

CHARTER OF THE CITY OF WHITE BEAR LAKE, RAMSEY COUNTY, MINN.

CHAPTER I.

NAME, BOUNDARIES, RIGHTS AND LIABILITIES.

Section 1. Name and Boundaries. The Municipal Corporation in the County of Ramsey and State of Minnesota known as the "Village of White Bear Lake" shall continue to be a Municipal Corporation under the name of the "City of White Bear Lake" with the right to adopt and use a common seal and alter it at pleasure, and with boundaries as now established by law as follows.

Section 2. City Boundaries. The following described territory shall be and constitute the City of White Bear Lake. Viz: Section Thirteen (13), the east half ( $E\frac{1}{2}$ ) of section fourteen (14), and the south half ( $S\frac{1}{2}$ ) of the northwest quarter ( $NW\frac{1}{4}$ ), the north half ( $N\frac{1}{2}$ ) of the Southwest quarter ( $SW\frac{1}{4}$ ), the southeast quarter ( $SE\frac{1}{4}$ ) of the southwest quarter ( $SW\frac{1}{4}$ ) of Section fourteen (14), the east half ( $E\frac{1}{2}$ ) of the northwest quarter ( $NW\frac{1}{4}$ ), the southwest quarter ( $SW\frac{1}{4}$ ) of the northwest quarter ( $NW\frac{1}{4}$ ) of Section twenty-three (23), the northeast quarter ( $NE\frac{1}{4}$ ) of said Section twenty-three (23), and the north half ( $N\frac{1}{2}$ ) of Section twenty-four (24), all in township number thirty (30) north of range twenty two (22), west.

Section 3. Ward Boundaries, First Ward. All that portion of the City of White Bear Lake lying south of Birch Lake Avenue and Second Street shall constitute the First Ward.

Second Ward. The Second Ward shall constitute all that part of the City of White Bear Lake not included in the first ward and lying east of the center line of the right of way of the main line of the N.P. Railway formerly the St. Paul & Duluth Railway.

Third Ward. The Third Ward shall comprise all that part not included in the first ward and second ward.

Section 4. Rights and Liabilities. The City of White Bear Lake shall have perpetual succession and shall remain vested with and continue to have, hold and enjoy all property, property rights, rights of action, and rights of every kind now belonging or pertaining to the Village and shall be subject to all the liabilities that now exist against the Village.

CHAPTER II.

ELECTIONS.

Section 5. Filing for Office. Any voter possessing the qualifications for the office sought, may by appearing before the City Clerk, and signing a certificate setting forth such qualifications, and paying such filing fee as may be fixed by the Council, be entitled to have his or her name placed upon the official ballot, to be voted at the coming municipal election.

Section 6. Form of Filing Certificate. The filing certificate required shall be substantially as follows;

"I, \_\_\_\_\_, hereby offer myself as a candidate for the office of \_\_\_\_\_ of the City of White Bear Lake. I am a resident of \_\_\_\_\_ ward, and a legal voter of White Bear Lake. I now reside at No. \_\_\_\_\_, \_\_\_\_\_ St. (or Ave.)

Subscribed and sworn to before me the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
City Clerk.

Section 7. Filings for Office - Within what Time. Filings for office may be made not more than thirty days, nor less than six days, before the date of any regular or special election. Filings may be withdrawn at any time up to five days before the date of such election, by the candidate making personal application to the City Clerk, and signing a statement of withdrawal of candidacy.

Section 8. Annual Municipal Elections. Annual municipal elections shall be held on the first Tuesday after the first Monday in March, for the election of officers, and for the decision of such other measures as may properly be submitted to the vote of the people.

Section 9. Special and Recall Elections. Special elections, including recall elections, may be called by the City Council, whenever in its opinion, necessary or advisable, and such elections shall be held under the same provisions as those applying to the annual and general elections.

Section 10. Judges, Clerks and Notices of Elections. The Council shall make provisions for the holding of all regular or special elections, and appoint necessary judges and clerks for each voting precinct, and see that proper ballots and other necessary supplies for holding such elections are supplied, and notice given, stating the date and hours of such election, and naming the offices to be filled and any measures to be voted upon at such election. One copy of such notice shall be posted upon the bulletin board in the Council Chamber, and at least one copy posted in a conspicuous place in each voting precinct, at least ten days before the day such election is to be held.

Section 11. Election Ballots. The names of candidates shall be placed upon the ballot without party or other designation, except as hereinafter provided the general laws of the State of Minnesota relating to elections shall insofar as practicable apply to and govern all general and special elections under this Charter, the same as if herein specifically re-enacted.

Section 12. Canvass of Election Returns. The Council shall within three days after the annual election meet in Special session to canvass the election returns.

#### THE RECALL.

Section 13. Right of Electors to Recall Officers. The people of the City of White Bear Lake hereby reserve to themselves, the right and power to remove from office at any time, any or all of the elected officers of the city. The exercise of this power shall be designated as "the recall" and the mode of procedure thereunder shall be substantially as follows:

Section 14. Recall how Initiated. Any five electors may form themselves into a committee for the purpose of bringing about the removal of any elected officer of the City. The committee shall present a certificate to the City Clerk, stating the name of the official whose removal is sought, with a statement of not more than 200 words, reciting the grounds for asking such removal. This certificate duly signed by all the members of the committee shall be filed with the City Clerk, before general petitions are circulated for the signature of voters.

Section 15. Recall Petition. The petitions for the recall of any officer shall have a copy of the certificate of the committee which has been filed with the City Clerk, attached thereto, and to be effective must be signed by at least one-fourth of the qualified voters of the ward or city served by the official whose removal is desired. Such petitions shall be filed with the Clerk within 15 days after the date of filing of the Certificate by the committee, with the City Clerk. Providing that the City Clerk shall within five days of receipt of same examine the petitions and if he shall find them signed by one-fourth of the electors of the ward of City based upon the vote of such ward or city, at the last regular city election, he shall so notify each member of the committee, and shall present such petitions at the next regular meeting of the City Council.



Section 21. Mayor - Power over Manager and Other Officers.

It shall be the duty of the Mayor to require the City Manager, and all other appointive officers, to perform and execute the duties in their respective offices, and he shall have the power to remove such officer or officers appointed by said Mayor, and appoint successors therefor. The Mayor shall see that the laws of the State, and the ordinances, rules and regulations of the City are duly enforced by the proper officials, and strictly observed within the City limits. The Mayor shall also have such other powers as may be conferred or inferred by the terms of this Charter, or any municipal ordinance, resolution or amendment now in force, or that may be hereafter enacted.

Section 22. Council - Election and Term of Office. The legislative powers of the City of White Bear Lake shall be vested in a Council of five members, one member to be elected from each of the three wards, and two from the City at large. They shall be residents of the City and ward from which they are elected, and shall hold office for three years and until their successors are elected and qualify. Providing however that the first annual municipal election held after the adoption of this Charter, the Councilman from the first ward, and one of the Councilmen at large shall be elected for one year; the Councilman from the second ward and the other Councilman at large, shall be elected for two years.

Section 23. Chairman of Council - Acting Mayor. At the first regular meeting of the City Council, after the annual election, said Council shall elect one of its members as Chairman of the Council, whose duty it shall be to preside over the meetings of the Council in the absence of the Mayor, and in the event of the temporary disability or absence of the Mayor from the City the said Chairman shall under the title of Acting Mayor, assume, exercise and perform all the powers and duties of the Mayoralty office as long and as often as such disability or absence shall continue, and the acts of such Chairman shall have the same force and validity as though performed by the Mayor. Provided, however, that in the event of the death, resignation or removal of the Mayor from office, the Council shall elect a qualified person, either from its members or outside of same, as Mayor, and such person shall when duly qualified, exercise all the powers and perform all the duties of Mayor, and shall hold office until the next annual election thereafter, when a Mayor shall be elected to serve out the unexpired Mayoralty term.

Section 24. Council to fill Vacancy in Office of Treasurer.

Should a vacancy occur in the office of City Treasurer the Council shall elect a successor to serve out the unexpired term and such person having qualified and furnished the required bond shall exercise and perform all the powers and duties of said office.

Section 25. Council - Powers - Meetings. The Council shall be the judge of the qualifications and election of its own members, and should a vacancy occur in the Council, it shall have the power to elect a qualified person from the district in which the vacancy occurs, to serve as Councilman until the next annual election.

The Council shall hold regular meetings on the first Tuesday of each month, and special meetings may be called by the Mayor or by the Chairman of the Council, at any time.

All meetings shall be public. Three members shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, and compel the attendance of absent members.

The Council shall make its rules of procedure and have the power to compel the attendance of its members at regular and special meetings. The absence of a member from three consecutive regular meetings shall be deemed good cause for removal from office.

Section 26. Ordinances and Resolutions. Except as otherwise provided in this Charter, all legislation shall be by ordinance. All licenses shall be granted, salaries fixed, labor employed, repairs and local improvements ordered and special assessments levied by resolution of the Council. Every ordinance and resolution presented to the Council for action shall be in writing and read in full at the Council meeting, and every vote thereon shall be by ayes and nays, which shall be duly recorded.

Section 27. The title of Ordinance to Embrace one Subject.

The subject of every ordinance shall be set forth fully in its title, and no ordinance, aside from one carrying appropriations shall contain more than one subject.

The enacting clause of all ordinances shall be as follows:

"The Council of the City of White Bear Lake, does ordain."

Every ordinance or resolution passed by the Council shall before taking effect (except as hereinafter provided) be signed by the Mayor and the Chairman of the Council, and attested by the City Clerk, who shall endorse thereon the date of its passage.

Such ordinance or resolution when passed by the Council, shall within five days thereafter be presented to the Mayor for approval.

The Mayor shall approve and sign, or veto and return such measure with his objections to the City Clerk within ten days after receiving same, and should the Mayor fail to return the said measure to the City Clerk within ten days of date of receiving same, it shall become as effective as though signed by the Mayor.

Any Ordinance vetoed by the Mayor, may be reconsidered by the Council at its next regular meeting, and if after such reconsideration it shall be again passed by a four-fifths vote of all the members, it shall after publication or posting be of full force and effect notwithstanding the Mayor's veto.

Ordinances to be published - Emergency.

Section 28. Before any ordinance shall become effective it shall be published once in the official city paper, or in the event there shall be no official city paper, the said ordinance or ordinances shall be posted for one week in three conspicuous places in the City and an affidavit of such publication or posting shall be made by the printer or the person in charge of the paper, or by the person posting such ordinances, which affidavit shall be filed in the office of the City Clerk. Provided, however, in the event of serious menace to the health, lives or property of the people of the City of White Bear Lake, or danger from insurrections or lawlessness threatening the peace or security of the community, the Council may pass an "emergency ordinance", which ordinance shall recite that it is passed as an emergency measure and when so enacted by a four-fifths vote of the Council and approved by the Mayor, such measure or ordinance shall without notice or publication thereof, become and be full force and effect as soon as enacted.

