

PROPOSED AMENDED CHARTER

For the City of

LITTLE FALLS.

Filed in the Office of the Mayor of Little Falls, Minn.
this 18th day of March, 1930.

N. N. Bergheim

Mayor.

Filed in the Office of the City Clerk of the City of
Little Falls, Minn. this 18th day of March, 1930.

Andrew Johnson

City Clerk.

PROPOSED AMENDED CHARTER

As prepared by the charter commission appointed by the
Judges of the District Court for that purpose.

Chapter I

NAME, POWERS AND BOUNDARIES.

Sec. 1. NAME AND GENERAL POWERS.--All that district
of country in County of Morrison, and State of Minnesota,
contained within the boundaries hereinafter described shall
be a city by the name of "Little Falls," and the people now
inhabiting, and those who shall inhabit hereinafter within
said territory shall constitute a municipal corporation by
the name of the "City of Little Falls," and by that name shall
sue and be sued, complain and defend in any court; make and
use a common seal and alter it at pleasure; take and hold,
lease and convey all such real, personal or mixed property
as may be necessary to the uses of such corporation, either
within or without the limits of such district; shall be cap-
able of contracting and being contracted with, and shall be
endowed with all the general powers possessed by municipal
corporations at common law, and in addition thereto shall
possess all the powers hereinafter specifically granted, and
all the authorities thereof shall have perpetual succession.

Said City shall continue as the City of Little
Falls, and on the adoption of this charter shall be governed
thereby and shall thereupon succeed to and become vested with

all the rights, franchises, contracts, privileges and immunities which belong to or are owned by said city or now exist, and shall be and remain liable and responsible for all legal debts, obligations and liabilities now existing against the city for any cause or consideration whatsoever, and all rights, privileges and franchises heretofore granted by the city shall continue and be in force and carried out as provided by the contracts, resolutions and ordinances made, passed and enacted.

Sec. 2. CITY LIMITS BOUNDARIES--The following described territory lying and being situated in the County of Morrison and State of Minnesota, shall comprise the said City of Little Falls, to-wit:-All of Sections Seven (7) and Eight (8), the West Half of the Northwest quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) and the Northwest quarter of the Southwest quarter (NW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Nine (9), the East Half of the Northeast quarter (NE $\frac{1}{2}$ of NE $\frac{1}{4}$) and the Northwest quarter (NW $\frac{1}{4}$) of Section Seventeen (17), Lots One (1) and Two (2) and the Southeast quarter of the Northeast quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Eighteen (18), all in Township Forty (40), Range Thirty-two (32), and the following described lands in Township Forty-one (41), Range Thirty-two (32), Lot Three (3) of Section Thirty-Four (34), Lot Four (4) and the Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) and the East Half of the Southwest quarter (E $\frac{1}{2}$ of SW $\frac{1}{4}$) of Section Thirty-five (35); and the following described tracts of land in Township One Hundred Twenty-nine (129), Range Twenty-nine (29), all of

Sections Seventeen (17) and Nineteen (19), the South Half (S $\frac{1}{2}$) and the Northwest Quarter (NW $\frac{1}{4}$) and the South Half of the Northeast Quarter (S $\frac{1}{2}$ of NE $\frac{1}{4}$) of Section Eighteen (18), and that portion of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Eighteen (18), lying easterly of the westerly line of Second Street Northwest in said City of Little Falls; and Lots One (1), Two (2), Three (3), and Four (4) of Vortin's Cattle to the City of Little Falls according to the plat thereof on file and of record in the Office of the Register of Deeds in and for said Morrison County.

Said City of Little Falls shall be divided into four wards as follows: The territory on the east side of the Mississippi River south of the center of Broadway to the east line of said City shall constitute the First Ward; the territory on the east side of the Mississippi River, north of the center of Broadway, and lying westerly and southerly of the center line of the tracks of the Northern Pacific Railway Company shall constitute the Second Ward; the territory on the west side of the Mississippi River shall constitute the Third Ward; the territory on the east side of the Mississippi River, north of the center of Broadway, and lying northerly and easterly of the center line of the tracks of the Northern Pacific Railway Company shall constitute the Fourth Ward; provided that the City Council of said City may by ordinance change said ward boundaries or make new wards as may ^{be} deemed advisable.

Sec. 5. ADDITIONS,--Whenever any territory abutting upon the City of Little Falls, or upon any addition thereto shall have been platted by the owners thereof into streets, alleys, blocks or lots, in proper shape for record, and conforming to and corresponding with the adjacent city streets, blocks and lots, and a map thereof made showing also the adjoining blocks and lots in the city and connecting streets and alleys of the city and the detailed topography of the platted territory, accompanied by a properly certified abstract of title to said territory, showing the title to be in the party or parties represented to be the owners of the land which it is desired to annex to the city, the City Council may, upon the petition of the owners of not less than half of the property of said platted territory, by ordinance declare the same to be an addition to the City of Little Falls, and from thenceforth such territory shall be and become a part of said City and within the jurisdiction thereof as effectually as if the same had been annexed by an act of the legislature.

Chapter 11.

OFFICERS AND ELECTIONS

Sec. 4. ELECTIVE OFFICERS.- The elective officers of said city shall be a Mayor, a Treasurer, a City Assessor, a Municipal Judge, two justices of Peace, and one Constable, one Alderman-at large, and two aldermen from each ward of the city, each of whom except Municipal Judge shall hold office for two years and until his successor is elected and qualified. Each alderman shall be a resident of the ward from which he is elected. The alderman-at large and the aldermen elected from the several wards in this City shall constitute the City Council of said City.

Sec. 5. TERM OF OFFICERS.- The term of office of every elective officer shall commence on the first Tuesday of April following his election and shall continue until his successor is elected.

Sec. 6. APPOINTIVE OFFICERS.- The City Attorney, the City Clerk, and all other appointive officers except as otherwise provided in this charter shall hold their offices for the term of one year from and after their appointment and until their successors are appointed and qualified. The appointment of officers shall be determined by ballot of the Council and shall require the concurrence of a majority of the City Council elect. The City Council unless otherwise provided herein, shall appoint all said officers at the first regular meeting in April in each year or as soon thereafter as may be.

Sec. 7. VACANCIES. Any officer who shall refuse or neglect ^{to} for ^{ten} (10) days after notice of his election or appointment to qualify by taking the oath of office and giving the necessary bond when a bond is required, shall be deemed to have vacated his office, and any officer having entered upon the duties of his office may resign the

same by resignation in writing accepted by the Council. Whenever a vacancy shall occur in the office of any elective or appointed officer of said city such vacancy shall be filled by appointment by the City Council of said city. Unexcused absence from two successive stated meetings of the City Council shall operate to vacate the office of any alderman so absent, and the City Council shall thereupon forthwith fill the vacancy so created.

Sec. 8. ELECTIONS.--All general laws of the State of Minnesota relating to elections and primary elections and the preliminaries thereto shall, as 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 set forth. In all elections when the election of Alderman or any officer shall be closed the Judges of election shall forthwith canvass the votes and make return to the City Clerk within one day of such election in like manner provided by law for the return of state and county officers to the County Auditor. Within one week after any City election, the City Council shall meet and canvass the return thereof, and declare the result as it appears from such return and the City Clerk shall forthwith give notice to the officers elected of their respective elections.

Sec. 9. BONDS OF OFFICERS.--The City Treasurer, City Clerk, and such other officers as the City Council may require, shall severally before they enter upon the duties of their respective offices, execute to the City of Little Falls, bonds with sufficient sureties in such an amount and upon such conditions as the City Council may prescribe which said bonds shall be approved by said City Council.

Sec. 10. PERSONS DISQUALIFIED.--No person who is directly or

indirectly interested in any contract with the city or any department or institution thereof, or who shall have been convicted of malfeasance in office, bribery, or other corrupt practices or shall be under indictment thereof, shall be qualified to be elected to or shall hold the office of Alderman or any elective or appointive office in said City.

Sec. 11. THE MAYOR--APPROVAL OF ORDINANCES--The Mayor of said city shall be the chief executive of said city, and it shall be his duty to cause to be enforced all the ordinances of said city and the laws of said State, within said City, and to see that all officers of said City fully discharge all their official duties and to that end constitute and maintain an action of mandamus or other appropriate action to compel the discharge of such duty, and he shall from time to time by written message recommend to the Council such measures as he shall deem necessary for the public good. All ordinances and resolutions adopted by the City Council shall be presented to the Mayor for approval and, if approved shall be returned by him to the Council with his approval attached, whereupon the same shall become valid ordinances or resolutions of said City as the case may be, and if the Mayor shall not thus sign he shall return the same to the City Council with his objections thereto, by depositing the same with the City Clerk, to be presented to the City Council at its next meeting thereafter; 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 vote the City Council shall pass the same by vote of two-thirds of the members of the Council it shall have the effect as if approved by the Mayor. If any ordinance or resolution shall not be returned to

the City Clerk by the Mayor within ten (10) days, Sundays excepted after it shall be presented to him, the same shall have the same force and effect as if approved by the Mayor. It shall be the duty of the City Clerk to enforce upon each ordinance and upon his records of the proceedings of the Council the time when such ordinance was delivered to the Mayor, and the time when the same shall be returned to his office by the Mayor. During the absence of the Mayor from the City or his inability for any reason to discharge all the duties of his office, the President of the City Council shall exercise all the powers and discharge all the duties of Mayor. The President or temporary presiding officer while performing the duties of Mayor shall be acting Mayor and acts performed by him when acting as Mayor as aforesaid shall have the same force and validity as if performed by the Mayor.

Sec. 12. CITY CLERK.--The Clerk of said City, styled the City Clerk, shall keep the corporate seal and all the papers and records of the City, and keep a record of the proceedings of the City Council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office and transcripts from the records of the City Council certified by him under the corporate seal shall be evidence in all courts the same as if the originals were produced. He shall draw and sign all orders on the Treasurer in pursuance of any order or resolution of the City Council, and keep a full and accurate account thereof in books provided for that purpose, and shall perform such other and further duties as the City Council may from time to time by ordinance prescribe. The City Clerk shall have power to administer oaths and affirmations. He shall perform all other services by law required by Clerks of Cities or townships within said state, but when services are required of him by

public law for which compensation is made from the State or County treasury, such services shall not be regarded as services for said city, and he may retain such compensation in addition to his salary. In case of the absence or inability of the City Clerk to act the City Council shall have the power to appoint a City Clerk pro tempore, and the City Council shall have the power to appoint at any time they shall deem it necessary an Assistant Clerk, who shall have authority in the absence or disability of the City Clerk to perform all the duties of the City Clerk that may be herein prescribed as well as to certify to copies of all files and transcripts of all the records of said office which certificate shall have the same force and effect as if made by the City Clerk.

Sec. 13. CITY ATTORNEY. The City Council shall appoint a City Attorney who shall attend all meetings of the City Council of which he is duly notified and who shall appear in all actions civil or criminal wherein the City of Little Falls, is interested, which may be conducted within the County of Morrison. He shall approve as to form, execution and validity all bills presented to the City Council before the same are allowed and shall when requested advise and furnish opinions upon all legal matters submitted to him by the Council and when requested by the Mayor advise all officers of the City in relation to their official duties.

