

I certify that this is  
a true and correct copy of  
the City Charter of the  
City of Anoka, as filed  
in this office.

Hubert Johnson  
City Clerk

Dated: Dec. 29, 1941,  
at Anoka, Minnesota.

ANOKA  
CITY CHARTER  
With Amendments  
As Passed in 1929

# CHARTER OF THE CITY OF ANOKA.

FRAMED AND ADOPTED PURSUANT TO SECTION 36 OF ARTICLE 4 OF THE CONSTITUTION OF THE STATE OF MINNESOTA, AND SECTIONS 748 TO 758, INCLUSIVE, REVISED LAWS OF 1905, AND THE ACTS SUPPLEMENTAL THERETO AND AMENDATORY THEREOF.

## CHAPTER 1.

### NAMES, POWERS AND BOUNDARIES.

#### NAMES AND POWERS.

Section 1. The municipal corporation now existing and known as the "City of Anoka," shall remain and continue to be a body politic and corporate under the same name, and with the same boundaries, and with power and authority to change its boundaries in manner authorized by law; and under said name and style of the "City of Anoka," and by such name, it shall have perpetual succession, may sue or be sued, complain and defend, plead and be impleaded, in any court or tribunal; make and use its common seal, and alter the same at pleasure; lease and convey any and all such real, personal or mixed property as its purpose may require, whether the same be within or without the corporate limits of the city; shall have the power within or without its territorial limits to contract, condemn and purchase, purchase, acquire, lease, add to and maintain a city cemetery or cemeteries, water works, light plants, telephone systems, power plants, levees, transportation systems, heating plants or any other public utilities, works or ways, local in use and extent required therefor, for the use of the city and the inhabitants thereof. And any such system, plants, utilities, works or ways, or any contract for real estate thereto or in connection therewith that may at any time exist, or that the city may desire to purchase, in whole or in part, may be purchased by said city, which purchase may be enforced by proceedings at law; shall be capable of contracting and being contracted with.

In addition to the powers above enumerated, the City of Anoka shall have all the powers it had under any previous charter and amendments thereto, and shall have all powers, functions, rights and privileges exercised by or which are incidental to or inherent in municipal corporations, and which are not denied to it by the Constitution

and General Laws of the State of Minnesota. It is the intent of this section to grant to the City of Anoka full power to deal with all matters of municipal concern and to endow it with complete power of local self government, consistent with the Constitution and General Laws of the State of Minnesota, and no specific power hereinafter granted shall be construed as a limitation upon the general powers herein granted.

#### WARDS.

Section 2. Said city shall be divided into three wards, as follows:

All that part of said territory now included within the boundary of said city which lies west of Rum River, shall constitute the First Ward.

All that part of said territory now included within the boundary of said city which lies south of the middle of Jackson Street and G Street and the extension of G Street to the east line of said city, shall constitute the Second Ward.

All that part of said territory now included within the boundary of said city which lies north of the middle of Jackson Street and G Street and the extension of G Street to the east line of said city, shall constitute the Third Ward.

#### CHANGE BY ORDINANCE OF COMMISSION.

Section 3. The Commission may change, by ordinance, the boundary lines of any and all of the city wards, and may create new wards in the same manner.

#### CHAPTER II.

#### ELECTIVE OFFICERS, QUALIFICATIONS, OFFICIAL YEAR, TERMS, NOT TO HOLD OTHER OFFICE UNDER THE CITY, SALARY OF MAYOR AND COMMISSIONERS.

##### QUALIFICATIONS.

Section 1. The elective officers of the City of Anoka shall be a Mayor, four Commissioners, a Judge and a Special Judge of the Municipal Court, elected as provided in this Charter, to be elected at large by the electors of the city of Anoka, and each of whom shall be a qualified elector thereof.

##### OFFICIAL YEAR—TERMS OF OFFICE

Section 2. The official year of the City of Anoka shall begin on the first Monday after the first Tuesday in April in each year. The terms of office of the Mayor, Judge and Special Judge of the Municipal Court, shall be two years, and the terms of office of the Commissioners shall be four years; provided, that at the first election held hereunder two Commissioners shall be elected to hold office for two years and two Commissioners shall be elected to hold office for four years; provided further, that the terms of all said officers elected for two years shall expire on the first Monday after the first Tuesday in April, 1915, and that the

terms of said officers elected for four years shall expire on the first Monday after the first Tuesday in April, 1917, and that all of said officers so elected shall hold office until their successors have been elected and qualified.

#### MEMBERS OF THE COMMISSION TO HOLD NO OTHER OFFICE UNDER THE CITY.

Section 3. No member of the Commission shall hold any other municipal office or employment the compensation of which is paid out of municipal moneys, or be elected or appointed to any office created, or the compensation of which is increased, by the Commission while he was a member thereof; provided, however, that the Commissioner or Finance shall be ex officio comptroller, and shall pass on the legality of all checks and orders for the payment of moneys by the Commission; provided, also, that one member of the Commission shall be a member of each and every Board appointed by said Commission to look after or investigate any public business.

#### VACANCIES.

Section 4. If a vacancy occur in the office of Mayor, or any of the Commissioners, by failure to elect, or by any cause whatever, the remaining members of the Commission shall appoint an eligible person to fill such vacancy until the next general or special election, subject to the provisions of the recall hereinafter provided for, and any such vacancy shall, at said election, be filled for the unexpired term.

A vacancy shall exist when an elective officer fails to qualify within ten days after notice of his election; dies; removes from the city; absents himself continuously therefrom for three months; is convicted of a felony; or is declared to be a lunatic.

#### SALARY.

Section 5. The Mayor and each of the Commissioners shall receive as compensation for their services the sum of Two Dollars (\$2.00) for each meeting of the Commission which they shall attend, not exceeding, however, One Hundred Dollars (\$100) for any one year; provided, however, that the Commissioners, at the end of ten years, or at the end of any five year period thereafter, shall have the right, by unanimous vote of the Commission, to increase or decrease said compensation as hereinafter provided to such an amount as the needs of the city may, in the judgment of said Commission, require.

#### CHAPTER III.

#### APPOINTIVE OFFICERS AND OTHER EMPLOYEES, POWERS, DUTIES, TENURE, REMOVAL, COMPENSATION, AND PROVISIONS COMMON TO ALL OFFICERS AND EMPLOYEES.

#### OFFICERS OF THE CITY, OTHER THAN ELECTIVE, APPOINTMENT AND REMOVAL.

Section 1. The chief officers of the City, other than the elective officers, shall be a Manager, and a City Clerk, who

shall be ex officio Assistant Manager, a Treasurer, an Assessor, a City Attorney, a City Engineer, a Chief of Police, a Chief of Fire Department, and a Board of Health composed of three members, at least one of whom must be a physician in good standing. They shall be appointed with the exception of the Chief of Police, by a majority vote of the Commission. The Chief of Police shall be appointed by the Mayor, with the consent of the Commission. All persons appointed to such offices shall be qualified electors of the City of Anoka, and shall hold their respective offices during good behavior. They may, however, be removed at any time by a three-fifths vote of the Commission, with the exception of the Chief of Police who may be removed by the Mayor.

The Commission may, at any time when in its judgment the interests of the City so demand, place in charge of one of such officials the functions and duties of two or more of such officers.

The Commission shall, by ordinance, prescribe the duties of each of said officials.

The Commission shall, at the first regular meeting after each election, or as soon thereafter as practicable, proceed to the appointment of such officials, and after the first election shall determine their duties as provided in this section, which duties may be altered and changed as the Commission shall determine.

#### COMMISSION MAY CREATE OTHER OFFICERS OR EMPLOYMENT.

Section 2. The Commission shall have the power, by ordinance, to create and discontinue officers other than those prescribed, and provide the manner of filling the same, and prescribe the duties pertaining thereto, according to its judgment and the needs of the city.

Any person so appointed may be removed at any time by a majority vote of the Commission.

#### COMPENSATION OF OFFICERS AND EMPLOYEES.

Section 3. The compensation of all city officers provided for in Section 1 of this Chapter shall be by salary, to be fixed by statute or by the Commission.

The Commission shall also fix the compensation of all of the other officers and employees of the city, except as otherwise provided in this Chapter.

