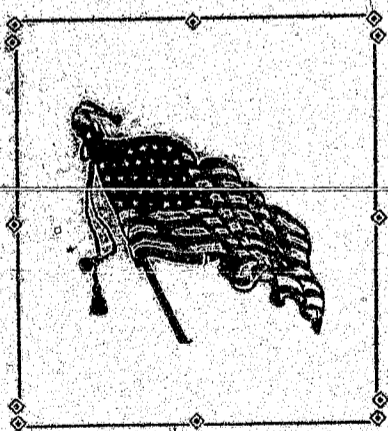


CHARTER
of the
CITY OF RUSHFORD
Minnesota



Framed by the
Board of Freeholders
And Delivered to the Mayor on March 4, 1927

Tri-County Record Print, Rushford, Minn.

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Charter
of the
City of Rushford
Minnesota

Approved by the
Voters on Monday,
April 11, 1907

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Charter of THE CITY OF RUSHFORD

Fillmore County, Minnesota

CHAPTER 1.

GENERAL PROVISIONS

Section 1. POWERS OF THE CITY. The municipal corporation in the County of Fillmore, State of Minnesota, known as the City of Rushford with boundaries as now established, or as hereafter established in the manner provided by law, shall continue to be a municipal corporation under the same name; shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property of any kind or description, or any right, title or interest in the same within or without its boundaries for any municipal purpose by purchase, gift, devise, condemnation, or lease or otherwise, and may sell, convey lease, hold, encumber, manage and control or otherwise dispose of such property as its interests require; and except as prohibited by the constitution or statutes of the State of Minnesota or of the United States the city of Rushford shall have all other municipal powers, functions, rights, remedies, privileges, and immunities of every name and nature whatsoever. The enumeration of particular powers in other sections of this charter shall not be construed to limit the powers of the city to those thus enumerated. The provisions of this charter shall be construed liberally in favor of the city, to the end that it may have

all necessary powers for the efficient conduct of its municipal affairs, as contemplated by the municipal home rule provisions of the constitution and laws of the state of Minnesota.

Section 2.. BOUNDARIES. Until changed as provided by law, the City of Rushford shall include the following territory: the west half of section thirteen; the east half of section fourteen; the south half of the southeast quarter of section eleven; the south half of the southwest quarter of section twelve; the southeast quarter of the southwest quarter of section eleven; the east half of the northwest quarter of section fourteen; and the east half of the southwest quarter of section fourteen, all in township one hundred four north, range eight west.

Section 3. POWERS, HOW EXERCISED. All powers of the city, unless otherwise provided in this charter, shall be exercised by the city council or under its direction.

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CHAPTER 2.

ELECTIONS

Section 4. ELECTIVE OFFICERS. There shall be elected at large in the city of Rushford a mayor, four aldermen, and two justices of the peace, or a municipal judge as may be provided by

law. The mayor and aldermen shall together constitute the council of said city.

Section 5. REGULAR ELECTION. The regular municipal election shall be held on the second Tuesday in July 1927 and annually thereafter at such place or places as the city council may designate. The city council may by ordinance divide the city into two or more voting precincts. At least fifteen days public notice shall be given by the city clerk of the time and place of holding any election, and of the officers to be elected and the propositions to be voted upon, but failure to give such notice shall not invalidate such election.

Section 6. NOMINATIONS. The manner of nomination of all elective officers provided for in this charter shall be by petition. The council may provide for the holding of a public caucus. The name of any candidate for elective office in the city shall be printed on the ballot whenever a petition signed by ten electors of the city or by the president, secretary and eight members of a caucus shall have been filed on his behalf with the city clerk at least ten days before the election. The clerk shall prepare the ballots in a manner to be provided by ordinance.

Section 7. NOMINATION PETITIONS. The form of the nomination petition shall be substantially as follows:

"NOMINATION PETITION

We, the undersigned, electors of the city of Rushford, Minnesota, hereby nominate _____,

whose residence is Rushford, Minnesota, for the office of _____,

to be voted upon at the election to be held on the _____ day of _____, 19____; we

individually certify that we are qualified electors, and that we have not signed more nomination petitions for candidates for this office than there are persons to be elected thereto."