Sec. 14. BOARD OF HEALTH. The City Council shall at its first regular session in April in each year appoint a Health Officer who shall be a duly licensed and practicing physician of the State of Minnesota, and two members of the board of health, who shall hold their offices for two years and thereafter each year shall elect such health officers and members to fill vacancies created by the expiration of said term, and such health officer and members of the health board shall con-

stitute the board of health of said City and shall enforce all the ordinances of said City and laws of the State enjoined upon boards of health.

Sec. 15. CITY ENGINEER. The City Council shall appoint a City Engineer to hold office at its pleasure, who shall under the direction of the Council, regulate and supervise the regulation of grades of streets, sidewalks, alleys, sewers, water works and local or public improvements, and shall perform such other duties as may be prescribed and who shall receive such reasonable compensation as the Council may provide. He shall when requested by the City guard that all contracts relative to public works shall be faithfully performed and in his discretion may suspend such performance until the next regular or special meeting of the Council, when such contracts are not being faithfully performed as agreed. All field notes, data, surveys, profiles, plans, plats, drawings, estimates or records made by the City Engineer or under his direction for the use of the City shall be filed and carefully preserved in the office of the City Clerk open to public inspection and shall be delivered to his successor in office or to the City Council.

Sec. 16. CITY TREASURER. The City Treasurer shall receive and collect all money belonging or payable to the City and give receipt therefore retaining a duplicate thereof and shall keep an accurate account thereof and shall collect special assessments and perform all other duties by this charter provided, in such manner as the City Council shall from time to time direct. He shall as soon as may be after the close of each fiscal year exhibit to the City Council a full and detail-

ed account of all receipts and disbursements for the last fiscal year and also the state of the treasury, which account shall be filed with the City Clerk and a copy of the same shall be published in the official newspaper of said City/- He shall receive such compensation as the City Council shall by ordinance determine.

Sec. 17. CITY ASSESSOR.-- The City Assessor shall in making assessments be governed by the rules both in respect to the property to be listed and assessed, and the manner of listing and assessing the same, which are or may be prescribed by the general laws of the State and shall return his assessment to the City Clerk on or before the fourth Monday in June of each year.

Sec. 18. JUSTICES OF PEACE.--The Justices of Peace and Constables of said City shall have and possess all the rights, powers, and authority of justices of the peace and constables under the general laws of the State. The Justices of Peace shall be entitled to receive from the County of Morrison such fees in criminal cases presented in the name of the State of Minnesota as are and may be allowed to other Justices of Peace for similar services. The constables of said City shall be entitled to the same fees as like officers in towns received for similar services under the laws of this state.

Sec. 19. STREET COMMISSIONER. The City Council may appoint a street commissioner for the City who shall be the actual working foreman of the forces employed on the streets and shall perform such duties in such a manner and under such direction as the City Council may prescribe. He shall keep accurate accounts of all his work and expenditures and make a detailed and itemized report thereof which shall also show

by what authority such work was done, to the City Council at least once a month and oftener if ordered. No compensation to such Street Commissioners shall be allowed unless such report shall have been made up to the time of rendition of such bill.

Sec. 20. DELIVERY OF RECORDS AND PROPERTY--If any person having been an officer of said City shall not within ten (10) days after notification deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said City or pertaining to the office he may have held, he shall forfeit and pay to the use of the City One Thousand Dollars (\$1000) besides all damages caused by his neglect or refusal to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed in the laws of this state.

Sec. 21. CONTRACTS AND GRATUITIES.--No Alderman or other officer elected or appointed shall be a party to or interested directly or indirectly in any job or contract with City, and any contract in which any Alderman or other officer shall be so interested shall be null and void, and in case any money shall have been paid on such contract, the amount so paid may be recovered by a joint and several action from the parties to such contract and the Alderman or other officer interested in the same. If any Alderman or other officer elected or appointed shall receive directly or indirectly any commission, gratuity, or any valuable thing from any person doing work or furnishing material for any work or construction or having any contract with such City, or shall fail to account for any moneys or properties coming into his hands, he shall be punished in the same manner, as provided by law for the acceptance of bribes by public officers.

Sec. 33. ADDITIONAL DUTIES.--The City Council may at any time by ordinance require other or further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with the provisions of the Charter.

Sec. 35. SALARIES.--The Mayor shall receive an annual salary of one dollar (\$1) per annum and the Aldermen shall each receive five dollars (\$5) for each regular meeting of the City Council, three dollars (\$3.00) for each special meeting and three dollars (\$3.00) for each adjourned meeting at which he is present, not however to exceed the total of (\$100) per annum. All other officers shall receive such reasonable salary as shall be designated by ordinance of the Council and approved by the Mayor

Sec. 34. POLICE DEPARTMENT.--The number of the police required by said City shall be determined by the Council by resolution, and the police of said City shall be appointed by the Mayor, one of whom shall be designated and act as Chief of Police. The appointments and all removals shall be in writing and shall be filed with the Clerk of said City. The members of the police force shall hold office during the pleasure of the Mayor and shall be removed at discretion. The Mayor shall have the power to appoint such number of special police ~~peace~~ from time to time as he shall determine when the preservation of the public peace shall require; such police shall have such per diem compensation as the Council shall allow, and shall not hold under any appointment at any time for a longer period than seven (7) days. Such police shall be duly sworn and shall have all the powers of other police during their term. No person shall be appointed on the police force unless he shall be a citizen of the United States, a resident of the City of Little Falls, for not less than (1) year next preceding his appointment, and be able to read and write

the English language, and all members of the police force shall have power to serve, execute and return within the limits of said City, all writs and process issued by any of the Justices of Peace of said City or of the County of Harrison or by the Municipal Court of said City.

Sec. 35. FIRE DEPARTMENT.--The City Council shall at its first meeting in April of each year, appoint a chief fire warden of the fire department of said City, who shall hold his office for the term of one year, and until his successor is appointed and qualified and said Council shall by ordinance or resolution provide for such other officers and men as may be necessary for the fire department of said city, and define the respective rank and duties of such officers and men, and fix their compensation.

Sec. 36. Succession of Officers. The present officers of the City of Little Falls, shall succeed to such offices as are provided for by this charter, and the term of office of all such elective officers provided by this charter shall be extended to and not expire until the ~~first Monday in April 1888~~ and until their successors are elected and qualified. Elective officers whose offices are made appointive by this charter shall hold office for the term for which they were elected and until their successors are appointed and qualified as herein provided for. All appointive officers shall hold their office for the term for which they were appointed subject, however to the provisions of this charter.

CHAPTER III

THE CITY COUNCIL

SEC. 27. ORGANIZATION. The City Council at its first regular meeting in April of each year shall proceed to elect by ballot from their number a President and a Vice-President. The president shall preside over all meetings of the City Council, and shall have such powers and perform such other duties as shall be by this Charter or Ordinance prescribed. The vice-president during the absence of the president from any meeting of the city council or from the City, or his inability for any reason to discharge the duties of such President, shall act in his place, except as herein otherwise provided. All officers, boards, agents and employees appointed by the Council shall be appointed at such meeting.

SEC. 28. QUORUM. A majority of the Council shall constitute a quorum. The president or vice-president of the city council shall when present, preside at all meetings. In their absence the Council may elect a president pro tempore, who shall for such meetings have the same powers and duties as the president.

SEC. 29. MEETINGS. The City Council shall hold stated meetings, and the Mayor or the President may call special meetings by notice to each member to be delivered personally or left at their usual place of abode, at least eight (8) hours before the time of such meeting. At special meetings no business shall be transacted other than such as

is specifically designated in the call. In case of the attendance of less than a quorum at any meeting, the members present may adjourn to any special time they may designate, and all business transacted at such adjourned meeting shall have the same validity as if a quorum had been present in the first instance and no adjournment had been taken.

SEC. 30. MEMBERS. The City Council shall be the judge of election of its own members, subject to revision by the district court and in such cases shall have the power to send for any person or papers. It shall determine the rules of its own proceedings, and have power to compel the attendance of absent members, and may provide for the punishment of such absent members.

SEC. 31. REMOVAL OF APPOINTIVE OFFICERS. The City Council shall have the power to remove from office any officer of said City appointed by the Council ~~or by any officer of said city under this charter, except police officers,~~ upon two-thirds (2-3) vote of all the aldermen elect. The Council shall fix a time and place for the trial of such officers, of which not less than five (5) days notice shall be given, and shall have power to compel the attendance of witnesses, and to hear and determine the case, and if any officer shall refuse or neglect to appear and answer such charge, the City Council may declare the office vacant.

SEC. 32. POWERS AND ORDINANCES. All powers of the City unless otherwise provided herein shall be vested in the City Council, and in addition to the special powers herein

granted, there is here by expressly granted to said City Council, the power to legislate upon all subjects of municipal concern as fully as the legislature of this state could or might do; and said City Council may by ordinance or resolution make any provision or regulation which it may deem necessary for the government and good order, and for the health, safety and welfare of the City, or such as may be necessary to carry out and make effective the provisions of this charter, and every such ordinance and resolution shall be deemed enacted under express authority from the legislature of this State, and no such ordinance or resolution shall be held invalid by any court upon the ground that it is not a reasonable exercise of the power granted to the City Council.

SEC. 53. PUNISHMENT OF OFFENDERS. The City Council may impose punishment for the breach of an ordinance of the city to the extent, of a fine not exceeding one Hundred (\$100) Dollars or imprisonment in the city prison or county jail not exceeding three (3) months, and may provide that the offender during such imprisonment, in the city prison or county jail, be fed on bread and water at the discretion of the court, and offenders against such ordinances may be required to give security to keep peace and for good behavior for a period of not exceeding six (6) months, and in a sum not exceeding Five Hundred Dollars (500).

SEC. 34. MAY IMPOSE HARD LABOR. The City Council may also provide that any one convicted of an offense before the Municipal Court of said City, subjecting such offender to imprisonment under the ordinances of said city, may be kept at hard labor in the city jail, or in the case of a male offender, may be kept at hard labor, during his term of punishment in such city jail or upon the public improvements or otherwise, or both and may also provide by ordinance that anyone convicted of an offense before said court and committed on non-payment of the fine imposed, may be kept at hard labor either in such city jail, or upon public improvements or both, until such person shall work out the amount of such fine at such rate of compensation as the Council may prescribe, for a time not exceeding such commitment, and the City Council shall have full power to establish by ordinance all needful regulations for the security of such persons so employed, and to prevent escape, and secure proper discipline and shall have power so establish a proper city jail in said City for the purpose aforesaid, and under such *Council may prescribe. The Judge of the Municipal Court of said* regulations as said City shall have power for vagrancy to commit any person to the city prison or county jail or to order any person to work on public improvement or otherwise in said city, for a term not exceeding three (3) months.

SEC. 35. STYLE OF ORDINANCES. The style of all ordinances shall be "The City Council of the City of Little Falls do Ordain". The subject of every ordinance shall be expressed in its title, and no ordinance shall embrace more than one subject.

SEC. 36. ENACTMENT OF ORDINANCES. All ordinances and resolutions of the City Council shall be passed by an affirmative vote of a majority of all the members elect of the City Council by yeas and nays, which shall be entered in records of the Council. No ordinance shall be passed at the same session of the council at which it shall have been presented or at any session held within three (3) days thereafter, except by the unanimous consent of all the members elect of the Council which shall be noted in the records, but this shall not preclude the passage of ordinances reported by any committee of the Council to which the subject of such ordinance shall have been referred at any previous meeting. When enacted and approved they shall be recorded by the City Clerk in books provided for that purpose, and before they shall be in force they shall be published in the official newspaper of the City.