No officer or employee shall be allowed any fee, reward or other compensation other than the salary or other compensation fixed by the Commission; and all the fees received by him in connection with official duties shall be paid into the city treasury.

#### OFFICIAL BONDS.

Section 4. The Municipal Judge and Special Municipal Judge, and such other officers as the Commission shall determine, before entering upon the duties of their respective offices, shall each give bonds to the city, in an amount to

be fixed by the Commission, conditioned upon the faithful performance of their respective official duties.

The method of approval of said bonds shall be fixed by the Commission, and the approval shall be endorsed thereon and signed by the officer or officers approving the same.

The bonds, when approved, shall be filed with the City Clerk, except the bonds of the City Clerk, which shall be filed in the office of the County Auditor of Anoka County.

All provisions of the laws of the State relating to official bonds, not inconsistent with the provisions of this Charter, shall be complied with.

#### OATH OF OFFICE.

Section 5. Every person elected or appointed to any office herein provided for shall, before he enters upon the duties of his office, take and subscribe to the oath of office in form as prescribed by Section 8 or Article 5 of the Constitution of the State of Minnesota, and shall file the same with the City Clerk, except the oath of the City Clerk, which shall be filed in the office of the County Auditor of Anoka County.

#### FAILURE TO QUALIFY.

Section 6. Any elective or appointive officer who shall refuse or neglect to qualify and enter upon the discharge of the duties of his office for ten days after the beginning of the term for which he was elected or appointed, and after ten days after being notified by the City Clerk of his election or appointment, shall be deemed to have vacated such office, and the Commission may proceed to fill the same without any notice or proceeding as in the case of any other vacancy.

#### OFFICERS MAY ADMINISTER OATHS AND ISSUE SUBPOENAS.

Section 7. Every elective officer, every officer named in section 1 of this Chapter, and every member of any Board or Commission provided for in this Chapter, shall have the power to administer oaths and affirmations; and every such officer or member of a Board or Commission shall have the power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter of anything pending before such officer, Board or Commission.

If any person so subpoenaed neglects or refuses to appear, or to produce books, papers, documents, or records of the City required by such subpoena, or shall refuse to testify before such officer, Board or Commission, or a majority of such Board or Commission, or to answer any question which any such officer or majority of such Board or Commission shall require, he shall be deemed in contempt, and any such officer, Board or Commission shall thereupon have the power to take such proceedings in the premises as are provided by the General Laws of this State.

The Chief of Police shall, on request of the city officers,

or any member of said Board or Commission, detail a police officer or officers to serve such subpoenas.

#### NO POLITICAL OR RELIGIOUS TEST.

Section 8. No appointment to positions under the City government shall be made or withheld by reason of political or religious opinion or affiliations, or political services; and no appointment to or selection for or removal from any office or employment, or any form of promotion, reduction, reward, or punishment shall be in any manner affected by such opinion, affiliation or services.

#### TRANSFER OF BOOKS, ETC., AT THE EXPIRATION OF OFFICE.

Section 9. Every elective and appointive officer shall, at the expiration of his term of office, in whatever way terminated, turn over to his successor in office, or some other properly authorized officer, on demand, all books, papers, files, records, moneys, and other properties and things whatsoever pertaining to his office or received by reason thereof.

#### CHAPTER IV.

#### ELECTIONS—GENERAL AND SPECIAL.

##### GENERAL ELECTIONS, AND WHEN HELD.

Section 1. The general city election, after the first election herein provided for, shall be held on the first Tuesday in April, 1915, and biennially thereafter on the first Tuesday in April.

##### NOMINATIONS.

Section 2. The candidates to be voted for at the municipal election under the provisions of this Act shall be nominated by petition to be signed by at least ten per cent of the qualified electors, based on the vote polled for all candidates for Mayor at the last previous election, and each signer of any petition shall be sworn at the time of signing that he knows the contents and purposes of such petition, and that he signed the same of his own free will. Each petition shall be filed with the City Clerk of said city at least twenty days before election.

##### ELECTION NOTICES.

Section 3. The City Clerk shall, on or before ten days before said election, certify the list of the candidates so nominated at said election whose names are entitled to appear on the ballot as being the list of candidates nominated as required by this Charter, together with the offices to be filled at said election, designating whether such election is for a full or an unexpired term. And he shall file in his office such certified list of names and the offices to be filled, and he shall cause to be published twice in the official newspaper of said city a notice calling such election, which notice

shall contain the list of said names of candidates and the offices to be filled, and the time of holding such election, and the polling place or places where the same shall be held; but no failure to give such notice shall invalidate a municipal election.

#### BLANK SPACES FOR ADDITIONAL CANDIDATES.

Section 4. One space shall be left below the printed names of the candidates for each office to be voted for, wherein the voter may write the name of any person for whom he wishes to vote.

#### REQUIREMENTS OF BALLOTS.

Section 5. All ballots printed shall be identical so it will be impossible to distinguish one ballot from another. Space shall be provided for Charter Amendments and other questions to be voted on at municipal elections, as provided in this Charter.

The names of the candidates for each office shall be arranged in alphabetical order of the surname, and nothing on the ballot shall be indicative of the source of the candidacy, or of the support of any candidate. No ballot shall have printed thereon any public or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything indicating his views or opinions.

#### HOURS OF ELECTION—POLLING PLACES OPEN—JUDGES AND CLERKS TO BE PRESENT.

Section 6. All municipal elections, whether general or special, shall commence at eight o'clock A. M. and hold open until eight o'clock P. M. on the same day, and the places of election shall be open, and the Judges and Clerks of Election shall be present thereat, ready to receive the ballots of electors, during all of said time.

#### GENERAL ELECTION REGULATIONS.

Section 7. The provisions of any state law now or hereinafter enacted, except as the Commission may, by ordinance, or otherwise, provide, relating to the qualifications of the electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, except as otherwise provided in this Charter, so far as they may be applicable, shall govern the municipal elections; provided, also, that the Commission shall meet as a canvassing board and duly canvass the election returns within three days after any municipal election.

#### PLACES OF HOLDING ELECTIONS.

Section 8. The place or places of holding such municipal election shall be determined by the Commission at its regular meeting at least thirty days before any such election; and such designation shall be by resolution.



### JUDGES AND CLERKS.

Section 9. There shall be at least three Judges of Election at each voting precinct, to be selected by the Commission at least thirty days before any such election; and such Judges shall have the power to appoint two Clerks of Election, and at least one Constable who shall be invested with all the powers of police officers. The compensation of each of said Judges, Clerks and Constable shall be the same as is now or may be hereafter provided by the General Laws of the State of Minnesota.

### SPECIAL ELECTIONS.

Section 10. The Commission may, by resolution adopted by affirmative vote of the majority of its members, order a special election for the voters of the city, and provide for holding the same. The purpose of such special election shall be clearly stated in said resolution, and no other matter shall be submitted thereat.

The matter or question for submission at such election shall be set forth on the ballots to be used in plain language; the Commission shall prescribe the form in which the same shall appear; the same proceedings shall be had as to appointment of Judges and Clerks, qualifications of electors, notice of designation of time of said election, polling places, manner of counting ballots, making returns thereof, canvassing said returns by the Commission, and declaring the results thereof, as are now provided for general municipal elections.

## CHAPTER V.

### RECALL OF ELECTIVE OFFICERS.

#### ELECTORS MAY REMOVE.

Section 1. The holder of any elective office in the City of Anoka may be removed by a majority vote of the electors thereof taken, had and given in the manner and in compliance with the conditions hereinafter named.

#### PETITION.

Section 2. Electors equal in number to twenty-five per cent of the total number of registered voters, as shown by the poll list at the last preceding general municipal election, may file with the City Clerk their petition asking for the removal of any elective officer, and for the election of a successor to such officer. Such petition shall be in writing, and signed by said electors, with the street and number, if there be such, of their respective residence. It may consist of one or more papers, and such signatures need not all be on the same paper. The petition shall contain a general statement of the grounds upon which removal is sought, which shall be alike in all such papers. Said petition shall be accompanied by the affidavit of one of the signers of each of the papers constituting the same to the effect that the statements made in the paper on which his name appears are true to the best of his knowledge and belief, and that

each and every signature thereof is the genuine signature of the person it purports to be, and was placed thereon by such person; provided, however, that no such petition shall be made and filed against any officer until he has actually held his office for at least three months.