Ordinances to be Recorded - Vote of Council by Ayes and Nays.

Section 29. Every ordinance shall after its enactment be fully recorded by the City Clerk in a book kept for that purpose, which book shall constitute a public record.

It shall be the duty of the Council to have a record kept of its proceedings, and the ayes and nays shall be taken and entered upon the journal of any and all votes upon ordinances or resolutions for the expenditure of money and upon any other question when demanded by any member of the Council.

Council to have Control of Finances.

Section 30. The City Council shall have the management and control of the finances and all the property of the City, subject only to the powers hereinafter delegated to the Mayor, City Manager and City Treasurer, and shall in addition to the powers hereinbefore vested in it, have full authority to make, ordain, alter, amend and repeal all such ordinances, rules and regulations for the government, health, order, cleanliness and the social, commercial and educational welfare of the City, with the power to establish a City Jail and Workhouse and to make all rules and regulations for the employment, custody and safe keeping of all persons arrested or charged with any offense whatever.

Council may Lease, and Dispose of City

Section 31. Property. The Council may sell, lease, dispose of or convey any real estate or personal property, owned by the City, not needed or desired for present or prospective municipal uses; provided that the intention to sell, lease or dispose of such property is published for not less than three consecutive weeks in the official paper, stating the time and place set for the sale of such property, fully describing same. Such publication shall be made so the last publication shall not be more than ten days nor less than three days, in advance of the day set for such sale, lease or disposal and the ordinance or resolution making such lease, sale or disposal shall be passed by a four-fifths vote of all the Councilmen, and duly approved by the Mayor.

Platting Real Estate - Approval of Council

Section 32. Whenever any person or persons shall lay out an addition to the City, or re-arrange or subdivide any lot, block or addition within the City, such person shall cause the premises to be surveyed and platted in accordance with the general laws of the State of Minnesota, relating to City and town plats. Such plat when completed and acknowledged by the grantors, shall be submitted to the City Council, who may either accept or reject it, or direct that it be altered or amended as it may deem advisable. Any plat accepted and approved by the City Council shall be so certified by the City Clerk upon the face of such plat, and have affixed thereto the corporate seal of the City, when it may be recorded in the office of the Register of Deeds of Ramsey County, as provided by the laws of this State.

Council has Power to Vacate Streets &

Section 33. Procedure. The City Council shall have the power to vacate or discontinue public grounds, streets, alleys or highways within the City. No such vacation or discontinuance shall be granted or ordered by the Council, except upon the petition of a majority of the owners of property adjoining or abutting such public grounds, streets, alleys or highways, and no vacation of any street, alley, or public grounds shall be allowed except after due publication for three successive weeks and upon such terms and conditions as to compensation to be paid by the persons seeking such vacation, as shall be specified in the ordinance or resolution ordering such vacation, nor shall the Council order any vacation without adequate compensation to the City; a copy of such petition and ordinance or resolution together with an official plat showing the lots or grounds effected by such vacation, shall after being certified by the City Clerk, be filed for record in the office of the Register of Deeds, in and for Ramsey County, Minnesota.

Contracts - How Made

Section 34. All bids, contracts, purchases and awards are divided into two classes. Those for One Hundred Dollars or less may be authorized by the Council upon the request or approval of the City Manager. Purchases, contracts or awards for more than One Hundred Dollars, shall be made only after advertising same in the official paper for two consecutive weeks, and shall call for sealed bids, in such form and under such conditions as the City

Manager may direct, and shall be accompanied by a deposit for such an amount as the Council may require. All awards shall be made by the Council, but with the advice and approval of the City Manager, and all such contracts, bonds, obligations or awards shall also be subject to the approval of the Mayor, as in the case of ordinances or resolutions.

Council has Power to Revoke Licenses and Impose Fines and Penalties.

Section 35. The Council shall have full power and authority: To revoke for misconduct of a licensee, any license granted under this Charter; To declare and impose fines and penalties, and to enforce the same against any person who may violate any of the provisions of any ordinance or resolution, and all such ordinances or resolutions are hereby declared to have the force of law.

Such fines and penalties may extend to a fine not exceeding one hundred dollars, or imprisonment in the City Jail not exceeding ninety days, and offenders may be required to give security to keep the peace, not exceeding six months, and in a sum not exceeding Five Hundred Dollars.

Council to Provide for Lighting and Operate Public Utilities.

Section 36. To provide for lighting the City, and lighting and heating all public buildings, and furnishing power therefor. To establish, erect, maintain and cause to be operated water works, gas works, telephone service, electric lighting and power plants, or other works for lighting the streets and public grounds, and lighting and heating public buildings, and to sell and furnish water, light, heat, power, and telephone service, or either, to the people of the City of White Bear Lake and the territory adjacent, and to occupy and use the public streets, grounds, alleys and conduits therein in connection therewith.

To purchase, erect, establish and maintain and equip public utilities and conduits, subways, and appliances for water, heating, lighting, gas or telephone service, or either of them and to lease or rent the same.

Council may Elect City Attorney.

Section 37. The City Council shall have the power, at its option, to elect a City Attorney, and fix the compensation to be paid said City Attorney, who shall be a member of the bar, and qualified to practice in the Courts of the State of Minnesota. Such attorney may be elected at the first regular meeting of the Council after the annual municipal election, or as soon thereafter as practicable, and may be elected for one year, but shall be removable at the pleasure of the City Council.

Duties of City Attorney.

Section 38. The duties of such City Attorney, shall be; To act as the legal adviser, attorney and counsel for the City and for all officers and departments thereof, on City business. To prosecute all suits, actions and proceedings for and in behalf of the City, and defend all suits, actions and proceedings against the City.

To prepare all contracts, bonds and other legal instruments, in writing, in which the City is interested or concerned, and endorse upon each, an approval of the form, provided that an approval of bonds to be issued by the City, may be covered by a separate certificate, which is to be filed with the records of the City Council.

To be the prosecuting attorney for the prosecution of violations of City ordinances and franchises.

To examine and certify to the City Council, the sufficiency of the title to all real estate acquired by the City, before the purchase price for same is paid out by the City.

To perform such other duties as may be required by city ordinance, or resolution, or requested by the City Manager.

Section 30. Enumerated Powers of Council. For a more specific enumeration and definition of some of the powers granted herein, a fuller exposition thereof and as an additional grant thereto, the council shall have power and authority:

A. To define, license, regulate and restrain by ordinance:

1. Theaters, Moving Picture Shows, halls, exhibitions and entertainments of all kinds;
2. Dances and dance halls; billiard and pool rooms, bowling alleys, and other similar places, and the proprietors and keepers thereof.
3. Hotels, boarding houses, and restaurants, auctioneers and public auctions.
4. Pawn brokers, intelligence and employment offices and agents; second hand stores and junk shops and the owners and managers thereof.
5. Hawkers, peddlers, porters, runners, agents and solicitors for common carriers, express companies, hotels or other establishments.
6. Ticket agents and brokers and immigration and steamship agents.
7. Draymen, cartmen, cabmen, omnibus drivers and chauffeurs.
8. Vehicles of all kinds whatsoever using the streets, public thoroughfares, highways and other places used by such vehicles; and also the carrying and hauling of persons or property for hire.
9. Vendors or dealers in inflammable oils or substances, firearms, fire works or explosives of any kind.
10. Vendors of meats, vegetables and other food products.

B. To regulate the size and weight of bread sold or prepared for sale.

C. To license and regulate, prohibit or restrain.

1. All persons vending, dealing in or disposing of spirituous, vinous, malt or fermented liquors and all places in which the same are dealt in, vended or disposed of.



D. To establish, alter, enlarge and contract patrol limits within said city and prevent, suppress and prohibit the sale or other disposal of any spiritous, fermented, distilled, homebrewed malt, vinous or other liquors, either intoxicating or non-intoxicating, except by duly licensed druggists for medical, mechanical or chemical purposes to be used elsewhere than upon said druggists premises.

E. To define, prevent, prohibit or suppress:

1. Gambling and fraudulent practices and devices.
2. Drunkenness and obscenity, vagrancy, mendicancy and prostitution.
3. Disorderly houses, houses of ill-fam.
4. Riots, noises and disorderly assemblages.
5. Disorderly or mischievous conduct annoying or dangerous to others, or detrimental to the rights of persons or property. Vice and crime.
6. All practices and acts whatsoever, inconsistent with the preservation of peace and good order and the just rights and comfort of the inhabitants of the City.

F. To regulate and control, prevent and prohibit:

1. The use, sale or offering for sale of fire arms, fireworks or explosives, brass knuckles or slung shots in any place which may be considered by the common council dangerous or annoying to any citizen.
2. The receipt, storage, transportation and traffic in any inflammable oil or substance or any explosive within said city or within one mile of the corporate limits thereof.
3. The carrying of any concealed weapons.
4. The running at large of any animals or fousl.
5. The encroachment upon or obstructing or incumbering of any highways, sidewalks, public grounds.
6. The cutting of ice within the City limits or adjacent thereto.
7. Places of bathing and swimming in the water within the city limits or adjacent thereto.
8. The burial of the dead within the City limits or within one mile beyond such limits and to regulate the location and conduct of cemetaries and crematories.
9. The landing and conveyance of paupers and persons in destitute circumstances into said city, not having a legal residence or settlement therein; by any railroad train, boat, motor bus, street car or other means of conveyance, and to require that such persons shall be taken back to the place from whence they came, by the person, persons or carriers conveying or leaving them within the City.
10. The penning, herding and treatment of all animals within the City.
11. The emission of dense smoke, either from buildings, locomotives or any other source whatsoever.

G. To define, regulate, prohibit and abate nuisances.

1. To compel owners, agent or occupants to keep all buildings and premises, and the streets, sidewalks and alleys adjacent thereto in a clean, wholesome, safe and passable condition at all times, and to regulate the disposal and collection of all refuse.
2. To compel owners to keep their premises free from noxious weeds, shrubs and trees.
3. To compel the registration of births and deaths and the collection of other vital statistics.
4. To impose a tax upon dogs and regulate or prohibit the keeping thereof and to authorize the destruction of same in a summary manner, when at large contrary to the ordinance and to provide for the killing of dangerous or vicious dogs, and to punish by fine or imprisonment the owner or keeper of any such dog who refuses to deliver up the same to be killed or to pay the tax imposed thereon.
5. To regulate the construction, alterations, removal or repair of all structures and provide for the safety of the occupants thereon, and to prohibit the use of buildings or parts of buildings when dangerous to life from collapse, fire or panic.
6. To prescribe, contract or extend the limits within which wooden buildings or other buildings built of combustible material, shall not be erected, repaired or placed, to direct that any and all buildings within the limits prescribed shall be made and constructed of fire proof materials; to prohibit the rebuilding of wooden buildings within the fire limits when the same shall have (s been damaged to the extent of fifty per cent of the value thereof, and prescribe the method of ascertaining such damages. To prescribe limits within which all roofs shall be covered with non combustible materials.
7. To compel the installation in all structures of devices, appliances or arrangements for the preservation of life, health and property.
8. To regulate the storage and handling of all combustible or other substances, articles, equipment or devices affecting the fire hazard.
9. To license, regulate and prohibit and suppress the erection and maintenance of sign, signboards, billboards and fences.
10. To establish and enforce building lines and to regulate the height of buildings.
11. To regulate the measurement and inspection of building material, and fuel of all kinds.
12. To regulate the location of stock yards, slaughter houses, rendering plants, soap factories, tanneries, stables, ice houses, garages, oil stations, privies, and other unwholesome or nauseous houses or places.
13. To designate and set apart certain thoroughfares as parkways or boulevards and regulate the use of same and prohibit the hauling of heavy loads thereon.

