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#7970

# PROPOSED Charter of the City of Granite Falls, Minnesota

By the Honorable E. E. Berg, Mayor of the City of Granite Falls, in the County of Otter Tail, Minnesota, and the members of the City Council of the City of Granite Falls, Minnesota.

Be it remembered that the Mayor and the members of the City Council of the City of Granite Falls, Minnesota, do hereby certify that the following is a true and correct copy of the proposed Charter of the City of Granite Falls, Minnesota, as adopted by the City Council of the City of Granite Falls, Minnesota, on the 10th day of August, 1936.

## ARTICLE I. NAME, BOUNDARIES, TERRITORY AND GENERAL PROVISIONS

Section 1.—Name and Boundaries.—The name of the City shall be Granite Falls, and the territory over which it shall exercise its corporate powers shall be bounded as follows: To the north, by the City of Grand Rapids; to the south, by the City of Elk River; to the east, by the City of Elk River; to the west, by the City of Elk River.

## ARTICLE II. FORM OF GOVERNMENT

Section 1.—Form of Government.—The form of government shall be that of a mayor and council, and the council shall consist of seven members, to be elected by the voters of the City.

## ARTICLE III. OFFICERS AND EMPLOYEES

Section 1.—Mayor.—The Mayor shall be elected by the voters of the City for a term of two years, and shall hold office until his successor is elected.

Section 2.—City Council.—The City Council shall be elected by the voters of the City for a term of two years, and shall hold office until their successors are elected.

Section 3.—City Clerk.—The City Clerk shall be elected by the voters of the City for a term of two years, and shall hold office until his successor is elected.

Section 4.—City Auditor.—The City Auditor shall be elected by the voters of the City for a term of two years, and shall hold office until his successor is elected.

Section 5.—City Engineer.—The City Engineer shall be elected by the voters of the City for a term of two years, and shall hold office until his successor is elected.

Section 6.—City Treasurer.—The City Treasurer shall be elected by the voters of the City for a term of two years, and shall hold office until his successor is elected.

Section 7.—City Police.—The City Police shall be appointed by the Mayor and City Council, and shall be subject to their removal.

Section 8.—City Fire Department.—The City Fire Department shall be appointed by the Mayor and City Council, and shall be subject to their removal.

Section 9.—City Public Works.—The City Public Works shall be appointed by the Mayor and City Council, and shall be subject to their removal.

Section 10.—City Health Department.—The City Health Department shall be appointed by the Mayor and City Council, and shall be subject to their removal.

Section 11.—City Parks and Recreation.—The City Parks and Recreation shall be appointed by the Mayor and City Council, and shall be subject to their removal.

Section 12.—City Library.—The City Library shall be appointed by the Mayor and City Council, and shall be subject to their removal.

Section 13.—City Social Welfare.—The City Social Welfare shall be appointed by the Mayor and City Council, and shall be subject to their removal.

Section 14.—City Public Safety.—The City Public Safety shall be appointed by the Mayor and City Council, and shall be subject to their removal.

Section 15.—City Public Health.—The City Public Health shall be appointed by the Mayor and City Council, and shall be subject to their removal.

Section 16.—City Public Works.—The City Public Works shall be appointed by the Mayor and City Council, and shall be subject to their removal.

Section 17.—City Public Health.—The City Public Health shall be appointed by the Mayor and City Council, and shall be subject to their removal.

Section 18.—City Public Safety.—The City Public Safety shall be appointed by the Mayor and City Council, and shall be subject to their removal.

Section 19.—City Public Health.—The City Public Health shall be appointed by the Mayor and City Council, and shall be subject to their removal.

Section 20.—City Public Works.—The City Public Works shall be appointed by the Mayor and City Council, and shall be subject to their removal.

Section 21.—City Public Health.—The City Public Health shall be appointed by the Mayor and City Council, and shall be subject to their removal.

Section 22.—City Public Safety.—The City Public Safety shall be appointed by the Mayor and City Council, and shall be subject to their removal.

Section 23.—City Public Health.—The City Public Health shall be appointed by the Mayor and City Council, and shall be subject to their removal.

Section 24.—City Public Works.—The City Public Works shall be appointed by the Mayor and City Council, and shall be subject to their removal.

Section 25.—City Public Health.—The City Public Health shall be appointed by the Mayor and City Council, and shall be subject to their removal.

Section 26.—City Public Safety.—The City Public Safety shall be appointed by the Mayor and City Council, and shall be subject to their removal.

Section 27.—City Public Health.—The City Public Health shall be appointed by the Mayor and City Council, and shall be subject to their removal.

Section 28.—City Public Works.—The City Public Works shall be appointed by the Mayor and City Council, and shall be subject to their removal.



Proposed Charter

Section 100—The charter shall be subject to the approval of the voters of the city at a special election to be held on or before the first day of January, 1927.

Section 101—The charter shall be subject to the approval of the voters of the city at a special election to be held on or before the first day of January, 1927.

Section 102—The charter shall be subject to the approval of the voters of the city at a special election to be held on or before the first day of January, 1927.

Section 103—The charter shall be subject to the approval of the voters of the city at a special election to be held on or before the first day of January, 1927.

Section 104—The charter shall be subject to the approval of the voters of the city at a special election to be held on or before the first day of January, 1927.

Section 105—The charter shall be subject to the approval of the voters of the city at a special election to be held on or before the first day of January, 1927.

Section 106—The charter shall be subject to the approval of the voters of the city at a special election to be held on or before the first day of January, 1927.

Proposed Amendments to the Constitution of Minnesota

To be submitted at 1927 General Election

HARRY H. PETERSON Attorney General

Council Proceedings

At a regular meeting of the Granite Falls City Council, held on the 11th day of October, 1926, the following proceedings were had:

School Minutes

At a meeting of the Granite Falls School Board, held on the 11th day of October, 1926, the following minutes were read and approved:

Want Ads

Wanted: For Sale, Used, Rent, etc. Classified advertisements for various services and goods.

Institute Held At Clarkfield

James McConnell heads the Teachers Association for the coming year. Meeting discussed school matters and future plans.

Pheasant Season will Open Saturday Noon Next Week

Game warden reports that pheasant season opens on Saturday at noon. Hunters are advised of regulations.

Many Recipes for Use of Prunes

Local grocers offer numerous recipes for using prunes in various dishes, from pies to salads.

Sebey Rites Held Oct. 3

Death of William Sebey was followed by funeral services on October 3. Family members gathered for the occasion.

What's Doing

Local news items including church services, community events, and social gatherings.

New Charter Is Published

The new charter for the Granite Falls school district has been published. It outlines the structure and responsibilities of the board.

Completed Test Appears in This Issue of The Tribune

The Tribune has published the results of a recent test. The paper notes the accuracy and reliability of the findings.

Local Scooter

A new scooter has been introduced in the area. It is praised for its speed and maneuverability.

Attended Dinner

Local dignitaries attended a dinner in honor of a community leader. The event was a success.

Baptized Sunday

Several individuals were baptized at a church service on Sunday. The ceremony was held in a large hall.

Chippewa May Hold A Husking Contest

It is rumored that the Chippewa community may hold a husking contest. This traditional event involves husking corn.

Ing. Koistad Wins County Corn Husking Contest

Ing. Koistad has won the county corn husking contest. He was praised for his skill and speed.

Doan Daughter Baptized Sunday

The daughter of a local family was baptized on Sunday. The ceremony was a religious event.

Chippewa May Hold A Husking Contest

Chippewa residents are planning a husking contest. This is a traditional fall activity.

Market Report

Table listing market prices for various commodities such as flour, beans, and meat.

Repeating Our Offer of Last Week

Advertisement for TANKAR GAS 9.9¢ per gallon. Special offer for Friday, Saturday, and Sunday.

CONOCO STATION

Advertisement for CONOCO STATION, offering high-quality fuel and services.

WEISBROD BROS. MEATS - GROCERIES

Advertisement for WEISBROD BROS. listing various meat and grocery products with prices.

RED OWL DRIED FRUIT SOUP

Advertisement for RED OWL DRIED FRUIT SOUP, featuring various fruit flavors.

PRUNES RAISINS PEACHES

Advertisement for various dried fruits including prunes, raisins, and peaches.

RED OWL FOOD STORES

Address and contact information for RED OWL FOOD STORES.

State of Minnesota, )  
County of Yellow Medicine.) ss.

I, K. K. Berge, Mayor of the City of Granite Falls, in the Counties of Yellow Medicine and Chippewa, State of Minnesota, do hereby certify that the city charter proposed for adoption by the duly qualified and acting Board of Freeholders in and for the City of Granite Falls, a copy of which charter is hereto annexed and made a part hereof, was submitted to the voters of said city for adoption or rejection at an election held November third, 1936; that 962 votes were cast at said election, as follows: votes in favor of the adoption of said charter, 685; opposed, 194; blank ballots, 70, missing ballots 13; that said vote in favor of the adoption of said city charter constituted more than the four-sevenths majority required for its adoption, and that pursuant thereto said charter will become the charter of the city of Granite Falls, Minnesota, superseding the existing charter of said city, from and after December 3rd, 1936.