### PROCEEDINGS ON CONDITION.

Section 3. Within ten days from the date of filing of such petition, the City Clerk shall ascertain from the voters' register of the city whether or not said petition is signed by the requisite number of qualified electors; and if necessary, the Commission shall allow him extra help for the purpose; and he shall attach to said petition his certificate showing the result of said examination.

If, by the City Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date thereof. The City Clerk shall, within ten days after such amendment, make a like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition is deemed sufficient, the City Clerk shall submit the same to the Commission without delay, and thereupon the Commission shall order and fix a date for holding the said election not less than thirty days, nor more than forty-five days, from the date of the Clerk's certificate to the Commission that a sufficient petition has been filed.

### CAUSE OF RECALL—OFFICER'S JUSTIFICATION.

Section 4. In the call for election there shall be stated, in not more than two hundred words, the reason for demanding a recall of the officer as set forth in the recall petition; and in said call, in not more than two hundred words, the officer may justify his course in office.

### ELECTION UNDER RECALL—NOTICE OF ELECTION—NAMES ON TICKETS.

Section 5. The City Clerk shall give public notice of the time and place of holding such election, and of the hours during which the polls will be open; and the same shall be conducted, nominations therefor shall be made, the Judges and Clerks therefor shall be appointed, returns made and canvassed, and the results thereof declared, in all respects as in a general municipal election, save as hereinafter provided.

The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the City Clerk shall place his name on the official ballot without nomination. At such election, if some other person than the incumbent shall receive the highest number of votes, the incumbent shall thereupon be removed from the office upon the qualification of his successor. In case the person who receives the highest number of votes fails to qualify within

ten days after receiving notification of his election, the office shall be declared vacant. If the incumbent receives the highest number of votes, he shall remain in office. The said method of removal shall be accumulative and additional to the method herein and in this Charter otherwise provided.

#### INCAPACITY OF RECALLED OFFICERS.

Section 6. No person who shall have been recalled from office, or who has resigned from such office while recall proceedings were pending against him, shall be eligible to any office under said city within one year after said recall or resignation.

#### CHAPTER VI.

##### EXECUTIVE DEPARTMENT—MAYOR. CHIEF EXECUTIVE.

Section 1. The Mayor shall be the Chief executive officer of the city; he shall see that the laws of the State, the provisions of this Charter, and the ordinances of the City are duly observed and enforced within the city; he shall be a member of the Commission, and when present, shall preside over the meetings of the Commission; he shall have the right to vote on all propositions, matters and questions coming before it; but he shall have no veto power.

##### EXAMINATION OF BOOKS, REPORTS, ETC., OF OFFICERS AND EMPLOYEES.

Section 2. The Mayor may employ, and, if directed by the Commission, shall employ once a year a competent accountant to be paid by the City, who shall have full power to examine all books, records and reports of all officers and employees who receive or disburse city moneys, and the books, records and reports of such other officers and departments as the Mayor or the Commission may direct. Said accountant may require any officer or employee to be sworn and explain under oath all matters relative to said books, records and reports. All officers and employees of the city shall give to such accountant all required assistance and information, under oath or otherwise, as to all matters relating to such books, records and reports, and shall submit to him for examination such books and papers as may be requested. Refusal or failure of any officer or employee of the city to comply with the requirements of this section shall be sufficient ground for his removal from such office or employment.

##### ADDITIONAL POWERS.

Section 3. The Mayor shall exercise such other powers and perform such other duties as may be prescribed by general law or ordinance.

##### ACTING MAYOR.

Section 4. The Vice President of the Commission shall perform the duties of Mayor during the absence or dis-

ability of the Mayor, and while so acting shall be known and styled as "Acting Mayor." In case of the absence or disability of both the Mayor and the Vice President of the Commission, the Commission may elect one of its members Acting Mayor during such absence or disability. The Vice President of the Commission shall act as Mayor, under the name and style of "Acting Mayor" during the vacancy in office of Mayor until such vacancy shall be filled in the manner provided in this Charter.

#### CHAPTER VII.

##### DEPARTMENTAL POWERS AND DUTIES. NUMBER AND NAMES OF DEPARTMENTS.

Section 1. Subject to the qualifications and restrictions herein otherwise provided, the executive and administrative powers of the City are hereby distributed among and assigned to six (6) departments, as follows:

1. Department of Public Health and Sanitation, Police and General Welfare.
2. Department of Accounts and Finance.
3. Department of Buildings and Fire Protection.
4. Department of Water Works and Lights.
5. Department of Streets, Alleys, Bridges and Sewers.
6. Department of Parks and Public Grounds, the members thereof to be appointed as hereinafter provided.

##### COMMISSION TO ASSIGN DUTIES TO DEPARTMENTS.

Section 2. The Commission shall determine and assign the duties of the several departments, subject to the provisions of the last preceding and next following sections; shall prescribe the duties and powers of officers and employees; may assign particular officers and employees to one or more departments; may require an officer or employee to perform duties in two or more departments; and may make such other rules and requirements as may be necessary and proper for the efficient and economical conduct of the business of the City.

##### MAYOR AND FOUR COMMISSIONERS.

Section 3. The Mayor shall be Superintendent of the Department of Public Health, Sanitation, Police and General Welfare; and the Commission shall, at the first regular meeting after the election of its members, designate, by a majority vote, one of the Commissioners to be Superintendent of the Department of Accounts and Finance; one to be Superintendent of the Department of Buildings and Fire Protection; one to be Superintendent of the Department of Water Works and Lights; one to be Superintendent of the Department of Streets, Alleys, Bridges and Sewers; and such designations may be changed whenever it appears that the public service would be benefited thereby. Provided, no Superintendent of any of the Departments of the City shall have any power to contract debts, to bind the City, or to make any improvements in said city, unless authorized by a majority vote of the Commission.



Section 3a. The Department of Parks and Public Grounds shall be under the control and supervision of a commission of six (6), called the Park Commission, the members of which shall be appointed by the City Commission. When first created, two (2) shall be appointed for the term of one (1) year, two (2) for the term of two (2) years, and two (2) for the term of three (3) years. There shall be appointed in the same manner each year thereafter two (2) members of said commission whose term of office shall be for three (3) years, and each of said members shall hold his office until his successor is appointed and qualified. In the event of a vacancy, it may be filled in like manner for the unexpired term. The term for which each appointment aforesaid is made shall expire on the first Tuesday in June of each respective year except as otherwise herein provided.

The Park Commission shall at each annual meeting elect a President and Secretary from its members and shall determine the manner and method of the conduct of its business, and shall keep a permanent record of all its proceedings.

Section 3b. The Park Commission shall have control of, and power over, all real estate now or hereafter acquired by the said City set apart for park or boulevard purposes.

It shall audit and allow all just claims for labor, services or materials furnished by order of said Park Commission, and when so audited and allowed, shall be paid by the City Treasurer out of the Park and Public Grounds funds on a warrant issued therefor, signed by the president and attested by the secretary of said Park Commission.

The Park Commission shall make a report of its doings and proceedings to the City Commission at any time upon request of the City Commission and without such request at least, once in six (6) months.

The members of the Park Commission shall serve without compensation.

There shall be maintained in the city treasury a fund known and designated as the Park and Public Grounds Fund to be used only for park and public grounds purposes under the supervision and direction of the Park Commission aforesaid, which said fund may be created and maintained from an annual tax at a rate not to exceed one (1) mill on the dollar, of the assessed valuation of all taxable property in said City, which said tax may be levied by the City Commission on the report and recommendation of the Park Commission and, if levied, shall be included in the annual budget and levy adopted by the City Commission as provided in said Charter.

#### ACCOUNTS AND FINANCE.

Section 4. It shall be the duty of the first Commissioner assigned to be Superintendent of the Department of Accounts and Finance under this Charter to institute as soon as practicable a complete and thorough system of book-keeping which shall be suitable to the needs of the City, with a proper system of checks between the various officers, with such reports as may be advisable in order to insure a

thorough knowledge of the business of the City by the Mayor and chief officials.

