarter ($NW\frac{1}{4}$) of Section Five (5) in Township one hundred and Four (104) North, of Range Eleven (11) West, and the Southwest quarter of the Northeast quarter ($SW\frac{1}{4}$ of $NE\frac{1}{4}$) of said Section Five (5) and the North one-half of the Southwest quarter ($N\frac{1}{2}$ of $SW\frac{1}{4}$) of said Section Five (5) in said Township and Range, in Fillmore County, Minnesota.

Which above described land and territory is hereby set apart and incorporated as the City of Chatfield, under the provisions of Chapter Three Hundred and Seventy-five (375), of the General Laws of the State of Minnesota for the years one thousand nine hundred and seven (1907), and sections seven hundred forty-nine (749) to seven hundred fifty-eight (758), inclusive, of Revised Laws 1905 and amendments thereto, and all lands and properties now or hereafter within the boundaries of said City of Chatfield shall constitute an election and assessment district separate and distinct from any town, and all such lands and properties are hereby specifically separated from the Town of Elmira in Olmsted County and the Town of Chatfield in Fillmore County.

Section 2. General Powers. The City shall have all powers of local selfgovernment and home rule and all powers possible for a municipal corporation to have under the Constitution of the State of Minnesota. The City shall have all powers possessed by municipal corporations at common law and that now or hereafter may be granted to municipalities by the laws of the State of Minnesota. All such powers shall be exercised in the manner prescribed in this Charter or

by the laws of the State of Minnesota, or if not so prescribed, as shall be provided by ordinance or resolution of the Council.

Section 3. **Powers Liberally Construed.** The provisions of this Charter shall be construed liberally in favor of the City, to the end that it may have all the powers necessary for the efficient conduct of its municipal affairs. The specific mention of particular municipal powers in other sections of this Charter shall not be construed as limiting the general powers of the City to those specifically mentioned.

CHAPTER 2

POWERS — HOW EXERCISED

Section 4. **Powers, How Exercised.** All powers of the City, unless otherwise specifically provided by this Charter, shall be exercised by the Council, or under its direction, subject to the referendum powers of the voters.

Section 5. **Present Ordinances, Resolutions, By-Laws and Rules.** All ordinances, resolutions, by-laws and rules existing at the time of the adoption of this Charter shall continue in full force and effect until amended or repealed.

Section 6. **Administrative Code.** The existing departments, divisions, boards, and funds of the City Government are continued except as expressly changed by the provisions of this Charter until the same shall be changed by the adoption of an Administrative Code as hereinafter provided. Within one year after the adoption of this Charter, the City Council shall by ordinance adopt an Administrative Code providing a complete plan of administrative organization and management of the City Government and creating in conformity with the express provisions of this Charter such departments, divisions, boards and funds as they may deem advisable. Thereafter, except as established by the provisions of this Charter, the City Council may by ordinance adopted by a four-fifths vote of all the aldermen amend the Administrative Code, but no such change in the Administrative Code shall be made in such manner as to affect any rights of the City or the time and manner of payment of any obligations due to or by the City with respect to any funds established by the Administrative Code.

CHAPTER 3

ELECTIVE OFFICERS AND ELECTIONS

Section 7. **Elective Offices and Terms.** The elective officers of the City shall be a Mayor, five aldermen and two City Justices, all to be elected at large. All elective officers shall be qualified electors

of the City and all elective officers holding office when this Charter takes effect shall continue in office until the first day of January following the first City election held under this Charter. The Aldermen shall hold their offices for four years and the Mayor shall hold his office for two years, provided that at the first election the three aldermen receiving the highest number of votes shall be elected for a term of four years and the two aldermen receiving the next highest number of votes shall hold office for the term of two years. The two City Justices shall hold their office for two years.

Section 8. **Oath of Office.** Every officer of the City, elected or appointed, shall before entering upon the duties of his office take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the Constitution of the United States and of this State, and to discharge faithfully the duties devolving upon me as of the City of Chatfield to the best of my judgment and ability."

Section 9. **Mayor and Aldermen not to hold other City offices.** Neither the Mayor nor any alderman shall hold any paid municipal office or employment under the City, nor, until one year after the expiration of their terms of office, shall be appointed to any paid office or employment under the City which office or employment was created or the salaries of which were increased during their term as Mayor or Alderman.