Dated November sixth, 1936.

K. K. Berge  
Mayor

Attest:

O. P. Berg  
City Clerk.

7970

(Seal)

State of Minnesota,                    )  
County of Yellow Medicine.)   ss.

I, K. K. Berge, Mayor of the City of Granite Falls, in the Counties of Yellow Medicine and Chippewa, State of Minnesota, do hereby certify that the annexed proposed city charter was duly submitted to the city council of said city by the Board of Freeholders appointed by Hon. G. E. Qvale and Hon. Harold Baker, District Judges; that on September 18th, 1936, the city council at its regular meeting by resolution fixed November 3rd, 1936, as the date for submission of said charter to the vote of the electors of said city, and directed the city clerk to give such notice and make such preparations as were required by law for such election.

I do further certify that fifteen days posted notice of said election was given, and that a sample ballot was published for one week in the Granite Falls Tribune, official newspaper of said city.

O. P. Berg  
City Clerk

W. W. Berge  
Mayor

(Seal)

To the Honorable K. K. Berge, Mayor of the City of Granite Falls,  
in the Counties of Yellow Medicine and Chippewa, State of Minnesota,  
and the members of the City Council of said City:

We, the undersigned members of the Board of Freeholders  
heretofore appointed by Hon. G. E. Qvale and Hon. Harold Baker,  
Judges of the District Court of the Twelfth Judicial District,  
as a Board of Freeholders for the City of Granite Falls, do  
hereby report and deliver the draft of the proposed charter of  
the City of Granite Falls hereto attached, and recommend that said  
proposed charter be submitted to the voters of the City of Granite  
Falls for adoption according to law.

Dated this 3rd day of August, 1936.

L. M. MARCUSON, Chairman  
J. L. PUTNAM, Secretary.  
WILLIAM LEE  
PAUL D STRATTON  
GEORGE H. DILLINGHAM  
L. O. JOHNSON  
ALFRED PETERSON  
B. A. DETERLING  
O. P. FLATEN  
GEORGE FAUSS  
OLE T. NESTE  
MARTIN NELSON  
HANS M. COLE  
M. B. LUNDQUIST  
J. J. KNUDSON



CHAPTER 1.

NAME, BOUNDARIES, POWERS, AND GENERAL PROVISIONS

Section 1. Name and Boundaries. The City of Granite Falls, in the Counties of Yellow Medicine and Chippewa, State of Minnesota, shall, upon the taking effect of this Charter, continue to be a municipal corporation under the name and style of the City of Granite Falls, with the same boundaries as now are or hereafter may be established. The boundaries of said city shall comprise all that territory within the Counties of Chippewa and Yellow Medicine, State of Minnesota, described as follows:

Government Lots one (1), two (2), and Three (3), in Section Twenty-eight (28) in the County of Yellow Medicine, and Government Lot Three (3) in said section in the County of Chippewa, and all of Sections Thirty-three (33) and Thirty-four (34) in both counties, and the South Half of the Southwest Quarter of Section Twenty-seven (27) in the County of Chippewa, all in Township One Hundred Sixteen (116) North, of Range Thirty-nine (39), West of the Fifth Principal Meridian; also all that portion of Section Three (3) in Township One Hundred Fifteen (115), North, of Range Thirty-nine (39) West of the 5th P. M., in the County of Chippewa.

Section 2. Ward Boundaries. Said city of Granite Falls shall be divided into two wards, as follows: the First Ward shall comprise all the territory within said city limits in the county of Yellow Medicine; the Second Ward shall comprise all the territory within the city limits situated in the County of Chippewa.

Section 3. Powers of the City. The City of Granite Falls, by and in its corporate name, shall have perpetual succession; and save as hereinafter otherwise provided, and save as prohibited by the Constitution or Statutes of the State of Minnesota, it shall have and exercise all powers, functions, rights and privileges

now or hereafter given or granted to municipal corporations having home rule charters by the constitution and laws of the State of Minnesota; also all powers, functions, rights and privileges usually exercised by, or which are incidental to, or inhere in, municipal corporations of like power and degree; also all municipal powers, functions, rights, privileges and immunities of every kind whatsoever; and in addition thereto it shall have all the powers and be subject to the restrictions contained in this charter. It may in its corporate name take and hold, by purchase, condemnation, gift or devise, real, personal or mixed property; and may lease and convey any and all such real, personal or mixed property, within or without its boundaries, as its purposes may require, or as may be useful or beneficial to its inhabitants; and it may contract with the county or with other municipalities for such joint services and utilities as may be desirable and for all other legitimate purposes.

Section 4. Enumerated Powers not Exclusive. The enumeration of particular powers by this charter shall not be held to be exclusive, but in addition to the powers enumerated therein, implied thereby, or appropriate to the exercise thereof, the City of Granite Falls shall have and may exercise all powers which under the Constitution of the State of Minnesota it would be competent for this charter specifically to enumerate. All powers of the city, whether expressed or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the council.

Section 5. Construction of Charter. 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 5. Charter a Public Act. This charter shall be a public act, and need not be pleaded or proved in any case. It shall take effect thirty days from and after its adoption by the voters.

CHAPTER 2.

FORM OF GOVERNMENT.

Section 7. Form of Government. The form of government established by this charter shall be known as the "Council-Mayor" plan. All powers of the city shall be exercised by the city council except as otherwise provided herein.

Section 8. Elective Officers. The elective officers of the city of Granite Falls shall be a Mayor, two aldermen from the first ward, one alderman from the second ward, one alderman at large, one municipal judge and one special municipal judge.

Section 9. Appointive Officers. The appointive officers of said city shall be appointed by the city council and shall consist of the following: a city attorney, engineer, street commissioner, city clerk, board of health, library board, chief of police and such other police officers and agents as may be necessary, park board, fire warden, a city treasurer, one assessor from that portion of the city lying in Yellow Medicine County and one assessor from that portion of the city lying in Chippewa County, and such other officers and agents as may be necessary for the proper administration of the affairs of the city.

Section 10. Term of Office. The term of office of all elective officers, except that of municipal judge and special municipal judge, shall be two years; provided, however, that at the first election held after the adoption of this charter the mayor and alderman at large shall be elected for a term of one year, and the two

alderment from the first ward, and one alderman from the second ward shall be elected for two years. That following said first election each elective officer shall be elected for a term of two years, the mayor and alderman at large being elected in each ~~odd~~<sup>even</sup> numbered year, and the aldermen from the first and second ward in each ~~even~~<sup>odd</sup> numbered year. All said officers shall serve until their successors are elected and qualified.

Section 11. Term of Office, Municipal Judges. The term of office of municipal judge and special municipal judge shall be four years.

Section 12. Term of Office, Appointive Officers. The term of office of all appointive officers shall be one year, and until their successors are appointed and properly qualified.

Section 13. Incompatible Offices. No member of the council, shall be appointed to or hold any paid municipal office or employment under the city; and no former mayor or member of the council shall be appointed to any paid office created during the term of such mayor or councilman until one year after the expiration of the term or such mayor or councilman.

Section 14. Vacancies in the Council. A vacancy shall be deemed to exist in the council whenever any person elected thereto shall fail to qualify on or before the date of the second regular meeting of the council, or by reason of the death, resignation, removal from office, removal from the ward from which he was elected, continuous absence from the city for more than three months, or conviction of a felony of any such person, either before or after his qualification, or by reason of the failure of any councilman without good cause to perform any of the duties of membership in

said council for a period of three months. In each such case the council shall by resolution declare such vacancy to exist, and shall forthwith appoint an eligible person to fill said vacancy until the next regular municipal election, when the office shall be filled for the unexpired term; provided, that any vacancy arising from a recall election or resignation following the filing of a recall petition shall be filled in the manner hereinafter provided.

Section 15. Salaries. The Mayor and Councilmen shall serve without compensation except when acting as a Board of Equalization, but may be reimbursed upon properly verified claim presented to the council for expenses necessarily incurred in the performance of their duties. All appointive officers and employees of the city shall receive such salaries or wages as may be fixed from time to time by resolution of the council.

Section 16. The Mayor. The Mayor shall be the chief executive officer of the city, and shall exercise all the powers and perform all the duties conferred and imposed upon him by this charter, the ordinances of the city and the laws of the state. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for the purposes of military law. He shall study the operation of city government and report to the council any neglect of duty or waste on the part of any officer or department of the city. He shall be a member of the council and preside over its meetings; He shall be the head of and have control of the police force, maintain order and enforce the law. The vice presi-

dent of the council shall perform the duties of mayor during his absence or disability, and while so acting shall be known and styled "acting mayor". In the event of a vacancy in the office of mayor whether by death, resignation or any other cause, the vice president of the council shall become mayor to fill the vacancy for the unexpired term, and the council shall appoint one of its members to the office of president of the council as provided in Section 14, but in case of a recall the vacancy shall be filled in the manner provided by this charter.