#### REPORTS OF DEPARTMENTS.

Section 5. The Superintendent of each Department shall annually render to the Commission a full report of the affairs of his Department for the year. Provided, however, that the Commission may require at any time each Department to render to the Commission a full report of all operations of said Department.

#### REPORTS TO BE PUBLISHED.

Section 6. The Commission shall provide for the publication of the annual report of the Mayor, and the Superintendents of the several Departments, in the official newspaper of the city.

#### CHAPTER VIII.

#### LEGISLATIVE POWERS.

#### LEGISLATIVE POWERS OF THE COMMISSION.

Section 1. The Commission shall have full power, subject only to the limitations herein contained, to make, ordain, enact, establish, publish, alter, modify, amend, and repeal all such ordinances or resolutions as it shall deem necessary and expedient for the government and good order of the city; for the suppression of vice and intemperance; for the prevention and punishment of crime; for the promotion of health; and for the general welfare of the city and of the inhabitants thereof.

It shall have the power and right to prescribe fines, provide penalties and punishments for the violation or breach of any of the provisions of this Charter, or any ordinance or regulation of the City, not exceeding a fine of One Hundred Dollars (\$100) and costs of prosecution, or imprisonment in the city prison or county jail of Anoka County for a term not exceeding ninety (90) days.

It shall have the right to provide for summary abatement of any nuisance at the expense of the person creating, causing or maintaining such nuisance.

It shall have the power to enact appropriate legislation, and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the City, or any of the provisions of this Charter, and to exercise all powers not in conflict with the Constitution of the State, with this Charter, or with ordinances adopted by the people of the city; and the above enumeration of specific powers shall not be held in any way to curtail or restrict any power which the Commission might otherwise have under the Common law.

It shall have the power to provide suitable procedure for taking over and otherwise acquiring municipal ownership of public utilities.

## LEGISLATIVE POWERS OF THE PEOPLE.

Section 2. The people of the City of Anoka reserve to themselves the right, subject only to the limitations herein contained, to act upon all ordinances of said City, and to submit to the Commission such ordinances as they deem necessary or expedient.

## INITIATIVE.

Section 3. Any proposed ordinance of the City of Anoka may be submitted to the Commission by petition signed by qualified electors of the city equal in number to the percentage hereinafter required.

The chapter of this Charter respecting the forms and conditions of a petition for the nomination of elective officers, and the mode of verification, certification and filing shall be substantially followed, with such modifications as the nature of the case requires; provided, however, that no person shall be received as a petitioner until he shall have taken and subscribed an oath that he has read the proposed ordinance, and knows the contents thereof, and that in his opinion the passage thereof will be for the general welfare and benefit of the city.

If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen (15) per cent of the entire vote registered at the last preceding general municipal election, and contain a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the Commission shall either:

(a) Pass such ordinance without alteration within twenty (20) days after the attachment of the Clerk's certificate of sufficiency to the accompanying petition, subject to a referendum vote under the provisions of this chapter; or

(b) Within twenty-five (25) days after the Clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the Commission shall proceed to call a special election at which such ordinance, without alteration, shall be submitted to a vote of the people.

If the petition be signed by electors equal in number to five (5), but less than fifteen (15), per cent of the entire vote registered at the last preceding general municipal election, and such ordinance be not passed by the Commission as provided in the preceding paragraph, then said ordinance, without alteration, shall be submitted by the Commission to a vote of the people at the next general municipal election that shall occur at any time after twenty (20) days from the date of the Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

Whenever any ordinance or proposition is required by this chapter to be submitted to the voters of the city at any election, the Commission shall order such ordinance or proposition to be printed in the official newspaper of the city, and to be published in like manner as ordinances adopted by the Commission are required to be published. Such publication shall be prefaced by the statement that said ordinance or proposition is to be submitted to the voters

of the city at the next election, and shall give the date thereof.

The ballots used when voting upon such proposed ordinance or proposition shall contain the words "For the Ordinance (or proposition) (stating in full the title thereof, and stating the general nature of the proposed ordinance or proposition)," and "Against the Ordinance (or proposition) (stating in full the title thereof, and stating the general nature of the proposed ordinance or proposition)."

If a majority of the qualified electors voting on such proposed ordinance or proposition shall vote in favor thereof, said ordinance shall thereupon become a valid and binding ordinance of the City on the official publication thereof.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section.

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

There shall not be held under this section more than one special election during a period of six (6) months.

The Commission may, by ordinance or resolution, make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of Chapter IV thereto.

## THE REFERENDUM.

Section 4. No ordinance passed by the Commission shall go into effect before thirty (30) days from the time of its final passage, except when otherwise required by the General Laws of the State, or by the provisions of this Charter, except ordinances for the immediate preservation of the public health, peace or safety, which contain a statement of their urgency, and are passed by a unanimous vote of the Commission; provided, that no grant or franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote herein provided for.

If, during the said thirty days, a petition signed by qualified electors of the city equal in number to at least fifteen (15) per cent of the entire vote registered at the last preceding general municipal election, protesting against the passage of said ordinance, be filed with the City Clerk, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Commission to reconsider such ordinance, and if the same be not entirely repealed, the Commission shall submit the ordinance in the manner provided by this chapter to a vote of the qualified electors of the city, either at the next general municipal election, or at a special election called for that purpose.

And such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof.

The provisions of this Charter regarding the forms and conditions of the petition, and the mode of verification, certification and filing shall be substantially followed, with such modification as the nature of the case require; provided, however, that no person shall be received as a petitioner until he shall have taken and subscribed an oath that he has read the ordinance under consideration, and knows the contents thereof, and that in his opinion the adoption of such ordinance would not be for the general benefit and welfare of the city.

Any ordinance or measure that the Commission, or the qualified electors of the city, shall have authority to enact, the Commission may, of its own motion, submit to the electors for adoption or rejection at a general or special municipal election, in the same manner, and with the same force and effect, as is provided in this chapter for ordinances or measures submitted on petition. At any special election called under the provisions of this chapter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinance or measure herein provided for; if, however, such other questions are such as may be legally submitted to such election. If the provisions of two or more ordinances approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

#### CHAPTER IX.

##### THE COMMISSION, RULES OF PROCEDURE, ETC.

###### THE COMMISSION THE GOVERNING BODY.

Section 1. The Commission shall be the governing body of the City. It shall exercise the corporate power of the City, and, subject to the limitations of this Charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government, consistent with the Constitution of the State.

The Mayor shall be President of the Commission, and shall preside at its meetings. The Commission shall elect one of its members to be Vice President.

###### MEETINGS OF COMMISSION.

Section 2. The Commission shall provide for the time and place of holding its meetings, and the manner in which its special meetings may be called.

All legislative sessions of the Commission, whether regular or special, shall be open to the public.

A majority of the members of the Commission shall constitute a quorum for the transaction of business.

###### ORDINANCES AND RESOLUTIONS—AYES AND NOES.

Section 3. The ayes and noes shall be taken upon the passage of all ordinances and resolutions, and entered upon the journal of the proceedings of the Commission.

No ordinance or resolution shall be passed without receiving the affirmative votes of at least three members of the Commission.

Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject, which shall be clearly stated in the title; and every ordinance making appropriations shall be confined to the subject of appropriations. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in the title.

###### ENACTING CLAUSE OF ORDINANCE.

Section 4. The enacting clause of all ordinances passed by the Commission shall be in these words, "The Commission of the City of Anoka, do ordain as follows:"

###### REQUIREMENTS OF ORDINANCE.

Section 5. To constitute an ordinance a bill must receive two readings previous to its passage, but shall not be read at any other than regular sessions, nor twice at the same session. The second reading shall be by sections, at which time amendments may be offered, but the reading of a section shall not preclude the offering of an amendment to a preceding one.

###### RECONSIDERATION.

Section 6. When a bill is put upon its final passage, and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the Commission held not less than one week after the meeting at which such motion was made.

###### SIGNING AND ATTESTING.

Section 7. All resolutions and ordinances shall be signed by the Mayor and attested by the City Clerk.

###### ORDINANCE GRANTING FRANCHISE.

Section 8. No ordinance or resolution granting a franchise shall be put upon its final passage within thirty (30) days after its introduction, nor until it has been published at least once a week for three consecutive weeks in the official newspaper of the city.