Section 8. JUDGES AND CLERKS OF ELECTION. The council shall, at least ten days before each municipal election, appoint three qualified voters to be judges of the election and two qualified voters to be clerks of the election in each precinct.

Section 9. PROCEDURE AT ELECTION. The conduct of elections shall be regulated by ordinance, subject to the provisions of this charter. The general election laws of the state shall govern in all matters not otherwise provided for in this charter or the ordinances passed hereunder.

Section 10. CANVASS OF ELECTION. The council shall meet and canvass the election returns within five days after any regular or special election.

Section 11. SPECIAL ELECTIONS. The council may by a resolution, passed by a vote of four-fifths of its members order a special election and fix the time and place of holding the same.

Section 12. TERM OF OFFICE. The term of office of the mayor shall be one year. The term of office of the aldermen and the justices of the peace shall be two years.

Section 13. VACANCIES. An elective office may be deemed vacant in case of the failure of the

for one year thereafter. Every appointive officer shall be a resident and qualified voter of the city of Rushford.

Section 19. ORDINANCES AND RESOLUTIONS. Except as otherwise provided in this charter, all legislation shall be by ordinance. Every ordinance and resolution shall be presented in writing and read in full at a council meeting before a vote is taken thereon. The reading of a resolution may be dispensed with by unanimous consent. All administrative business may be transacted by ordinary motion. Upon the final passage of all ordinances and resolutions the ayes and noes shall be recorded. A majority vote of all the members of the council shall be required for the passage of all ordinances and resolutions except as otherwise provided in this charter.

Section 20. ENACTING CLAUSE. The enacting clause of all ordinances shall be in the words: "The City of Rushford Ordains:"

Section 21. FILING AND READING ORDINANCES. Every ordinance, other than an emergency ordinance, shall have two readings, and at least three days shall elapse between the first and second readings thereof. Every ordinance or resolution authorizing the making of any contract involving a liability on the part of the city in excess of one thousand dollars shall remain on file in the office of the city clerk at least one week after its introduction before its final passage except an emergency ordinance or resolution. Attention is one for the immediate preservation of the public peace,

health, morals, safety, or welfare, in which the emergency is defined and declared in a preamble thereto, separately voted upon. Such preamble shall receive the affirmative vote of four fifths of the members of the council. No grant of any franchise shall be construed to be an emergency ordinance. An emergency ordinance or resolution may be enacted without previous filing, and on the same day it is introduced.

Section 22. SIGNATURE AND PUBLICATION OF ORDINANCES. Every ordinance except as otherwise provided in Section 24 of this charter, shall be signed by the mayor, or in his absence by the president pro-tem. of the council, attested by the city clerk, published within twenty days after its passage by the council and recorded by the city clerk in a properly indexed book kept by him for that purpose. Every ordinance not so published and recorded shall be void.

Section 23. WHEN ORDINANCES AND RESOLUTIONS TAKE EFFECT. All ordinances shall take effect immediately upon their passage and publication unless a later date is fixed therein, in which event they shall take effect at such later date. Resolutions shall take effect upon their passage.

Section 24. REVISION AND CODIFICATION OF ORDINANCES. The ordinances of the city may from time to time, by a single ordinance, be revised, rearranged and codified and any new matter may be added which may be deemed necessary by the council. Such revision and codification may be published in book form and such publication shall be held to be a

person elected to qualify within ten days after official notice of his election, or by reason of death, resignation, removal from the city, conviction of a felony, or removal from office. If a vacancy occurs in an elective office the council shall forthwith appoint an eligible person to fill the office until the next general municipal election, when the office shall be filled by election for the unexpired term, if any, if not, then for a full term. Elections of justices of the peace shall always be for a full term.

Section 14. SALARIES OF ELECTIVE OFFICERS. The council shall by ordinance fix the salaries of the mayor and members of the council, which shall be in a stated sum for each regular and special meeting of the council. The justices of the peace shall receive the fees allowed by law.

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CHAPTER 3.