Section 17. Investigation of City Affairs: The Council and the Mayor, or either of them, and any officer or officers formally authorized by them, or either of them, shall have power to make investigation of the city's affairs, to subpoena witnesses, administer oaths, and compel the production of papers and books. The Council may at any time provide for an examination or audit of the accounts of any officer or department of the city government.

Section 18. Administrative Board. The Council shall appoint three park commissioners, a Board of Health consisting of three members, a library board, and such other boards and commissions as it may deem necessary. Said park commissioners shall hold office for three years and until their successors shall have been appointed and qualified. The members of the library board shall hold office for three years, and until their successors are appointed and qualified; the first members of said board being appointed three for one year, three for two years, and three for three years. The members of the Board of Health shall be appointed annually. The duties of the various boards and commissions shall be fixed by the council by ordinance.

All such boards shall be advisory only, and money appropriated for their use shall be expended by them under the direction and supervision of the city council.



### CHAPTER 3

#### PROCEDURE OF COUNCIL.

Section 19. Council Meetings. On the fourth Tuesday in January following a regular municipal election, the council shall meet at the usual place and time for the holding of council meetings. At this time the newly elected members of the council shall assume their duties. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution, except that they shall meet not less than once each month. The mayor may, and upon written request of three aldermen shall call special meetings of the council by giving written notice to each of its members, such notice to be delivered personally to each member or left with some responsible person at the member's usual place of residence. No business shall be transacted at any special meeting unless the subject of the same shall have been specified in the written notice thereof. No action shall be taken at such special meeting except by the affirmative vote of a majority of the members of the council. All meetings of the council shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times.

Section 20. Vice President. At the first meeting of the City Council each year they shall proceed to elect by ballot from their number a Vice President. During the absence of the Mayor from the City, or his inability from any cause to discharge the duties of his office, the vice President shall exercise all the powers and discharge all the duties of the

of the Mayor. In the absence of the Mayor from any meeting the Vice President shall act as presiding officer for the time being. The vice president of the council while performing the duties of mayor shall be styled "acting Mayor" and the acts so performed shall have the same force and validity as if performed by the mayor.

Section 21. Secretary of the Council. The City Clerk shall act as secretary of the council at all its meetings, and shall keep such records and perform such other duties as may be required by this charter or by a vote of the council.

Section 22. Rules of Procedure and Quorum. The council shall determine its own rules and order of business, and keep a journal of its proceedings. A majority of all members elected shall constitute a quorum to do business, but a less number may adjourn from time to time. The council shall provide by ordinance or resolution means by which a minority may compel the attendance of absent members.

Section 23. Ordinances and Resolutions. Every legislative act of the city council shall be by ordinance or resolution. The enacting clause of every ordinance shall be "The City of Granite Falls do ordain as follows" Every ordinance shall be presented in writing, and except in the case of an emergency ordinance shall have two public readings in full. No ordinance except an emergency ordinance shall be introduced except at a regular meeting, at which meeting it shall have its first reading. Its second reading shall be held at a subsequent regular or ad-

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

Section 24. Appropriations. All appropriations of money shall be by ordinance, save that where an obligation has been incurred by ordinance, payment thereof may be ordered by resolution if the amount exceeds five hundred dollars (\$500.00), or by ordinary motion if the amount involved is less than that sum; and save also that licenses may be granted, property acquired for public uses, and local improvements ordered, by resolution.

Section 25. Passage of Ordinances. Every final vote upon all ordinances, resolutions, and motions, and upon all amendments thereto, shall be by ayes and noes, and the vote of each member shall be recorded in the minutes. The votes of at least a majority of all the members of the council shall be required for the passage of all ordinances, resolutions and motions, except as otherwise provided in this charter.

Section 26. Emergency Ordinance and Resolution. An emergency ordinance or resolution is an ordinance or resolution for the immediate preservation of the public peace, health, or safety, in

which the emergency is defined or declared in a preamble thereto, separately voted upon, and agreed to by at least three members of the council, as recorded by ayes and noes. An emergency ordinance or resolution must be in writing but may be enacted without publication. No grant of any franchise shall be construed to be an emergency ordinance or resolution.

Section 27. Signing and Publication of Ordinances. All ordinances and resolutions passed by the council shall be signed by the mayor and attested by the Clerk. Upon the passage of any ordinance it shall be published once in the official newspaper of the city before it takes effect, and proof of publication thereof shall be filed with the clerk. Emergency ordinances and resolutions and ordinances and resolutions making the annual tax levy, determining the annual budget, and providing for local improvements, shall take effect immediately upon their passage.

Section 28. Amendment and Repeal of Ordinances and Resolutions. No ordinance or resolution of section thereof shall be repealed or amended by reference to its title alone, but such amending or repealing ordinance or resolution shall contain a statement of the subject matter of the ordinance or resolution or section thereof to be amended or repealed, together with the amended form thereof in case of amendment.

Section 29. 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

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codification may be published in book form and such publication shall be held to be a 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.

#### CHAPTER 4

#### ADMINISTRATION OF CITY AFFAIRS.

Section 30. Council Administration. The entire management and administration of the city affairs, including all executive and administrative powers, authority, and duties, except such executive authority as may be by this charter vested in the mayor as chief executive of the city, shall be vested in the <sup>city</sup> council.

Section 31. Department of Administration. The council may create such departments, divisions, and bureaus for the administration of the city's affairs as may seem necessary, and from time to time alter the powers and organization of the same. It may combine the duties of various officers and may alter the powers and organization of or abolish any department as conditions may justify.

Section 32. Subordinate Offices. The Council shall appoint a city clerk, engineer, attorney, and other officers enumerated in Section 9 hereof, each selection being made by reason of the individual's ability or training, and may remove them for sufficient cause after giving such appointees a reasonable hearing. All appointed officers and heads of departments shall attend council meetings when requested so to do, and keep the council fully informed as to the operation and needs of their respective departments and shall perform all other duties prescribed by this charter or council.

Section 33. Purchases and Contracts. The City Clerk shall be the chief purchasing agent of the city, all purchases being

made and all contracts for equipment, materials and supplies to be let by direction of the council. All contracts, except for ordinary supplies, and all bonds, certificates of indebtedness and other instruments to which the city will be a party shall be signed by the mayor and city clerk on behalf of the city.

Section 54. Contracts, How Let. In all cases of work to be done by contract, or of the purchase of property of any kind, when the amount involved is more than five hundred dollars (\$500.00), unless the council, by an emergency ordinance, shall provide otherwise, it shall advertise for bids in the official paper of the city. Contracts shall be let to the lowest responsible bidder. The council may, however, reject any and all bids; and nothing contained herein shall prevent the city from contracting for the doing of work with patented processes, or from purchasing patented appliances. The council shall regulate the making of bids and letting of contracts by ordinance.

CHAPTER 5.

NOMINATIONS AND ELECTIONS.

Section 35. Regular Municipal Elections. A regular municipal election shall be held on the third Tuesday in January of each year at such place or places as the city council may designate, to elect officers as herein provided. On the third Tuesday in January of each even-numbered year there shall be elected a mayor, <sup>and</sup> alderman at large, and in each odd numbered year there shall be elected two aldermen from the first ward and one alderman from the second ward. Provided, however, that at the first election held following the adoption of this charter said officers shall be elected for the terms specified in Section 10 hereof.

Not less than ten days before the day of such election the city clerk shall post in three conspicuous places in the city, or publish once in the official newspaper, <sup>or both,</sup> as the city council may direct, a notice of the election; but failure to give such notice shall not invalidate such election. At the regular election there shall be elected in addition to the municipal officers such municipal judges as may be provided by law.

Section 36. Special Elections. The council may by resolution adopted by a affirmative vote of a majority of its members, order a special election of the voters of the city and provide for holding the same. The procedure at such election shall conform as nearly as possible to that herein provided for other municipal elections. The purpose of such special



election shall be clearly stated in such resolution and no other matter shall be submitted thereat.

Section 37. Judges and Clerks of Election. The council shall at least ten days before each municipal election appoint three qualified voters of each election district to be judges of election therein. The judges of each election district shall appoint two qualified electors of the same district, or as many more as may be authorized by the council, to serve as clerks of election. The council may in its discretion appoint relief judges and clerks as authorized by statute.

Section 38. Candidates. Not less than twenty days preceding the city election any eligible person desirous of having his name placed upon an official election ballot as a candidate for an office to be voted for at such election shall file an affidavit with the city clerk, stating his residence, that he is a qualified voter of the city of Granite Falls, and the name of the office for which he desires to be a candidate; and upon payment of a fee of \$1.00 to the city clerk that officer shall accept such affidavit and place the name of such candidate upon the official election ballot without any party designation. There shall be no primary election, but the filing of such affidavit shall be a prerequisite to having the name of the candidate placed on the official ballot for the city election.