###### RECORD OF CITY ORDINANCE.

Section 9. A true copy of all ordinances and resolutions signed by the Mayor and attested by the City Clerk shall be numbered, indexed and recorded in a book marked "Ordinance Record."

Ordinances adopted by a vote of the people may be separately numbered, indexed and recorded, and called "People's Ordinances."

Such records kept of the original ordinances shall be prima facie evidence of the contents of the ordinance, and of the due passage and publication of the same, and shall

be admissible as such in any court or proceedings. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

#### MEMBERS PRESENT WHO FAIL TO VOTE.

Section 10. Any member of the Commission who, being present when his name is called, fails to vote upon any of the pending ordinances or resolutions, shall be counted as having voted in the negative.

#### FRANCHISE GRANTED BY ORDINANCE.

Section 11. No franchise of right to occupy or use the streets, highways or public places of that city, shall be granted, except by ordinance, save temporary use of the parks or streets for picnics, public meetings, and the like.

#### PUBLICATION OF ORDINANCES.

Section 12. No ordinance or resolution passed by the Commission shall become effective until it has been published once in the official newspaper of the city.

#### PUBLICATION OF PROCEEDINGS OF MEETINGS.

Section 13. The proceedings of each and every meeting of the Commission shall be published once in full in the official newspaper of the city.

### CHAPTER X.

#### FINANCE AND TAXATION.

##### FISCAL YEAR.

Section 1. The fiscal year of the City shall commence on the first Monday after the first Tuesday of April of each year.

##### DEBT NOT TO BE INCURRED OR CREDIT LOANED.

Section 2. The debt of the City shall not be increased, nor shall any new bonds of the City be issued, except as herein provided; nor shall the City loan its credit, become a stockholder, or make contributions or donations to any person, company or corporation, except as herein provided.

##### PROVISIONS TO BE MADE TO PAY BONDS.

Section 3. The Commission is authorized to provide by taxation for the prompt payment of interest upon the indebtedness, and for a sinking fund for the purpose of meeting the bonds of the City at maturity whether heretofore or hereafter issued.

##### MONEY—HOW PAID OUT—CITY ORDERS.

Section 4. All moneys belonging to the City, except as otherwise provided for in this Charter, shall be under the

control of the Commission, and shall be paid out only upon the order of the Mayor, countersigned by the City Clerk, duly authorized by a motion or resolution of the Commission, by an affirmative vote of ayes and noes of three-fifths (3-5) of its members.

The Commission may designate any bank or banks in the city of Anoka, on the terms prescribed by said Commission, a depository for all or any specified part of said funds; good and sufficient bonds being first required from said banks in favor of the City for the safe keeping and paying over of said funds.

Every order drawn upon the treasury shall designate the purpose for which it is drawn, and the fund upon which it is drawn, and shall be payable only out of the fund named in the motion or resolution providing for its payment.

Each order shall be payable to the order of the person in whose favor it is drawn, and may be transferred by endorsement; no order on any fund shall be drawn until there is sufficient money to the credit of such fund to pay the same, together with all orders previously issued against such fund.

#### PROPERTY SUBJECT TO TAXATION.

Section 5. All property in the city of Anoka taxable under the laws of the State shall be subject to taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed as provided for by law, and this Charter.

There shall be maintained in the city treasury the following funds, and the Commission, by a three-fifths vote of its members may levy an annual tax upon all taxable property in the city for the support of such funds, and the purposes following, that is to say:

First: An Interest Fund, for which there shall be levied a sum sufficient to provide for the payment of the interest to become due during the next fiscal year upon the indebtedness of the City. Out of such fund, interest only shall be paid.

Second: A Sinking Fund, to provide for the payment, when due, of bonds and other funded debt of the City. For maintenance of this Fund there shall be levied, if necessary, an annual tax of five (5) mills, or as much thereof as may be necessary, on the dollar of the assessed valuation of all taxable property in the city. This fund shall be applied only to the payment of the principal of bonds issued by the City.

Third: A Fire Department Fund, to provide for the maintenance of the Fire Department.

Fourth: A Road and Bridge Fund, to provide for the Engineering Department, the cleaning and repairing of streets, sewers, sidewalks, crosswalks and bridges.

Fifth: A Salary Fund, to provide for the payment of the salaries of the city officials, and clerk hire not otherwise provided for, but which may be authorized by law.

Sixth: A Library Fund, to provide for the support of the Public Library.



Seventh: A Cemetery Fund, to provide for the support of the city cemetery or cemeteries.

Eighth: A General Fund, to provide for all current and incidental expenses of, and judgments against, the City not otherwise provided for, and such other disbursements as may be authorized by law. There shall be paid into this fund all moneys received from any source save when received for a specific use and purpose.

Ninth: A Permanent Improvement Revolving Fund, for the purpose of providing money for paying for that portion of local improvement, under the provisions of this Charter, for which assessments may be levied, but it shall not be supported by taxation. There shall be paid into it all moneys received from any special assessments levied under this Charter for local improvements, and also such amounts as may be realized from the sale of bonds, warrants or certificates, authorized therefor in this Charter.

Tenth: A Water and Light Fund, to provide for the support and maintenance of any plant owned or operated by the City for furnishing to the City and its inhabitants water and light, and of paying the cost of the purchase, construction, extension, operation, maintenance and repair of such water and light plant.

This fund shall not be maintained by taxation, but there shall be paid into it all moneys derived from the sale of any property acquired for or used in connection with any water and light plant of the City; also the proceeds of all special assessments levied on account of or in connection with such water and light plant; also such amounts as may from time to time be realized from the sale of bonds issued on account of such plant; also all moneys received from the sale of such plant, including water and light rentals and penalties.

Any surplus in the Water and Light Fund in excess of the sum of Three Thousand Dollars (\$3,000) may be paid into any of the other funds hereinbefore mentioned in such proportions and in such amounts as the commission may from time to time determine, except that no more than Five Thousand Dollars (\$5,000.00) shall be paid into the general fund in any one (1) fiscal year.

Eleventh: A Water and Light Sinking Fund, to provide for a water and light system. There shall be set aside each year from the surplus of the water and light earnings at least the sum of Three Thousand Dollars (\$3,000), to the Water and Light Sinking Fund until the sum hereinafter mentioned is reached. This fund shall never at any one time exceed the sum of Forty Thousand Dollars (\$40,000.00), and any surplus in the way of interest or other earnings thereon shall be paid and distributed in the same manner with the same restrictions as hereinbefore provided in relation to the surplus of the water and light fund. Said fund is to be used for permanent improvements of the water and light system, replacements in case of emergency or acquiring a new plant. In event all or any part of such fund be used for the purposes aforesaid, such fund shall be reimbursed in like manner as hereinbefore provided out of the surplus earnings of the water and light system.

Provided, that nothing herein contained shall prevent the Commission from borrowing from the General Fund to aid and help any other fund at such time as in its judgment public necessities require, but the Commission shall have no power to borrow from any fund except the General Fund. If any sum is borrowed from the General Fund as aforesaid, it shall be returned not later than during the next fiscal year.

Moneys, (1) in the city treasury at the time this Charter goes into effect, (2) to be collected from taxes levied before this Charter goes into effect, shall so far as practicable be divided among the several funds hereby established, and where such subdivision is not practicable, shall be kept in the General Fund. The Commission, by resolution, shall provide for such subdivision in accordance with the directions herein contained.

From the General Fund the Commission may, in every year, by resolution, appropriate a sum not to exceed Two Hundred and Fifty Dollars (\$250) for contingent expense incurred, or to be incurred, by the Mayor in the detection and prevention of crime in the city.

#### SINKING FUND COMMISSIONERS.

Section 5. The Mayor, the Superintendent of the Department of Accounts and Finance, and the City Clerk, shall constitute a Board of Sinking Fund Commissioners, and the Commission may, by resolution, define such duties for such Board as are not herein prescribed. Said Commissioners shall have charge of the Sinking Fund, and shall, by and with the consent of the Commission invest the same in bonds or other obligations of the City issued pursuant to this Charter, or in such other bonds as are permitted by law for the investment of the public school funds for the State of Minnesota, or in any county or school bonds of this state. In case of investment in the bonds or other obligations of the City, the same shall not be cancelled, except when authorized by the Commission, but shall be held in the Sinking Fund.