H. To license, regulate, control, suppress or prohibit:

1. The parking of automobiles or other vehicles or any of the streets, parkways, boulevards or public grounds in the city.
  2. To regulate the operation and speed of all engines, trains, steam or electric cars, motor-bus or other vehicles within the City and fix the rates to be charged by busses, motor-cars, cabs and other vehicles for the carrying of passengers and by vehicles for the transfer of baggage from the City.
- I. To prohibit and punish any person or persons guilty of speeding within the City limits, also any unnecessary noises or odors from automobiles or other vehicles, or the careless operation of any motor, motor bus, automobile, motorcycle or other machine, that might be offensive or dangerous to children or other pedestrians.
- J. The Council shall have power to pass all ordinances necessary or expedient for the preservation of health and the suppression of disease, to prevent the introduction of infectious or contagious disease into the city, and to make and enforce quarantine laws and provide adequate penalties and punishment for the violation of same.
- K. To pass any other ordinances and resolutions necessary to carry out the intent and provisions of this charter.

Section 40. Other officers - Treasurer - Election and Duties.

The Treasurer shall be elected annually and shall be the custodian of the funds of the City, and shall establish such funds as are provided in this Charter, in which the moneys received for different purposes or from different sources shall be kept, and out of which payments shall be made, and shall perform such other duties as may be required of him by the City Manager or the City Council, and by the further provisions contained in this Charter.

The Treasurer shall give a bond for the safety of the funds entrusted to the said Treasurer, in such form and for such amount as may be designated by the City Council, and shall hold office until a successor shall have been elected, and qualifies and furnishes a satisfactory bond.

Section 41. City Clerk appointed by Mayor. The City Clerk shall be appointed by the Mayor, annually and shall hold office at the pleasure of the Mayor. Such person shall be the Clerk of the Council and shall perform all duties incident to that office, and all duties required by the laws of the State, and of this Charter, and in addition shall perform such other duties as may be required by the Mayor, the City Manager or the City Council.

Said Clerk shall be the custodian of the official seal of the City, and shall keep and preserve all documents and records of the City, unless the custody thereof is otherwise provided for in this Charter.

Section 42. Clerk to pay over monies to Treasurer. The City Clerk shall immediately pay over to the Treasurer all monies received, and the Treasurer shall issue to the City Clerk receipts therefor, which receipts the Clerk shall file and retain.

Section 43. Assessor - Appointed by Mayor - Duties.  
The City Assessor, shall be appointed by the Mayor for a term of two years, and shall hold office at the pleasure of the Mayor.

Said Assessor shall annually or biennially, as the law may direct, make up the assessment roll of all property within the City, and shall fix the fair and true valuation of each parcel for taxation, as provided by the laws of the State and the provisions of this Charter. Said Assessor shall be subject to the instructions and directions of the Council, and shall submit the Assessment rolls to the Council, annually for revision and approval, at least one week prior to the last Monday in June.

Section 44. City Manager - Powers and Duties. The City Manager shall be the business and administrative head of the City, and as such shall organize all necessary departments, appoint all city employees, with power of removal, and have full management of the affairs of the City, subject however, to the provisions and limitations contained in this Charter.

The City Manager may be a non-resident of the City or of the State when appointed, and such appointment shall be made solely upon the basis of executive and administrative fitness for the position.

The City Manager shall have power, and it shall be the duty of such official:

To see that the laws of the State and the rules and ordinances of the City are strictly enforced, within the City limits  
To exercise supervision and control over all departments created herein, or that may hereafter be created by the City Council.  
To take charge of the construction, repair, maintenance and inspection of streets, cross walks, sidewalks, street lights, water mains and extensions, and supervise the water service and collection of water rentals.

To attend all regular meetings of the Council, with the right to take part in the discussions, but having no vote, and shall receive notice of all special meetings, but may be excluded from Council meetings when the conduct of the office of City Manager is under consideration, if the Council shall so order.

To recommend to the Council for adoption such measures as may be deemed necessary or expedient to said City Manager.

To see that all terms and conditions imposed in favor of the City or its inhabitants, in any public utility franchise, are faithfully kept and performed, and upon knowledge of any violation thereof, to call the same to the attention of the City Council, whose duty it shall be to take such steps as are necessary to protect and enforce the same.

To see that all officers and appointees execute and perform the duties of their respective offices, as assigned to them under the provisions of this Charter and to make such rules and regulations for the efficient and economical administration of city functions, subject to the provisions of this Charter, as such City Manager may deem wise and proper, and for this purpose may make investigations into the affairs and conduct of all City Offices, both elective and appointive, and may subpoena witnesses, administer oaths, and compel the production of records, books and paper, and may at any time provide for an examination of audit of the accounts of any office or department of the City government.

To see that all contagious diseases are strictly quarantined and that garbage or other sources of infection are removed or disinfected, and the City kept in a clean and sanitary condition.

To submit to the Council monthly a list of all employees of the City with the daily or monthly wages of each, and the respective funds from which such wages or allowances are to be severally charged. Such list must be strictly itemized, and show the duties or services rendered by each person. All wages are to be fixed, and allowance made for the payment of same by the city Council.

Section 45. Official Bonds. The Treasurer, City Manager, City Clerk, and such other officers as may be required by ordinance shall each give a bond, with sufficient surety, in such amount as may be fixed by the Council, for the faithful performance of their respective official duties. Such bonds shall be payable to the City, and the bond of each officer shall protect the City for the acts of any deputy or assistant of such officer. The legal sufficiency of all bonds shall be passed upon by competent legal authority, and the bonds shall be approved by the City Council, which approval shall be endorsed upon each bond and signed by at least three members of the Council. The mayor shall have the custody of all bonds, and it shall be his duty to see they are kept in full force and effect.

Section 46. Bonds and Oath of Office. All officials before entering upon the duties of their respective offices, shall give bonds, where required by the City Council and this Charter, and shall each take the oath of office. Such oath shall be substantially as follows:-

"I do solemnly swear that I will support the Constitution of the United States, and of the State of Minnesota, and will discharge and faithfully execute the duties devolving upon me as \_\_\_\_\_ of the City of White Bear Lake, without fear or favor, to the best of my judgment and ability.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Section 47. Official Records - Property of City. All books, records and documents used by any City Officer in his office or pertaining to his duties shall be deemed the property of the City, and the officer in charge of such office shall be responsible therefor. Any officer or person responsible for the keeping of such books, records or documents, shall within ten days after the end of such official term, whether ended by resignation, removal, recall or expiration of term, deliver to the City Clerk all such books, records, and documents and the failure of any officer or person so to do, shall be deemed a misdemeanor, and upon conviction thereof, shall be fined not less than Fifty Dollars, nor more than One Hundred Dollars, or imprisoned not more than 90 days, at the discretion of the Court.

Section 48. Elective Officers to Qualify Within Ten Days.

If any person elected to any office in the City, shall for ten days after receiving notice of such election fail to take such oath and give such bond, with security, as may be required by law or ordinance, or the terms of this Charter, such person shall be considered as having declined said office, and such office shall be considered vacant, and such vacancy shall be filled according to the provisions of this Charter.

Section 49. Removal of Elective Officers. All elective officers under this Charter shall be subject to removal from office by the people, by means of the Recall election as provided in this Charter, but such method of removal shall not be deemed or held exclusive, but is in addition to such other methods as are now, or that may hereafter be provided by the laws of this State.

Section 50. Compensation of Officers and Employees. The Mayor and each of the five Councilmen shall receive as Compensation the sum of Ten Dollars per year. The compensation of all other officials and employees shall be fixed by the City Council, by ordinance or resolution, duly enacted.

Section 51. Charter not Repealed by State Laws. No law of the State contravening or conflicting with the terms and provisions of this charter, shall be deemed as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Section 52. Records as Evidence. The files, records and papers in the office of the City Clerk, or other officer of this City, or copies thereof, duly certified by the officer having the same in charge, proofs of the publication of all notices, resolutions or proceedings of the City Council, on file in the proper office or certified copies of same, shall be received and read in evidence in all courts without further proof. All printed compilations of the laws and ordinances of the City, and all printed publications of the proceedings of the City Council or other officers of the City, if published, compiled or revised under the authority of the City or of a duly appointed Charter Commission of the City, shall be admissible in all Courts of Law, and all State offices, as evidence of such laws, ordinances and proceedings.

#### CHAPTER IV.

##### FINANCE AND TAXATION.

Section 53. Fiscal Year. The fiscal year of the City shall commence on the first day of February.

Section 54. Limitation upon Creating Debt. The debt of the City shall not be increased nor shall any new bonds of the City be issued except as herein provided; nor shall the City loan its credit, become a stockholder, or make contributions or donations to any person, company or corporation except as herein provided.

Section 55. Payment of Money - How Authorized. No money shall be paid out of the City Treasury unless such payment be authorized by vote of a majority of all the members of the City Council, and then shall be drawn out only upon the order of the Mayor and City Manager, countersigned by the Treasurer, which order shall specify the purpose for which it is drawn, the fund out of which it is payable, and the name of the person in whose favor the same is drawn.

Section 56. Order for Payment. Each order shall be payable to the order of the person in whose favor it is drawn and may be transferred by endorsement. No order on any fund shall be drawn until there is sufficient money to the credit of such fund to pay the same, together with all orders previously issued against such fund. No claim against the City shall be allowed unless accompanied by an itemized statement of such claim duly verified to be true and correct by the person making such claim or his authorized agent.

Section 57. Penalties for Payment Contrary to Charter. Any order or resolution for the payment of money violating any provision of this charter shall be void, and any officer of the City violating any provision of this charter shall be personally responsible for the amount of such payment if any such payment is made contrary to the provisions hereof.

Section 58. Contract to specify Fund. 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.