Section 39. Canvass of Elections. The council shall meet and canvass the election returns within three days after

any regular or special election, and shall make full declaration of the results as soon as possible and file a statement thereof with the city clerk. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoiled or defective ballots; (c) the vote for each candidate; with an indication of those who are elected; (d) a true copy of the ballots used; (e) the names of the judges and clerks of election; and (f) such other information as may seem pertinent. The city clerk shall forthwith notify all persons elected of the fact of their election.

Section 40. Procedure at Elections. The conduct of elections shall be regulated by ordinance, subject to the provisions of this charter and of the general laws of the State of Minnesota.

Section 41. Election Districts. Each ward in the city shall contain at least one election district, and additional election districts may be established and the boundaries thereof subsequently changed by ordinance or resolution of the council adopted at least ninety days before the next ensuing election; and sixty days posted notice thereof shall be given before the change shall take effect.

CHAPTER 6.

INITIATIVE, REFERENDUM, AND RECALL.

Section 41. Powers Reserved by the People. The people of Granite Falls reserve to themselves the powers, in accordance with the provisions of this charter, to initiate and adopt ordinances and resolutions, to require measures passed by the council to be referred to the electorate for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum and the recall, respectively.

Section 42. Expenditures by Petitioners. No member of any initiative, referendum or recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for services rendered in connection with the circulation thereof, but this shall not prevent the committee from incurring an expense not to exceed twenty dollars for legal advice, stationery, copying, printing and notaries' fees. Any violation of the provisions of this section shall constitute a misdemeanor.

Section 43. Further regulations. The council shall, as soon as possible after the organization of the city government under this charter, provide by ordinance such further regulations for the initiative, referendum and recall, not inconsistent with this charter, as may be deemed necessary. Such ordinance shall include the relevant provisions of this charter.

Section 44. Initiation of Measures. Any five electors may

form themselves into a committee for the initiation of any measure of public concern. After formulating their measure they shall file a verified copy thereof with the city clerk together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed measure to each of the signature papers herein described, together with their names and addresses as sponsors therefor.

Section 45. Form of Petition and Signature Papers. The petition for the adoption of any measure shall consist of the measure, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of voters equal to at least ten per cent of the total number of votes cast at the last preceding regular municipal election. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

INITIATIVE PETITION?

proposing an ordinance (or resolution, as the case may be) to (stating the purpose of the measure), a copy of which ordinance (or resolution) is hereto attached. This measure is sponsored by the following committee of electors:

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____

The undersigned electors, understanding the terms and the nature of the measure hereto attached, petition the council

of the city of Granite Falls for its adoption, or,  
in lieu thereof, for its submission to the electors  
for their approval.

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____

At the end of the list of signatures shall be appended the  
affidavit of the circulator, mentioned above.

Section 46. Filing of Petition and Action Thereon. All  
the signature papers shall be filed in the office of the city  
clerk as one instrument. Within five days after the filing  
of the petition the city clerk shall ascertain by examination  
the number of electors whose signatures are appended thereto,  
and whether this number is at least ten per cent of the total  
number of electors who cast their votes at the last preceding  
municipal election. If he finds the petition insufficient or  
irregular, he shall at once notify one or more of the committee  
of sponsors of that fact, certifying the reasons for his finding.  
The committee shall then be given 30 days in which to file  
additional signature papers and to correct the petition in all  
other particulars. If at the end of that period the petition  
is found to be still insufficient or irregular the clerk shall  
file the same in his office and shall notify each member of the  
committee of that fact. The final finding of the insufficiency  
or irregularity of a petition shall not prejudice the filing of  
a new petition for the same purpose, nor shall it prevent the  
council from referring the measure to the electors at the next  
regular or any special election, at its option.

Section 47. Action of Council on Petition. Whenever the petition shall be found to be sufficient, the city clerk shall so certify to the council at its next meeting, stating the number of petitioners, and the percentage of the total number of voters which they constitute, and the council shall at once read the measure and refer it to an appropriate committee, which shall be a committee of the whole. The committee or council shall thereupon provide for public hearings upon the measure, after the holding of which the measure shall be finally acted upon by the council not later than sixty-five days after the date upon which such measure was submitted to the council by the city clerk. If the council shall fail to pass the proposed measure, or shall pass it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed measure shall be submitted by the council to the vote of the electors at the next regular municipal election. But in case the number of signers of said petition is equal to at least twenty-five per cent of the total number of voters voting at the last municipal election, then the council shall call a special election upon the measure to be held not less than thirty nor more than forty-five days from such date, unless a regular municipal election is to occur within three months, in which case it may be submitted at such regular municipal election. In case the council passes the proposed measure with amendments and at least four-fifths of the committee of petitioners do not express their dissatisfaction with such amended form by a certificate filed with the city clerk within ten days from the

passage thereof by the council, then the measure need not be submitted to the electors.

Section 48. Initiative Ballots. The ballots used when voting upon any such proposed measure shall state the substance thereof, and give the voter the opportunity to vote either "For the Measure" or "Against the Measure". If a majority of the electors voting on any such measure shall vote in favor thereof, it shall thereupon become an ordinance or resolution of the city as the case may be. Any number of proposed measures may be voted upon at the same election, but in case there shall be more than one, the voter shall be allowed to vote for or against each separately.

Section 49. Initiation of Charter Amendments. Nothing in this charter contained shall be construed as in any way affecting the right of the electors under the constitution and statutes of Minnesota to propose amendments to this charter.

Section 50. The Referendum. If prior to the date when an ordinance or resolution takes effect a petition signed by qualified electors of the city equal in number to twenty-five (25) per cent of the total vote at the last regular municipal election be filed with the city clerk, requesting that any such measure, or any part thereof, be repealed or be submitted to a vote of the electors, the said measure shall thereby be prevented from going into operation. The council shall thereupon reconsider the said measure at its next regular meeting, and either repeal the same, or repeal the section thereof to which objection has been raised by the petitioners, or by aye and no vote reaffirm its adherence to the measure as passed. In the latter case the council shall immediately order an election to be held thereon, pending which the ordinance

or resolution shall remain suspended. If a majority of the voters voting thereon are opposed to the measure, it shall not become effective; but if a majority of the voters voting thereon favor the measure, it shall go into effect immediately or on the date therein specified.

Section 51. Referendum Petitions. The requirements laid down in Sections 44 and 45 above as to the formation of committees for the initiation of measures and as to the form of petitions and signature papers shall apply to the referendum as far as possible, but with such verbal changes as may be necessary. A referendum petition shall read as follows:

REFERENDUM PETITION.

proposing the repeal of an ordinance (or resolution) to (stating the purpose of the measure) a copy of which ordinance is hereto attached. The proposed repeal is sponsored by the following committee of electors:

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____

The undersigned petitioners, understanding the nature of the measure hereto attached, and believing it to be detrimental to the welfare of the city, petition the council for its submission to a vote of the electors for their approval or disapproval.

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____

This petition shall be signed and verified as provided in the case of the initiative petition in Section 45 above.

Section 52. Referendum Ballots. The ballots used in any referendum election shall conform to the rules laid down in



Section 48 of this charter for initiative ballots.

RECALL

Section 53. The Recall. Any five electors may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the city. The committee shall certify to the city clerk the name of the officer whose removal is sought, a statement of the grounds for removal in not more than two hundred fifty words, and their intention to bring about his recall. A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.

Section 54. Recall Petitions. The petition for the recall of any official shall consist of a certificate identical with that filed with the city clerk together with all the signature papers and affidavits thereto attached. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

RECALL PETITION

proposing the recall of \_\_\_\_\_ from his office  
as \_\_\_\_\_, which recall is sought for the  
reason set forth in the attached certificate. This move-  
ment is sponsored by the following committee of electors:

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____

The undersigned electors, understanding the nature of the

charges against the officer herein sought to be recalled,  
desire the holding of a recall election for that purpose.

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____

At the end of the list of signatures shall be appended the  
affidavit of the circulator mentioned above.

Section 55. Filing of Petition. Within thirty days  
after the filing of the original certificate, the committee shall  
file the completed petition in the office of the city clerk. The  
city clerk shall examine the same within the next five days, and  
if he finds it irregular in any way, or finds that the number of  
signers is less than twenty-five per cent of the total number of  
electors who cast their votes at the last preceding regular muni-  
cipal election, he shall so notify one or more members of the  
committee. The committee shall then be given ten days in which  
to file additional signature papers and to correct the petition  
in all other respects, but they may not change the statement of  
the ground upon which the recall is sought. If at the end  
of that time the city clerk finds the petition still insufficient  
or irregular, he shall notify all the members of the committee to  
that effect, and shall file the petition in his office. No  
further action shall be taken thereon.