Whenever any bonds of the City become due, and the said Commissioners shall, with the consent of the Commission, dispose of enough of the bonds then in the Sinking Fund, if any, as will, with the money then on hand, be sufficient to pay such maturing bonds, and the said Commissioners, by and with the consent of the Commission, may dispose of any bonds in said fund at such other time as is deemed for the best interest of said fund.

Whenever the amount of such Sinking Fund, together with the interest thereon, computed to the time of maturity of the city bonds, is sufficient to pay all of said bonds, the levy of five mills hereinbefore provided for may be omitted and the money otherwise voted to this fund may be diverted to other funds; but whenever said fund shall, in the judgment of the Commission, be insufficient to pay said bonds at maturity, such tax may be resumed.

Said Commissioners shall make a detailed report to the Commission at the first meeting in July of each year, and at such other times as the Commission may require, and



said reports shall show the condition of said Sinking Fund, the nature and value of all the securities thereunto belonging, with a full description of said securities.

Any taxpayer, or any of the owners of bonds of the City, shall have the right to maintain in a court of competent jurisdiction any proper action or proceeding to enforce upon the part of the Commission, or said Commissioners, compliance with the provisions of this section. Whenever, at the maturity of any bonds of the City, said Sinking Fund shall not have money sufficient to pay the bonds so maturing, and whenever the Commission shall deem it advisable to take up any bonds not due, the Commission may issue other bonds of the City, to run not exceeding twenty years, on such terms as to time and place of payment and rate of interest as may be deemed advisable, and in such amount as may be necessary to meet such deficiency, and to take up and refund such bonds if not due.

#### POWER TO BORROW MONEY OR INCUR DEBT.

Section 7. The City may issue bonds, by resolution, as follows:

1. For the purpose of constructing, maintaining, enlarging or improving suitable water and light plants, or for the purpose of purchasing any such plant already in existence in the city, or for the purpose of acquiring real estate or other property needed in connection with any such plant; and such bonds shall be a first lien upon all water and light plants and structures of any kind, if issued for both, and if for one only, upon the appliance and structures thereof of any kind, and all property acquired for use in connection therewith.

2. For the purpose of raising not to exceed Fifteen Thousand Dollars (\$15,000) for a Permanent Improvement Revolving Fund provided for in this Charter, in order to provide money for any contemplated local improvement, and such bonds shall constitute a first lien upon all such local improvements and upon the property benefited thereby and to be assessed therefor.

3. For defraying the cost of making local improvements in intersections of streets, alleys, and in front of property exempt by law from special assessments, and property owned by the City.

4. For defraying the cost of establishing and maintaining a general system of sewers, and of maintaining, altering, relaying and extending the existing sewer system.

5. For the purpose of paying, funding, or refunding any bonded indebtedness of the City existing at the time this Charter goes into effect, or created at any time as authorized by this Charter, the City, by resolution, may issue its certificates or other evidences of indebtedness in anticipation of any taxes or assessments levied upon any portion of the taxable property of the city, as provided herein. Such resolution for the issuance of bonds or certificates may provide that the same shall be general obligations of the City, or that they will not be general obligations, but shall be payable out of any specified taxes, assessments, funds, or liens held by the City, or may limit the City's liability there-

on in any other manner, or may guarantee that the City shall pay the same; provided, that the bonds issued under such sub-divisions one, two, three and four above mentioned shall be general obligations of the City.

The City shall have authority to protect itself by acquiring title to any property subject to special assessment for local improvements, and shall have authority, by ordinance, to assign and convey any property so acquired, whether proceedings to acquire such title have been had prior to the time of the going into effect of this Charter or thereafter; and shall have the power in like manner to assign any lien or right of action held by the City on account thereof, or arising out of any such assessments as security for the payment of any bonds, certificates of indebtedness, or other evidences of indebtedness mentioned in this section, or to provide that such bonds, certificates or other evidences of indebtedness mentioned herein may be collected out of any such property, liens or rights of action.

No bonds shall be issued unless the issuance thereof is authorized by a resolution or ordinance passed by a four-fifths (4-5) vote of all the members of the Commission.

The debt of the City shall not exceed five (5) per cent of the total value of the taxable property of the city according to the last preceding assessment for the purpose of taxation; provided that bonds may be issued as above provided in sub-divisions 1, 2, 3 and 4, but the total amount of such bonds, when added to the other indebtedness of the City, shall not exceed ten (10) per cent of the total value of its taxable property as above provided, for funding the City's bonded indebtedness, whenever required; provided, that in determining the City's debt limit, the amount in the Sinking Fund shall be deducted from the total of the outstanding bonds; and provided further, that certificates of indebtedness against taxes levied and assessed may be issued as hereinafter provided.

Bonds, warrants, certificates, and other evidences of indebtedness of the City, authorized by this Charter, shall in no event bear a greater rate of interest than six (6) per cent per annum, and shall in no event be sold for less than the par value thereof.

#### DEPARTMENTAL ESTIMATES.

Section 8. On or before the first Monday in September of each year, or on such date as may be fixed by the Commission, the heads of departments, officers and boards shall file with the Commission of Accounts and Finance a careful estimate, in writing, of the amounts, specifying in detail the object thereof, required for the business and proper conduct of their respective departments, offices or boards during the next ensuing year.

#### ANNUAL ESTIMATE.

Section 9. On or before the first Monday in October in each year, or on such date as the Commission shall direct, the Commissioner of Accounts and Finance shall submit to the Commission an estimate of the probable expenditures

of the city for the next ensuing fiscal year, in detail for each department, office and board, with an estimate of the amount of income from fines, licenses and sources other than taxation, and the probable amount to be required to be levied and raised by taxation to defray the expenses and liabilities of the City. Said estimate shall be made out in two parts, the first of which shall relate to the ordinary expenses of maintenance and shall be divided into two subdivisions, (1) Salaries and (2) Supplies and Repairs; the second part shall relate to Capital Outlays, under which head shall be put all items of new construction, new equipment, and all other permanent improvements. In submitting said estimate, said Commissioner shall present with it a report showing the amount of the annual estimate for each of the two preceding years and the amount appropriated and spent by the City during each of said years.

#### ANNUAL BUDGET.

Section 10. The Commission shall meet annually, prior to the time for fixing the tax levy, and make a budget of the estimated amounts required to pay the expenses of conducting the business of the City for the next ensuing fiscal year.

#### ANNUAL APPROPRIATIONS.

Section 11. Upon such budget as adopted and filed, the Commission shall pass an ordinance or resolution, not later than the 15th day of October in each year, which shall be entitled "The Annual Appropriation Resolution," in which it shall appropriate such sums of money as it may deem necessary to defray all expenses and liabilities of the City; and such resolution shall specify the objects and purposes for which such appropriations are made, and the amounts appropriated for each object and purpose, for the ensuing fiscal year.

The City Clerk shall thereupon certify the total levy to the County Auditor for the levy and extension thereof, as provided by the laws of the state.

#### NO LIABILITY WITHOUT APPROPRIATION.

Section 12. Except as herein otherwise specifically provided, the expenditures of the City in any one year shall not be increased over and above the amount provided in the Annual Appropriation Resolution for that year; and no contract involving expenditures, and no expenditure for any improvement paid out of the general or special funds of the City, or for defraying the expenses and liabilities of the City, shall exceed in any one year the amount so appropriated and set apart, but the several funds shall be maintained for, used and devoted to the particular purposes specified in the appropriation.

It shall not be lawful for any department or officer of the City to incur or contract any expense or liability for or on behalf of the City unless such an appropriation shall have been made therefor by the Commission, and any such expense or contract shall be absolutely null and void as to the

City; provided, first, that nothing herein contained shall prevent the Commission from providing for the payment of any expense, the necessity for which is caused by any casualty, accident or unforeseen contingency arising after the annual appropriation; and, second, that the provisions of this section shall not apply to or limit the authority conferred in relation to bonded indebtedness, nor for moneys to be collected by special assessments for local improvements.