Section 59. All property subject to Taxation. All property in the City of White Bear Lake taxable under the laws of the State of Minnesota, shall be subject to taxation for the support of the City government and the payment of its debts and liabilities, and the same shall be assessed as provided by law and this charter.

Section 60. Board of Equalization. The Council shall constitute a Board of Equalization and shall meet as such in the usual place for holding council meetings on the last Monday in June of each year to equalize the assessments according to law.

Section 61. Budget Funds. There shall be maintained in the City Treasury the following funds for the support of which the 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 debts of the City, except such as may have been issued or incurred for the acquisition, construction, support, maintenance or operation of any public utility, and out of this fund such interest only shall be paid.

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

3. A Public Safety Fund for the maintenance and operation of the Fire Department, the Police Department, and the Health Department.

4. A Library Fund for which there shall be levied a sum not exceeding three mills on the dollar of all taxable property in the City of White Bear Lake for the operation and maintenance of the Public Library. Into this fund shall be paid all gifts and devises made for the support of said Library.

5. A Public Welfare Fund for the acquisition and maintenance of public parks, play grounds, baths, gymnasiums, halls and similar places of public recreation, convenience and amusement. Into this fund shall be paid all moneys from whatever source received including gifts and devises, to be used for such purpose.

6. A Public Works Fund for the maintenance and repair of the highways of the City. Into this fund shall be paid all taxes or fees imposed upon vehicles.

7. A permanent Improvement Fund for the payment of the cost of all real property which the City shall acquire, payment for which is not otherwise provided for out of such funds, and for the payment of such proportion of the cost of local improvements as shall devolve upon the City.

8. A Utility Fund for the acquisition, construction, support, maintenance and operation of any public utility owned or operated by the City, including the payment of interest on any bonds issued for the acquisition, construction, support, maintenance and operation of any such public utility. There shall be paid into this fund all moneys derived from the sale of bonds issued on account of any utility and from the operation of any 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 cost of the purchase, construction, extension, operation, maintenance and repair of any such utility, including the interest upon all bonds or other indebtedness which may have been issued or incurred on account of any such utility. Any surplus in said fund may be used for the purchase of any bonds issued on account of any such utility, and for the payment of such bonds upon their maturity. Separate accounts shall be kept for each such utility operated separately.

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

10. A Permanent Improvement 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 Two Thousand Dollars par value of bonds authorized herein. Except as in this charter otherwise provided, the Council, may, by ordinances passed by four-fifths vote of the Council and duly approved by the Mayor, determine the aggregate amount of the assessments for local improvements which in its judgment will be extended for payment, as provided for in Chapter V of this Charter, but in no case shall such aggregate amount exceed seventy-five per cent (75%) of the total estimated cost of such improvement, and order the issuance and sale of extended assessments certificates representing such aggregate sum, which shall entitle the holder thereof to demand and receive from the City of White Bear Lake, upon the surrender of such certificates to the Treasurer on or after the date of payment thereof, the sum of money named to be paid therein, with the rate of interest stipulated to be paid thereon to the due date thereof and not after such date. Such certificates may be issued in such amounts and become due on such dates as the Council may determine, but none of the same shall be payable more than five years from the date of the same. The proceeds of the sale of said certificates shall be paid into the Permanent Improvement Revolving Fund. Said certificates shall bear interest not exceeding six per cent (6%) per annum. The Council may, in its discretion, either sell said certificates direct to investors or may contract for the sale of all such securities which may be issued during any calendar year. No sale of such certificates, by contract, shall be made except after advertising for bids, at least one week prior to sale in the official newspaper of the City, and such sale 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 par for the same.

The aggregate amount levied by general taxation in any one year for all of said funds, not including funds numbers 1 and 2, shall not exceed twenty-five mills on the dollar of the assessed valuation of all taxable property in the City, and a levy in excess of such limitation shall be void as to such excess.

There shall be levied, each year by general taxation for fund number 2, an amount at least equal to one mill on the dollar of the assessed valuation of all taxable real property in the City, until all bonds with interest thereon outstanding at the time of the adoption of this charter are paid in full, or until there is sufficient money in said fund to pay all such bonds and interest.

Section 62. Budget Estimates. The City Manager shall prepare the estimates for the annual budget. The estimates of expenditures shall be arranged for each department or division of the City under the following heads: (1) Ordinary expenses (for operation, maintenance, and repairs); and (2) Capital outlays (for new construction, new equipment, and all improvements of a lasting character). Ordinary expenses shall be subdivided into: (a) Salaries, with a list of all salaried offices and positions, with the salary allowance and the number of persons holding each; (b) Wages; (c) Printing, advertising, telephone, telegraph, express charges, and other like items; (d) Supplies and repairs, with sufficient detail to be readily understood. All increases and decreases shall be clearly shown. In parallel columns shall be shown the amounts received and the amounts expended under similar heads for the past two completed fiscal years, and, as far as possible, for the current year. In addition to the estimates of expenditure, the estimates shall include a statement of the revenues which have accrued for the past two completed fiscal years with the amounts collected and the uncollected balances, together with the same information, as far as possible, for the current fiscal year, and an estimate of the revenues for the ensuing fiscal years. The statement of revenues for each year shall specify the following items: Sums derived from



(a) taxation, (b) fines, (c) fees, (d) interest, (e) miscellaneous, not included in the foregoing, (f) sales and rentals, (g) operation of public utilities, (h) special assessments, and (i) sales of bonds and other obligations. Such estimates shall be in typewriting, and there shall be at least twelve copies, one for the Mayor, one for each member of the Council, one for the City Manager, one for the City Clerk, and three at least to be posted in public places in the City. The estimates shall be submitted to the Council at its regular monthly meeting in July, and shall be made public. The City Manager may submit with the estimates such explanatory statement or statements as he may deem necessary, and during the first three years under this charter he shall be authorized to interpret the requirements of this section as requiring only such comparisons of the City's finances with those of the Village of White Bear Lake as may be feasible and pertinent.

Section 63. Budget to be Printed and Distributed. Copies of the budget shall be printed and available for distribution not later than two weeks after its submission to the Council, and a public hearing shall be given thereon by the Council at the regular meeting in August, before action by the Council.

Section 64. Hearings on and Adoption of Budget. The budget shall be the principal item of business at the regular monthly meeting of the Council in August, and the Council shall hold adjourned meetings from time to time until all the estimates have been considered. The meetings shall be so conducted as to give interested citizens a reasonable amount of time in which to be heard, and an opportunity to ask such questions as may seem pertinent to them. The budget estimates shall be read in full, and the City Manager shall explain the various items thereof as fully as may be deemed necessary by the Council. The annual budget finally agreed upon shall be a resolution setting forth in detail the complete financial project of the City for the ensuing year. It shall indicate the sums to be raised and from what sources, and the sums to be spent and for what purposes, according to the plan indicated in Section 62. The total sum appropriated shall be less than the total estimated revenue by a safe margin. The Council shall adopt the budget resolution not later than the first day of October.

Section 65. No Expenditures in Excess of Budget. It shall be the duty of the City Manager to enforce strictly the provisions of the budget. He shall not approve any warrant upon the City Treasurer for any expenditure covered by the budget unless there is a sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding warrants. No officer or employee of the City shall place any orders or make any purchases except for the purposes and amounts authorized in the budget. Any obligation incurred by any person in the employ of the city for any purpose not authorized or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.

Section 66. Increasing Budget Items. After the budget shall have been duly adopted, the Council shall not have power to increase the amounts therein fixed, whether by the insertion of new items or otherwise, unless the actual receipts shall exceed the estimated revenues, and in that event how beyond such actual receipts. The sum fixed in the budget shall be and become appropriated after the beginning of the fiscal year for the several purposes named therein and no other. If at the end of any fiscal year there shall remain an unexpended balance in any fund, except Funds numbered 1, 2, 3, 4, 5 and 10, against which no expense or obligation is chargeable, such unexpended balance may be transferred to any other fund or funds by a resolution of the Council passed by a four-fifths vote and approved by the Mayor, provided that no amount shall be transferred from Fund numbered 8 at any time there shall be any outstanding bonds or other indebtedness issued or incurred by the City for the acquisition, construction, support, maintenance or operation of any public utility owned or operated by the City

Section 67. Tax Levy. On or before the first day of October of each year the Council shall levy by resolution the taxes necessary to meet the requirements of the budget for the ensuing fiscal year, subject to the limitations of this charter. The City Clerk shall transmit to the County Auditor annually, not later than the 10th day of October, a statement of all the taxes levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner as state and county taxes. No tax shall be invalid by reason of any informality in the manner of levying the same, now because the amount levied shall exceed the amount required to be raised for the special purposes for which the same is levied, but in that case the surplus shall go into the fund to which such tax belongs. The twenty-five mill tax limit prescribed in Section 1735, General Statutes of 1913, shall not apply to this City.

Section 68. County Treasurer to Turn Over Moneys. The City Manager shall see to it that all moneys in the County Treasury belonging to the City are promptly turned over to the City according to law.

Section 69.. Collections Paid into City Treasury.-  
Depositories.

All receipts of money belonging to the City, excepting only those funds collected by the County Treasurer, shall be paid into the City Treasury by the person authorized to receive the same at the close of each business day. All such moneys, and also all moneys received upon the tax settlements from the County Treasurer, shall be deposited as soon as received in a bank or banks approved by the City Council. Any person in the employ of the City guilty of a violation of this provision shall be liable to be reduced in rank and salary, or to be dismissed from his office or position, as the Council may determine after a hearing.

Section 70. City Manager - Chief Accountant - To  
Prescribe Forms and Submit Reports.

The City Manager shall be the chief accounting officer of the City and of every branch thereof, and the Council may prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with the law, this charter, and the ordinances in accord with it. He shall submit to the Council a statement each month showing the amount of money in the custody of the City Treasurer, the status of all funds, the amount spent or chargeable against each of the annual budget allowances, and the balances left in each, and such other information relative to the finances of the City as the Council may require. Once each year, on the first day of February, the City Manager shall submit a report to the Council covering the entire financial operations of the City for the past year. This report shall show the actual total receipts and actual expenditures, omitting duplications, and stating the cash balance at the beginning of the last fiscal year and at the close; the total outlays (for operation and maintenance, and the total capital outlays); the condition of each of the funds; the total receipts by sources and the total expenditures by general purposes; the total outstanding bonds and debts of the City, when due, the amount of new bonds issued and the amount redeemed, the interest rate of each; the condition of all the annual budget allowances; and an inventory of all the property owned by the City; and such further information as the Council and other City officials and the tax payers should know. Said statement shall be published once in the official newspaper of the City not later than the second week in February.

Section 71. County Treasurer to Keep Accounts with City.

It is hereby made the duty of the County Treasurer of Ramsey County, Minnesota, 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 Manager.