Section 10. **Compensation of Officers.** The Council shall fix the compensation of all officers elected or appointed under this Charter and the Compensation so fixed shall not be changed, increased or diminished during the term for which such officer is elected or appointed except that the Council may by ordinance adopted by four-fifths vote of all the Aldermen authorize additional compensation when in their judgment such increase is warranted; provided, that the compensation of the Mayor shall be One Hundred dollars per year and the compensation of the Alderman shall be sixty dollars per year and their compensation shall not be increased unless the question of such increase is submitted to and approved by the voters.

Section 11. **Biennial Election.** Biennial City Elections shall be held on the first Tuesday in December in each odd-numbered year and the officers elected shall take office on the first Monday after the first Tuesday in January following such election.

Section 12. **General Election Laws to Apply.** All elections, general and special, shall be conducted under the general election laws of the State of Minnesota.

Section 13. **Vacancies.** Whenever a vacancy occurs in any of the elective or appointive offices specifically provided in the Charter, such vacancy shall be filled for the unexpired term of such official by resolution of the Council and any vacancies occurring in any appointive

tive office provided for by the Administrative Code may be filled in the manner provided in said Administrative Code; except that any vacancy in the office of City Justice shall be filled in the manner provided by the laws and Constitution of this State and any vacancy occurring in the office of City Attorney shall be filled by the Mayor. All appointive officials except the City Attorney may be removed at any time at the pleasure of the Council and the City Attorney may be removed at any time at the pleasure of the Mayor. In addition the Council shall have power by resolution to declare that a vacancy exists in any elective office by reason of the failure of such official without good cause to perform any of the duties of such office for a period of three months.

CHAPTER 4

EXECUTIVE AND ADMINISTRATIVE OFFICERS

Section 14. **The Mayor.** The Mayor shall be recognized as the official head of the City for all ceremonial purposes, and by the Governor for military purposes. He shall be the chief executive officer of the City and shall have command and control of its police force. It shall be his duty to see that the laws of the State, the provisions of this Charter and the Ordinances of the City are duly observed and enforced within the City and that all other officers of the City discharge their respective duties and to that end may institute and maintain on behalf of the City any appropriate action or proceeding against any delinquent officer.

Section 15. **Vice-Mayor.** At its annual meeting in January following the biennial City election the Council shall choose one of its members as Vice-Mayor for the next two years. The Vice-Mayor shall perform the duties of the Mayor during his absence or disability.

SECTION 16. **City Clerk.** The City Clerk shall be appointed by the Council only by resolution adopted by a four-fifths vote of all the aldermen. The City Clerk shall be appointed solely on the basis of his fiscal and administrative qualifications and need not, when appointed, be a resident of the City or State. At its first meeting in January following the adoption of this Charter the Council shall appoint a City Clerk for a term of one year and shall thereafter appoint such City Clerk for a term of four years. The City Clerk may with the advice and consent of the Council appoint a Deputy City Clerk to assist him and to perform his duties during his absence or disability.

The Clerk shall keep the corporate seal of the City and all papers and records thereof except as otherwise provided in this Charter or by the Administrative Code, attend all meetings of the Council in person or by his Deputy and keep a record of all proceedings thereof. He shall keep accounts showing the financial transactions of all de-

partments of the City upon forms prescribed by him and approved by the Council. He shall on or before the fifteenth day of each month prepare a summary statement of the revenues and expenses for the preceding month, detailed as to appropriations and funds in such manner as to show the exact financial condition of the City and each department, division and office thereof and submit the same to the Council at its next regular meeting. 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 perform the duties imposed by law on City Clerks and such other duties as may be provided for in the Administrative Code.

The City Clerk shall have the power to administer oaths and affirmations and take and certify acknowledgements in all cases in which the same are required or sanctioned by law.

Section 17. **Treasurer.** The Council shall appoint a City Treasurer for a term of four years commencing on the first day of February in each even-numbered year who shall perform the duties imposed upon City Treasurers by law and such other duties as may be provided for in the Administrative Code.

Section 18. **City Attorney.** The Mayor shall appoint the City Attorney whose term shall expire on the fifteenth day of January following the next biennial election. He shall perform all duties imposed by law on City Attorneys, shall act as prosecuting attorney in Justice Court and perform such other duties consistent with his office as the Council shall impose by ordinance; provided, that the Council shall have the right and power to employ special counsel for special matters or actions at law in which the City is interested.