LEGISLATION AND ADMINISTRATION

Section 15. PRESIDING OFFICER. The mayor shall be the president of the council and shall preside at all meetings of the council. At the first regular meeting of the council, which shall be held on the second Tuesday after the municipal election, the council shall elect one of its members president pro-tem. Such president pro-tem shall preside at the meetings of the council in the absence of the mayor, and shall during the absence of the mayor from the city or during his disability be acting mayor with full power as mayor. The mayor shall be recognized as the official head of the city for all ceremonial pur-

poses, by the courts for the purpose of serving processes, and by the governor for purposes of military law.

Section 16. COUNCIL MEETINGS. All meetings of the council shall be held in the city hall. The council shall keep a journal of its proceedings, which shall be a public record. It shall hold at least one regular meeting each month and may hold other meetings as provided by its rules. At any meeting of the council a majority of the members shall constitute a quorum, but a smaller number may adjourn from time to time. The council shall provide by ordinance a means by which a minority may compel the attendance of absent members. All meetings of the council shall be open to the public.

Section 17. APPOINTIVE OFFICERS. At the first meeting of the council after the annual election, the council shall appoint the following officers who shall hold office for the term of one year or until they are removed by the council: City Clerk, City Assessor, City Treasurer, two constables, and a board of health of three members. The council may from time to time appoint such other officers, employees and agents for said city as may be deemed necessary for the proper management and operation of its municipal affairs. The council shall by ordinance prescribe the duties and fix the compensation of all appointive officers.

Section 18. QUALIFICATION FOR APPOINTIVE OFFICE. No member of the council may be chosen to any appointive office for which a compensation is paid, either during his term of office or

sufficient publication of all of the ordinances contained therein. Every such book shall contain a printed certificate of the mayor and city clerk that the publication is correct; and such book so published shall be received in evidence in any court for the purpose of proving the ordinances therein contained the same and for the same purpose as the original ordinances, books, minutes or journals would be received.

Section 25. ADMINISTRATION. The council may, by ordinance, create such departments and boards to advise the council or for the administration of the city's affairs as may seem necessary, and abolish the same and from time to time alter the powers and organization of the same. It shall prepare a complete administrative code for the city and enact the same in the form of an ordinance which may be amended only by a four-fifths vote of the council.

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CHAPTER 4.

TAXATION AND FINANCE

Section 26. COUNCIL TO CONTROL FINANCES. The council shall have full authority over the financial affairs of the city, and shall provide for the collection of all revenue and other assets, the auditing and settlement of accounts, and the safe keeping and disbursement of public moneys.

Section 27. SYSTEM OF TAXATION. Subject to the state constitution, and except as forbidden by it or by state law, the council shall have full power to provide by ordinance for a system of local taxation and to change the same from time to time. In so far as

the city procures a revenue from taxes upon real estate and personal property on an ad valorem basis, it shall conform as fully as possible to the general laws of the state as to the assessment of such property and the collection of such taxes.

Section 28. FISCAL PERIOD. The fiscal period of the city shall begin on the first day of July and end on the last day of June in each year.

Section 29. PREPARATION OF THE ANNUAL BUDGET. The city Clerk shall prepare the estimates for the annual budget and submit the budget to the council for approval. The estimates of expenditures shall be arranged for each department or division of the city in such manner as to give the following information: (1) Ordinary expenses (for operation, maintenance and repairs), subdivided into (a) Salaries, showing each salaried office separately; (b) Wages; (c) Printing, advertising, telephone, express and freight charges and other like items; and (d) Supplies and repairs, with supporting details; (2) Capital outlays (for new construction, new equipment, and all improvements of a lasting character); and (3) Fixed charges. All increases and decreases as compared with the preceding year shall be clearly shown. In parallel columns shall be shown the amounts appropriated and the amounts expended or obligated under similar heads for the past two completed fiscal years. The estimates of revenue shall be arranged under the following headings: sums derived from (a) general property tax, (b) fines, (c) fees, (d) interest, (e) sales and rentals, (f) operation of public

utilities, (g) special assessments, (h) sales of bonds or other obligations, and (i) miscellaneous, not included in any other item. In parallel columns shall be shown the actual revenues and uncollected balances receivable under similar headings for the last two fiscal years. The budget estimates shall also show the funds into which each item of receipts will be paid and the funds out of which each item of expenditure will be paid. Copies of the budget estimates shall be given to each member of the council, the city clerk, and the city treasurer, and they shall be published.