All resolutions, all ordinances making the usual tax levy, ordinances relating to local improvements and assessments except as in this charter otherwise provided and emergency ordinances, shall take effect immediately on their passage, approval and publication. All other ordinances except as in this charter provided shall take effect thirty (30) days after publication, thereof, unless *in which event they shall take effect at such later date. Ordinances adopted by the council shall take effect at the time fixed therein.* a later date is fixed therein, or if no such date is designated the day, at the date of the adoption thereof. An emergency ordinance is one operating for the immediate preservation of the public peace, health or safety, in which the emergency is declared and declared in a manner that the ordinance is immediately voted on and receiving the affirmative vote of two-thirds (2/3) of the members elect of the Council, provided that no part of any ordinance shall be construed to be an emergency ordinance.

Amendments or repeals of ordinances or sections thereof shall be by ordinance. An amending ordinance ^{shall} set forth the entire ordinance or section amended.

SEC. 37. OFFICIAL PAPER-PUBLICATION. The City Council shall at its first meeting in April of each year, or as soon thereafter as may be, cause the City Clerk to advertise in the official paper of the City, for one week, for sealed proposals for publishing in some Little Falls newspaper, which shall be qualified under ^{the ordinances and other matters required in the charter or} the general laws of the State, all ^{the} ordinances and resolutions of the City to be published in a public newspaper, such proposals to state the price per folio for the first insertion, and for each additional insertion of all matter so to be published, said proposals to be marked "proposals for advertising" and addressed to the City Council, which proposals shall be opened at the next stated meeting of the Council, and the contract awarded for such publishing to such newspaper bidding the lowest therefor, which paper shall be declared the official paper of the City, provided that in determining which is the lowest bidder of the newspapers conforming thereto, regard may be had to the character and value thereof ^{as} a medium for advertising and placing before the tax payers of the said City the matters herein provided to be advertised. And in case any two bids are the same, the Council may by vote select one (1) of such papers, provided further that ^{proprietor or} the proprietors of such papers shall enter into ^a written contract for the performance of the duties required of such proprietor or publisher, and give bond in the sum of One Thousand Five Hundred ~~and~~ (\$1500) dollars with two satisfactory ~~sureties~~ ^{sureties}.

securities, or surety bond, to be approved by the Council conditioned for the faithful performance of such contract. The newspaper so designated shall be and remain the official paper of said City and the contract and bond aforesaid shall remain in force for the time designated and until the City Council shall designate another paper as the official paper of the City, provided the Council may at its option reject any and all bids.

The publisher or publishers of said official paper shall immediately after the publication of any notice, ordinance or resolution, which by the Charter is required to be published, file with the City Clerk a copy of such publication with his or their affidavit ^{or the affidavit} of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution.

The City Council shall at the close of each fiscal year prepare and cause to be published a complete and detailed statement of the receipts and disbursements of that year of the City, together with a summary of the indebtedness of the City.

SEC. 39. EVIDENCE OF ORDINANCES etc. Any original ordinance or resolution, or the copy of the record of any ordinance or resolution heretofore passed and recorded, or that may hereafter be passed, certified by the City Clerk, and certified by the seal of the City, any copy thereof published in the official paper of the City, or printed in the books containing the official proceedings of the City Council, or published in any compilation of ordinances made under the direction of the City Council, shall ^{be} prima facie evidence of the contents of such ordinance or resolution, and the regularity and legality of all proceedings relating to the adoption

and approval thereof and shall be admitted as evidence in any Court in this state without proof. The Municipal Court of the City of Little Falls, and the Justices of Peace of said City, shall take judicial notice of all ordinances of said city, and it shall not be necessary to plead or prove such ordinances in said Courts.

SEC. 39. APPROPRIATIONS. No appropriations shall be made without the affirmative vote of a majority of all the members elect of the City Council in its favor, which shall be taken by yeas and nays, and entered among the proceedings of the Council.

SEC. 40. REMEDY FOR NUISANCES. The powers conferred upon ~~the~~ City Council to provide for the abatement or removal of nuisance shall not bar or hinder suits, prosecutions or proceedings according to law.

SEC. 41. AUDIT OF ACCOUNTS. The City Council shall examine, audit, and adjust the accounts of the City Clerk, Treasurer, and all other officers, boards and agents of the City at such time as they shall deem proper and also at the end of each year and before the term for which the officers of said City were elected or appointed shall have expired, and the City Council shall require each and every officer, board and agent to exhibit his books, accounts, and vouchers for such examination, and if any such officer, board or agent shall refuse to comply with the orders of the Council in the discharge of said duty in pursuance of this section, or shall neglect or refuse to render his accounts or present his books or vouchers *or a committee thereof, it shall be the duty of the City Council* to said Council to declare the office of such officer, member of board or agent vacant, and to order suit and proceedings at law against any officer, member of a board or agent, of said City, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a record of all such settlements

and adjustments.

SEC. 42. CONTROL OF FINANCES AND PROPERTY. The City Council shall have the management and control of the finances and all the property of the city, except as herein otherwise provided, and may provide for the sale of any such property in such manner as it shall consider to be the best interest of the City.

SEC. 43. FIRE PROTECTION. The City Council for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings or buildings of any other materials that shall not be considered fire proof, shall not be erected, placed or repaired, and to direct that any and all buildings within the limits described shall be made and constructed of fireproof materials with such protection against fire as the City Council shall by ordinance prescribe, and to prohibit the rebuilding of wooden buildings within the fire limits and to prescribe the manner of obtaining the consent of the City Council to make repairs in such fire limits, and to prevent the removal of any buildings not constructed of fireproof materials from any place within to any other place within fire limits.

The City Council shall have the power to prescribe in what manner and of what materials chimneys shall be erected and to prevent the dangerous construction and condition of chimney fireplaces, hearths, stovepipes, evens, boilers and apparatus in and about any building and cause the same to be removed or placed in secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places and the throwing of ashes

in the streets, alleys or public grounds of the City; to compel the use of spark arresters in all smoke stacks connected with any apparatus where light fuel is consumed; to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires and the storing of inflammable or explosive materials, and the use of fireworks and firearms; to regulate the location and construction of smoke houses and prohibit them when they shall be deemed dangerous to other buildings; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders to the same, and to all attics; to compel all bystanders to aid in the extinguishment of fire; and to regulate and require permits for the construction of buildings, and exterior alterations of buildings, exceeding Three Hundred (\$300) dollars in value and generally to make any other provisions to guard against fire, and to prevent the spreading of fires, which the City Council may deem necessary and proper.

The City Council shall have the power to purchase, keep and maintain fire engines and other fire apparatus, and to build and maintain engine houses, hose houses, and such other buildings as may be necessary or convenient; also to erect fire telegraphs and boxes or any other means for giving notice of fire.

SEC. 44. STREETS, SIDEWALKS, etc. The City Council shall have the care, supervision and control of all highways, streets, wharves, levees, public squares and grounds within the limits of the City.

SEC. 45. STREET GRADES. The City Council shall have power to establish the grade of any street when such grade has not been established and may ^{by} vote ^{of} two-thirds of the members of the

of the Council change the grade of any street after such grade has been established. It shall cause accurate profiles of the grade of all streets to be made and kept in the office of the City Clerk.

SEC. 46. CONTRACTS. In all cases of work to be done when the City Council decides to do such work by contract, or on the purchase of property of any kind, when the amount involved in such purchase exceeds the sum of \$500, or on the doing of any work when the amount of the same exceeds \$500, ^{unless the City Council} shall by an emergency ordinance as defined in this Charter provide otherwise, it shall advertise for bids in the official paper of the City for at least two successive weeks. Contracts shall be let to the lowest responsible bidder, and purchases shall be made from the lowest responsible bidder who offers to furnish the articles desired for the lowest sum. The Council may reject any and all bids, and nothing contained hereof shall prevent the City from contracting for the doing of work with patented processes or from purchasing patented articles.

SEC. 47. CONTRACTS-ENFORCEMENT. All written contracts, bonds and instruments of every kind and description, to which the City shall be a party shall be executed in the name of the City by the President of the City Council, and attested by the City Clerk and when necessary shall be acknowledged.

SEC. 48. VACATION OF STREETS. The City Council shall have the sole and exclusive ^{Power} to vacate or discontinue streets, avenues, alleys and highways within the said City. No such vacation or discontinuance shall be granted or ordered by the City Council except upon a petition of a majority of the owners of property on the line of such street, avenue, alley or highway, resident within said City. Each petition shall set forth the facts and reasons for

such application, accompanied by a plat of such street, avenue, alley or highway proposed to be vacated and shall be verified by the oath of at least two (2) of the petitioners. The City Council shall thereupon order the petition to be filed of record with the City Clerk, who shall give notice by publication in the official paper of the City for four (4) weeks at least once in each week to the effect that such petition has been filed as aforesaid, and stating ⁱⁿ brief its object, and that said petition will be heard and considered by the City Council on a certain day and place therein specified, not less than ten (10) days from the expiration of such publication. The City Council shall investigate and consider the matter and shall hear the testimony and evidence on the part of the parties interested.

The City Council thereupon after hearing the same may by resolution of a two-thirds (2-3) vote of all the members elect declare such street, avenue, alley or highway vacated, which said resolution after the same shall go into effect, shall be published as in case of ordinances, and thereupon a copy of such resolution duly verified by the City Clerk shall be recorded in the office of the Register of Deeds of the County of Morrison.

Any person feeling aggrieved by any such vacation or discontinuance or refusal so to do, may within twenty (20) days after the publication thereof, by notice in writing served on the Mayor, a copy whereof, with proof of service shall be filed in the office of the Clerk of Court of the County of Morrison, appeal to said court from such vacation or discontinuance, where such appeal shall be tried by the court without a jury, and the judgment of which court shall be final. It shall be the duty of the City Clerk as soon as such appeal is taken to transmit to the proper court a certified

copy of the records of all proceedings in the case at the expense of appellant; such appeal shall be entered and brought on for trial and be governed by the same rules in all other respects as appeals from the Municipal Court in civil suits except that no pleadings shall be required.

SEC. 49. DELEGATION OF POWERS, etc. The City Council may by ordinance or resolution or by aye and nay vote duly entered in its minutes delegate any ministerial duty to any elective or appointive officer, or any member or committee of the City Council.

CHAPTER IV

RECALL, INITIATIVE AND REFERENDUM.

Sec. 60. RECALL: The holder of any elective or appointive office in the City of Little Falls may be removed at any time by the electors qualified to vote at municipal elections in said City, in the following manner: A petition signed by such electors equal in number to at least twenty per centum (20%) of the total ballots cast at the last preceding general municipal election in the political subdivision of the city from which said officer was elected, if an elective officer, otherwise in the entire City, demanding a special election for the recall and removal of such person, shall be filed with City Clerks, which petition shall contain a general statement in not more than two hundred (200) words of the grounds on which removal is sought, and demanding his recall, and be prepared in substantially the following form:

TO THE COUNCIL OF THE CITY OF LITTLE FALLS:

We, the undersigned qualified electors of the city of Little Falls hereby demand that you hold a special election, as provided for the purpose of recalling _____ (name of officer) from the office of _____ of the City of Little Falls for the following reasons:

(Set forth ground on which removal is sought.)

Before signing the above petition we have read the charges against the said _____ therein contained and believe them to be true.