Section 19. **Chief of Police.** The Mayor shall, with the advice and consent of the Council, appoint a Chief of Police as soon as conveniently may be after he takes office, for a term of two years commencing on the first day of February in each even-numbered year, who shall perform the duties imposed upon the Chief of Police by law or pursuant to the Charter or ordinances of the City.

Section 20. **Assessor.** The Council shall appoint an Assessor for a term of four years commencing on the first day of February in each odd-numbered year, who shall perform the duties imposed upon assessors by law or pursuant to the provision of this Charter or the Administrative Code.

Section 21. **Health Officer.** The Council shall appoint a Health Officer for a term of four years commencing on the first day of February in alternate even-numbered years, who shall perform the duties imposed upon Health Officers by law or pursuant to the provisions of this Charter or the Administrative Code.

CHAPTER 5
COUNCIL MEETINGS, RESOLUTIONS,
ORDINANCES AND REFERENDUM

Section 22. Council. The Council shall consist of the Mayor and five aldermen and the Mayor shall preside over its meetings, but the Mayor shall have no vote except in case of a tie when he shall have the power to cast the deciding vote and in the case of emergency ordinances where he shall have no power of veto. The annual meeting of the Council shall be held on the first Monday after the first Tuesday in January each year at 7:30 o'clock P. M. at which time any newly elected members of the Council shall assume their duties. Thereafter regular council meetings shall be held at such times as may be prescribed by ordinance except that there shall be not less than one regular council meeting each month and the time and manner of calling special council meetings shall also be prescribed by Ordinance. A majority of the Aldermen shall be a quorum to do business, but a less number may adjourn from time to time. All legislative action shall be by ordinance except as otherwise provided by the laws of the State or by this Charter. The council shall keep a journal of its proceedings which shall be a public record; and every final vote upon the passage of all ordinances and resolutions shall be by yeas and nays and entered in the journal; and no ordinance shall be passed without the concurrence of a majority of the Aldermen; and all meetings of the Council shall be public. No ordinance or resolution shall contain more than one subject which shall be clearly expressed in its title and shall not be amended either after its introduction or passage so as to change its original subject or purpose.

Section 23. Ordinances. The enacting clause of all Ordinances shall be "The Council of the City of Chatfield, Minnesota, does ordain;" Every Ordinance shall be presented in writing; and every ordinance except Emergency Ordinances shall be fully and distinctly read at two Council Meetings, and at least three days shall elapse between the first and second readings thereof. Every Ordinance shall be published once in the official newspaper of the City or, in the event that at any time there is no legal newspaper published in the City, shall be posted in three public places in the City. All ordinances, except emergency ordinances shall take effect thirty days after publication or posting unless repealed by referendum as hereinafter provided.

Section 24. Emergency Ordinances. An emergency ordinance is an ordinance for the immediate preservation of the public peace, health or safety, in which the emergency is defined or declared in a preamble thereto and no emergency ordinance shall be passed with-

out the concurrence of at least four aldermen. An emergency ordinance shall take effect immediately upon passage. No grant of any franchise nor the adoption, amendment or repeal of an Administrative Code shall be construed to be an emergency.

Section 25. Approval by Mayor. Every ordinance or resolution of the Council except emergency ordinances, 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 disapproves it, he shall return it to the City Clerk with his objections thereto 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 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 reconsideration the same shall pass by a four-fifths vote of all the aldermen, it shall have the same effect as if approved by the Mayor. If an ordinance or resolution shall not be returned by the Mayor within three days, Sundays and Holidays excluded, after it shall have been presented to him, the same shall have the same effect as if approved by him.

Section 26. Power of Referendum. The people of Chatfield reserve to themselves the power, in accordance with the provisions of this Charter, to require ordinances or any part thereof, other than emergency ordinances, passed by the Council to be referred to the voters for approval or disapproval through referendum. If, prior to the date when an ordinance takes effect, a petition signed by qualified voters equal in number to fifteen per cent of the total vote cast at the last biennial election be filed with the City Clerk requesting that any such ordinance or part thereof be repealed, such ordinance shall not take effect and shall be laid over pending further proceedings as hereinafter provided.