Section 30. **PASSAGE OF THE BUDGET.** The budget shall be the principal item of business at the first regular meeting of the city council in August of each year, and the council shall hold adjourned meetings from time to time until all the estimates have been considered. The meetings shall be conducted in the nature of public hearings and the budget shall be explained in detail to members of the public who may be present. The annual budget finally agreed upon shall be a resolution setting forth in detail the complete financial project of the city for the ensuing fiscal year. It shall indicate the sums to be raised and from what sources, and the sums to be spent and for what purposes, and a reasonable amount may be included, not allotted to any item of expenditure as a contingency fund, which may be used for any lawful purpose upon a four-fifths vote of all the members of the council. The total sum appropriated shall be less than the total estimated revenue by a safe margin. The council shall adopt the budget res-

olution not later than the first day in October of each year.

Section 31. **ENFORCEMENT OF THE BUDGET.** It shall be the duty of the city clerk to enforce strictly the provisions of the budget. He shall not approve any order on the city treasurer for any expenditure unless an appropriation has been made for it in the budget, nor for an expenditure mentioned in the budget unless there is a sufficient unexpanded balance left after deducting the total past expenditures and encumbrances against the item in question. No expenditure except for salaries may be made except in pursuance of a signed requisition or contract. Such requisitions and contracts shall be charged against the budget items as they are approved and shall be deemed to be encumbrances thereupon to the same extent as though the expenditure therefor had actually been made. No person shall place any order or make any purchase on behalf of the city except for the purposes and to the amounts authorized in the budget. Any person who incurs any obligation on behalf of the city in violation of this section shall be personally liable to the city therefor.

Section 32. **ALTERATIONS IN THE BUDGET.** After the budget shall have been duly adopted, the council shall have no power to increase the amounts therein fixed (by the insertion of new items or otherwise) beyond the estimated revenue. The sums fixed in the budget shall be appropriated as of the first day of October for the purposes named therein, and no other. The council may by resolution passed by a four-fifths vote

of all its members reduce salaries or the sums appropriated for any other purpose. Balances remaining in any budget item at the end of a fiscal period shall revert to the treasury and shall be used to reduce the amount necessary to be raised for the ensuing budget year.

Section 33. LEVY AND COLLECTION OF TAXES. On or before the first day of October of each year the council shall by resolution levy the taxes necessary to meet the requirements of the budget for the ensuing budget period, taking into account estimated revenues from sources other than taxation. The city clerk shall transmit to the county auditor annually, not later than the tenth of October, a statement of all taxes and assessments levied, and such taxes and assessments shall be collected with and the payment thereof enforced in like manner as state taxes. No tax shall be invalid by reason of any informality in the manner of levying the same.

Section 34. BOARD OF EQUALIZATION. A board of equalization made up of the mayor, the city clerk, and the city assessor shall meet in the city hall on the last Monday in June annually to equalize assessments according to law.

Section 35. RECEIPTS. All income of the city from any source shall be paid to the city clerk who shall receipt for it in duplicate and keep one copy of the receipt as a permanent record. The city clerk shall deposit with the city treasurer daily all money received by him in his official capacity. The city treasurer shall deposit such funds only in such depositories as may be designated by the council, and

then only after such depositories shall have furnished such security as may be required by the council.

Section 36. DISBURSEMENTS. Disbursements other than those made to pay the principal or interest on bonds of the city shall be made only upon orders signed by the mayor or president pro-tem. of the council, in the absence of the mayor, and by the city clerk. Every such order shall specify the purpose for which the disbursement is made, and indicate the fund out of which it is to be paid. Each such order shall be directed to the city treasurer, and the latter shall pay the same if there is sufficient money in the proper fund. If no money is in such fund, the city treasurer shall endorse the order "not paid for want of funds" with the date of such endorsement, and such order shall draw the legal rate of interest from the date of such endorsement until the day upon which the treasurer shall give public notice that there is money in his hands with which to pay the same. The city treasurer shall keep a register of such endorsements and pay such warrants in the order of their registry as soon as there is sufficient money in the proper fund.