#### SEPARATE ACCOUNT TO BE KEPT FOR EACH FUND.

Section 13. The City Clerk and the Treasurer shall each, as soon as the tax estimate is made for each year, open and keep in his books separate and distinct accounts for each of the several divisions of taxes shown in the tax estimate of the then current year; and in making any tax estimate for expenditures, and in making any levy, the Commission shall itemize the same so as to show separately the amount to be collected from taxes for each fund, as said funds are designated in section 5 of this Chapter.

It shall be the duty of the Treasurer to keep a complete, accurate and separate account of each and all of the separate funds embraced in section 5 of this Chapter, which shall accurately show at all times the amount of money received by him for the credit of such funds, and whence received, and the amount of money paid out by him on account thereof, and to whom and for what purpose paid out.

The Treasurer shall also keep a separate and distinct account of moneys received or to be received for each local improvement for which an assessment is made, and when any money is collected by him from the County Treasurer, or any other source, on account of any such assessment, it shall be his duty to credit the same to its separate assessment account. Whenever the County Treasurer shall pay over to the City Treasurer any taxes belonging to said City, and collected under any levy, and whenever any money is received by the City Treasurer from the sale of certificates of indebtedness disposed of in anticipation of the collection of a tax based on a tax estimate, the City Treasurer shall credit each of the respective funds and accounts with its proportionate amount of receipts according to the tax estimate of the fiscal year for which such estimate is made. The money collected on account of assessments shall not be paid out by the Treasurer except in payment of assessment work. The money received from the sales of certificates of indebtedness based on a tax estimate, and the money received from the County Treasurer on a tax levy based on such estimate, shall be used and applied only to defray the expenditures, together with the arrearages due and unpaid for, the specific object for which said estimate was made and said taxes were levied.

#### DISTRIBUTION OF MONEYS RECEIVED FROM TAXES.

Section 14. After the accounts are opened in the books, as hereinbefore provided, any moneys thereafter received by the City from the collection of delinquent taxes shall

be forthwith distributed to the funds provided for herein so far as such funds correspond to the funds named in the particular tax levy on which said delinquent taxes are collected; and so far as they do not correspond, the delinquent taxes collected shall be credited to the General Fund. The surplus of any year's receipts over expenditures in any particular fund may be carried forward to the same fund for the succeeding year.

#### TAX CERTIFICATES.

Section 15. At any time after the annual tax levy has been certified to the County Auditor, and not earlier than October 10th in any year, the Commission may, by resolution passed by a four-fifths majority of its members, issue and sell as many certificates of indebtedness as are needed in anticipation of the collection of the taxes so levied as aforesaid for any special fund named in said tax estimate, for the purpose of raising money for such special fund; but no certificates shall be issued for any of said separate funds exceeding fifty per cent of the amount named in said tax estimate to be collected for the use and benefit of said fund, and no certificate shall be issued to become due and payable later than December 31st of the year succeeding the year in which said tax estimate, certified to the County Auditor as aforesaid, was made. Said certificate shall not be sold for less than par value and accrued interest, and shall not bear a greater rate of interest than six per cent per annum; each certificate shall state upon its face for which fund the proceeds of said certificate shall be used, and for the whole amount embraced in said tax estimate for that particular purpose. They shall be numbered consecutively, and be in denominations of Fifty Dollars (\$50.00), or a multiple thereof, and may have interest coupons attached, and shall be otherwise of such form and terms, and be payable at such place, as will best aid in their negotiation; and the proceeds of the tax assessed and collected as aforesaid on account of said fund, and the faith and credit of the City, are irrevocably pledged for the redemption of the certificates so issued.

#### BOARD OF EQUALIZATION.

Section 16. The Commission shall constitute the Board of Equalization, and shall be sworn according to law as such, and shall meet at its regular place of meeting on the fourth Monday in June of each year, and shall continue in session not later than the Friday next preceding the second Monday in July, to review, amend and equalize the work of the City Assessor, pursuant to the General Laws of the State.

Said Board shall elect a secretary, who shall keep a record of its proceedings, and it is hereby vested with all of the powers which are or may be vested in the County Board of Equalization under the General Laws of the State, but shall not be restricted by any limitations in respect to reducing the aggregate sum of real and personal property as returned by the Assessor of the City.

#### WHO MAY APPEAR BEFORE BOARD.

Section 17. Every person aggrieved by an assessment shall have the right to appear in person or by attorney before such Board, and present his grievance for its consideration.

#### REVISION AND CERTIFICATION OF ASSESSMENT ROLL

Section 18. The City Assessor shall revise his assessment rolls in accordance with the decision of said Board, and after the same shall have been certified by the Mayor and the secretary of said Board, shall transmit to the County Auditor such revised assessment rolls not later than the second Monday in July, and unless otherwise provided, the Assessor shall proceed under the General Laws of the State.

#### DISPOSITION OF MONEYS COLLECTED.

Section 19. Every officer collecting or receiving moneys belonging to or for the use of the City shall settle for the same with the City Treasurer on or before the last day of each month, or at such more frequent intervals as directed by the Commission, and immediately pay all such moneys into the Treasury for the benefits of the funds to which such moneys severally belong. When the last day of the month falls upon a Sunday or a legal holiday, the said payments shall be made on the next preceding business day.

#### UNIFORM ACCOUNTS AND REPORTS.

Section 20. The Commission shall prescribe uniform accounts, which shall be observed by all officers and departments of the City which receive or disburse money.

#### CHAPTER XI.

##### EMINENT DOMAIN.

##### LOCAL IMPROVEMENTS. ASSESSMENTS.

##### SUB-CHAPTER I.

##### EMINENT DOMAIN. PART I.

##### GRANT OF POWERS. CITY MAY ACQUIRE PROPERTY.

Section 1. The City of Anoka is hereby empowered to take or acquire, by proceedings in condemnation, such real estate, or any interest or easement therein, within or without its limits, as may be needed by said City for any public use or purpose.

##### NECESSITY FOR TAKING TO BE DECLARED BY RESOLUTION.

Section 2. The necessity for the taking of any property shall be determined by resolution of the Commission, which resolution shall, in a general way, describe the property so needed and order its condemnation. The fact that the property so needed by the City, damaged, injured, or destroyed

by it, has been acquired by the owner under eminent domain, or is already devoted to public use, will not prevent its acquisition by the City, or other injury thereto.

#### PROPERTY MAY BE ACQUIRED OTHERWISE THAN UNDER EMINENT DOMAIN.

Section 3. The City may acquire any real estate, or interest or easement therein, needed for any public use or purpose within or without its limits by purchase, gift, devise or otherwise.

#### COST OF IMPROVEMENTS.

Section 4. The Commission may, by a four-fifths vote of all its members, order that the cost or expense of all or any part of any improvement in this chapter provided shall be paid out of the appropriate fund or general fund of the city without assessment against the property benefited.

#### PART II.

#### PROCEDURE WHERE THERE MAY BE AN ASSESSMENT FOR BENEFITS. COMMISSION TO DETERMINE THE NATURE AND EXTENT OF THE IMPROVEMENTS.

Section 1. When the Commission shall, by resolution, declare that for any public improvement it is necessary to take, damage, injure, or destroy any private property, or property devoted to a public use, it shall determine, by resolution, in a general way, the nature and extent of the proposed improvement.

#### CITY ENGINEER TO BE NOTIFIED TO MAKE PLAT.

Section 2. The Commission shall thereupon notify the City Engineer of such determination, and thereupon it shall be the duty of the Engineer to make and present to the Commission a plat and survey of such proposed improvement, showing the nature, course and extent of the same and the property necessary to be taken, damaged, injured, or destroyed, or benefited thereby, together with the name of the owner or owners of each parcel of said property as the same appears by the last assessment list in the office of the Auditor of the county in which said lands are situated at the date of said resolution of the Commission, together with such other statements as may be proper to explain such survey and the nature and extent of such proposed improvement.

Such plat and survey shall show approximately the amount of lands belonging to each owner which is to be benefited, taken, damaged, injured or destroyed; and the Commission may cause such plat or survey to be modified, amended or changed.