Any five voters may form a referendum committee. More than one copy of the same referendum petition may be circulated as a part of a single petition, but the circulator of each copy shall make an affidavit that each signature thereon is the genuine signature of the person whose name it purports to be. Each petition shall be in substantially the following form:

REFERENDUM PETITION

Proposing the Repeal of an Ordinance Entitled

"....." (or part of an ordinance entitled "....." which part reads as follows ".....". A copy of said ordinance is hereto attached. The proposed repeal is sponsored by the following committee of voters:

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NAME	ADDRESS
1.
2.
3.
4.
5.

The undersigned qualified voters of the City of Chatfield, understanding the nature of the measure hereto attached and believing it to be detrimental to the welfare of the City, petition the Council for its repeal or submission to the voters for approval or rejection.

Name of Voter

Address

All copies of the petition shall be filed in the office of the City Clerk as one instrument. Within five days after the filing of the petition the City Clerk shall ascertain by examination whether the petition is regular and has been signed by the required percentage of voters. If he finds the petition insufficient or irregular, he shall at once notify one or more of the Referendum Committee stating the reasons for his findings. The Committee shall then be given ten days in which to file additional copies of the petition or a corrected petition. The Clerk shall present the petition, or corrected petition, to the Council at its next regular meeting, certifying it if he finds it regular and sufficient or, if he finds it irregular and insufficient, stating that it was filed with him and his reasons for finding it insufficient or irregular. If certified, the Council shall reconsider the ordinance or part thereof to which objection has been made or re-pass the ordinance without change. Should the ordinance be so re-passed, the Council shall immediately call an election to be held thereon and, if a majority of the votes cast on the question are opposed to the ordinance or part thereof, it shall be deemed repealed; but if a majority favor the ordinance or part thereof as passed by the Council, it shall take effect immediately or upon the date therein specified. Should the Clerk present the petition to the Council with a finding that it is insufficient or irregular, the Council may either reconsider and repeal the ordinance or part thereof to which objection is made; or may despite such insufficiency or irregularity of the petition refer the matter to the voters; or may by resolution adopt the Clerk's findings as to such insufficiency or irregularity in which case such determination shall be final and the ordinance as originally passed shall be in full force and effect.

CHAPTER 6

PUBLIC UTILITIES

SECTION 27. Public Utilities. All public utilities now or hereafter owned and operated by the City shall constitute one department of the City, known as the "Public Utility Department," and

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the Council shall have general management and control thereof with full power to do all things necessary for the proper operation, maintenance, improvement, acquisition, extension and repair of such public utilities. The term "Public Utility" as used herein includes any property whether located within or without the corporate limits of the City used or useful for the production, transmission, or distribution and sale of water, electric energy, gas or steam or the collection, transportation, treatment and disposal of sewage, surface waters or any domestic, commercial or industrial wastes or garbage together with and including any other public convenience, enterprise or utility from which a revenue is or may be derived.

SECTION 28. Rates. Rates to be charged for all services, materials, labor or benefits furnished by any such public utility, including charges to be made for service or benefits furnished to the City as a whole or any of its departments; rules and regulations necessary to properly regulate furnishing such service and secure prompt payment of bills; the method by which the City may acquire and collect liens upon property for unpaid bills; and the manner and extent to which the City shall operate such public utilities and furnish service outside the corporate limits of the City shall be established or changed only by ordinance.

SECTION 29. Capital Expenditures. It shall be the duty of the Council to see that rates are adequate to provide funds to properly operate and maintain and pay interest and principal on any indebtedness which may be incurred for capital expenditures for the improvement acquisition, extension and repair of such public utilities. To provide funds necessary for capital expenditures the Council shall have powers by ordinance to authorize the issuance of Revenue Warrants which shall be payable solely from the net revenues of the Public Utility Department and the City shall be expressly relieved by the terms thereof from any obligation to levy, collect, use or apply any taxes or moneys received from taxation to the payment of either principal or interest on such Revenue Warrants except for the payment of service rendered to or health or other benefits received by the City as a whole or any of its departments. Such ordinance shall fix the maximum amount of Revenue Warrants thereby authorized; describe in general terms the nature of the capital expenditures for which they are issued; and may contain covenants determining what shall constitute net revenues of the Public Utility Department; whether all or part of the net revenues shall be pledged; and such other provisions as the Council may deem necessary; provided, however, that no such ordinance shall ever be construed as an emergency ordinance. Such Revenue Warrants shall bear interest at not to exceed 5 per cent per annum, payable semi-annually, and shall mature at such time or times, be in such form and be sold under such

terms as the Council may by resolution deem for the best interests of the City. The Council shall have power by resolution to issue Refunding Revenue Warrants to refund outstanding Revenue Warrants whenever moneys from the net revenues pledged are insufficient to meet any maturing Revenue Warrants or interest or at the optional or callable dates of such Revenue Warrants and each issue of Refunding Revenue Warrants shall constitute the same charge or lien on the net revenues of the Public Utility Department as do the warrants refunded.