Section 56. Recall Election. If the petition or amended  
petition be found sufficient, the city clerk shall transmit it to  
the council without delay, and shall also officially notify the  
person sought to be recalled of the sufficiency of the petition  
and of the pending action. The council shall, at its next meeting,

by motion, provide for the holding of a special recall election not less than thirty nor more than forty-five days thereafter, provided that if any other municipal election is to occur within sixty days after such meeting, the council may in its discretion provide for the holding of the recall election at that time.

Section 57. Procedure at Recall Election. In the published call for the election, whether posted on bulletin boards or printed in the official paper, there shall be given the statement of the grounds for the recall and also, in not more than five hundred words the answer of the officer concerned in justification of his course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible in accordance with the usual procedure in municipal elections.

Section 58. Form of ballot. Unless the officer whose removal is sought shall have resigned within ten days after the receipt by the Council of the completed recall petition, the form of ballot at such election shall be as near as may be as follows: "Shall (name of officer) be recalled?" The name of the officer being inserted in the blank space, and the electors shall be permitted to vote separately "Yes" or "No" upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy in case the recall is successful, under the caption: "Candidates to fill the place of \_\_\_\_\_, if recalled." But the officer whose recall is sought shall not himself be a candidate upon such ballot. In case a majority of those voting for and against the recall of any official shall

vote in favor of recalling such official, he shall thereby be removed from office, and in that event the candidate who receives the highest number of votes for his place shall be elected thereto for the remainder of the unexpired term. If the officer sought to be recalled shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of ballot at the election shall be the same, as nearly as may be, as the form in use at a regular municipal election.

## CHAPTER 7.

### EMINENT DOMAIN.

Section 59. Power to Acquire Property. The City of Granite Falls is hereby empowered to acquire, by purchase, gift, devise or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by said city for any public use or purpose. In addition to the power to acquire property for other public purposes, the city may also acquire as herein provided, any gas, water, heat, power, light, telephone or other plant or public utility; but no proceedings to acquire any such public utility shall be consummated unless the city has the money in its treasury to pay for the same or has by vote of the people made provision for paying for the property proposed to be acquired. Easements for slopes, fills, sewers, building lines, poles, wires, pipes and conduits for water, gas, heat and power may be acquired by gift, devise, purchase or condemnation in the manner provided by law.

Section 60. Proceedings in Taking Property. The necessity for the taking of any property of 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 61. Payment of Award. Whenever an award of dam-

ages shall be confirmed in any proceedings 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 therefor may be had against the city.

Section 62. 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 63. City May Take Entire Plant. In case the city shall condemn a public utility which is operated at the time of the commencement of condemnation proceedings as one property or one system, it shall not be necessary in such condemnation proceedings or in any of the proceedings of the council, to describe or treat separately the different kinds of all of the property, lands, articles, franchises and rights which enter into and go to make up such system, and they may, unless otherwise ordered by the

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

CHAPTER 8.

FIRE DEPARTMENT.

Section 64. Fire Department. There shall be a fire department, either volunteer or paid, but the council may establish an all paid department by ordinance adopted by a three-fifths vote. The council may employ one equipment caretaker and driver and one assistant on a monthly salary, and may pay volunteer members a moderate compensation for active service in fighting fires.

Section 65. Officers. The fire department shall elect a chief, an assistant chief, and such other officers as may be needed, and may adopt regulations for its government, subject to the approval of the council.

Section 66. Destruction of Buildings. Whenever any building in the city shall be on fire, it shall be lawful for, and shall be the duty of the mayor or the chief of the fire department to order the destruction and removal thereof, and to destroy, pull down and remove such building, or any other building in the vicinity, or any part thereof that he may deem hazardous or likely to communicate fire, and no action shall be maintained against any person, or said city, therefor, or on account thereof.

Section 67. Powers and Duties of Chief. The council shall prescribe by ordinance the powers and duties of the chief of the fire department and make such rules and regulations as may be necessary and proper for the efficient conduct of the department.

Section 68. Penalties. If any person shall at any fire refuse to obey the orders of the Chief of the Fire Department, or



or other officer vested with authority at such fire, such person shall be guilty of a misdemeanor and shall be punished as prescribed by the ordinances of the city, or in case the offense is not punishable under the ordinance of the city, then as a misdemeanor under the laws of the State.

## CHAPTER 9.

### FRANCHISES

Section 69; 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, whether such privilege has heretofore been granted by the city or by the State of Minnesota.

Section 20. Franchise Ordinances. The council may grant franchises and renewals, extensions and amendments thereto, which shall be granted or made only by an ordinance adopted by a three-fifths vote of the council. No franchise shall be granted as an emergency ordinance, and no proposed franchise ordinance shall be adopted until it has been placed on file in the office of the city clerk and a public hearing has been held upon such proposal after published notice thereof; and provided, also, that the granting of any such proposed ordinance shall be subject to the referendum provisions of this charter as set forth in Chapter 6. No public utility franchise shall be transferred except with the approval of a three-fifths vote of the council expressed by resolution or ordinance; and copies of all transfers and mortgages or other documents affecting title or use of public utilities shall be filed with the city clerk within ten days after the execution thereof. Franchises may require a tax of not to exceed six per cent of the gross earnings of the company operating thereunder; in the discretion of the council, and may provide for its collection and method of payment.

Section 71. Term of franchise. No perpetual franchise shall ever be granted, nor shall any franchise be granted for a longer period than twenty years. An exclusive franchise shall be granted only upon the unanimous vote of the council.

Section 72. Power of Regulation Reserved. All franchises shall be granted subject to the police power of the city, and the city 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 it or by the State of Minnesota, or shall hereafter be granted by the city or by the State of Minnesota.

Section 73. Regulation of Rates and Charges. All corporations, co-partnerships and persons exercising franchises in the city shall give courteous, efficient and adequate service at reasonable rates to be fixed by the council. 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 all money honestly and efficiently invested in the plant and equipment properly used by the company in the public service within the city, previously agreed upon as a rate base, as a condition of all franchises hereinafter granted. This shall not be construed as a guarantee of a return, and in no case shall there be any return upon the 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 not less than thirty days before the expiration of any existing rate schedule or agreement, appoint the city clerk or some 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 rate which it shall agree upon by a majority vote shall be the legal rate, subject to revision by any court of competent jurisdiction. Schedule 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 five years nor beyond the termination of the franchise. The city and the company may, by mutual agreement, revise existing schedules of rates at any time, proceeding in such case as provided for the original fixing of the rates.

Section 74. Conditions of 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:

(a) That the grantee shall be subject to and will perform on its part all of the terms of this chapter as well as all other pertinent provisions of this charter.

(b) That the grantee shall in no case claim or pretend

to exercise any powers to fix fares, rates or 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 73 of this charter.

(c) 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.

(d) 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.

(e) 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.

(f) That every grant, in said franchise contained, of 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 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 fixtures whatsoever, shall be subject to the conditions 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 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 whatsoever purpose used.

(g) Every franchise and every extension or renewal of such franchise shall contain a provision for its acceptance in writing by the grantee within thirty days after its passage by the council, and before its submission to a vote of the people in case of a referendum. No such franchise shall be binding upon the city until its acceptance by the grantee. Such acceptance shall be construed to be an acceptance of, and consent to, all the terms, conditions and limitations contained in the ordinance granting the franchise as well as of the provisions of this charter.

(h) Every franchise shall be granted subject to the right of the city to acquire all rights and property thereunder within the city limits by eminent domain at the end of every five years, if a majority of the voters of the city vote in

favor of such acquisition.

The violation by the holder of any franchise of any of the express provisions prescribed by this section, or the failure to supply a reasonably adequate service under any franchise, shall be sufficient cause for the forfeiture of all rights under the franchise by a resolution of the council.

Section 75. Limitations. The enumeration in this charter of particular matters which must be included in every franchise shall not be construed to limit 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 the right or power possessed by the city over existing franchises.

## CHAPTER 10.

### PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS.

Section 76. The City Plan. The city council may, with the assistance of a city engineer and an advisory city planning commission which may be authorized and appointed by the city council and such other service as it may deem necessary, prepare and adopt by ordinance a complete plan for the physical development of the city. Such plan may be altered from time to time. It shall contain provisions for zoning to regulate the location, size, use and height of buildings on lots, and the density of population within the city; and may make different regulations for different districts thereof; and may include provisions for platting and development of new areas, for the planning and location of public works of art, public buildings, parks, playgrounds, bridges, transportation lines and other public facilities, and for the laying out, grading and improving of streets, streams and public places, as well as for all other matters which may seem essential to such plan.

Section 77. Enforcement of City Plan. The city council shall have all necessary power to compel complete adherence by all persons to the plan adopted, and officers are charged with the duty of reporting to the city council all departures from the city plan which come to their attention.