The signatures to the petition need not all be appended to one paper, and opposite the space set apart for each name, shall be a space for a duplicate signature, which may be entered therein

by the person circulating the petition to render such original signatures plainly legible for convenience in checking such petition, and such original and duplicate signature shall count as the signature for one elector only. One of the signers of such paper shall make oath that the statements therein made are true, as he believes, that each original signature to the paper appended is the genuine signature of the person whose signature it purports to be, that all duplicate signatures thereof were entered thereon by the person circulating such petition; and if the petition is for the recall of an office elected from one political subdivision of the City only, that such signers are residents of such political subdivision from which said officer was elected.

Within ten (10) days from the date of filing such petition the City Clerk shall ascertain from the voter's registers whether or not the said petition is signed by the requisite number of qualified electors as provided for herein. The City Clerk shall attach to said petition his certificate, showing the result of such examination. If by the City Clerk's certificate the petition is shown to be insufficient, it may be amended within ten (10) days from the date of said City Clerk's certificate. The City Clerk, shall within ten (10) days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice however to the filing of a new petition to the same effect. If the petition be shown to be sufficient, the City Clerk shall submit the same to the City Council without delay, and thereupon the City Council shall order the same filed, and a copy thereof delivered to the person

sought to be recalled.

If the City Clerk shall refuse or neglect to examine the petition and voter's registers, and certify to any such recall petition within the time herein provided, the City Council shall forthwith upon the expiration of such time, examine such petition or petitions, and determine upon the sufficiency or insufficiency of the same.

Within ten (10) days after the filing of said petition the City Council shall fix a date for holding such special election not less than twenty (20) nor more than thirty (30) days from the ^{such} day of filing. In the published call for the election there shall ~~be printed~~ ^{in not more than two hundred (200) words, the reason for demanding the recall of such officer and in said call} be printed in not more than two hundred (200) words, the officer may justify his course in office. Except as herein otherwise provided such special election shall be conducted and returned and the result thereof ascertained, in all respects as are general municipal elections.

Unless the officer whose removal is sought shall have resigned within ten (10) days after the receipt by the Council of the Clerk's certificate, the form of ballot at such election shall be as near as may be "shall A be recalled; shall A be recalled; etc." the name of the officer or officers whose recall is sought being inserted in place of A, B, etc. and if the office be an elective office the ballot shall also contain the names of the candidates to be elected in place of the officers recalled, as follows:

"Candidates for the office of A, if recalled; candidates for the office of B, if recalled etc.", but the one whose recall is sought shall not themselves be candidates upon the ballot.

In case a majority of those voting at any such election, or if the question of the recall of any official be submitted at other than a special election then of those voting for and against the recalling any official shall vote in favor of recalling any official he shall be thereby removed, and in that event the candidate who received the highest number of votes for his place shall be elected thereto for the unexpired term.

If the officer or officers sought to be removed shall have resigned within ten (10) days after the receipt by the council of the clerk's certificate heretofore mentioned, the form of ballot at the election shall be the same as nearly as may be, as the form used at a regular municipal election ^{or a general election}, *provided that if such resignation occurs not more than three (3) months prior to a* the Council shall appoint a person to fill the vacancy until such election, at which time a successor shall be elected.

If case such recall election results in the recall of an appointive officer, the appointing power under this charter shall forthwith appoint a successor to fill the vacancy for the unexpired term.

No recall petition shall be filed against any officer until after the expiration of at least six (6) months of the term of office ~~or~~ being filled by such officer. No person who has been recalled from office or who has resigned from office while recall proceedings were pending against him, shall be elected or appointed to any office in the City within one (1) year after such recall or resignation.

Sec. 51. INITIATIVE.-- Any proposed ordinance of the City may be submitted to the City Council by a petition signed by electors of the City as hereinafter provided for. The provisions of Section 50 of this Charter, respecting the forms and conditions of the petition, mode of certification, certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty per centum (20%) of the total ballots cast at the preceding general municipal election, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the City Council shall except as herein provided, either:-

(a) Pass said ordinance without alteration within twenty (20) days after attachment of the City Clerk's certificate of sufficiency to the accompanying petition or

(b) Within twenty-five (25) days after such certification, proceed to call a special election to be held not less than forty (40) nor more than fifty (50) days after such call, at which said election, ^{said} ordinance without alteration, shall be submitted to a vote of the people.

If the petition be signed by electors equal in number to at least fifteen (15) per centum but less than twenty (20) per centum, of the total ballots cast at the last preceding general municipal election and said ordinance ^{be} not passed by the City Council as provided in the preceding paragraph (a), then such ordinance without alteration, shall be submitted to a vote of the people at the next general municipal election, occurring at any time

after twenty-five (25) days from the date of the City Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

Upon any ordinance being submitted to the City Council as in this section provided, the City Council may within ten (10) days after attachment of the City Clerk's certificate of sufficiency pass an alternative ordinance covering the same subject matter. If within ten (10) days after the passage of such alternative ordinance not less than fifty (50) per centum of the petitioners for the *submitted ordinance shall file with the City Clerk a petition for the* withdrawal of their names from such petition, the ordinance petitioned for shall not be submitted to the vote of the people, as petitioned for and the alternative ordinance shall thereupon become effective, in the same manner and after the same time as in this chapter provided for as to ordinances adopted by the City Council. If a petition for withdrawal of names of at least fifty (50) per centum of the petitioners for the ordinance be not filed with the City Clerk within said ten (10) days after the passage of such alternative ordinance, the ordinance petitioned for shall be submitted to a vote of the people, as in this section provided. In such event the City Council may at the same time submit said alternative ordinance, and the one receiving the highest number of votes at said election shall therefore become the ordinance of said City.

Whenever any ordinance or proposition is to be submitted to the voters of the City at any election, the City Council shall cause the ordinance or proposition to be submitted to be printed and mailed by the City Clerk with a sample ballot to each voter whose name appears upon the voting register for the last preceding

general municipal election at least three (3) days prior to the election.

The City Council shall prepare suitable ballots for the submission of any ordinance provided for in this section. If a majority of the electors voting on such ordinance submitted by petition vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the City, except as herein otherwise provided.

Any number of presented ordinances may be voted upon at the same election, in accordance with the provisions of this Section.

The City Council may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any general municipal election, and should such proposition receive a majority of the votes cast thereon at such election such ordinance shall be repealed or amended accordingly. An ordinance proposed by petition or adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

There shall not be held under this section of the Charter more than one (1) special election in any period of one (1) year; nor shall any such special election be called to be held within six (6) months prior to any general municipal election.

Section 52-11. REFERENDUM.- No ordinance passed by the City Council except emergency ordinances, shall go into effect before thirty (30) days, from the time of its publication, except when otherwise required by the general law of this State or by the provisions of this Charter.

If during said thirty (30) days after the publication of any ordinance a petition signed by qualified electors of the City equal in number to at least fifteen (15) per centum of the total ballots cast at the last preceding general municipal election, protesting against the passage of said ordinance be filed with the City Clerk, the same shall thereupon be suspended from going into operation and effect; and it shall be the duty of the City Council to reconsider such ordinance and if the same be not entirely repealed, the City Council shall submit the ordinance to a vote of the electors of the City, either at the next general municipal election, or at a special election call for that purpose and such ordinance shall not become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof.

The provisions of Section 53 of this charter respecting the terms, conditions of the petition, the mode of verification,

certification and filing, shall be substantially followed, with such modifications as the nature of the case may require.

Emergency measures shall be subject to referendum, except that they shall not be suspended from going into effect while referendum proceedings are pending. If when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed, as regards any further action thereunder, and all rights and privileges conferred by it shall be null and void, provided however that such measure so repealed shall be deemed sufficient authority for any payment made or expense incurred in accordance with the measure previous to referendum vote thereon.

No measure granting or amending, any franchise or agreement with any public utility, or amending or repealing any measure adopted by the electors, or by the City Council, in compliance with an initiative petition shall be regarded as an emergency measure.

Section 58. COMPLIANCE WITH CHARTER:- If a majority of the City Council or the City Clerk, shall fail or refuse to act in any of the proceeding in this Chapter provided for, compliance with the provisions of this Chapter may be enforced by proceeding in the District Court of Morrison County, at the suit of any citizen of this City.

CHAPTER V
CITY FINANCE

SEC. 54 DISBURSEMENTS AND INDEBTEDNESS. (a) No money shall be paid out of the City Treasury except for principal or interest of bonds and certificates of indebtedness unless such payment shall be authorized by an Aye and Nay vote of the City Council and then only upon orders signed by the Mayor and countersigned by the City Clerk and having the seal of the City attached, which orders shall specify the purpose for which they were drawn, the fund out of which they are payable and shall be made payable to the order of the persons in whose favor they are drawn. No such order on any fund shall be drawn or issued until there is money sufficient in the City Treasury to the credit of such fund to pay the same together with all then outstanding orders issued against such fund, and the City Council is hereby prohibited from authorizing the issue or ordering paid any such order until there is sufficient money in the City Treasury applicable thereto to meet such order together with all outstanding orders issued against such fund. Any order, authorization or resolution for the payment of money violating any provision of this section shall be wholly void, but the same shall constitute a personal claim against the officer or against any member of the City Council voting the same. No officer or official body of the City shall have any power to contract or create any indebtedness or liability against the City except in accordance with the provisions of this Charter. No contract requiring the payment of money by the City shall be valid unless the particular fund out of which the same is to be paid is specified in such contract.

(b) When any such order shall have been paid by or received by the City Treasurer it shall not again be issued, but he shall

immediately cancel the same and file the same away in his office keeping the orders drawn upon each fund separate.

(c) The City Council may provide for the examination from time to time of such cancelled orders and also all cancelled bonds, certificates or indebtedness or other obligations in the hands of the City Treasurer and for their destruction, preserving such orders or vouchers thereof as the City Council may deem proper.

SEC. 55. FUNDS RAISED BY TAXATION. There shall be maintained in the City Treasury the following funds for the support of which the City Council may levy an annual tax:

1. An interest fund for which there shall be levied a sum sufficient for the payment of the interest to become due during the next fiscal year upon bonds and indebtedness of the City and out of this fund such interest only shall be paid.

2. A Library Fund for the support of the Public Library into which fund shall be paid all gifts or devises made for the support of the Library.

3. A Sinking Fund for the purchase or payment when due of any bonds, certificates or indebtedness or other bonded debt of the City.

4. A Poor Fund for the support and relief of the poor as may be necessary by paying for the board and care of applicants, providing transportation to their homes, paying rent, furnishing provisions, clothing, fuel and medical attendance, and burying the dead.

5. A Musical Entertainment Fund for the purpose of providing musical entertainments to the public in public buildings or upon public grounds.

6. A Park, Playground and Recreation Fund for the acquisition and maintenance of public parks, playgrounds, baths, gymnasiums, halls and similar places of public recreation, entertainment and amusement for the well-being of the inhabitants of the City. Into this fund shall be paid all money from whatever source received, including gifts and devises, to be used for any such purpose.

7. A Permanent Improvement Fund for the payment of the costs of real property which the City shall acquire, payment for which is not otherwise provided for out of other funds and for the payment of such proportion of the cost of local improvements as shall devolve upon the City, *and of interest and principal of bonds issued for the benefit of such fund.*

8. A Public Utility Fund for the acquisition, construction maintenance and operation of any public utility owned or operated by ^{the} City, including payment of the interest on any bonds or other indebtedness which may be a lien upon such utility. There shall be paid into this fund all moneys from the sale of bonds or certificates of indebtedness issued on account of any utility, and from the operation of such utility, and from the sale of any property acquired for or used in connection with any such utility. There shall be paid out of this fund the costs of the purchase, construction, extension, operation, maintenance and repair of such utility, including the interest upon all bonds, certificates of indebtedness or other indebtedness issued which may be a lien upon such utility. Any surplus in said fund may be used for the purchase of any bonds or certificates of indebtedness issued against such utility and for the payment of such bonds or other indebtedness upon their maturity. Separate accounts shall be kept for each such utility operated separately.