SECTION 30. Method of Sale or Lease. No public utility now or hereafter owned by the City shall be sold, leased, or otherwise disposed of unless the full terms of the proposed sale, lease, or other disposition thereof shall have been embodied in an ordinance passed by the Council and the proposition submitted to an election and approved by a two-thirds vote of the voters voting on the question.

CHAPTER 7

FINANCE AND TAXATION

SECTION 31. General. The Council shall at all times retain general control over the financial affairs of the City, the administrative details of which shall be part of the Administrative Code. The Council shall provide in the Administrative Code for the publication of an annual statement of the financial affairs of the City. The fiscal year of the City shall be the same as the calendar year.

SECTION 32. Time Warrants. No orders shall be issued upon the City Treasurer exceeding in amount the tax collected or assessed or in process of collection and moneys on hand not otherwise appropriated; provided, however, that the Council shall have the power if by resolution they deem it expedient, to issue time warrants for the purpose of replenishing any fund of the City but the aggregate amount of such time warrants outstanding against all funds shall at no time exceed five per cent of the assessed valuation of all property in the City. No moneys in excess of Two Thousand Dollars (\$2,000) shall be transferred in any fiscal year from one fund to another except by resolution.

SECTION 33. Tax Levy. It shall be the duty of the Clerk to prepare and submit to the Council at its first regular meeting in August each year a detailed estimate of the taxes required to be levied for all City purposes for the ensuing year together with a suggested form of resolution making such levy, and at this meeting the Council shall make such changes as they deem expedient and table the resolution for final action at its first regular meeting in September. At such September meeting or adjournment thereof all interested persons shall be given an opportunity to be heard on the

proposed taxes. The Council shall determine the amount of taxes to be levied and adopt such tax levy resolution prior to the first of October and the Clerk shall transmit the tax levy to the County Auditors not later than the tenth of October. No tax shall be invalid by reason of any informality in the manner of levying same nor because the amount levied shall exceed the amount required to be raised for the special purpose for which it was levied. It shall be the duty of the heads of the various departments of the City to file with the City Clerk an estimate of the receipts and disbursements of such department for the ensuing fiscal year on or before the first day of July in each year to assist the Council in determining the amount of taxes to be levied and it shall be the duty of the City Clerk to publish the estimates so filed by the heads of the various departments once in the official newspaper of the City not later than the first day of August following the filing of such estimates with him.

SECTION 34. Bonded Indebtedness. Bonds of the City may be issued for any lawful purpose, but no bonds of the City shall be issued under authority of this section whereby its bonded indebtedness would be made to exceed ten per cent of the last assessed valuation of taxable property therein, including moneys and credits, provided that 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) held in a sinking fund maintained by the City, or (2) issued for the creation or maintenance of a permanent improvement revolving fund. No bonds of the City shall be issued under authority of this section without the approval, first obtained, of a majority of the electors voting on the question of issuing such bonds.

CHAPTER 8

LOCAL IMPROVEMENTS

Section 35. Power to Make. The Council shall have power to make any local improvements deemed necessary for the welfare or convenience of the City and its inhabitants and assess the cost or such part thereof as they deem just against any property found benefited thereby. Any two or more local improvements may be made at the same time and as part of the same proceedings and the assessment therefor likewise levied and collected.