Section 78. Power to Make Improvements and Levy Assessments.  
The city of Granite Falls shall have the 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 benefitted property to pay for local improvements may equal the cost of the improvement, plus necessary incidental expenses with interest until paid, but shall in no case exceed the value of the benefits received by such property.

Section 79. Local Improvement Regulations. 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 a majority of all the members of the council. Such ordinance shall provide for such notice and hearing in the ordering of improvements and the making of assessments therefor as shall be necessary to meet constitutional requirements. Such ordinance shall also require a petition of a majority in number and interest of the owners of property to be assessed for such improvement or improvements, or for the initiation of such improvements; provided, the council may proceed upon its own initiative hereunder and under such ordinance by resolution adopted by unanimous vote of the council after proper notice and hearing.

Under this charter no costs of the improvement of street intersections or improvements lying therein or thereon nor for more than one-half of the cost of improvements located opposite to any property owned by the city shall be assessed upon benefited property, but the city shall pay such costs out of taxes through the permanent improvement fund.

Section 80. Public Works. How Performed. Public works, including all local improvements, may be constructed, extended, repaired and maintained either by contract, or, if the estimated cost is less than one thousand dollars (\$1,000.00), directly by day labor. Before receiving bids the city clerk, under the direction of the council, shall have suitable plans and specifications prepared for the proposed material/<sup>or</sup>project and the estimate of the cost thereof in detail. The award of any contract amounting to more than twenty-five thousand dollars (\$25,000.00) shall require a three-fifths vote of the council. When the best interests of the city will be served thereby, the city council may organize a construction department under competent supervision and provided with suitable equipment. The right is reserved to the city council, upon the recommendation of the city engineer, acting through the construction department, to bid on any work to be let by contract. All contracts shall be let to the lowest responsible bidder, but the term "lowest responsible bidder" shall be interpreted as giving the council the right to accept any bid which it determines to be most advantageous to the city. The council shall reserve the right to reject any or all bids. Detailed proceedings governing advertising for bids and executing contracts shall be specified by ordinance. The city shall require

contractors to give proper bonds for the protection of the  
city, employees, and material men.

## CHAPTER 11

### PUBLIC OWNERSHIP AND OPERATION OF UTILITIES.

Section 81. Acquisition and Operation of Utilities. The city shall have power to acquire public utilities by condemnation as provided under Chapter 7 of this Charter, or may purchase or establish the same, either within or without the city limits, and to supply the city and to sell to its inhabitants and to persons, firms or corporations inside or outside the city, within a reasonable trade area, all products of any public utility operated by the city.

Section 82. Rates and Finances. The city council shall have the power to fix all rates and charges for water, light, gas, heat and all other utilities provided by plants owned by the city, but such rates and charges shall be just and reasonable. The rates shall be sufficient to pay all operating costs of the respective utility and all bonds and interest constituting a charge against such utility when the same mature; and thereafter the rate aforesaid shall remain at a point high enough to accumulate a reserve fund sufficient eventually to reproduce the plant. There shall be paid into such reserve fund each year out of the earnings of such utility a sum equal to the amount of depreciation charged against such utility. Receipts of the utilities shall be paid into the city treasury and placed in a separate fund. The fund so created, or any part thereof, may be invested in any interest bearing securities available for the investment of sinking funds of cities under the laws of 1927, Chapter 131, Section 9, or acts amendatory thereof. The Council may also prescribe the time and manner in which water, heat, gas, electric current and any other utility product supplied by

plants owned or leased by the city 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 violation of such regulations.

Section 33. Purchase in bulk. The commission 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 as reasonable therefor.

Section 34. City to Pay for Services. The city council shall include an item in its budget yearly to pay a reasonable charge, based upon the cost of service, for lighting the streets and public buildings and for supplying heat, gas, power or any other utility, and a reasonable hydrant rental and other charges for applying the city with water, and shall credit the same to the public owned utility supplying the service. Such rentals and charges for other services hereunder shall be collected in the same manner as from other consumers, unless the council provides some other plan.

Section 35. Lease of Plant. The council may, if the public interests will be served thereby, contract with any responsible person, co-partnership or corporation for the operation of any utility owned by the city, upon such rentals and conditions as it may deem necessary, but such contract shall be embodied in and let only by an ordinance approved by a three-fifths vote of the council, which ordinance shall be submitted to the legal voters at a regular or special city election and approved by a two-thirds vote of the electors voting thereon

at such election. The contractor shall be subject as far as possible to the rules as to rates and service, and as to council control, laid down for the holders of franchise in Chapter 91, of this charter.

Section 86. Sale or Abandonment of Publicly owned Utilities.

No public utility owned by the city, whether acquired prior to the adoption of this charter or thereafter, shall be sold or abandoned in whole or in part, nor shall any part thereof essential to the operation of such system be sold or abandoned, nor have the operation thereof discontinued by the city unless the full terms of the proposition of said sale or other disposition thereof, together with the consideration therefor, shall have been embodied in an ordinance passed by a three-fifths vote of the council in the usual way, and submitted to the electors at a referendum election, and approved by a two-thirds majority vote of the electors voting thereon.

CHAPTER 12.

TAXATION AND FINANCE

Section 87. 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 revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public moneys, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses.

Section 88. Fiscal Year. The fiscal year shall end on the thirtieth day of November.

Section 89. System of Taxation. Subject to the state constitution and except as forbidden by it or by state legislation, 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. Insofar as the city procures a revenue from taxes on real and personal property as such, it shall conform as fully as possible to the general state law as to the assessment of such property and the collection of such taxes.

Section 90. 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 fourth Monday in June to equalize the assessments according to law.

Section 91. Preparation of the Annual Budget. The council shall direct the preparation of 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).
- (2) Capital outlays, (for new construction, 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 added 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 expenditures, 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 year. The statement of revenues for each year shall specify the following items:

- (a) sums derived from taxation.
- (b) fees,
- (c) fines,
- (d) interest,
- (e) Miscellaneous, not included in the foregoing,



- (f) sales and rentals,
- (g) operation of public utilities
- (h) special assessments
- (i) sales of bonds and other obligations.

Such estimates shall be printed or typewritten, and there shall be at least seven copies; one for the mayor, one for the city clerk, one for each member of the council, and one to be posted on an official bulletin board at the city public building. The estimates shall be submitted to the council at its first regular meeting in August. The council may require with the estimates such explanatory statements as it may deem necessary.

Section 92. Enforcement of the budget. The budget shall be the principal item of business at the regular monthly meeting of the city 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 be pertinent to them. The budget estimates shall be read in full, and the city clerk 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 the financial program 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, according to the plan indicated in Section. 91. 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 1st day of October in any year.

Section 93. Enforcement of Budget. It shall be the duty of the council to enforce strictly the provisions of the budget. It shall not approve any order upon the city treasurer for any expenditure unless an appropriation has been made in the budget, nor for any expenditure covered by the budget unless there is a sufficient unexpended balance remaining to pay the same after deducting the total past expenditures and the sum of all outstanding orders and encumbrances. No officer or employee of the city shall place any orders or make any purchases except for the purposes and to the amounts authorized in the budget. Any obligation incurred by any person in the employ of the city for any purpose not authorized in the budget or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.

Section 94. Alterations in the Budget. 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, beyond the estimated revenues, unless the actual receipts shall exceed such estimates, and in that event not beyond such actual receipts. The sums fixed in the budget shall be and become appropriated at the beginning of the fiscal year for the several purposes named therein and no other. The council may at any time, by a resolution passed by a three-fifths vote, reduce salaries or the sum appropriated for any other pur-

poses, or authorize the transfer or loan of sums from unexpended balances, ~~to~~ other funds for other purposes; all such loans, however, to be credited to the fund from which it is loaned, and debited against the fund to which the loan is made.

Section 95. Levy and Collection of Taxes. On or before the first day of October each year the council shall levy by resolution the taxes necessary to meet the requirements of the budget for the ensuing fiscal year. The aggregate of such taxes in any one year shall not exceed three per cent of the assessed valuation. The clerk shall transmit to the county auditor annually, not later than the 10th day of October, a statement of the taxes levied, and such taxes shall be collected and the payment thereof 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, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied, but in that case the surplus shall go into the fund to which such tax belongs.

Section 96. Tax Settlement with County Treasurer. It shall be the duty of the city treasurer to see that moneys belonging to the city of Granite Falls coming into the county treasury are promptly turned over to the city according to law.