9. A Permanent Revolving Fund which shall not be supported by taxation. There shall be paid into this fund moneys received on special assessments heretofore or hereafter levied by the City for local improvements and also the proceeds of the sale of any bonds or certificates of indebtedness authorized to be sold and the interest on cash balances remaining in said fund from time to time. Whenever the City Council may by resolution determine that an assessment for local improvements shall be payable in equal annual installments as provided for in Chapter VI of this Chapter, it may order the issuance and sale of extended assessment certificates representing such installments of such assessment, in an amount not exceeding seventy-five per cent (75%) of the total cost of such improvements, which shall entitle the holder thereof to demand and receive from the City of Little Falls, upon the surrender of such certificate to the City Treasurer on or after the date of payment thereof the amount of money named to be paid therein, with the rate of interest stipulated, now however, to exceed six per cent (6%) per annum to be paid thereon to the due date thereon and not after such date. Such certificates shall be issued in such amount, and become due on such dates as will correspond with the number of installments in which such assessment is payable, and the times when the same will be collected as nearly as may be. The faith and credit of the City are irrevocably pledged for the redemption of the certificates so issued. The proceeds from the sale of such certificates shall be paid into the Permanent Revolving fund. The City Council may in its discretion either sell such certificates direct to investors or may contract for the sale of all such certificates that may be issued during any calendar year. No sale of such certificates

by contract shall be made except after advertising for bids at least once a week for two (2) successive weeks prior to such sale in the official newspaper of said City and such sales shall be made to the highest responsible bidder. Bids may be asked on the basis of a rate of interest specified in the proposals and on the net interest basis on which the bidder will pay for the same.

9. A Revenue Fund for the support of such other funds and for the payment of such expenses of the City as the Council may deem proper. All appropriations and expenses of the City not otherwise provided for shall be paid out of this fund. Into this fund shall be paid all moneys not herein provided to be paid into any other fund.

10. Such other funds as the City Council may from time to time by ordinance establish.

Sec. 56. BONDS. (a) The City of Little Falls, may issue bonds or certificates of indebtedness by ordinance as follows:

1. To pay or refund any indebtedness of the City.
2. To purchase, construct, extend, improve and maintain public utility plants. Such bonds or certificates of indebtedness so issued shall be a specific lien upon such plants named in such ordinance authorizing the issuance of such bonds or certificates of indebtedness.
3. For benefit of the permanent revolving fund in an amount not exceeding seventy five per cent (75%) of the total cost of any improvement, made under the provision of chapter VI. of this charter or under the provision of any prior city Charter or of any law of the State of Minnesota and the cost of which shall not have been assessed prior to the adoption hereof.
4. For the benefit of the permanent improvement fund, in an amount not exceeding the cost of public improvements in street, avenue

and alley intersections, and along or abutting or benefiting real estate not subject to special assessments for local improvements; provided that one year's interest on, and an amount not less than one-twentieth (1/20) of the principal of all such bonds outstanding shall be levied annually against the taxable property of said city for the benefit of said fund for payment of interest upon and the redemption of said bonds.

16). Bonds of the City shall in no event bear a greater rate of interest than five and one half per cent (5½%) per annum and shall in no event be sold for less than par value thereof and accrued interest and they shall run for a period of not more than thirty (30) nor less than one (1) year and shall be issued in such denominations as the City shall deem best.

Bonds or certificates of indebtedness issued under the provisions of this Section shall be general obligations of the City, and the faith and credit of the City are irrevocably pledged for the redemption of such bonds or certificates of indebtedness .

The indebtedness of the City provided for in this title together with all other indebtedness of the City shall in no event except as elsewhere provided exceed ten (10) per cent of the total value of the taxable property of the City according to the last preceding assessment for the purpose of taxation, provided, however, that bonds or certificates of indebtedness issued for either of the purposes provided for in subdivisions 2, 3, and 4 of Paragraph 2 of this section shall not be taken to be a part of the indebtedness of said City within the purview of this Charter.

SEC. 57. DUTY OF COUNTY TREASURER AND AUDITOR. (a) It is hereby made the duty of the County Treasurer of Morrison County to keep his accounts so as to show at all times the amount of money received for

the City in the collection of taxes and special assessments, specifying all such taxes by the respective years for which they were levied and the respective portions thereof which are for interest and penalties and specifying all such assessments, by roll or contract numbers as the same are certified to the County Auditor by the City Clerk. It is hereby made the duty of the County Auditor of Morrison County quarterly to draw his warrant on the County Treasurer in favor of the City Treasurer for all money in the County Treasury for taxes belonging to the City and another warrant for all money collected on account of special assessments belonging to the City, and upon presentation of the same to the County Treasurer of Morrison County he shall pay the same respectively out of the moneys received by him for the City for taxes and for special assessments respectively. Said County Auditor shall at the same time transmit to the City Council a statement showing the separate amounts so paid on account of each separate local improvement, and in such settlement there shall be accounted for and paid over to the Treasurer such portion of the interest paid by bankers with whom funds of said county are deposited as have accrued upon funds arising from city taxes and assessments so deposited with such county funds or as parts thereof. No county officer or board shall have any authority or power to refund, reduce or abate any special assessments.

(b) Whenever previous to any of the settlements provided for by law there shall be a lack of funds in the City Treasury for any purpose and there shall be funds in the County Treasury which shall have ^{been} collected on account of city taxes or assessments the County Treasurer shall on application of said City Treasurer advance and pay over such funds as shall be estimated to be the amount collected on account of such city

taxes and assessments and such advances shall be accounted for and adjusted at the next regular settlement of said city.

The City Treasurer shall forthwith after such settlement adjust and apportion the sums so advanced among the several city funds in his hands.

Sec. 55. LIMIT ON EXPENDITURES. (a) Whenever the expenses and obligations incurred, chargeable to any particular fund of the city in any fiscal year, are sufficient in the aggregate to absorb eighty per cent (80%) of the entire amount embraced in the tax levy for that year for such fund, together with eighty per cent (80%) of the amount estimated in the apportionment of the current year to be received by said fund from other sources, including such amount as may remain in the fund from the levy of any prior year or years, no officer, board or official body of the City shall have any power and no power shall exist, to create any additional indebtedness (save as the remaining twenty per cent (20%) of said tax levy is collected) which shall be a charge against that particular fund, or which shall be in any manner a valid claim or liability against the city, but such additional indebtedness attempted to be created shall be a personal claim against the officer or the members of the municipal board or body voting for or to create the same.

(b). The City Clerk shall as soon as may be after the first day of August in each year make report to the City Council of the actual expense of the city for the first quarter of the ¹ten current fiscal year, the amount of the taxes collected and outstanding, and of the revenues received from other sources, and if upon the making of such report it shall appear that the current expenses for such quarter have exceeded the estimate upon which the tax levy therefore was based or that the revenues of said City are likely to be less than the amount estimated at the time

of making such tax levy, the City Council shall forthwith proceed to reduce the current expense of said City in such manner as may be deemed advisable.

In all contracts for lighting the streets, the right of the City to reduce the amount of service on account of deficiency of revenues shall be reserved.

SEC. 59. TAX LEVY. The City Treasurer shall on the first day of September of each year report to the City Council the amount of all revenues received by the City for the year ending on the first day of September and in detail the source from which received. The finance committee shall on or before the first day of September in every ^{year} report to the Council an estimate of the amount required by the City for all purposes for the then next ensuing fiscal year, stating the amount required to meet the interest and maturing bonds, of the outstanding indebtedness of the City, and showing specifically the amounts necessary to be provided for each fund and also an estimate of the amount of income from all sources of revenue exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation to defray all such expense and liabilities of the city. The City Council shall thereupon determine the sum to be raised by taxation and make appropriations in detail for the next ensuing year and not later than October 10 transmit to the County Auditor of Morrison County a statement of the amounts so to be raised by taxation, and the County Auditor shall thereupon raise the same by tax levy as by law provided.

All taxes, except as otherwise herein provided for special assessments, shall be levied by resolution of the City Council and no taxes shall be invalid by reason of any informality in the manner of levying

or certifying the same or because the amount levied shall exceed the amount required to be raised for the special purpose for which the sum is levied, but in such case the surplus shall go into the fund to which such tax belongs and may be applied to the further uses of such fund.

SEC. 60. ANTICIPATION OF TAXES. At any time after the annual tax levy has been certified to the Auditor and not earlier than October 10 in any year, the City Council may by ordinance passed by two-thirds (2/3) vote of all the members thereof issue and sell from time to time as may be needed, certificates of indebtedness in anticipation of the collection of the taxes so levied as aforesaid for any special fund named in said tax estimate for the purpose of raising moneys for such special funds, but no power shall exist to issue certificates for any of said separate funds exceeding fifty per cent (50%) of the amount named in said tax estimate to be collected for the use and benefit of said fund, and no certificates shall be issued to become due and payable later than December 31 of the year succeeding the year in which ^{said} tax estimate certified to the auditor as aforesaid was made. Said certificates shall not be sold for less than par and accrued interest and shall not bear a greater rate of interest than six per cent (6%) per annum, which certificates shall state upon their face for which of said separate funds the proceeds of said certificates shall be used and the whole amount embraced in said tax estimate for that particular purpose. The proceeds of the tax assessed and collected as aforesaid on account of said fund and the faith and credit of the City are irrevocably pledged for the redemption of the certificates so issued.

SEC. 61. BOARD OF EQUALIZATION. (a) The Mayor, the City Clerk

and the President of the City Council shall constitute the Board of Equalization and shall be sworn according to law as such and shall meet in the City Hall on the fourth Monday of June in each year and shall continue in session not later than the second Monday in July to review, revise and equalize the assessments made by the City Assessor pursuant to the general laws of this state.

(b). Said board shall elect a Secretary who shall keep a record of its proceedings and it is hereby vested with all powers which are or may be vested in County Boards of Equalization under the general laws of this state, but shall not be restricted by any limitations in respect to reducing the aggregate sums of real and personal property as returned by the City Assessor.

(c). Any person aggrieved by an assessment shall have the right to appear before such board in person or by attorney and present such grievance for its consideration.

(d). The City Assessor shall be present at all meetings of the said board to present all facts relating to the assessments, and shall revise his assessment rolls in accordance with the decision of said board and after the same shall have been certified by the secretary of said Board shall transmit to the County Auditor such revised assessment rolls not later than the *second* Monday in July of each year, and unless otherwise provided the assessor shall proceed under the general laws of the state.

(E). Any person who deems himself aggrieved by any assessment may lay the matter before the City Clerk whose duty it shall be to investigate the facts connected with such assessment before the next assessment is made, and if he finds the ~~aggrievance~~ *aggrievance* to be true he shall immediately *to be kept for that purpose and make entry of such changes in the next assessments books* make such correction as may be necessary in a book ~~or~~ *or* bring the matter

before the City Assessor or before the next Board of Equalization for proper adjustment.