Section 37. PURCHASES AND CONTRACTS. Requisitions and contracts, bonds and other instruments to which the city shall be a party shall be signed by the mayor and city clerk on behalf of the city.

Section 38. CONTRACTS. In all cases of work to be done by contract, or for the purchase of property of any kind, when the amount involved is more than one thousand dollars, (unless the council by an emergency ordinance shall provide otherwise), the coun-

cil shall give not less than five days public notice of the time and place of receiving bids therefor. 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 and adequate provision has been made for the payment. The council shall regulate by ordinance the making of bids and the letting of contracts.

Section 39. FUNDS. There shall be maintained in the city treasury the following funds: (a) A general fund for the payment of such expenses of the city as the council may deem proper. Into this fund shall be paid all money not herein provided to be paid into any other fund; (b) A bond and interest fund for the purchase or payment when due of the principal of and interest upon any bonds or debt of the city, other than public utility bonds. The council shall annually levy a tax sufficient to meet all obligations against this fund when due, unless otherwise provided for; (c) A public utility fund into which shall be paid all money derived from the sale of bonds issued on account of any municipally owned utility, and all money derived from the sale of utility services, 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 such utility, including the principal of and interest upon obligations which have been or shall be issued on its account. When all bonds issued for utility purposes are paid, the annual surplus in this fund shall be invested by the city treasurer in interest bearing certificates

or bonds as provided by law for sinking funds and approved by the council for the purpose of creating a fund for the rebuilding of the utility plants, and the present rates shall remain in effect until this fund has reached a sum sufficient to reproduce the plant. The fund so created shall be available only for the purpose of maintaining and reconstructing the utility system. Separate accounts shall be kept for all utilities which are operated separately; (d) A permanent improvement revolving fund into which shall be paid all moneys received from special assessments for local improvements and from the sale of bonds issued in anticipation of the collection of special assessments or bonds issued for the city's share of the cost of any local improvement. Any other contribution by the city to the cost of an improvement shall be transferred from the general fund to this fund. The council may order the issuance and sale of bonds representing the aggregate sum of special assessments made payable in installments, and the city's share of the making of any local improvement. There shall be paid out of this fund such amounts as may become due on account of the making of any public improvement in the city the cost of which has been specially assessed in full or in part.

Section 40. ACCOUNTS AND REPORTS. The city clerk shall be the chief accounting officer of the city. The council may prescribe and enforce proper accounting methods, forms, blanks and other devices consistent with the law, this charter, and the ordinances passed under it. The clerk shall submit to the council a monthly statement showing the

amount of money in the custody of the city treasurer, the status of all funds, the amounts spent or chargeable against each of the budget allowances and the balances left in each, and such other information relative to the finances of the city as the council may require.

Section 41. BONDED DEBT. No bonds shall ever be issued to pay current expenses or to refund certificates of indebtedness issued to provide for temporary deficiencies in the revenues for current expenses. The council may by a four-fifths vote of all its members submit to the electors propositions for the issuance of bonds for any public purpose not prohibited by law, and for such purpose may issue bonds under any or all of the provisions of Chapter 10, General Statutes of 1923 and acts amendatory thereof and supplemental thereto. Except as otherwise provided in this charter, no bonds or other term obligations of the city may be issued except pursuant to a favorable vote of a majority of those voters who vote on the proposition of their issuance.

Section 42. FORM AND REPAYMENT OF BONDS. All bonds issued by the city shall be serial bonds, and as nearly as practicable, an equal amount of each series shall fall due each year. No bonds shall be issued to run for a longer period than the reasonable life of the property or improvement for which the bonds are authorized as ascertained and set forth in the proposition submitted at the election authorizing such bonds, and in no case shall bonds be issued to run for longer than thirty years. The purpose for which bonds are author-

ized shall be set forth in the proposition submitted to the voters at the election authorizing them, and the proceeds from such bonds shall not be diverted to any other purpose. No bonds may be sold unless the sale has been advertised by five days public notice, provided that the council may reject any and all bids and sell the bonds at private sale if a better price can be obtained.