Section 97. Disbursements, How Made. All disbursements shall be made only upon the order of the mayor and the city clerk, duly authorized by the council, and every such order shall specify the purpose for which such disbursements is made, and indicate that it is to be paid out of the proper fund. Each such order shall be directed to the treasurer, and the latter shall issue a check payable to the order of the person in whose favor

Order was drawn. The treasurer shall issue no check upon any city funds except upon such order. But no such order or check shall be issued until there is money to the credit of the fund out of which it is to be paid, sufficient to pay the same, together with all then outstanding encumbrances upon such fund. Any order for the payment of money violating any provisions of this section shall be void, and any officer of the city violating any provision of this section shall be personally responsible for the amount of such payment, if any such payment is made contrary to the provisions hereof. 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. No claim against the city shall be allowed unless accompanied by a verified itemized bill and voucher, payroll or time sheet signed by the responsible officer who has personal knowledge of the facts in the case and vouches for the correctness and reasonableness of the claim. The council may by ordinance make further regulations for the safe-keeping and disbursement of the city's funds.

Section 98. Funds to be kept. There shall be maintained in the city treasury the following funds for the support of which the council may levy taxes:

(a) A Bond and Interest Fund for the purpose of paying when due any bonds or debt of the city and to pay the interest on all other bonds and other obligations of the city. The council shall levy an annual tax sufficient to meet all obligations against this fund when due, unless otherwise provided for.

(b) A Public Utility Fund or funds for the acquisition,

construction, maintenance and operation of any public utility owned or operated by the city, including the payment of the interest on any bonds or other indebtedness which may be a lien upon such utility. There shall be paid into this fund all moneys derived from the sale of bonds issued on account of any utility, and from the operation of such utility, and from the sale of any property acquired for or used in connection with any such utility. There shall be paid out of this fund the cost of the purchase, construction, extension, operation, maintenance and repair of such utility. Any surplus in said fund may be used for the purchase of bonds or certificates of indebtedness issued against said utility, and for the payment of such bonds or other indebtedness upon their maturity; and from such surplus transfers shall be made to the Bond and Interest Fund of such amounts as may be necessary to pay bonds or interest on bonds which may be liens upon said utility. Separate funds and accounts shall be kept for each utility operated separately, and in case two or more utilities are operated together, the funds and accounts shall be kept separate as far as practicable.

(c) A Public Utility Reserve Fund, created out of payments annually made in accordance with Section 82 of this charter, of amounts equal to the sum chargeable against each utility as depreciation; such payments being made out of the earnings of such utility.

(d) A general fund for the support of library, park, band and such other funds as the council may deem proper, and for the payment of the expenses of the city. Into this fund shall be paid all moneys not herein provided to be paid into any other fund.

(e) A permanent improvement revolving fund, which shall not be supported by general taxation. There shall be paid into this fund moneys received from special assessments levied for local improvements which, in its judgment, shall be extended for payment, as provided in Chapter 10 of this charter. The council may order the issuance and sale of bonds or certificates of indebtedness representing such aggregate sum, which shall entitle the holder thereof to demand and receive from the city of Granite Falls, upon the surrender of such bonds or certificates to the treasurer, on or after the date of payment thereof, the amount of money named therein to be paid, with the rate of interest stipulated to be paid thereon to the due date thereof, and not after such date. Such bonds may be issued in such amounts and become due on such dates as the council may determine; subject to the provisions of Section 102 of this charter; and such certificates of indebtedness may be issued in such amounts and become due on such dates as the council may determine, but shall not be issued to run for a longer term than ten years. The proceeds of the sale of said bonds or certificates of indebtedness shall be paid into the permanent improvement revolving fund. The council may, in its discretion, either sell said bonds or certificates of indebtedness direct to investors, or may contract for the sale of all such bonds and certificates to be issued during any calendar year. No sale of bonds or certificates of indebtedness shall be made except after advertising for bids, at least one week prior to the sale, and such sales

shall be made to the highest responsible bidder. Bids may be asked on the basis of a rate of interest specified in the proposals, and on the net interest basis on which the bidder will pay par for the same.

Section 99. Receipts to go to City Treasurer. All receipts of money belonging to the city, or any branch thereof, excepting only those funds collected by the county treasurer, shall be paid in to the city treasurer by the person authorized to receive the same, not later than three days after such receipt. All such moneys, and also all moneys received upon tax judgments from the county treasurer, shall be deposited as soon as received in a bank or banks approved by the city council. Said bank or banks shall first furnish good and sufficient security acceptable to the city council.

Section 100. Accounts and Reports. The city clerk 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 this charter, the law, and the ordinances in accord with it. He shall submit to the council each month a statement 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 or before the 1st day of January, the clerk shall submit a report to the council covering the entire financial operation of the city for the past year. This report shall show the actual total receipts, and the actual total expenditures, omitting duplica-

*Section 101*

tions, and stating the cash balances at the beginning of the 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 for 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 taxpayers should have.

Section 101 Bonded Debt and Debt Limit. In addition to all the powers in respect to borrowing, and with reference to the issuance of bonds and certificates of indebtedness granted by this charter, and any amendments thereto, the city of Granite Falls shall have all the powers in reference to these subject matters authorized for cities of the same class by Chapter 10 of Mason's Minnesota Statutes, 1927, and acts amendatory thereto. The city shall also have the power, any provisions of the charter to the contrary notwithstanding, to issue and sell its bonds to the State of Minnesota, and to comply with all provisions of law relative to loans to municipalities from the permanent state funds. 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 to cover current expenses; but bonds may be issued by a three-fifths vote of the council, approved by a majority of the electors of the city voting thereon at a general or special election, for the purchase or real estate, for new construction, new equipment, or any improvement of



a lasting character, including public utilities. The total bonded debt of the city shall never exceed ten per cent of the last assessed valuation of the taxable property therein, excluding moneys and credits. In computing the total bonded debt, certificates of indebtedness or bonds issued before or after the adoption of this charter shall not be included or counted if (a) held in a sinking fund maintained by the city; or (b) issued for the acquisition, equipment, purchase, construction, maintenance, extension, enlargement or improvement of street railways, telegraph or telephone lines, water, lighting, gas, heat and power plants, or either, or any other public convenience from which a revenue is or may be derived, owned and operated by such city, or the acquisition of property needed in connection therewith, or for the construction of public drainage ditches or the acquisition of lands for, or for the improvement of streets, parks, or other public improvements, to the extent that they are payable from the proceeds of assessments levied upon property especially benefited by such ditches or improvements; or (c) issued for the creation or maintenance of a permanent improvement revolving fund, or (d) for the purpose of anticipating the collection of general taxes for the year in which issued.

Section 102. Form and Repayment of Bonds. All bonds issued by the city shall be in regular numbered series. 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 term than 75% of the reasonable life expectancy of the property or improvement for

ascertained and which the bonds are authorized, as set forth in the ordinance authorizing such bonds, and in no case shall bonds be issued to run for more than twenty years. The purpose for which bonds are authorized shall be set forth in the ordinance authorizing them and the proceeds from such bonds shall not be diverted to any other purpose. It shall be the duty of the city council to include in its budget each year a sum or sums sufficient to pay the principal of, and the interest on, any bonds which are to fall due in the coming fiscal year, and another sum sufficient to pay the interest for the same year on the bonds which will be outstanding.

Section 103. Emergency Debt Certificates. If in any year the receipts from taxes or other sources shall from some unforeseen cause become insufficient for the ordinary expenses set forth in the budget of the city, or if any calamity or other public emergency should subject the city to the necessity of making extraordinary expenditures, then the council may authorize the sale by the city treasurer of emergency debt certificates to run not to exceed one year and to bear interest at not to exceed six per cent per annum. A tax sufficient to redeem all such certificates at maturity shall be levied as part of the budget of the following year, provided that the total amount of certificates issued in any one year shall not exceed the sum of \$7,000, and that such amount, plus all other items of the budget to be adopted the following year shall not exceed three per cent of the assessed valuation as stated in Section 95. The authorization of an issue of such emergency debt certificates shall take the form of

an ordinance passed by a three-fifths vote of the members of the council; the ordinance may, if deemed necessary, be passed as an emergency ordinance.

Section 104. Bonds outside the Debt Limit. The council may, by an affirmative vote of all members, issue bonds for legal purposes outside of the debt limit, subject to the following limitations as to the total amount which may be outstanding at any time:

(a) for the creation and maintenance of a permanent revolving fund, not to exceed fifteen thousand dollars; (b) for extending, enlarging, or improving water, lighting, heat and power plants, or either, or other revenue producing public utilities of whatever nature, owned and operated by the city, or of acquiring property needed in connection therewith, not to exceed fifteen thousand dollars; (c) for public improvements payable from special assessments, without limit as to amount, except the amount of such special assessments previously levied.

Bonds in excess of the amounts herein specified shall be issued only when authorized by a majority vote of the electors voting thereon at a regular or special election.

CHAPTER 13.