SEC. 62. SINKING FUND. (a). In order to provide for the payment of the bonds and debts of the City, the City Council shall maintain a Sinking fund and for that purpose shall levy upon all the taxable property of the City such taxes as shall be sufficient to pay the interest to become due during the next fiscal year, upon all bonds, certificates of indebtedness or other indebtedness of said City heretofore or hereafter issued or contracted and an additional tax of one mill on the dollar of the assessed valuation of all such taxable property for the principal of said bonds, certificates of indebtedness or other indebtedness when the same shall become due.

The Mayor, the President of the City Council, and the chairman of the finance committee of the City Council shall constitute and be known as "the Commissioners of the sinking fund of the City of Little Falls," and such Commissioners shall have charge and control of such sinking fund. Any two of said officers above named are hereby authorized and required to discharge the trusts and duties vested in them by the provisions of this Section, but shall not be entitled to receive any additional salary or compensation for such services.

(b) Such Commissioners shall, from time to time invest the money which shall constitute the Sinking Fund for the redemption of the city debt or any surplus of interest to the credit of the interest fund or as much thereof as they can in the purchase of bonds issued by said City or bonds issued by Little Falls school district at the market value thereof, or in the hands of the State of Minnesota or in United States bonds, notwithstanding that the said State or United States bonds

may be above par value thereof, and deposit the same in a designated depository as hereinafter provided. Provided that preference at all times be given to the purchase of bonds, certificates or obligations of the City if the same can be secured at reasonable rates.

(c). Whenever any part of said Sinking Fund shall have been invested in any of the several bonds mentioned in this act and such commission^r shall at any time thereafter deem it for the best interest of the said City to sell any part or all of such bonds and invest the proceeds thereof in any description of such bonds or cover such proceeds into the City Treasury or deposit the same as hereinafter provided for, such Commissioners shall have power to sell any such bonds at not less than market value thereof and reinvest or deposit the proceeds thereof.

(d) In case bonds, certificates of indebtedness or other obligations of the city can not be purchased at par value and such Commissioners shall deem it advisable, part or all of said Sinking Fund may be deposited in one or more designated National Banks, Savings Banks, or Private banks in the name of the City of Little Falls. Such Bank, banks or bankers shall be designated by the Council after advertising in one or more newspapers published in the City of Little Falls, for at least one (1) week for proposals, which proposals shall state what security shall be given to such City for such funds and what interest shall be paid on the amount so deposited, said funds with the accrued interest to be held subject to draft and payment from and after the time to be designated by such Commissioners at the time of depositing said funds.

By ^{for} any National, State, Private or Savings Bank or Banks or Banker shall be designated as such depository, such bank or banker shall deposit with the City Clerk a bond payable to the City of Little Falls

which bond shall be approved by the City Council and shall be in such amount as said Council shall direct, which amount shall be at least double the amount of the funds to be deposited with such bank or banker.

(e) Whenever any of the moneys constituting the sinking fund for the redemption of the city debt shall be required for any purchase, investment or deposit or for the redemption of the city bonds or certificates of indebtedness at their maturity, the amount of money so required on such payment shall be paid by the City Treasurer upon the warrant of such Commissioners or two of them, the Mayor being one; the City Clerk shall attest said warrant and affix the seal of the City thereto.

Sec. 63. JUDGMENTS AGAINST CITY.- If any final judgment at any time be recovered against such City, the City Council shall at the time of making the next annual tax levy after the rendition of such judgment assess a special tax upon all the taxable property in the City sufficient to pay such judgment. In case of failure to collect taxes or for other cause such levy shall prove insufficient, new taxes shall be levied until the whole of such judgment is paid. Any excess of the amount so levied and collected over the payment of such judgment shall be credited to the revenue fund of the City.

Sec. 64. REMISSION OF JUDGMENTS.- No penalty or judgment recovered in favor of said City shall be remitted or discharged, except by a vote of two-thirds (2/3) of the City Council.

CHAPTER VI.

LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS.

Sec. 65. POWER TO MAKE and ASSESS COST.- The city of Little Falls shall have power to create, provide for, construct, maintain, and do directly, by employment of labor, or by contract, all things of the nature of local improvements, which by the laws of the state are made, or may be made, chargeable by special assessments upon the property specially benefited thereby, or which not being prohibited by the laws of the state, may inhere in, or pertain to, municipal corporations. It also shall have the power, under the conditions hereinafter specified to provide for the payment of the whole, or any part, of the cost of any such improvements by special assessments upon the property specially benefited, thereby. The amount assessed to the property specially benefited, to pay for such local improvements authorized by this section, shall not exceed the amount of benefits received by such property.

The city shall have power to do any of the things in this section, authorized, at a cost in excess of the benefits received by the property to be assessed therefor, whenever it is provided that such excess shall be paid by general taxation.

In determining the cost of the improvement for the purpose of making the assessment therefor, any damage which may be occasioned to private property by such improvement, shall be included as part of the cost. For the purpose of making the assessments, the proportionate part of the cost of the improvement shall be considered to be the amount of the benefit to the property assessed.

Sec. 66. SIDEWALKS, SEWERS and SPRINKLING.-- The council may, by a four-fifths vote ^{by ordinance}, order the construction of any sidewalk or sewer, or the sprinkling of any highway, which it deems necessary for public convenience, welfare or safety, and may cause the cost of such construction or sprinkling, or any portion of such cost, to be assessed against the property specially benefited thereby.

In case of failure of the owners or occupants of property within the city to promptly remove accumulations of snow, garbage, dirt or other obstructions from the sidewalk, or streets or alleys on which such property abuts, when notified to do so by the street commissioner, the street commissioner may cause the same to be removed and the cost of such removal shall be assessed against such property and shall constitute a lien thereon and shall be collected in the same manner as special assessments.

SEC. 67. PROCEDURE FOR IMPROVEMENTS.

(A) UPON PETITION THEREFOR:-

The council may, upon the petition of not less than twenty-five (25) percent of the owners resident in Morrison County, Minnesota, and owning not less than twenty-five (25) ^(per cent) of the real estate to be assessed therefor, as shown by the records in the office of the Registry of Deeds, of Morrison County cause to be made any improvements authorized by law or by this charter to be made by the city, and may thereupon assess the cost of such improvements, or any portion thereof, against the property specially benefited by such improvements.

The council may cause such work to be done directly by and under the supervision of the street commissioner or city engineer or may provide for the doing of the work by contract under the inspection of the city engineer.

Having ascertained the damages and expenses of such improvement the council shall, thereupon apportion and assess the same together with the costs of the proceedings, upon the real estate by them deemed specially benefited, in proportion to the benefits resulting thereto from the improvement, as nearly as may be, and shall briefly describe the real estate upon which the assessment may be made;

and it shall constitute no legal objection to such assessment, that the amount thereof either exceeds or falls short of the original estimate of the cost of the improvement.

(B) WITHOUT PETITION THEREFOR:

In case the city council shall at any time deem it necessary that such improvement above referred to be made, it may without petition therefore, upon a two-thirds (2/3) vote of its members, declare by resolution the necessity of such improvement, and its determination to have the same made. Such resolution shall particularly describe the improvement to be made and the cost thereof, as previously estimated by the city engineer, and shall state therein what proportion of such cost it is proposed to assess against the property specially benefited by such improvement, and the territorial limits within which such assessment is proposed to be made. Upon the passage and publication of such resolution, a period of sixty (60) days ^{shall} elapse before any further action shall be taken by the council in the matter of such improvement. If, within said sixty (60) days period a remonstrance against such improvement be filed with the council, signed by not less than twenty-five percent (25%) of the owners residing in Morrison County Minnesota, owning not less than twenty-five (25%) of the property proposed to be assessed for such improvement, protesting against the making of the improvement, the council shall not make such improvement at

the expense of the property benefited, unless in the mean-
time, there be filed with the council a petition asking
that the improvement be made, signed by other property ow-
ners in number and amount of interest equal to those sign-
ing the remonstrance, in which event the council may proceed
with such improvement at the expense of the property benefit-
ed notwithstanding the remonstrance.

Sec. 68. STREET INTERSECTIONS.

The cost of grading, paving and other local improvements
in the intersections of streets, avenues and alleys with other
streets, avenues and alleys, shall be paid out of the perma-
nent improvement fund and no assessments for benefits for
any such improvements shall ever be made.

Sec. 69. UNPLATTED PROPERTY.- If the council shall deem
any such improvement on any street which has been designated
as a state road, or on a street in front of unplatted prop-
erty, especially beneficial to the public at large, it may, up-
on unanimous vote of its members, order to be paid ~~from the~~
from the permanent improvement fund, not to exceed twenty-
five (25%) of the cost and expense of the improvement on
such state road, and not to exceed fifty (50%) of the cost
and expense of the improvement on such street in front of
unplatted property, and shall assess the remaining percent-
age of the cost against the abutting property.

Sec. 70. DEFICIT IN COST.- In case the amount collected by assessment prove insufficient to pay the cost of the improvement the council may authorize the payment of the deficit out of the permanent improvement fund.

Sec. 71. ASSESSMENT OF COST.- When it has been determined that any improvement provided for in the foregoing sections is to be made, and the cost therefore, and the proportion of such cost which is to be assessed against the property benefited ascertained, the City Council and the City Engineer shall cause such assessment to be made and the amount thereof apportioned among the lots to be benefited upon the basis of an equal sum per front foot of each lot or parcel of land abutting on such improvement; or in case of the construction of district, joint district and lateral sewers, shall apportion such assessment in the manner provided in laws of Minnesota 1915, Chapter 55, and any amendments thereof; provided, that a lot or tract abutting on two streets along which lateral sewers may be constructed, shall be assessed only on the basis of the number of feet, abutting on the street on which it fronts. The city council shall cause an assessment roll to be made in accordance with such apportionment, and the proposed assessment roll so made up shall be *filed* with the City Clerk and be open to public inspection.

The City Clerk shall thereupon under the City Council's direction cause notice of a meeting of the City Council to pass upon such proposed assessment to be published in the official newspaper at least one (1) week prior to such meeting. At such meeting the City Council shall hear and pass upon all objections to such proposed assessment if any, and may if it deems it just amend such proposed assessment as to any lot or lots, and upon the adoption by resolution of such assessment, the same shall constitute the special assessment against the lands named therein, and publication of such resolution shall constitute notice of the confirmation of such assessment. Such assessment shall be a lien on the land from the time of the publication of such resolution, as against the owner and every person in any way interested in the land.

Before the owner of any lot or tract of land which has not been assessed, for the construction of a lateral sewer, shall be allowed to make a connection with such sewer, either directly or indirectly, he shall be required to pay into the permanent improvement revolving fund, such a sum

as may be fixed by the council, which sum shall not be less than the amount assessed for the construction of such sewer on a basis of twenty-five (25) feet frontage.

Provided that the cost of any local improvement made under the provisions of any prior City Charter or of any law of the State of Minnesota, the cost of which shall not have been assessed prior to the adoption of this Charter, shall be assessed and the assessment collected in same manner as the cost of improvements made wholly under the provisions of this Charter.

Sec. 72. APPEAL FROM ASSESSMENT. -- Any party interested in any property assessed under this Chapter may appeal from such assessment to the District Court, County of Morrison, Minnesota, within thirty (30) days after publication of the resolution adopting such assessment. Such appeal is hereby declared to be the exclusive way in which such assessments can be in any wise revised, modified, amended or annulled.