Section 43. EMERGENCY DEBT CERTIFICATES. If in any year the receipts of the city shall from some unforeseen cause become insufficient for the ordinary expenses of the city, or if any calamity or other public emergency should make necessary extraordinary expenditures, the council may by a resolution approved by four-fifths of all the members thereof authorize the sale of emergency debt certificates to run not to exceed one year, and to bear interest at a rate of not more than six per cent per annum. A tax sufficient to redeem all such certificates at maturity shall be levied as a part of the budget of the next year following the issuance of such certificates.

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CHAPTER 5.

PUBLIC IMPROVEMENTS

Section 44. CITY PLAN. The city council shall, with the assistance of the city clerk, and, if desired, of an advisory city planning commission, prepare and adopt a complete plan for the future physical development of the city. Such plan may be altered from time to time. It may include provisions for zoning, for the planning and development of new areas, for the

planning and location of public buildings, parks, playgrounds, bridges, and other public facilities, and for the laying out, grading and improvement of streets and public places, as well as for all other matters which may seem essential to such plan.

Section 45. PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS. The city shall have power to make any and every type of public improvement not forbidden by the laws of this state, and to levy special assessments for all such as are of a local character. The amounts assessed to benefited property to pay for local improvements may equal the cost of the improvements with interest until paid. The council may, by a four-fifths vote of all its members, order that the cost and expense of all or any part of the making of any local improvement shall be paid out of the general fund or the public utility fund as the case may be, without assessment on the property benefited.

Section 46. LOCAL IMPROVEMENTS. After this charter takes effect all local improvements shall continue for the time being to be made under the laws previously applicable thereto as far as possible. The council shall prepare and adopt a comprehensive ordinance, prescribing the procedure which shall be followed thereafter in making all local improvements, and such ordinance when adopted shall supplant all other provisions of the law on the same subject and may be amended only by a vote of four-fifths of all of the members of the council. Such ordinance shall provide for such notice and hearing in the ordering of improvements and the making of as-

sessments therefor as shall be necessary to meet constitutional requirements.

Section 47. EMINENT DOMAIN. Condemnation proceedings by this city shall be carried out as provided in Chapter 41, General Statutes, 1923, and acts amendatory thereof.

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CHAPTER 6. FRANCHISES

Section 48. DEFINITION OF FRANCHISE. The word "franchise" as used in this chapter shall be construed to include all privileges granted to any person, firm, association or corporation in, over, upon, or under any of the highways or public places of the city, whether such privileges have been or shall hereafter be granted either by the city or by the state of Minnesota.

Section 49. FRANCHISE ORDINANCES. The council may, by ordinance adopted by an affirmative vote of four-fifths of all its members, grant a franchise for the construction or operation of any and every type of public utility, subject to the limitations and conditions prescribed in this charter. The grantee shall bear the cost of publication of franchise ordinances and shall deposit sufficient cash to guarantee the publication before the ordinance is passed.

Section 50. TERM LIMITED. The council in granting any franchise shall fix the term thereof. No franchise shall be granted for a longer term than twenty years.

Section 51. PUBLICATION OF FRANCHISE. 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 unconditionally accepted in all its terms by the grantee.

Section 52. POWER OF REGULATION. The city shall have the power through its council to regulate and control the exercise of any franchise whether such franchise has been or shall hereafter be granted by the city or by the state of Minnesota.

Section 53. RATES AND CHARGES. Every grantee of a franchise to operate a public utility shall give courteous, efficient, and adequate service 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 on all money honestly and efficiently invested in the plant and equipment of the grantee. This shall not be construed to be a guarantee of a return.

Section 54. CONDITIONS OF FRANCHISES. Every franchise shall contain the conditions set forth in this section, and every franchise which does not contain them and all of them shall be absolutely void and incapable of ratification by estoppel or otherwise. Every franchise shall contain a provision: (1) That the council shall have the right: (a) To hear and determine what are just, fair and reasonable rates, to order that only reasonable rates be charged, and to make effective such order by penalties and forfeitures. The granting of any franchise shall not be deemed to confer any right to include in the