MISCELLANEOUS PROVISIONS

Section 105. Official Publications. The council shall regulate by ordinance the manner in which official publicity shall be given to the holding of elections, to ordinances, resolutions, initiative, referendum, and recall petitions, to requests for bids upon contemplated purchases and contracts, and to all other matters whatsoever which require publication either by the terms of this charter or by the laws of the State of Minnesota. It shall annually designate a newspaper of general circulation in the city as the official paper in which shall be published such measures and matters as are by the laws of this state required to be so published, and such other matters as the council may deem it wise to have published, in this manner. The council may in its discretion provide for the publication of the annual budget, ordinances, resolutions, initiative, referendum and recall petitions, election notices, and such other measures and matters as it may deem wise by the posting of typewritten, mimeographed or printed copies thereof upon bulletin boards located in public places in the city, at such places and for such periods as the council may direct in each case.

Section 106. Oaths of Office. Every officer of the city, appointive or elective, shall, before entering upon the duties of his office, take and subscribe an oath of office and file the same in the office of the clerk. The oath of the city clerk shall be filed with the mayor. Failure of any elective officer to file his oath within fifteen days after his election shall make such elec-

tion void and of no effect. Upon conviction of any elective officer of a felony or misdemeanor or a malfeasance or misfeasance amounting to a violation of his oath of office, such office shall be ipso facto vacant.

Section 107. City 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 authority of the city, or any contract to which the city shall be a party, except his lawful compensation or salary as such officer or employee, unless such officer or employee, or the firm or corporation in which such officer or employee is interested, shall be the lowest bidder, or one of the lowest, in which case the council may by unanimous vote accept the same, but such contract or bid shall be in writing and shall state explicitly the relation and interest of such official or employee in such firm or corporation, and shall be included in full in the official proceedings of the council; and no such officer or employee shall be interested, directly or indirectly, in any contract job for work or materials, or the profits thereof, or services to be furnished or performed for any person, firm or corporation, operating a public utility within the territorial limits of the city. No officer or employee of the city, except as otherwise provided in this charter by law, shall solicit, accept or receive, directly or indirectly, from any public municipal utility corporation, or the owner of any public municipal utility, or

franchise, any pass, frank, free ticket, free service, or any other favor, upon terms more favorable than those granted the public generally. A violation of any of the provisions of this section shall disqualify the offender from continuing in office or in the employment of the city, and he shall be removed therefrom. Any contract with the city in which any officer or employee of the city is, or becomes, directly or indirectly interested, except as above provided, personally, or as a member of a firm, or as an officer or director of a corporation, shall be void; and any money which shall have been paid on such contract by the city may be recovered from any or all the persons interested therein by joint or several action.

Section 103. Official Bonds. The city treasurer, city clerk, and such other officers of the city as may be provided for by ordinance, each shall before entering upon the duties of their respective offices, give bond to the city with a legal, authorized surety company as surety in such sums as may be fixed by the council as an additional security for the faithful performance of their respective duties and the safekeeping of the public funds. All bonds shall be approved by the city attorney as to form and by the city council as to sufficiency, and shall be endorsed by at least three members of the council as having been so approved. They shall be filed with the city clerk, except the bond of the city clerk, which shall be filed with the mayor, and the premium on such surety bonds shall be paid by the city.

Section 109. Violation of Penal Ordinances. The municipal judges in and for the city of Granite Falls shall be vested with the powers of municipal judges under the statutes of the State of Minnesota, and shall have jurisdiction within and throughout the Counties of Yellow Medicine and Chippewa. The style of all process issued by the Municipal Judges of said city shall be: "State of Minnesota, Counties of Yellow Medicine and Chippewa, City of Granite Falls." They shall take judicial notice of all ordinances duly enacted by the city and shall enforce the penalties of all penal ordinances within the limits of their jurisdiction. In their discretion, municipal judges may sentence violators of penal ordinances to hard labor. In enforcing all penal ordinances, the municipal judge shall have power to issue all writs, warrants and orders within the authority of any municipal judge within the state.

The trial before the municipal court of the city shall be summary for all cases arising under this charter, or under the ordinances, resolutions or by-laws of the city enacted pursuant thereto.

Section 110. City Property not Lost by Adverse Possession. No right, title, estate or easement of the city or 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 property shall have been improved or not.

Section 111. Sales of Real Property. No real property of the city shall be disposed of except by ordinance or resolution. The proceeds of any such sale shall be used as far as possible to

retire any outstanding indebtedness incurred by the city in the purchase, construction or improvement of this or other property used for the same public purposes; but if there be no such outstanding indebtedness, then the council may by a resolution adopted by a four-fifths vote designate some other public use for such proceeds.

Section 112. Vacation of Streets. No street or alley within the city shall be discontinued except by a three-fifths vote of the council. The city clerk shall thereafter certify a copy of such ordinance to the office of the Register of Deeds of the County and it shall be recorded therein.

Section 113. Damage Suits. No action shall be maintained against the city on account of any defect in any street, road, bridge, sidewalk, public utility or other public place, or by reason of the negligence of its officers, agents, or servants, unless such street is actually opened, used and traveled by the public as a street or highway, nor unless the person claiming to have sustained such injury or loss, or his lawful representative, shall within thirty days, or if the alleged injury shall have resulted in death or insanity of the person injured, then within sixty days, after the happening of such injury or loss, present his claim for compensation, damages or other relief on account thereof to the council in writing; stating the time when, the place where, and the circumstances under which such injury or loss occurred, and the amount of compensation or the nature of the relief demanded from the city; and give said council ten days' time after such claim is



presented within which to decide upon the course it will pursue with relation to such claim; nor shall any such action be maintained unless the same shall be commenced within one year after the happening of such alleged injury or loss.

Section 114. Notice of Defects. In the prosecution of actions against the city for personal injuries growing out of the defective or improperly constructed highways, bridges, culverts, streets, alleys, sidewalks or public utilities, it shall be necessary in order to maintain said action for the plaintiff to allege and prove that the defect or want of repair complained of existed for more than ten days immediately prior to the time of the happening of said injury, or that the city had actual notice and knowledge of such defect or want of repair at the time such injury happened.

Section 115. Liabilities for Causing Defects in Streets. All persons who shall cause or maintain any obstruction, excavation or defect in any street, alley, bridge, sidewalk, thoroughfare or public ground of said city by means of which a claim for damage shall arise against the city, shall be liable for such damage to whomsoever shall be entitled to recover the same from said city; and no action for such damages shall be brought or maintained against the city unless such person or persons shall be joined as defendants; and in case of judgment against the defendants in such action, execution shall issue only against the defendants causing such defects, and the city shall not be required to take steps to pay such judgment until such execution shall be returned unsatisfied; and if the city shall pay such judgment it shall become the owner

thereof, and may enforce payment of the same from the other defendants, and shall be entitled to execution thereon against them, and to take such other proceedings as judgment creditors are entitled to take.

When any party is joined with the city as co-defendant in any action for the insufficiency of any street, alley, bridge, sidewalk, thoroughfare or public ground, and any such party is not a resident of and cannot be found within the state, service of summons in said action may be made upon said defendant in the manner prescribed by the general laws for service by publication in other actions.

Section 116. Recovery of Judgment for Damages. 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 street or alley or public ground, caused or occasioned by the act or omission of any person or corporation, the city shall have the right to recover the amount of any such judgment from the person or corporation so responsible for such obstruction, excavation, opening or defect, and such person or corporation is hereby declared to be liable to the city/<sup>in</sup>the amount of such damages.

Section 117. City to Succeed to Rights and Obligations of Former City. The city shall succeed to all the property, rights and privileges, and shall be subject to all the legal obligations of the city under the former charter.

Section 118. Present Officers to Hold Office. The present officers of the city shall continue in their respective offices and functions, and shall govern the city in the usual manner until the expiration of their terms. They shall make such provisions for the fiscal year as near as possible to the budget plan contemplated under this charter as will serve to carry on the government until a government has been set up under this charter, and shall make provision for the election of the first city council as provided in Chapters 2 and 5 of this charter.

Section 119. Statutes not Affected by Charter. All general laws and statutes of the state applicable to cities of the same class as the city of Granite Falls, operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the city of Granite Falls and shall be construed as supplementary to the provisions of this charter.

Section 120. Existing Ordinances Continued. All ordinances and regulations of the city in force when this charter takes effect, and not inconsistent with the provisions hereof, are hereby continued in full force and effect until amended or repealed.

Section 121. Pending Condemnations and Assessments. Any condemnation or assessment proceeding in progress 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 122. Ordinances to Make Charter Effective. The city council is hereby empowered to, and shall by ordinance make such regulations as may be necessary to carry out and make effective

the provisions of this charter.

Section 123. Powers of Police Officers. The chief of police and other police officers appointed by the city council as provided for in this charter shall have all the powers conferred by law upon constables, and shall have the power to serve and execute any warrant, summons or other process issued out of any Municipal Court of said City, and to pursue and arrest any person fleeing from justice in any part of the state, and when performing the duties of constable as aforesaid shall be entitled to the fees prescribed by statute.

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DEPARTMENT OF STATE  
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*Wm. Nelson*  
Secretary of State