Section 36. How Initiated. Local improvements may be initiated either by a petition submitted to the Council by interested property owners for such improvement or by a resolution passed by the Council to investigate the necessity and feasibility of such local improvement. Before taking any further action, the Council shall refer the matter to a competent engineer of its selection who shall report to the Council with all convenient speed. Such report shall advise the Coun-

cil in a preliminary way as to whether the proposed improvement is feasible and as to whether it should best be made as set forth in the petition or resolution or in connection with some other improvement or improvements not included in the petition or resolution and the estimate of the cost of the improvement as recommended in the report. On the filing of such report with the Clerk, the Council shall by resolution fix a time, hour and place when the Engineer's Report will be considered and action taken thereon and direct the Clerk to give notice of such hearing by publishing a notice once in each week for two successive weeks in the official newspaper of the City. The Notice shall describe in general language the improvement or improvements recommended in the Engineer's Report and the estimated cost thereof, but it need not include a description of the properties liable to be assessed therefor or the names of their several owners. At the time fixed in the notice, or at some subsequent time or times to which the hearing may be adjourned, the Council shall hear such persons as care to be heard in reference thereto. At the conclusion of the hearing the Council shall determine by resolution whether the improvement or improvements as set forth in the Engineer's Report or any part thereof shall be made, which resolution shall describe the improvement or improvements to be made and the limits thereof in general language.

Section 37. **Local Improvement Ordinance.** As soon as possible after this Charter takes effect, the Council shall prepare and adopt a complete Local Improvement Ordinance, which may be amended from time to time as other ordinances, covering procedure for preparations of plans and specifications; awarding contracts, use of day labor; preparation of assessments and share of cost which may be assessed to the City as a whole; hearing on and appeals from special assessment; supplemental assessment and reassessment; and all other matters appropriate to the subject of local improvements and assessments. After the passage of such ordinances, all resolutions pertaining to local improvements shall conform to the provisions of such local improvement Ordinance. The Council shall have the power also to include as a part of such Local Improvement Ordinance the method by which local improvement warrants may be issued to finance such work.

CHAPTER 9

EMINENT DOMAIN

Section 38. **Powers.** The City shall have full power to acquire by purchase, gift, devise, or condemnation, any property corporeal or incorporeal, including public utilities either within or without its corporate boundaries which may be needed by the City for any public use

or purpose, and the fact that the property so needed has been acquired by the owner under the power of eminent domain and is already devoted to public use shall not prevent its acquisition by the City. The acquisition of such property may be accomplished by proceedings at law in the manner provided for taking land for public use by the right of eminent domain according to the laws of this State.

CHAPTER 10

FRANCHISES

Section 39. **Defined.** The word "Franchise" as used in this Charter shall be construed to include all privileges granted to any person, firm, association or corporation in, over, upon or under any of the highways or public places of the City, whether such privileges have been or shall hereafter be granted either by the City or by the State of Minnesota.

Section 40. **Method of Granting.** No franchise shall be granted except by ordinance adopted by a majority vote of all aldermen and 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. No exclusive franchise shall ever be granted. No franchise shall be granted for term exceeding twenty years.

Section 41. **Long Term Contracts.** The words "Long Term Contracts" shall be construed to mean and be limited to contracts for the purchase by the City or any of its departments of any materials or supplies including contracts for the purchase of electricity or services of other public utilities which run for a period of more than five years. No such long term contract shall be entered into until the same shall have been approved by Ordinance adopted by a majority vote of all the Aldermen and, except in case of contracts whereby the City Council reserves the unconditional right to cancel and terminate such contract at any time after the expiration of such five-year period, until such ordinance approving the contract shall have been submitted at an election and approved by a majority of the voters voting on the question.

CHAPTER 11

ASSESSMENT OF PROPERTY

Section 42. **City to be Separate District.** The City shall constitute a single assessment district separate and apart from any town within the boundaries of which any property within the City limits may lie. The assessment of property within the City limits shall be made in the manner provided by the laws of the State for cities of the same class.

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Section 43. **Board of Equalization.** The Board of Equalization shall consist of the Mayor, Vice Mayor and City Clerk and shall meet as such in the usual place for holding Council meetings on the fourth Monday in June of each year to equalize the assessment according to law with power, however, in the Council to change the date of such equalization meetings from time to time by published resolution to conform to the general laws of the State.