It is hereby made the duty of the County Auditor of Ramsey County, quarterly, to draw his warrant on the County Treasury for taxes belonging to the City and other warrants for all money collected on account of special assessments belonging to the City, and upon presentation of same to the County Treasurer of Ramsey County shall pay the same respectively out of the moneys received by him for the City for taxes or special assessments respectively. Said County Auditor shall at the same time transmit to the City Treasurer and City Manager a statement showing separately the amounts as paid over on account of each separate local improvement. No County official shall have any authority nor power to refund redeem or abate any special assessment.

Section 72. Limitations upon Expenditures. 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 such fund for that year, 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, and shall not have been transferred to any other fund, no officer or official body of the City shall have any power and no power shall exist to create any additional indebtedness (save as the remaining 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 against the City, but said additional indebtedness attempted to be created shall be a personal claim against the officer or members of the official body voting for or attempting to create the same.

Section 73. Bonds - Bonds Issued by Vote of Election - Purposes.

Whenever at any general or special election, the electors of the City of White Bear Lake by an affirmative vote of three-fifths of the legal voters voting thereat, so determine, the City of White Bear Lake may issue bonds by ordinance as follows:

1. To pay, fund or refund, any debts of the City.
2. For the purchase of real estate, for new construction, for new equipment, and for all improvements of a lasting character.
3. The total bonded debt of the City shall never exceed ten per cent (10%) of the last assessed valuation of the property taxable in the City of White Bear Lake. No bonds shall be issued for a longer period than the maximum estimated life expectancy of the property or improvement for which such loans are authorized, as set forth in the ordinances authorizing such bonds. All bonds shall be payable in equal annual serial installments, including principal and interest. In no case shall bonds be issued to run for more than thirty (30) years. The purposes for which the bonds are issued shall be set forth in the ordinances authorizing them and the proceeds from such bonds shall not be diverted to any other purposes.
4. Every ordinance for the issue of any bonds shall provide for a tax levy for each year to meet the annual serial installments of principal and interest, and such amounts shall be included in the tax levy for each year. All money received for payment of principal of bonds shall be placed in the Sinking Fund, and all money received for payment of interest on bonds shall be placed in the Interest Fund. All money received by the City for such purposes, shall be kept intact for the purpose for which the same was raised.
5. The City Council, may, by resolution approved by the Mayor, call a special election of the voters to vote on the proposition of issuing bonds, and at any and all elections when the proposition of the issuing of bonds is submitted to the legal voters of the city, said proposition shall be contained on a separate ballot provided for that purpose.

Section 74. May Issue Permanent Improvement Revolving Bonds.

The City of White Bear Lake may issue bonds by ordinance, in an amount not exceeding Two Thousand Dollars, for the benefit of the Permanent Improvement Revolving Fund, without first submitting the proposition to the electors.

CHAPTER V.

LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS.

Section 75. General Powers. The City is hereby authorized to grade, pave, repave, curb, gutter, wall, gravel, macadamize, sprinkle, oil, sweep or repair any street, avenue or alley; to grade, improve, protect and ornament any public park, square or grounds; to construct, improve and ornament parkways and grass plats; to plant and protect shade and ornamental trees along its streets and avenues; to construct, lay, relay and repair sidewalks, retaining walls, gutters, sewers, drains, and pneumatic tubes, pipes and conduits for water, gas, heat, wires, and power, in, over or under any street, alley or highway, and to create, provide for, construct, maintain and do, 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.

Section 76. Cost of Improvements - How Paid. All local improvements shall be paid for by the owners of the property benefited thereby, to the extent of the amount of benefits received by such property, except the paving of arterial highways, in which case the City shall have power to pay not more than forty per cent of the total cost, and the balance of the cost shall be paid by the owners of the property benefited.

Section 77. Excess Cost Payable from Taxes. The City shall have power to do any of the things in this chapter 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, and to pay for the excess cost of such improvements by general taxation.

Section 78. Local Improvements - Initiation - Remonstrance.

The City Manager shall initiate all local improvements that he may deem necessary or advisable, by presenting to the council a statement in writing containing a description of the improvement, an estimate of the cost thereof, the location thereof, a description of the property to be benefited thereby and the names of the owners thereof, and such other information as may be proper. Upon receipt of which statement the Council shall consider the same, and if it decides that such improvement is necessary it shall declare such necessity by a resolution. In such resolution it shall particularly describe the proposed improvement, the cost thereof, as previously estimated by the City manager, and shall state therein what portion of such cost it is proposed to assess against the property specially benefited by said 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 thirty days shall elapse before any further action shall be taken by the council in the matter of such improvement. If, within said thirty days period a remonstrance against such improvement be filed with the Council signed by not less than sixty per cent of the owners, owning not less than sixty per cent of the property proposed to be assessed for such improvement, protesting against the making of the improvement, the Council shall not make such improvement. If no such remonstrance is made, the Council may proceed with such improvement at the expense of the property benefited, and shall direct the City Manager to do the work by day labor, procuring the necessary tools and materials in the manner provided by the Charter or it may direct him to have the work done by contract advertised and let as herein provided.

Section 79. Sidewalks and Sprinkling. Notwithstanding the provisions of the preceding section, the Council may by resolution passed by a four-fifths vote of the Council, and approved by the Mayor, order the construction of any sidewalk, or the sprinkling of any highway, which it deems necessary for public convenience or safety, to be assessed against the property specially benefited thereby, as herein provided.

Section 80. Improving Intersections. How Paid. The cost of grading, paving and otherwise improving the intersections of streets, avenues and alleys, shall be paid by general taxation, and no assessments for benefits for any such improvements shall ever be made.

Section 81. Council to Adopt Assessment Roll. If at the end of thirty days period, set out in Section 78, no remonstrance against the improvement is filed with the Council as hereinbefore provided, the Council shall estimate and fix the cost thereof, according to the estimate furnished by the City Manager, and shall assess and levy such cost upon the benefitted property in such proportion as the same shall be benefitted, and for such purpose shall adopt an assessment roll.

Section 82. Contents of Assessment Roll. The assessment roll shall contain a brief description of the improvement and of each tract of parcel of property benefitted by the improvement, the name or names of the owners thereof, and the amount of benefits against each parcel of property.

Section 83. Notice of Assessment. When completed the Council shall cause to be given ten days notice by one publication in the official newspaper of the City to the effect that such assessment has been completed and that at the time and place therein specified it will hear objections thereto, and that all objections must be filed in writing with the City Clerk at least one day prior to the time so specified, and that unless sufficient cause is shown to the contrary the same will be confirmed. Said notice shall contain a copy of the assessment roll as completed. The Council may, in its discretion, allow any person interested, who has inadvertently omitted to file his objections as aforesaid to do so at the time fixed for the hearing of said objections named in said notice.

Section 84. Council shall Revise, Correct and Confirm. The Council shall have the power to adjourn such hearing from time to time and in its discretion to revise and correct said assessment, and to confirm or set aside the same and proceed to make the assessment de novo. The assessment when confirmed shall be corrected to conform with such confirmation and shall be final and conclusive upon all persons interested therein and not appealing therefrom.

Section 85. Assessment to be Entered in Book. When any assessment is confirmed, it, together with all affidavits of publication, shall be entered in a book kept for that purpose by the City Manager.

Section 86. Notice of Confirmation to be Published. As soon as practicable after the assessment has been confirmed, the City Manager shall cause a brief notice, by one publication of the fact of such confirmation, to be published in the official newspaper of the City. No mistake, or omission, in the name of any property owner, shall in anywise affect such assessment.

Section 87. Appeals from Assessment. Any person interested in any property assessed under this Chapter or under the Chapter on Eminent Domain may appeal from the assessment to the District Court of Ramsey County within thirty days after the publication of notice of confirmation thereof. Such appeal is hereby declared to be the exclusive way in which said assessment can be revised, modified, amended or annulled after confirmation.

Section 88. Appeals how Taken. Said appeal shall be made by filing a written notice with the City Clerk, stating the party appeals to the district court from the assessment, and containing a description of the property of the appellant so assessed, and the objection of the appellant to the assessment, and by filing with the Clerk of the district court within ten days thereafter, a copy of the 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 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 case 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 other cases in the district court.

Section 89. Appeals - How Tried. Such appeal shall be tried by the District Court at a general or special term without pleadings other than as above stated. The only defense and objections to said assessments that may be raised on said appeal are the following: (1) That there is no valid order for such improvement or improvements. (2) That the assessment is fraudulent or made upon a demonstrable mistake of fact or upon an illegal or erroneous principle of law. The court shall hear such competent evidence as may be offered by either party and may review, 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 errors complained of. The assessment roll shall, when confirmed by the Council in all cases on appeal or otherwise and in all Courts be primary facie evidence of the validity of all proceedings, up to and including, the confirmation of the assessment. Disbursements, but no statutory 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 the 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. Provided, that such appeal shall be taken within twenty days after the confirmation of such assessment. Notice of such appeal shall be served upon the City Clerk and proof of such service filed with the Clerk with such sureties and in such amount as will be approved by said District Court or a Judge thereof conditioned for the payment of the amount for which judgment shall be rendered and the interest, penalty and costs allowed by law if the decision of the District Court shall be affirmed. Such a notice and bond shall be filed as aforesaid within said period of twenty days.

Section 90. Reassessment. If an assessment shall be set aside by the district court for any cause, jurisdictional or otherwise, the Council 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 reassessment, may omit the pieces of parcels of land as to which the first assessment shall not have been set aside or appealed from, or on which the first assessment shall have been paid. As often as an assessment or re-assessment against a piece or parcel of real estate, assessed for any legal 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.

Section 91. Assessment Payable in Five Installments -  
Notice.

As soon as the Council has confirmed the assessment roll the City Manager shall divide either per cent (80%) of each assessment in excess of ten dollars except the sprinkling or oiling assessments, into four equal parts, as nearly as may be, and shall, in proper books to be kept by him, extend the same in proper columns in such manner that eighty per cent of such assessments shall be extended over four successive years after the year in which the assessment shall have been made, leaving the balance thereof to be spread in the fifth year, as hereinafter provided. Such assessments shall be paid in five annual installments on such dates as may be designated by resolution adopted by the Council with interest to be paid annually on each installment after the first, at the rate of six per cent. The first four installments may be paid with interest to date only, at any time after the first installment is due, and the fifth after it has been determined, or the full assessment with interest to date may be so paid. If the assessment against any parcel of land does not exceed ten dollars then eighty per cent of such assessment shall become due within the time fixed by the Council and the remainder, if any, after the completion of the improvement, as herein provided. After the completion of any improvement for which a special assessment has been levied, the City Manager shall forthwith make a report to the Council, showing the actual cost thereof and the portion chargeable to each parcel of land benefitted and assessed. The City Manager shall thereupon deduct from the portion of the cost of the improvement chargeable to each parcel of land, as shown by such report, the aggregate amount of the four installments theretofore spread against the same, comprising eighty per cent of the assessment, as above provided, and shall then spread the remainder, if any, as the fifth installment of the assessment as made against each parcel of land. In case the eighty per cent has been spread against any parcel of land as a single installment, the remainder, ascertained in like manner, if any, shall be spread as the second installment and be payable within the time limit fixed by the Council. All assessments for street sprinkling or oiling shall be paid as the Council may determine. Assessments for local improvements shall be paid to the City Treasurer. As soon as any assessment has been completed and extended a certified copy of the assessment roll, or if payable in more than one installment, of the extension thereof, shall be filed with the Treasurer. Thereupon the Treasurer shall forthwith cause to be published in the official newspaper a notice that the payment of such assessment or the first installment as the case may be, is due and that unless the same is paid within the time fixed and designated by the Council the same will be declared delinquent and the penalty as herein provided will attach. At the time of such publication the Treasurer shall also mail to the owner of any property so assessed at his last known address, a postcard to the same effect but the failure to do so shall in no way effect or prejudice the collection of such assessment or installment nor the attaching of any penalty.