Sec. 73. SAME-PROCEDURE. -- Said appeal shall be made by ~~submitting~~^{delivering} upon and leaving with the Mayor, a written notice stating that the party appeals to said District Court from said assessment, and containing a description of the property of said appellant so assessed.

and the objection of said appellant to such assessment and by filing with the Clerk of said District Court, within ten (10) days thereafter, a copy of said notice of appeal. In case of an appeal the council shall cause a copy of the assessment roll to be made and filed with the Clerk of the District Court within ten (10) days from the time of the service of the notice of appeal. In case the return so made to the District Court shall in any respect be defective, or insufficient, the court may require a further and fuller return to be made. The cause shall be entered by the Clerk of the District Court in the name of the person taking the appeal against the city as an "appeal from assessments", and it may be brought on for hearing by either party, the same as causes in said District Court.

Sec. 74. SAME TRIAL. -- Such appeal shall be tried by the District Court without a Jury, at a general or special term, without pleadings other than as above stated. Upon such trial the appellant can make no other objections to said assessment than those stated in his notice of appeal, but the court may in its discretion, permit such notice to be amended in this respect at any time. The court shall hear such competent evidence as may be offered by either party, and may revise, correct, amend, reduce or confirm the assessment appealed from,

or may order a new assessment to be made as to the property concerning which such appeal is taken, and in that event shall direct the council how to make such new assessment so as to avoid the error complained of. The assessment roll shall, when adopted and confirmed by the council, in all cases, whether on an appeal or otherwise, and in all courts, be prima facie evidence of the validity of all proceedings up to, and including, the confirmation of the assessment. Disbursements but no costs, may, in the discretion of the District Court, be allowed upon an appeal from assessments as in other civil cases, but the judgment entered therefor against said City shall be a separate judgment and paid out of the general fund of the city. From the determination of such appeal by the District Court, either party may appeal to the Supreme Court of the State.

Sec. 75. RE-ASSESSMENTS. -- If an assessment shall be set aside by the District Court for any cause, jurisdictional or otherwise, the council shall proceed to make another or new assessment and it shall proceed in like manner as herein required, in relation to the first assessment. Provided, however that if the assessment as to any parcel of land shall not be appealed from, or shall not have been set aside by the Court, the council in any subsequent assessment or re-assessment, may omit the pieces or parcels of land as to

which the first assessment shall not have been set aside or appealed from or on which the assessment shall have been paid. As often as an assessment or re-assessment against a piece or parcel of real estate assessed for any local improvement is set aside, the same shall be re-assessed until said property shall have paid its proper proportionate share of the benefits accruing from said improvement.

Sec. 76. SPECIAL ASSESSMENT ROLLS.-- Assessments made under this chapter shall be called and known as "Special assessment of the City of Little Falls, No.---" and shall be numbered consecutively, and all such assessments shall be sufficiently identified by the name and number aforesaid. Every assessment roll in addition to such designation shall show the improvement or work for which levied, and shall include a statement in tabular form, showing a description of each lot or tract of land benefited and assessed for such improvement or work, the names of the respective owners as shown by the tax lists and the amount of benefits or cost of work assessed against said premises respectively.

Sec. 77. PAYMENT IN INSTALLMENTS.-- Every assessment made under the provisions of this chapter shall be payable forthwith or in such a number of equal annual installments,

not exceeding twenty (20) as the City Council shall determine, and every resolution adopting and confirming any assessment shall state whether such assessment shall be payable in one sum or in equal annual installments, as hereinafter provided for, and if in such installments, the number of the same.

If the City Council determine that any assessment shall be payable in installments as herein provided for, the City Clerk, shall immediately after the publication of the resolution adopting such assessment, cause a certified copy of such resolution and the assessment roll thereof, to be recorded in the office of the Register of Deeds of Morrison County, Minnesota and the recording of such resolution and assessment roll shall be notice to all the world of the existence of the lien of such assessment.

Sec. 78. COLLECTION OF ASSESSMENTS. -- The City Clerk shall as soon as may be after the publication of the resolution adopting any assessment, transmit to the County Auditor of Morrison County a certified copy of such resolution and of the assessment roll of the assessment adopted thereby, and the County Auditor shall include either the whole of such assessment if the same is payable in one sum, or the first installment thereof if the same is payable in installments, together with one year's interest at the rate of six percent (6%) per annum.

on the whole of such assessment and like interest thereon from the date of the assessment to the time when the tax books including the same are delivered by the County Auditor to the County Treasurer, with and as a part of the annual taxes upon each parcel of land, and such assessments shall be collected and turned over as ⁱⁿ this Charter provided for. Hereafter, if such assessment be payable in installments, the County Auditor shall include in the taxes upon each parcel of land for each year, one of said installments, together with one year's interest upon such installment and all subsequent installments at the rate of six percent (6%) per annum until all of said installments are so included. All such assessments and installments and interest shall be collected with the annual taxes, with like penalties and interest in case of default, all of which shall be collected with and enforced as the annual taxes and credited to the proper fund as in this Charter provided. Any parcel of land assessed may be discharged from the assessment at any time after the receipt of the assessment by County Auditor, by paying all the installments that have gone into the hands of the County Treasurer as aforesaid, with accrued interest, penalties and costs, and by paying all subsequent installments, and accumulated interest, and thereupon the County Auditor shall certify to that fact.

under his hand and seal, and the same when recorded in the office of the Register of Deeds shall release and discharge said lien of record.

Sec. 79. MISCELLANEOUS PROVISIONS.--- All assessments with penalties and interest thereon paid *to* the County Treasurer, shall belong to the *City* of Little Falls, and shall be turned over to the City Treasurer by said County Treasurer in the manner provided by law.

When in any case any portion of the cost and expense of making any improvement mentioned in the foregoing section shall by virtue of any valid law or ordinance or by virtue of any valid contract, be chargeable upon any railway company, the amount so chargeable may be assessed upon said railway company, and the balance only upon the real estate benefited thereby, and the *city* may collect the amount so assessed upon said railway company by distress and sale of personal property, in the manner provided for by the general laws of the state in the case of taxes levied upon personal property or by suit brought for that purpose; provided however, that any real estate belonging to such railway company and deemed benefited by the said improvements shall be assessed as in other cases.

Every franchise granted to any public service corporation shall contain a provision that such corporation shall to the extent of such franchise be subject to all the provisions of this Charter in all respects the same as any other corporation.

If for any cause the proceedings of the City Council or of any of its officers may be found irregular or defective, whether jurisdictional or otherwise, the Council may order a new assessment from time to time, and as often as needs be, until a sufficient sum is realized from the real estate benefited by such improvement to pay all the costs, damages and expense incurred thereby.

Sec. 80. REGULATIONS AND FORMS. -- The council may prescribe such rules and regulations for the doing of such public work and forms for the making of such assessments as may be deemed necessary and proper, and cause printed copies of such rules and regulations to be on hand at the clerks office for distribution to parties interested.

CHAPTER VII
EMINENT DOMAIN.

Sec. 81. POWER.-- The City of Little Falls, 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, and the fact that the property so needed has been acquired by the owner under the power of eminent domain, or is already devoted to public use, shall not prevent its acquisition by said city:

In addition to the power to acquire property for other public purposes, said city may also acquire, as herein provided, any line or lines of street railway within the city, and all the rolling stock, equipment and other properties of any person, company or corporation, used in operating such line or lines of street railway, and may also acquire and operate any gas, water, heat, power, light, telephone or other plant, or other public utility; but no proceeding to acquire any such street railway system or other plantⁿ utility shall be consummated unless the city has the money in its treasury to pay for the same or unless provision for paying for the property proposed to be acquired has been made by vote of the people.

The city is also hereby empowered to install or construct and operate any public utility plant mentioned in this section.

Sec. 82. PROCEDURE.--The necessity for the taking of any property by the city shall be determined by the council and shall be declared by resolution which shall describe such property as nearly as may be and state the use to which it is proposed to be devoted. The acquisition of such property may be accomplished by proceeding at law, as in taking land for public use by right of eminent domain by the laws of

Minnesota, except as otherwise provided in this chapter.

Sec. 83--- PAYMENT OF DAMAGES. Whenever an award of damages shall be confirmed in any proceeding for the taking of property under this Chapter 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 one year of such final determination, pay the amount of such award with interest thereon at the rate of four per cent (4%) 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 therefore may be had against the city.

Sec. 84 ABANDONMENT OF PROCEEDINGS. The city may, by resolution of the Council, at any stage of the condemnation proceeding, or at any time within thirty (30) days after any commissioners appointed by the court hereunder shall have filed their report with the clerk of said court, or in case of an appeal to the District or Supreme Court at any time within thirty (30) days after final determination thereof, abandon such proceedings as to all or any part of the property sought to be acquired and shall thereupon pay all costs thereof.

Sec. 85. PUBLIC UTILITY SYSTEMS. In case the city shall condemn any system of street railway or other public utility, which is operated at the time of the commencement of 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, land, 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 in condemnation or other body concerning the damages.

Sec. 66. SALE OF PROPERTY. No public utility owned by the city, whether acquired prior to the adoption of this charter or thereafter, shall be sold, leased or otherwise disposed of by the city, unless the full terms of the proposition of said sale or other disposition thereof, together with the price to be therefor, shall have been published in the official paper of said city once a week for at least (2) consecutive weeks, before final action of the council, and submitted to a vote of the people for ratification or rejection at the next annual municipal election and article by, at least a two-thirds (2/3) majority vote of the electors voting thereon.

No real property of the city shall be disposed of except by public auction. The proceeds of the sale of any property belonging to the city used for purposes mentioned in subdivision 3 of Section 65 shall be used only for the purchase or improvement of property of the character mentioned in said subdivision 3.

Sec. 67. PURCHASES. Instruments for purchase, title, conveyance, building lines, water, water, pneumatic tubes and pipes and conduits for water, gas, steam, heat and power may be required by the council to be conducted by the council in the manner provided by Chapter 101 of the General Laws of Minnesota for the year 1905 or until such regulations to require a public hearing and process have been adopted, which regulations shall be in full force.

CHAPTER VIII.

PUBLIC UTILITIES.

Sec. 88. MANAGEMENT--The City Council shall have power by ordinance to provide for the maintenance, management and operation of any public utility, now or hereafter owned or acquired by said City, and to make all needful rules and regulations respecting the operation of the same, including the fixing of rates and charges; and may by such ordinance provide for the operation, management and maintenance of such public utility or utilities under the direct supervision of the City Council or a committee thereof, or by a commission or commissioner to be selected as in such ordinance provided, either for each utility separately or for one or more of the same, and may by such ordinance delegate to such commission or commissioner full, absolute and exclusive control and power over such public utility or utilities and the maintenance, management and operation of the same, including the making of needful rules and regulations respecting the operation of the same and the fixing of rates and charges, subject always to modification or revision by ordinance; provided that in no event shall the obligation of any contract be impaired thereby, and provided further such rates and charges shall be high enough to produce a revenue sufficient to bear all costs of maintenance and operation and to meet interest charges on all bonds or certificates issued on account of such utility; provided further that no such property shall be leased or sold except as in this chapter otherwise provided for.

CHAPTER III.

FRANCHISES.

Sec. 89. GRANTED BY ORDINANCE.— All public utility franchises and all renewals, extensions and amendments thereof shall be granted or made only by ordinance adopted by the affirmative vote of seven-ninths (7/9) of all the members of the City Council; but no such proposed ordinance shall be adopted until it has been printed in full, and until adequate public hearings have thereafter been held on such ordinance, and until at least two weeks after it has been published in the official newspaper in final form. Copies of all transfers and mortgages or other documents affecting the title or use of public utilities shall be filed with the City Clerk within ten days after the execution thereof.