charges for service any return on the value of the franchise; (b) To require reasonable extensions of services; (c) To make such rules and regulations as may be required to secure adequate and proper service, and to provide sufficient accommodations for the public. (2) That no sale, assignment or lease of said franchise shall be effective until the vendee, assignee, or lessee shall have filed in the office of the city clerk, an instrument, duly executed, reciting the fact of such sale, assignment, or lease, accepting the terms of the franchise, and agreeing to perform all the conditions thereof. (3) That in the case of franchises granted for the erection of poles or masts on, over, or along the highways or other public places, or the stringing of wires thereon, the council may require the placing underground, or in any other safe or convenient position or manner, of wires carrying electricity, and wires for other purposes. (4) That the city shall have free access to all books, records and papers of the grantee which in any way deal with, affect or record its operations within the city. (5) That the violation by the grantee of the provisions of the franchise shall be cause for the forfeiture of the franchise by resolution of the council.

Section 55. FURTHER LIMITATIONS. The enumeration in this charter of particular matters which must be included in every franchise shall not be construed to impair the right of the city to insert in such franchise 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.

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CHAPTER 7.

MISCELLANEOUS AND TRANSITORY PROVISIONS.

Section 56. CHARTER A PUBLIC ACT. This charter shall be a public act and need not be pleaded nor proved in any case. It shall take effect thirty days from and after its adoption by the voters of the city.

Section 57. OATH OF OFFICE. Every elected or appointed officer of the city shall before assuming his official duties, appear before the city clerk and take and subscribe the oath of office prescribed by law and file the same with the city clerk. Every officer of the city shall hold over until his successor has been elected or appointed and has duly qualified.

Section 58. OFFICIAL BONDS. The city clerk shall furnish, before assuming the duties of his office, a good and sufficient corporate surety bond for the faithful performance of his duties in a sum fixed by the council and sufficient amply to protect the city. Such official bond shall be approved by the council and shall be furnished by surety companies authorized to do business in this state. The Bonds for other elective and appointive officers may be surety or private bonds as approved by the council. The premium on such bonds shall be paid by the city.

Section 59. OFFICERS NOT TO ACCEPT FAVORS. No officer or employee of the city shall solicit or receive any pay, commission,

money or thing of value or derive any benefit, profit or advantage, directly or indirectly, from or by reason of, any improvement, alteration or repair required by the city, or any contract to which the city shall be a party, except his lawful compensation or salary as such officer or employee, or except as his property may be benefited incidentally by the making of public improvements. No officer or employee of the city, except as otherwise provided in this charter or by law, shall solicit, accept or receive directly or indirectly from any public utility company or the grantee of any franchise any service upon terms more favorable than those granted to the public generally.

Section 60. FORFEITURE OF OFFICE. Any wilful violation by any elected or appointed officer of any of the provisions of this charter or of the ordinances lawfully enacted under its authority or of his official oath, and any wilful omission to perform any of the duties imposed upon such officer by this charter, the city ordinances, or such official oath shall constitute malfeasance or nonfeasance in office. The district court of Fillmore County is hereby given exclusive jurisdiction to try such cases of malfeasance or nonfeasance in a summary manner, upon complaint of any five taxpayers, and a judgment of conviction by such court shall work an immediate forfeiture of office.

Section 61. OFFICIAL PUBLICATION. The council shall designate an official newspaper. Whenever any public notice shall be required either by this charter or by any ordinance of the city, such notice may be given either by

publication once in such official newspaper or by posting for ten days in three public places in said city designated for the purpose by the council or by both such methods. The council may designate which method shall be used in each case, or require that both be used. Unless otherwise provided by the council, public notice shall be given by publication in the official newspaper.

Section 62. APPLICATION OF GENERAL LAWS. All general laws of the state applicable to cities of the fourth class, not inconsistent with the provisions of this charter shall apply to the city of Rushford, and shall be construed as supplementary to the provisions of this charter. All acts and parts of acts giving the city authority and powers to be exercised outside of the corporate limits are hereby expressly retained.

Section 63. VACATION OF STREETS. The council shall have the exclusive power, by ordinance passed by a four-fifths vote of all the members thereof, to vacate or discontinue streets and alleys within the city. Such vacations may be made upon such terms and by such procedure as the council may, by ordinance, prescribe. A record of each such vacation shall be filed in the office of the register of deeds of Fillmore County.