CHAPTER 12

CITY JUSTICES

Section 44. **Jurisdiction.** The City Justices shall have concurrent jurisdiction over civil actions and criminal proceedings under the statutes of the State of Minnesota as Justices of the Peace have and shall extend to and include the counties of Olmsted and Fillmore in said State and process issued by them both civil and criminal shall run into said counties and may be served by any officers in either county and they shall have and possess all the power and authority that justices of the peace now have in either of said counties to hear, try and determine any such actions and may keep their respective offices at any place in said city, and such actions may be removed in the cases and manner provided by law. In addition to such powers herein-before defined, said City Justices shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, cognizable before a Justice of the Peace in said State. And said City Justices shall have sole and exclusive jurisdiction in all cases cognizable before a Justice of the Peace in which the City is a party, either plaintiff or defendant or the moving party and shall have cognizance and exclusive jurisdiction of all actions, suits, proceedings, or prosecutions for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of said City of Chatfield, or its Charter, or for the breach or violation of any such by-law, ordinance or regulation and in all cases of offenses against the same. All prosecutions for a breach or violation of any such by-law, ordinance or regulation shall be commenced in the name of the City of Chatfield, and the same proceedings shall be had in civil and criminal cases, suits or proceedings before said City Justices when not otherwise provided herein or directed as are established and required to be had in civil and criminal actions by the laws of this State before a Justice of the Peace and he shall keep a docket and make such entries therein as are required to be entered by statute. All fines, forfeitures and penalties imposed by the City Justices for offenses committed or triable within the City of Chatfield, or for a violation of an ordinance, by-law or regulation of said City shall belong to and be a part of the finances of the City. The City Justices

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shall report quarterly to the Council in all proceedings instituted before them in which the City is a party or interested. All fines, forfeitures and penalties thus belonging to the City shall be turned over to the City Treasurer as soon as the time for appeal has expired. The City Justices are authorized and empowered to have, take and receive such fees as are provided by the General Statutes of Minnesota for the same or similar service as Justice of the Peace, as near as may be, but no other fee whatever.

CHAPTER 13

MISCELLANEOUS PROVISIONS

Section 45. **Call for Bids — Official Bond — Penalties for Violation.** The Council shall have power by ordinance to fix the manner in which the publicity shall be given to requests for bids; the amount of bond to be given by officers of the city and penalties for any violating of this Charter or any Ordinance of the City.

Any administrative rule or regulation of any department of the State of Minnesota affecting the City, or any statute of the State of Minnesota, or any published code, specification, or regulation prepared by an official or unofficial organization for general circulation and use, may be adopted and incorporated by reference thereto in an ordinance and by marking three copies thereof as "official copies" and filing them for reference and inspection in the office of the City Clerk, and the publication requirement of this charter shall be as fully satisfied in such cases by this method as if the said material had been set forth in the ordinance in full.

Section 46. **Present Rights Retained.** The City shall succeed to all the contract and property rights and privileges and be subject to all the legal obligations and the terms of existing contracts and franchises existing at the time this Charter goes into effect.

Section 47. **Service on City.** When any suit or action shall be commenced against the City, service or process therein shall be made by leaving a copy thereof with the City Clerk or person in charge of the City Clerk's office and one copy with either the Mayor or Vice Mayor and it shall be the duty of the City Clerk to forthwith inform the City Attorney and Council thereof.

Chatfield City Charter

Letter of Transmission

To the Honorable W. O. Wiedenheft, Mayor of the City of Chatfield in the Counties of Fillmore and Olmsted, State of Minnesota, and the members of the City Council of said city:

The undersigned heretofore appointed by the Judges of the District Courts of the 3rd and 10th Judicial Districts as a board of freeholders or charter commission for said City of Chatfield, do hereby report and recommend for submission to the voters of said city for adoption of the within city charter.

Dated this 9th day of September, 1947.

CHARTER COMMISSION

Debs T. Lake, Chairman

George H. Potter, Secretary

N. O. Fahlgren	Dale Nagel	G. A. Haven	W. F. DeWitt
John Manshan	H. P. Thurber	Paul Lynch	John Best
Forrest Busher	Hugo Siegel	A. O. Krogen	G. H. Underleak
G. F. Halloran			

Drafted by H. W. Moody, Municipal Bond Attorney, Saint Paul, Minnesota, August, 1947.

TO WHOM IT MAY CONCERN:

I, N. O. Fahlgren, the duly elected, qualified and acting city clerk of the City of Chatfield, hereby certify that the City Charter of the City of Chatfield was submitted to the electors of the City of Chatfield for adoption or rejection as provided by statute on the last day of September, 1947; that the said Charter was regularly and properly adopted by the electors of said city.

N. O. Fahlgren

City Recorder, of the City of
Chatfield, Minnesota

Seal of the City of
Chatfield, Minnesota.

Published by authority of the City Council of the City of
Chatfield, Minnesota.

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