Section 92. Penalty on Delinquent Assessments. Each installment or assessment not paid within the time fixed for payment by the Council shall be deemed delinquent and a ten per cent penalty shall be added. All installments of extended assessments shall be deemed delinquent, if not paid at the time fixed for payment in the extension, and when delinquent a ten per cent penalty shall in each case be added.

Section 93. Delinquent Assessments Certified to  
County Auditor.

In each year the Council shall cause to be made a certified statement of the several pieces of land against which assessments have been made and are delinquent, describing the land affected and giving the amount of the assessment with penalties added, which certified statement shall be filed with the County Auditor of Ramsey County, on or before the 10th day of October of each year.

It shall be the duty of the County Auditor to extend the assessments with penalties, as shown by such certified statement, upon the tax rolls of the county for taxes of the particular year in which the assessment is filed, and the same, for each year ending October 15th, shall be carried into the tax becoming due and payable in January of the following year, and shall be enforced and collected in the manner provided for the enforcement and collection of State and County taxes under and in accordance with the provisions of the general laws of the state, except that in court proceedings to enforce the collection of taxes, no defense as to the validity of any such assessments shall be permitted. Such assessment, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes for state and county purposes under the general laws of the State.

## CHAPTER VI

### EMINENT DOMAIN.

Section 94. Power to Acquire Property. The City of White Bear Lake is hereby empowered to acquire, by lease, purchase, gift, devise, or condemnation, any property, real, personal or mixed, either within or without its corporate boundaries, which may be needed by said City for any public community, educational, recreational, use or purpose. In addition to the power to acquire property for other public purposes, the City may also acquire, as herein provided, any gas, heat, power, light, telephone, or other plant, or other public utility; but no proceedings to acquire any such utility shall be consummated unless the City has the money in its treasury to pay for the same or had by vote of the people made provision for paying for the property proposed to be acquired.

Section 95. Proceedings in Taking Property. The necessity for the taking of any property by the City shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be and state the use to which it is to be devoted. The acquisition of such property may be accomplished by proceedings at law, as in taking land for public use by right of eminent domain according to the laws of this state, except as otherwise provided in this chapter.

Section 96. Payment of Award. 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 sixty days of such final determination, pay the amount of the award with interest thereon at the rate of six per cent per annum from the date of the confirmation of the award or judgment of the court, as the case may be, and if not so paid, judgment therefore may be had against the City.

Section 97. City May Abandon Proceedings. The City may by resolution of the Council at any stage of the condemnation proceedings, or at any time within thirty days after any commissioners appointed by the court hereunder shall have filed their report with the clerk of court, or in case of an appeal to the district or supreme court at any time within thirty days after final determination thereof, abandon such proceedings as to all or any parcel of the property sought to be acquired and shall pay all costs thereof.

Section 98. City may Take Entire Plant. In case the City shall condemn a public utility which is operated at the commencement of condemnation proceedings or any of the proceedings of the council, to describe or treat separately the different kinds of property composing such system, but all of the property lands, articles, franchises and rights which enter into and go to make up such system may, unless otherwise ordered by the court, be treated



together as constituting one property and as award for the whole property in one lump sum may be made by the commissioners on condemnation or other body assessing the damages. But this shall not prevent the City, in cases where the plant and property is separable into distance parts, from taking only such part or parts thereof as may be necessary to the public interests.

Section 99. Easements - How Acquired. Easements for slopes, fills, sewers, building lines, poles, wires, pneumatic tubes, pipes and conduits for water, gas, heat, wires and power, may be acquired in the manner provided by law.

Section 100. Cost to be Assessed. The cost of property taken by condemnation proceedings, including all expenses incurred in connection with the proceedings, shall be assessed against all property benefitted thereby to the amount of the benefits received by the property benefitted by such improvement, in the manner provided for levying local improvement assessments in this Charter.

## CHAPTER VII

### FRANCHISES.

Section 101. Franchises Defined. The word "franchise" as used in this chapter shall be construed to mean any special privilege granted to any person, co-partnership, or corporation, in, over, upon, or under any of the highways or public places of the City of White Bear Lake or the State of Minnesota, or shall hereafter be granted by the City of White Bear Lake or the State of Minnesota. The terms "public service corporation", "co-partnership", or "person", as used in this chapter, shall be construed to mean any corporation, co-partnership, or person exercising any franchise within the City of White Bear Lake. The term "company" shall mean either a corporation, a co-partnership, or any person exercising any franchise within the City of White Bear Lake.

Section 102. Franchise Ordinances. The Council may grant franchises by ordinance adopted by a four-fifths vote and approved by the Mayor, but in no case shall a franchise be granted by an emergency ordinance. Franchise rights shall always be subject to the superior right of the public to the use of street and public places. All corporations, co-partnerships, or persons desiring to make an especially burdensome use of the streets or public places, inconsistent with the public's rights in such places, or desiring the privilege of placing, in, over, upon, or under any street or public place any permanent or semi-permanent fixture for the purpose of constructing or operating street or other railways, or for telephoning, or telegraphing, or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the City or its inhabitants or any portion thereof transportation facilities, water, light, heat, power, or any other public utility, or for any other purpose, shall be required to obtain a franchise before proceeding to make such use of the streets or public places or before proceeding to place such fixtures in such places.

Section 103. Publication of Franchises. Every ordinance granting or extending any franchise shall contain all the terms and conditions of the franchise. A franchise shall be without any validity whatever until it has been accepted by the grantee, and until it has been given adequate publicity, either by the publication of the franchise verbatim in the official paper of the city at least once a week for four successive weeks after its passage, or by the posting of authentic copies of the franchise upon bulletin boards in at least ten of the most public places in the City for a period of thirty days after its passage.

Section 104. Term of Franchises Limited. No perpetual franchise shall ever be granted, nor shall any franchise be granted for a longer term than twenty-five years.

Section 105. Power of Regulation Reserved. The City of White Bear Lake shall have the right and power to regulate and control the exercise by any corporation, co-partnership, or person, of any franchise however acquired, and whether such franchise has been heretofore granted by the Village of White Bear Lake or the State of Minnesota, or shall hereafter be granted by the City of White Bear Lake or the State of Minnesota.

Section 106. Regulation of Rates and Charges. All corporations, co-partnerships, and persons exercising franchises in the City of White Bear Lake shall give courteous, efficient, and adequate services at reasonable rates. A reasonable rate shall be construed to be one which will, with efficient management, normally yield, above all operating expenses and depreciation, a fair return upon the money honestly and efficiently invested in the plant and equipment used by the company in the public service within the City. This shall not be construed as a guarantee of a return and in no case shall there be any return upon franchise value. Within these limits, the determination of the maximum price or rate to be charged by any company for service rendered to the City or to any person or persons within the City shall be made, if possible, by direct negotiations between the company and the Council at public hearings. In case of failure to reach an agreement by this method, the Council shall appoint the City Manager or some other expert as its representative, the company shall appoint a representative, and these two shall by mutual agreement select a third person, preferably an expert in valuation and rate-making, who shall together constitute a board of arbitration. This board shall report its findings as soon as possible and the Council shall thereupon by ordinance fix the price or rate agreed to by the board. Schedules of rates thus fixed shall be as flexible as may be, and shall in no case fix a definite rate for a period of more than three years. The City and the company may, by mutual agreement, revise existing schedules of rates at any time, proceeding in each case as provided for the original fixing of the rates.

Section 107. Arbitration of Labor Disputes. If any controversy, dispute or disagreement shall arise between any public service corporation, co-partnership, or person, operating in the City, and its employees, which in the opinion of the Council, interferes or threatens to interfere with the service to which the City or its inhabitants are entitled, the Council shall have power to compel the parties involved in the controversy to submit the same to a board of arbitration under such procedure as may be provided by ordinance. The findings of such arbitral authority shall be advisory, unless the parties shall agree in advance to make such findings mandatory.

Section 108. Conditions in Every Franchise. Every franchise which does not contain the provisions prescribed in this section shall be absolutely void and incapable of ratification by estoppel or otherwise. Every franchise shall contain the following provisions:

1. That the grantee shall be subject to and will perform on its part all the terms of Section 101 to 107, inclusive, of this charter.

2. That the grantee shall in no case claim or pretend to exercise any power to fix fares, rates, and charges; but that such fares, rates and charges shall at all times be just, fair, and reasonable for the services rendered, and shall in all cases be fixed and from time to time changed in the manner provided in Section 106 of this charter.

3. That the Council shall have the right to require reasonable extensions of any public service system from time to time, and to make such rules and regulations as may be required to secure adequate and proper service and to provide sufficient accommodations for the public.

4. That the grantee shall not issue any capital stock on account of the franchise or the value thereof, and that the grantee shall have no right to receive, upon condemnation proceedings brought by the City to acquire the public utility exercising such franchise, any return on account of the franchise or its value.

5. That no sale or lease of said franchise shall be effective until the assignee or lessee shall have filed in the office of the City Clerk an instrument, duly executed, reciting the fact of such sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required of the grantee thereunder. The assignee or lessee shall also file a bond in such amount and with such conditions as the Council may require, which bond shall run to the City as obligee, with sureties, satisfactory to the Council, and shall obligate the assignee or lessee to discharge all obligations and liabilities imposed by said franchise.

6. That every grant in said franchise containing permission for the erection of poles, masts, or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks in, or of pipes or conduits under the streets or public places, or for the placing in the streets or other public places of any permanent or semi-permanent fixture whatsoever, shall be subject to the condition that the Council shall have the power to require such alterations therein or relocation or rerouting thereof, as the Council may at any time deem necessary or advisable for the safety, health, or convenience of the public, and particularly that it shall have the power to require the removal of poles, masts, and other fixtures bearing wires and the placing underground of all wires for the whatsoever purpose used.