Sec. 90. TERM AND PURCHASE.— No perpetual or exclusive franchises shall ever be granted, nor shall any franchise be granted for a longer period than twenty (20) years. Every public utility franchise shall be subject to the right of the City of Little Falls to purchase the property of any public utility operated under such franchise, necessarily used in or conveniently useful for the operation thereof within the city limits, either at a purchase price which shall be accepted by both parties, or in case said parties shall fail to agree upon a fair purchase price, the question shall be submitted to a Board of appraisal which shall be composed of one person appointed by the grantee of such franchise, one person appointed by the City of Little Falls, and one person appointed by the

Judges of the District Court for the Judicial District in which said Morrison County is situated.

Such Board of Appraisers shall make an inventory of the property of the said grantee of such franchise proposed to be purchased by said City, and for such purposes shall have at all times unobstructed access to all premises, records and books of said grantee. Said Board shall set a fair value upon the said property proposed to be purchased by said City, as it existed at the time and date when intention of purchase was determined by said City Council, and make report of such value together with data on which the same is based to said City Council. If a fair purchase price is agreed upon and the report of such Board of Appraisers is unanimous, and the City Council shall consider the value as determined by said Board of Appraisers to be fair, the City Council may submit the question of the purchase of such property at such purchase price to the qualified electors of the City of Little Falls at a special election to be held on a day appointed by the said City Council as provided by law, and if the proposal to make such purchase shall be approved by the affirmative vote of four-sevenths of those voting on said proposal, the said City Council shall proceed immediately to purchase such property.

Section 91. REGULATION, REPORTS, ETC.- (A) All grants, renewals, extensions or amendments of public utility franchises, whether so provided in the ordinance or not, shall be subject to the right of the City:

(1) To repeal the same by ordinance at any time for non-use or non-use, or for failure to begin construction within the time prescribed, or otherwise to comply in any manner with the terms prescribed.

(2) To require reasonable, proper and adequate extensions of plant and service and the maintenance of the plant and fixtures at the highest practicable standard of efficiency.

(3) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;

(4) To examine and audit at any time the accounts and other records of any such utility, and in addition to the annual reports herein provided for to require additional and other reports as may be deemed advisable from each ^{of} such public utilities; provided that if a public service commission or any other authority shall be given the power by law to prescribe forms for accounts for public utilities throughout the state or throughout the district of which the City is a part, the forms so prescribed shall be controlling so far as they go, but the City Council may prescribe more detailed forms for the utilities within its jurisdiction.

(5) To prescribe by ordinance just, fair and reasonable rates, fares and charges for public service in the manner provided for in Chapter 469, General Laws of 1919, and the rates and charges thus prescribed by ordinance shall be presumed to be just, fair and reasonable. The granting of a franchise shall not be deemed to confer any right to include in the charge for service any return upon the value of the franchise or grant.

(6) To impose such regulations as shall be conducive to the safety, welfare and accommodation of the public.

(B) Every corporation, co-partnership or person, exercising any franchise in the City of Little Falls shall file annually within one month after the close of its fiscal year, in the office of the City Clerk, a statement, subscribed and sworn to by, at least, two officers of such corporation, or by the individual in control in case such franchise is exercised by a person or co-partnership, setting forth in detail for the preceding calendar year the actual cost, to said corporation, co-partnership or person, of the plant or business operated by such corporation, co-partnership or person; the actual encumbrances, debts and obligations thereof; if any; and as to its business done under such franchise; the gross earnings, and the amount expended during the year under each of the following heads separately: (a) operating expenses and upkeep; (b) betterment and extensions; (c) salary of officers of the corporation; (d) dividends and interest paid on indebtedness; (e) depreciation fund, if any; and the names, residences and the amount of the stock of all stockholders of such public service corporation, and such other items as may be requested by the City Council. If any bonds have been re-issued and not cancelled that fact shall be stated. This duty may be enforced by appropriate local proceedings. Every such corporation or person who fails to comply with the provisions of this section, shall be liable to the City of Little Falls, in the sum of One Hundred Dollars (\$100.00) for each day of such failure to be recovered in a civil action in any court of competent jurisdiction, and at the end

of sixty (60) days if such default shall continue, the City Council may forfeit such franchise.

Section 92. EXTENSIONS. All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such and shall be subject to all the obligations and reserved rights contained in this chapter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in section 91 hereof. In case of an extension of a public utility operated under a franchise hereafter granted, then such right shall terminate at the same time and under the same conditions as the original grant.

Section 93. VALUATION OF FRANCHISE.- The grantee of any franchise shall not issue any capital stock on account of the franchise or the value thereof, and such grantee shall have no right to receive and shall not be allowed, upon proceedings for the condemnation or purchase of the whole or any part of the property of any public utility, as in this Chapter provided for, any compensation on account of the franchise or its value.

Section 94. OTHER CONDITIONS.- Every public utility franchise hereafter granted shall be subject to all the terms and conditions contained in sections 89 to 93 hereof, inclusive, whether or not such terms are specifically mentioned in such franchise. Nothing in this charter shall operate to limit in any way, except as specifically stated, the discretion of the City Council, or the electors in imposing terms and conditions in connection with any franchise grant.

Section 95. FRANCHISE RECORDS.- Within six months after this charter takes effect every public utility and every owner of a public utility franchise shall file with the City Clerk, certified copies of all the franchises owned or claimed or under which any such utility is operated, and a plot showing the kind, character, and location of all public utility property and fixtures in the highways and public places of the City, except visible private service connections, and shall, as extensions, additions or repairs are made to such public utility system, report to and file with said City Clerk additional plots or data, showing all such public utility property or fixtures hereafter installed in the highways or public places of the City, except visible private service connections. The City shall compile and maintain a public record of all public utility franchises and of all public property and fixtures in the highways and public places of the City.

CHAPTER X
LIBRARY

SEC. 96 MANAGEMENT. The General laws of this state with respect to Public Libraries are hereby adopted and made a part of this charter except in so far as the same are inconsistent with the provisions of this charter, and any board or officer having control of the Library and the funds therefore, shall be subject to all the provisions of this Charter applicable to other boards or officers of the City.

CHAPTER III
MUNICIPAL COURTS.

SEC. 07. ESTABLISHMENT AND POWERS. Chapter 10, of the general laws of Minnesota of 1915, approved February 20, 1915, establishing a Municipal Court in this City of Little Falls, County of Morrison, State of Minnesota, is hereby adopted and made a part of this Charter. Such court shall possess all the powers and be subject to all of the provisions of the general laws of this State relating to municipal courts.

CHAPTER XII.

GENERAL PROVISIONS.

SEC. 98. CITY DEPOSITORIES. The Council shall biannually designate depositories of moneys in the City Treasury by competitive proposals. Such depositories shall be designated only within the state of Minnesota and upon condition that fidelity surety bonds are first given by such depositories to the city for the safe-keeping and prompt payment of such deposits; provided, that the amount deposited in any such depository shall not at any time exceed the assessed value of the capital stock of such depository as the same shall appear on the duplicate tax list. Whenever any of the funds of the city shall be deposited by the treasurer in any such depository, the sureties of his official bond shall, to such extent, be exempt from all liability thereon for loss of any such deposited funds by reason of the failure, bankruptcy or any other act or default of such depository.

SEC. 99. PRIOR ASSESSMENTS. All assessments made by the city prior to the time when this Charter goes into effect shall be collected and the lien thereof enforced in the same manner that they would have been collected and enforced if this charter had not been adopted.

The laws in force when any condemnation proceedings are commenced shall apply throughout such proceedings.

SEC. 100. NOTICE OF CLAIM. No action shall be maintained against the city ~~on account~~ on account of any injuries or damages to persons or property unless such action shall be commenced within one year from the occurrence of the injury or damage, nor unless notice shall have been given in writing to the City Clerk within thirty (30) days of the occurrence of such injury or damage, stating the time when and the specific place where and the circumstances under which the same occurred and that the person injured or damaged will claim damages of the city therefor.

SEC. 101. SAME~~AS~~ APPEAL. When any claim against the city is disallowed in whole or in part, the claimant may appeal from the decision of the council to the District Court, by causing a written notice of such appeal to be filed with the City Clerk within ten (10) days after the decision is made, giving security for costs to be approved by such City clerk, who shall forthwith notify the city attorney of such appeal. When any claim for more than one Hundred Dollars (\$100.00)

is allowed, no warrant shall be issued in payment of the same until ten (10) days after such allowance. Within such ten (10) days the city attorney may, and upon written demand of ten (10) resident tax payers of the city, he shall take an appeal from such decision to the District Court in the manner above provided. The tax payers making such demand shall be liable for the costs of the appeal in case the same is decided against the city and at the time of making such demand shall file with the City Clerk a bond to be approved by such Clerk to secure the payment of such costs. In case of such appeal, the proceedings and trial shall be the same as that provided by law for appeals from the board of county commissioners in like manner.

The word "claim" as used in this section shall be construed to mean such claims, only as are presented for audit, and not claims for salaries of officers and employees, or other fixed charges against the city, but such notice shall not be required when the person injured shall, in consequence thereof, be bereft of reason.

SEC. 102. ADVERSE POSSESSION. No right, title, estate or easement of the city in any property shall be lost by adverse possession or occupancy, and no statute

of limitations shall operate against the city in favor of any person occupying any public property or highway, whether such highway shall have been improved or not.

SEC. 103. LIABILITY FOR STREET DEFECTS. If any judgment shall be recovered in any action against the city for any injury or damage caused by any obstruction, excavation, opening or defect in any highway or public grounds caused or occasioned by the act or omission of any person or corporation, the city shall have the right to recover the amount of any such judgment from the person so responsible for such obstruction, excavation, opening or defect.

SEC. 104. BONDS. The city shall not be required in any judicial or quasi-judicial proceedings to enter into any bond or undertaking or to give any security whenever.

SEC. 105. ORDINANCES IN FORCE. All ordinances, regulations and resolutions heretofore made and established by the City of Little Falls, not inconsistent with this charter, are hereby adopted as the ordinances, resolutions and regulations of the City of Little Falls,

and shall be and remain in full force and effect until the same shall be altered, amended, modified or repealed.

This act is declared to be a public act, and may be read in evidence in all courts in this state and need not be pleaded or proven.

To the Honorable N.N. Bergheim,

Mayor of the City of Little Falls, Minn.

Sir:

We the undersigned, having been duly appointed by the judges of the District Court of the Seventh Judicial District of Minnesota as a Board of Freeholders to prepare and present a proposed amended charter for the City of Little Falls, pursuant to Section 36 of Article IV of the Constitution of the State of Minnesota and Sections 1342 to 1353, inclusive, General Statutes of Minnesota, 1913, and the laws amendatory thereof, hereby respectfully submit to your Honor, the attached drafts of such proposed amended charter to be submitted to the voters of said City according to law.

Signed by the undersigned, a majority of said Board this 18th day of March, 1920.

N. N. Bergheim Chairman

Frank E. Hall

Alfred Molde

E. A. Loucks

Peter J. Vasaly

Andrew Johnson

D. M. Cameron

Austin Kowlasky

E. H. Ryan

Ed M. Lafond

George Kiewel

G. M. A. Kortier Md

H. N. Venners

John Vertin

Andrew Johnson Secretary

2437
Attorney.