Section 64. ADVERSE POSSESSION. No right, title, estate or easement of the city in any property shall be lost by adverse possession or occupancy, and no statute of limitations shall operate against the city in favor of any person occupying any public property or highway, whether such

highway shall have been improved or not.

Section 65. DAMAGE SUITS. No action shall be maintained against the city on account of any injuries or damages to persons or property unless such action shall be commenced within 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, and the amount of such claim.

Section 66. RECOVERY OF JUDGMENT. If any judgment shall be recovered in any action against the city for any injury or damage caused by any obstruction, excavation, opening or defect in any public place caused or occasioned by the act or omission of any person, firm, association or corporation, the city shall have the right to recover the amount of such judgment from the person or persons responsible for such defect.

Section 67. ORDINANCES TO CARRY OUT CHARTER. The council shall by ordinance make such rules and regulations as may be necessary to carry out and make effective the provisions of this charter.

Section 68. EXISTING ORDINANCES CONTINUED. All ordinances not inconsistent with the provisions of this charter and in force when this charter takes effect are hereby continued in full

force and effect until amended or repealed by the council. As soon as this charter takes effect, the council shall provide for the revision and codification of the ordinances of the city in the manner provided in this charter.

Section 69. PENDING CONDEMNATION AND ASSESSMENTS. Any condemnations or assessment proceedings in progress when this charter takes effect shall be completed under the laws under which such proceedings were begun. All assessments made by the city prior to the time when this charter goes into effect shall be collected and the lien thereof enforced in the same manner as if this charter had not been adopted.

Section 70. WHEN OFFICIALS TAKE OFFICE. All elective and appointive officers shall take office upon their qualification. All officers in office when this charter takes effect shall remain in office until twelve o'clock noon on the fourth Tuesday in July, 1927, and no longer, and the officers first elected under this charter shall take office at that time. At the first election under this charter a mayor shall be elected for one year, two aldermen shall be elected for two years, and two aldermen shall be elected for one year; and two justices of the peace shall be elected for two years. At the second election, and annually thereafter the voters shall elect a mayor for a one year term, two aldermen for a two year term, and such justices of the peace for a two year term, as may be necessary.

Section 71. RIGHTS AND LIABILITIES. The city of Rushford 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 to or pertaining to said city, and shall be subject to all liabilities which now exist against said city.

—††—

**CERTIFICATE OF COMMISSION
STATE OF MINNESOTA)**

County of Fillmore)as

Whereas, the Hon. Judge N. E. Peterson, judge of the District Court in and for the Tenth Judicial District of Minnesota, did on the 11th day of December 1926, duly make and file his order under and pursuant to Article IV, Section 36 of the Constitution of the state of Minnesota and laws enacted pursuant thereto, appointing a board of freeholders to frame and submit a charter for the City of Rushford, Fillmore County, Minnesota, for its own government as a city:

And Whereas, said Board of Freeholders did on the 14th day of December 1926 qualify in the manner required by law;

And Whereas, said Board of Freeholders in obedience to said order, did thereafter duly prepare and frame a proposed charter for the said City of Rushford, of which the foregoing document composed of 71 sections, numbered from 1 to 71 inclusive, is a draft;

Now, Therefore, We, the Undersigned members of said Board of Freeholders, under and pursuant to the power conferred upon us as aforesaid, and acting in accordance with the statutes in such cases made and provided, do hereby affix our signatures to said draft in

testimony of our approval thereof, and do deliver the same to the Honorable Magnus Johnson, Mayor of the City of Rushford, to be submitted to the voters of the City of Rushford for adoption in the manner prescribed by law.

Dated at Rushford, Minnesota, this 3rd day of March 1927.

C. C. Jensen,
Chairman.
Geo. H. Julsrud,
Secretary.

J. G. Robertson
Geo. H. Miles.
Otto Julsrud.
C. A. Eggen.
Andrew Ness.
E. S. Habberstad.
Ed. Quickstad.
Francis M. Smith.
Andrew Tagland.
John A. Frisvold.
Dr. R. V. Williams.
Ole K. Quarve
A. J. Holle.

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 6 - 1927

Wm. H. Johnson
Secretary of State