7. Every franchise and every extension or renewal of such franchise, shall contain a provision for its acceptance in writing by the grantee with thirty days after its passage by the Council. No such franchise shall be binding upon the City until its acceptance by the grantee. Such acceptance shall be construed to be an acceptance or consent to all the terms, conditions, and limitations contained in the ordinance granting the franchise as well as of the provisions of this charter.

The violation by the holder of any franchise of any of the express provisions prescribed by this section shall be a sufficient cause for the forfeiture of the franchise by a resolution of the Council.

Section 109. Further Provisions of Franchises. The enumeration and specification of particular matters which must be included in every franchise or renewal or extension thereof, shall not be construed as impairing the right of the City to insert in any such franchise or renewal or extension thereof of such other and further conditions and restrictions as the Council may deem proper to protect the City's interests, nor shall anything contained in this charter limit any right or power possessed by the City over existing franchises.

## CHAPTER VIII

### PUBLIC OWNERSHIP AND OPERATION OF UTILITIES.

#### Section 110. Acquisition and Operation of Utilities.

The City of White Bear Lake shall have power to acquire public utilities as provided in Chapter Six of this Charter. The operation of all public utilities owned by this City shall be under the supervision of the City Manager.

Section 111. Rates and Finances. Upon recommendations made by the City Manager, the council shall have the power to fix all rates and charges for water, light, heat, and all other utilities provided by plants owned by the City, but such rates and charges shall be just and reasonable. In like manner the Council may prescribe the time and manner in which payments for all such services shall be made, and the manner in which water and electric current shall be computed or measured, whether by meter or flat rate, and make such other regulations as may be necessary, and may prescribe penalties for the violations of such regulations.

Section 112. Purchase in Bulk. The Council may, in lieu of providing for the local production of gas, electricity, water, and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix.

Section 113. City to Pay for Services. The Council shall make a reasonable charge, based on the cost of service, for lighting the streets and public buildings, or for supplying heat, power, or any other utility and reasonable hydrant rental and other charges for supplying the City with water.

Section 113 $\frac{1}{2}$ . Public Utilities may be Sold - How. No public utility owned by the City, whether acquired prior to the adoption of the Charter or thereafter, shall be sold, leased or otherwise disposed of by the City unless the full terms of the proposition of such sale or other disposition thereof, together with the price to be paid therefor, shall have been published in the official paper of said City once a week for six successive weeks, before final action of the Council, and submitted to a vote of the people for ratification or rejection at the next general municipal election and ratified by, at least, a two-thirds majority of the electors voting thereon.

## CHAPTER IX

### MISCELLANEOUS.

Section 114. Restricted Residence District. The City Council shall have the power to establish restricted districts, and provide that within such districts, building lines may be established, and the erection of flat or apartment buildings, store or business buildings of any kind, or the erection of moving of undesirable buildings, of any kind, or the use of any existing buildings for public use or trade, or the placing or building of any structure into or within such restricted district, which may tend to depreciate the value of adjacent property, may be permanently and absolutely barred and prohibited. Such districts shall consist of not less than six hundred feet of street frontage, and shall be contiguous except as to streets or alleys which may intersect such restricted districts. The City Council, before passing an ordinance establishing such restricted districts, shall require a petition setting forth the terms and conditions of the restrictions desired, together with the limits of such proposed district, and full legal description of all the lots, or parts of lots, to be included within such proposed restricted district, together with the names and addresses of the supposed owners of the different lots or tracts, within such district. Such petition or petitions must be signed by not less than fifty per cent of the owners of the lots or tracts, and representing not less

than fifty per cent of the street frontage in such proposed restricted district. Upon receipt of such petition the City Council shall fix a date for a public hearing upon the question of establishing such restrictions, and shall serve each and every record owner within such restricted district, with a written notice setting forth the proposed restriction, and the legal description of the lots embraced, therein. Such notices shall be served by the City Manager personally where possible, otherwise by duly mailing a copy of such notice to the supposed address of the record owner, and the certificate of the City Manager of the serving or mailing, of such notices shall be evidence of the sufficiency of such service or mailing. The said notices shall be served or mailed at least ten (10) days in advance of the date of the hearing to be held before the City Council. When the hearing is held if there be a substantial minority of the property owners within such proposed restricted district, opposed to the proposed restriction, the City Council may at its option nullify and abandon such proceedings; otherwise the Council shall proceed to appoint three appraisers, of whom the City Manager shall be one, to view the property included in the proposed restricted district, and make a report to the City Council setting forth the benefits and damages, if any, which shall accrue to each tract or lot by reason of such restriction. The amount of the benefits assessed shall be equal to all damages allowed, plus the sum of all expenses incurred in such proceedings. The Council shall then cause notice to be given to all interested persons, of the proposed adoption of the appraisers report and the confirmation of such proposed assessment and restriction, fixing a date not less than ten days in advance of the date of such notice, of a public hearing before the City Council, to consider final action upon the adoption of the assessments and the restrictive measure under consideration. If there be no considerable opposition at such meeting, to such action, the City Council may at its option pass an ordinance, setting forth fully the terms of the proposed restriction, together with the full legal description of all lots or tracts affected, and the amount of the benefits to be assessed or damages awarded to each owner. Such ordinance when regularly adopted by the City Council, and duly approved by the Mayor, and published in the official newspaper, shall be final and have the force of law, and a duly certified copy of such ordinance and the petition when duly filed and recorded in the office of the Register of Deeds of Ramsey County, Minnesota, shall constitute a legal restriction of the use or improvement of the several lots or parts of lots, embraced within such restricted district. Any violation in the terms of such restrictive ordinance, shall be deemed a misdemeanor, and render the person or persons violating same liable upon conviction thereof, to fine or imprisonment, or both, at the option of the Court having jurisdiction, and as a further and additional penalty, any violator of such ordinance shall be liable for damages to any, or all, of the owners of lots or parts of lots within such district, and the proof of such violation shall be prima facie evidence of such violator's liability for actual or punitive damages by reason of such violation. The Council shall not have the power to amend, annul or modify such restrictive provisions or ordinance or otherwise, unless petition is presented to it, signed by at least eighty per cent (80%) of the record owners within such restricted district, setting forth the changes desired in the restrictive conditions. The Council shall upon receipt of such petition, fix a date, not less than ten days in advance, at which a hearing shall be had before the City Council, and a notice of the date of such hearing and the action proposed, shall be served upon all record owners within such district. After such hearing, the Council may at its option, pass an ordinance, amending, annulling or rescinding the restrictions, as prayed for in the petition, and the passage of such ordinance, and the recording of certified copies of such ordinance, and the petition upon which the ordinance is based, in the office of the Register of Deeds of Ramsey County, Minnesota, shall be prima facie evidence of the amendment, release or annulment of the restriction in the title, in accordance with the terms of such ordinance.

All proceedings under this Section with reference to levying assessments for benefits shall be transacted in accordance with the provisions of this charter relating to the levying of assessments for local improvements, save only as modified by the conditions of this section. All damages allowed by the appraisers shall be paid to the owner or owners of any lot, lots or part of lot damaged, according to the amount of damages to each parcel of land. An appeal from the award of damages or levy of assessments may be taken in the manner provided in this Charter for appeals from local improvement assessments.

Section 115. Justices and Constables. Two Justices of the Peace and Two Constables shall be elected and hold office for a term of two years.

Section 116. Vacancies. In the event of a vacancy in the office of Justice of the Peace or Constable, the vacancy may be filled by the City Council (without concurrence of the Mayor) until the next annual municipal election, at which time such vacancy or vacancies shall be filled for the balance of the unexpired term by election.

Section 117. Justices of the Peace - Jurisdiction. The Justices of the Peace of the City shall have and possess all the authority, power, rights and jurisdiction and perform the duties that Justices of the Peace have or hereafter may possess, who are elected under the general laws of the State of Minnesota and be subject to all the penalties under such laws. They shall, in addition thereto, have authority and jurisdiction to hear, try and determine all complaints for the violation of any provision of this charter and of any ordinance, resolution, by-law, rule or regulation made or adopted under or by virtue thereof; and in all cases cognizable by a Justice of the Peace in which the City is a party, and of all suits, prosecutions and proceedings for the recovery of any find, forfeiture or any penalty under any ordinance, resolution, by-law or regulation of this City or this charter. Such Justices of the Peace shall give bond as required by law of village Justices of the Peace.

In all proceedings before Justices of the Peace authorized by this charter, and in all criminal and civil proceedings before such Justices, the same forms and proceedings shall be had and used, where not otherwise directed, as are established and required to be had and used in criminal and civil actions by the general laws of the State, before Justices of the Peace; and appeals from the judgment and decisions of such Justices of the Peace of the City shall be allowed and taken, in all respects as provided by the general laws of the State of Minnesota for appeals from Justices of the Peace.

All fines and penalties imposed by the Justices of the Peace of this City shall belong to and be turned into the Treasury of the City. The Justices of the Peace shall, monthly, or oftener, if required by the Council, report to the Council all proceedings instituted and shall at the same time, account for and pay over to the Treasurer all fines collected or received by them belonging to the city, and such Justices of the Peace shall be entitled to receive from the County of Ramsey such fees in criminal cases where the State is a party, as are allowed by statute to other Justices of the Peace for similar services, and they shall be entitled to receive from the City of White Bear Lake such fees in cases where the City is a party as Justices of the Peace are entitled by law to tax up and receive from said county in similar cases, except in cases where such fees are collected from the defendant by the Justices.

In civil cases and all other matters such Justices of the Peace shall be entitled to the fees allowed Justices of the Peace by the general laws of the State of Minnesota in similar cases or matters.

Section 118. Election and Term of Office. The Justice of the Peace and Constable whose terms expire on the first Tuesday in April A.D. 1923, shall hold office until the expiration of their terms, and their successors shall be elected at the General Elections in March, A.D. 1923.

Section 119. Constables. The two Constables of the City shall have all powers and duties conferred by the general laws of the State of Minnesota upon village constables, and shall be entitled to receive such fees as are allowed constables under the laws of the State of Minnesota.

Section 120. Fence Viewers. The Councilman in their respective wards, together with the City Manager, shall be fence viewers.

Section 121. City May Acquire Property. The City of White Bear Lake shall have the right and power to acquire by gift, devise, purchase or condemnation any property without the corporate limits of the City of White Bear Lake for water works, sewage disposal tank, recreation grounds and bathing beaches.

Section 122. Railroads. The City of White Bear Lake shall have the power and the same is hereby granted to it to require any and all railroads owning a right of way through the Village of White Bear Lake, to open streets across such right of way and build inducts over and tunnels underneath such right of way when necessary for the safety or convenience of the public.

Section 123. Power of Police Officers. The Chief of Police and all regular or temporary officers shall possess the powers of Constables at common law and under the statutes of this state, and in addition thereto shall have the power to serve and execute any warrant, summons, commitment, writ, subpoena or process issued out of the Justice Courts, and have power to pursue and arrest in any part of the state beyond the limits of the City any person charged with any violation of any law, ordinance of the City, for offense or crime within the limits of the City. Provided that no such officer shall have power to arrest without a warrant, except in cases in which arrest without a warrant is authorized by the general laws of the state or this charter, and the violation of the City ordinances shall be deemed a public offense.

Section 124. Punishment for Offense. Every act or omission to act which under this Charter or the ordinances and regulations of the City is or shall be made a misdemeanor or subject to punishment shall be, if the punishment is not otherwise prescribed, punishable by imprisonment of not more than ninety days, or of a fine of not more than One Hundred Dollars.

Section 125. Inspection of Records. All records, books and papers pertaining to the business of the City or any department thereof, shall be public and open to inspection of any citizen of the City at all reasonable times and places.

Section 126. Actions on Behalf of the City. All actions brought to recover any penalty or forfeiture under this Charter or the ordinances, by-laws, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the City.

Section 127. State Offenders. The City shall not be liable in any case for the board or jail fees of any person who may be committed by any officers of the City or any magistrate to the jail of Ramsey County for any offense punishable under the State laws.

Section 128. Abused in Duties. All persons holding any office or employment under the City, whether elected or appointed, shall be required to engage in the actual work of the office or employment so held to the extent that their services may be necessary for the full and complete discharge of the duties of said office or employment, and a failure so to do shall be ground for removal.

Section 129. Affidavits of Publication of Ordinances or Resolutions.

The proprietor of the official newspaper shall immediately after the publication of any notice, ordinance or resolution or proceedings of the council, or any other matter which is required by any provision of this Charter, file with the City Clerk a copy of such publication with his affidavit or that of his foreman of its due publication and no bill for publication of any matter whatever shall be allowed or adjusted by the City Council until such affidavit shall have been so filed, and until the same has been approved.

Section 130. Charter to be Public Law. This Charter is hereby declared to be a public act and may be read in evidence in all courts in this state and need not be pleaded nor proven.

Section 131. Fire Department. The Council shall have power to establish by ordinance a Fire Department and shall have power to provide for fire engines and other fire apparatus, engine houses, pumps and reservoirs. The City Manager shall have the power to compel inhabitants to aid in the extinguishment of fires, and to raze such buildings in the vicinity of a fire, as the City Manager, or in his absence the Mayor or any two members of the Council, may direct, for the purpose of preventing its communication to other buildings. It shall be the duty of the City Manager to repair immediately upon the alarm of fire, to the place where the fire may be, and act conjunctively with the Chief of the Fire Department in preserving property, provided, however, the Chief of the Fire Department shall direct the work of firemen at fires.

Section 132. Jury Service. The Mayor, City Manager, City Clerk, Justices of the Peace, Police Officers and Chief of Fire Department shall be exempt from serving as jurors in any Court during their term of office.

Section 133. Commencement of the Term of Elective Officers.

The terms of all elective officers shall commence on the first Tuesday in April after the election of said officers.

Section 134. City Clerk to Administer Oaths. The City Clerk shall have power to administer oaths and affirmations, and to take and certify acknowledgements of deeds and other instruments in all cases in which the same are required or sanctioned by law.

Section 135. Processes against City. Service of summons, process or notice of any action, claim or proceeding against the City may be made by leaving a copy thereof with the Mayor or in his absence with the City Clerk, and it shall be the duty of the officer upon whom any summons, process or notice is served to forthwith inform the City Attorney and Council thereof, who shall take such proceedings as may be needful to defend the interests of the City.

Section 136. Library Board. The Library Board now existing in the Village of White Bear Lake, pursuant to the general laws of the State of Minnesota, shall continue to exist pursuant to said general laws, and the members of said Board shall continue in office until their terms expire at which time the City Council of the City of White Bear Lake shall proceed to fill vacancies in said Board pursuant to the laws of the State of Minnesota in such case provided.

Section 137. Department of Public Welfare. The Department of Public Welfare shall consist of three members one of whom shall be a physician duly licensed to practice within the State of Minnesota, of good standing in his or her profession and who shall have been in active practice for at least three years, He or she shall be styled "Health Officer".



Section 138. Qualification - Appointment. Each member of said Department shall be an elector and resident freeholder or resident spouse of a freeholder of the City of White Bear Lake at the time of his or her appointment. They shall be appointed by the Mayor for the term of one year.

Section 139. Power - Duties. Except as otherwise provided in this charter, the members of said department shall have and exercise all the authority and power and shall perform all the duties granted to or imposed upon local boards of health by the general laws of the State of Minnesota; and all such laws of said State governing such local boards shall so far as applicable, apply and be in force in this City. This department shall also have charge of playgrounds and all forms of public recreation.

Section 140. Construction of Words. Whenever the personal pronouns "he", or "him", or "his" are used in this Charter, descriptive of any voter, appointee, candidate, or official, such words shall be construed as synonymous with and equivalent to the words "she", "hers", or "her", where reference is made to a female.

Section 141. Assessments against Holders of Franchises. All holders of franchises or utilities, their grantees, successors or assigns using the streets, alleys or public grounds, or the space over or under the same, shall pay such part of the cost of opening, improvement, repair, rebuilding, or maintenance of such streets, alleys, and public grounds upon or over or under which its wires, poles, conduits, tunnels or appurtenances thereto are located as the City Council shall be ordinance or resolution in each case determine. Such amount as fixed shall in each case be just and reasonable, and if not paid within thirty days after notice of the passage of such ordinance or resolution is served upon the holder of such franchise or utility, such amount or amounts as fixed may be collected from the holder of such franchise or utility in a suit brought in a Court of Competent jurisdiction in which the City shall be plaintiff.

Section 142. Interfering with City Manager. Neither the Council nor any of its members shall dictate the appointment of any person to office or employment by the City Manager, or in any manner interfere with the City Manager; or attempt to prevent him from exercising his own judgment in the appointment of employees, for administrative service, and except for the purpose of inquiry, the City Council shall deal with the administrative service of the City, solely through the City Manager and shall not give orders to any of the subordinates of the City Manager, either publicly or privately. Any such dictation, prevention or other interference on the part of a member of the Council with the administration of the City, shall be deemed a misdemeanor, and upon conviction thereof may at the discretion of a court having jurisdiction, be removed from office.

Section 143. Official Publications. In all cases not provided for in this Charter, the City Council may designate the manner of publication of notices.

Section 144. Damage Suits. No action shall be maintained against the City on account of any injuries to person or property, unless such actions shall be commenced with one year from the occurrence of such injury or damage, nor unless notice shall have been given in writing to the City Clerk within thirty days after 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.

Section 145. Expiration of Terms of Village Officers. Officers of the present Village of White Bear Lake, including the Justice of the Peace and Constable whose terms expires on the first Tuesday in April, A.D. 1928, shall continue in their respective offices, and shall continue to govern the Village in the same

manner as heretofore until the first Tuesday in April, A.C. 1922, at which time their terms shall expire. The Village Council of the Village of White Bear Lake shall make such financial and other provisions for the fiscal year 1922 as will serve to carry on the government until a City government has been set up under this Charter, and shall make provision for the election of the first Mayor, City Council, Treasurer, Justice of the Peace and a Constable on the first Tuesday after the first Monday in March, A.D. 1922, as provided for in this Charter.

Section 145. Statutes Applicable to City. All general laws and statutes of the State of Minnesota applicable in general to cities operating under home rule charters and applicable to cities of the same class as the City of White Bear Lake operating under home rule charters and not inconsistent with the provisions of this Charter, shall be applicable to the City of White Bear Lake, and shall be construed as supplementary to the provisions of this Charter.

Section 147. Existing Ordinances Continued. All ordinances and regulations of the Village of White Bear Lake in force when this Charter takes effect, and not inconsistent with the provisions thereof are hereby continued in full force and effect until amended or repealed.

Section 148. Pending Condemnations. Any condemnation or assessment proceeding in progress when this Charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the Village prior to the time when this Charter takes effect shall be collected and the lien thereof enforced in the same manner as if this Charter had not been adopted.

Section 149. Ordinances to Make Charter Effective. The Council shall be ordinance make such regulations as may be necessary to carry out and make effective the provisions of this Charter.

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To the Honorable F. H. Murray,  
Mayor of the Village of White Bear Lake,  
White Bear Lake, Minnesota

Dear Sir:

The foregoing is a draft of the proposed Charter of the City of White Bear Lake, framed and adopted by the Board of Freeholders appointed by the District Court of Ramsey County, Second Judicial District of the State of Minnesota, under and pursuant to Article IV, Section 36, of the Constitution of the State of Minnesota, and the Acts of the Legislature passed pursuant thereto, and said draft of said proposed charter is hereby returned to you as the Chief Executive of said Village of White Bear Lake, according to law, signed by the undersigned majority of said Board of Freeholders.

Dated this 12 day of August, 1921.

<u>J. P. Brew</u>	<u>W. H. Murray</u>
President.	<u>J. H. McLaughlin</u>
<u>A. J. Auger</u>	<u>Oral J. Jackson</u>
Secretary.	<u>H. J. Gilbert</u>
<u>F. H. Murray</u>	<u>E. J. Jagers</u>
<u>Peter J. Jagers</u>	
<u>Norm J. Jagers</u>	
<u>J. J. Jagers</u>	
<u>C. R. Magnuson</u>	
<u>J. G. Jagers</u>	
<u>J. J. Jagers</u>	
<u>J. J. Jagers</u>	

VILLAGE OF WHITE BEAR LAKE

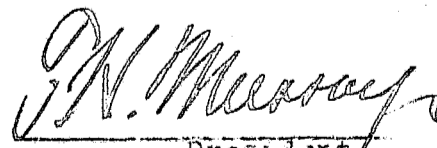
WHITE BEAR LAKE, MINN.

Jan. 8, 1922

At a regular meeting of the Village Council of the Village of White Bear Lake, held November 1st 1921, the following resolution was adopted.

Resolved: That the statement of results of counting and canvass of votes by ballot of the special election, for new charter for the Village of White Bear Lake, County of Ramsey, Minnesota showing that 221 votes received for adoption and 47 against adoption be accepted and confirmed by the Village Council.

  
Clerk.

  
President.

I further certify that the said charter is a full, true and correct copy of the original charter so presented to me and so filed in the office of the Clerk of said Village of White Bear Lake on Sept. 6, 1921 and adopted and ratified by the people of said city as shown in said resolution, and I make this certificate in duplicate under and pursuant to section 36 of article 4 of the Constitution of the State of Minnesota.

Dated:

This 10 day of January, 1922.

J. H. Murray  
Mayor.

Attest:

L. M. Ray  
Clerk.