#### COMMISSION TO ADOPT PLAT, ORDER IMPROVEMENT, AND GIVE NOTICE.

Section 3. When such plat or survey shall finally describe the proposed improvement to the satisfaction of the Commission, it shall, by resolution, adopt the same and order the making of the improvement. The Commission shall then give fifteen days notice, by one publication in the official newspaper of the City, of the time and place when it will meet to make an award of damages or assessment of benefits, or an award of damages and assessments of benefits as the case may be, in which notice it shall describe the land or property to be condemned by general description, and shall specify what such assessments, if any, are to be for, and in a general way what property will be assessed therefor.

It shall cause a copy of such notice to be served in the same manner in which a summons is served in a civil action in the District Court upon all parties interested in the land to be condemned or benefited as appears by the last assessment list in the office of the Auditor of the county in which the land is situate, who can be found in said county, and also upon all persons occupying said lands, or any part thereof, and shall mail a copy of such notice to all non-residents of said county appearing to be interested in said land, addressed to the last known post office address of said non-resident, and if such address is unknown to the Commission, such notice shall be addressed to such persons at Anoka, Minnesota. Proof of service and mailing of such notice shall be made by the affidavit of the person serving or mailing the same, which shall state the time, place, and manner of serving or mailing the same, and how each notice so mailed was addressed, and such affidavit shall be filed and preserved in the office of the City Clerk.

#### HEARING.

Section 4. All parties interested in any property so to be condemned, or in any real estate to be assessed for such improvement, may be present and hear and adduce evidence, as may the City Attorney, before said Commission at such hearing.

#### DAMAGES. HOW AWARDED. INTEREST.

Section 5. The Commission, in making such assessment, shall determine and appraise to the owner or owners the value of the real estate taken, damaged, injured or destroyed for the improvement, and the damages arising to them respectively from the condemnation thereof, which shall be awarded to such owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement.

And said sum so awarded as damages shall bear interest at the rate of six per cent per annum from and after the date of the confirmation of assessment therefor, as herein after provided, until paid.



#### DAMAGES IN EXCESS OF BENEFITS.

Section 6. If the damages to any person shall be greater than the benefits received, or if the benefits be greater than the damages, the Commission shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively, and the difference only shall in any case be collectable from them or paid to them.

#### APPRAISEMENT WHERE THERE ARE BUILDINGS ON THE LAND.

Section 7. In case there are buildings or improvements upon any land proposed to be taken in such proceedings, the award shall be for the damages to the land and improvements separately.

The value of such buildings or improvements, or the part thereof necessary to be taken, to the owner in case of removal, shall also be determined by said Commission, and notice of such determination shall be given by it to the owner, when known, if a resident of the city, personally, or be left at his last usual place of abode with some person of suitable age and discretion then residing therein. If the owner is not known, or is a non-resident of the city, ten days notice, by one publication in the official newspaper of the city, to all persons interested shall be given, which shall be sufficient notice to such owner.

Such owner may, at any time within ten days after such notice, notify in writing the Commission of his election to take such buildings or improvements, or such part thereof, at its appraised value, and in such case the amount of such appraisal shall be deducted by the Commission from the estimated damages for the building or improvement, and the owner shall have such reasonable time for the removal of such building or improvement, after the confirmation of the assessment, as the Commission may allow.

If the owner shall refuse to take the building or improvement at such appraisal, or fail to give notice of his election as aforesaid within the time prescribed, then no deduction shall be made from the estimated damages aforesaid, and the Commission shall, after the confirmation of the assessment and after the money is in the hands of the Treasurer ready to be paid to the owner for his damages, proceed to sell such building or improvement, or part thereof, at public auction for cash, giving ten days notice of sale by one publication in the official newspaper, and cause such building or improvement, or part thereof, to be removed. The proceeds of such sale shall be paid into the city treasury to the credit of the fund chargeable with such improvement.

#### JOINT OWNERS. LAND SUBJECT TO LEASE.

Section 8. If the land and buildings belong to different persons, or if the land is subject to lease, the damages done to such persons respectively may be awarded to them by the Commission, less the benefits resulting to them respectively from the improvement.

#### DAMAGES, ETC., TO BE ASSESSED UPON REAL ESTATE BENEFITED.

Section 9. Having ascertained the damages and expenses of such improvement as aforesaid, the Commission shall thereupon apportion and assess the same, except such amount, if any, as has been appropriated by the Commission in payment of the same, together with the costs of the proceedings, upon the real estate and property it deems benefited by such improvement in proportion to such benefits, if any be assessable therefor, but in no case shall the amount of such assessment exceed the actual benefit to the lot or parcel so assessed.

#### ASSESSMENT ROLL.

Section 10. The assessment roll shall contain a brief description of each tract or parcel or property taken, injured or assessed, the name or names of the owners thereof, as far as known to the Commission, or if unknown shall so state, and the amount of damages awarded, and benefits, if any, assessed against each parcel of property. The assessment roll shall show both the total damages awarded and the total benefits assessed, if any. If the whole amount of such compensation and damages awarded, together with the costs of the proceedings, shall exceed the actual benefit to the property subject to assessment, the Commission shall so state on such assessment roll, and shall specify the amount of such excess. The Commission shall also notice on the assessment roll the total amount included in the assessment to cover the expense of the proceedings.

#### NOTICE OF COMPLETION OF ASSESSMENT ROLL.

Section 11. When completed, the Commission shall cause to be given ten days notice, by one publication in the official newspaper of the city, to the effect that such assessment has been completed, and that at a time and place therein specified it will hear objections thereto, and that all such objections must be filed in writing with the City Clerk at least one day prior to the time so specified, and that unless sufficient cause is shown to the contrary, the same will be confirmed.

Said notice shall contain a copy of the assessment roll as completed.

#### OBJECTION. HOW MADE.

Section 12. All objections shall be in writing, and filed with the City Clerk at least one day prior to the time specified in said notice.

Provided, that said Commission may, in its discretion, allow any person interested who has inadvertently omitted to file his objections as aforesaid, to do so at the time fixed for the hearing of said objections named in said notice.

#### ADJOURNMENT OF PROCEEDINGS.

Section 13. Should the Commissioners not be present at the time and place appointed, the proceedings may be ad-



journed by the City Clerk to such other convenient time and place as may be deemed expedient.

#### NEW NOTICE MAY BE GIVEN.

Section 14. Nothing herein contained shall preclude the Commission from causing a new notice as aforesaid to be given, specifying a time and place at which it will hear objections to said assessment, in case the previous notice shall be found imperfect, or in case of the absence of the Commission, or for any other reason which shall be satisfactory to the Commission for so doing.

#### COMMISSION TO HAVE POWER TO ADJOURN HEARING AND REVISE ASSESSMENT.

Section 15. The Commission shall have the power to adjourn such hearing from time to time, and in its discretion to revise and correct the said assessment, and to confirm or set aside the same, and proceed to make an assessment de novo.

The assessment, when confirmed, shall be corrected to conform with such confirmation, and shall be final and conclusive upon all persons interested therein and not appealing therefrom.

#### PROCEDURE AFTER CONFIRMATION OF ASSESSMENT.

Section 16. When said assessment is confirmed, it, together with all affidavits of publication and service of notices connected therewith, shall be entered upon a book kept for that purpose by the Commission. A warrant for the collection of said assessment shall issue as provided in this Chapter in case of other assessments, except said assessments shall not be payable in installments.

#### NOTICE OF CONFIRMATION OF ASSESSMENTS.

Section 17. As soon as practicable after an assessment of damages and benefits has been confirmed, the Commission shall cause a brief notice, by one publication of the fact of such confirmation, to be published in the official newspaper of the city.

#### RE-ASSESSMENT.

Section 18. If the assessment shall be set aside by the Commission as aforesaid, or by the Court, for any cause, jurisdictional or otherwise, the Commission shall proceed de novo to make a new assessment and shall proceed in like manner and give like notice as herein required in relation to the first assessment, and all persons in interest shall have like rights, and the said Commission shall perform like duties and have like powers in relation to any subsequent assessment as are herein given in relation to the first assessment; provided, however, that then if the assessment of damages or benefits as to any parcel or parcels of land shall not be appealed from, or said assessment

thereupon shall have been paid, there shall be no re-assessment thereof. As often as an assessment against any piece or parcel of real estate assessed for any local improvement is set aside, the same shall be re-assessed until said property has paid its share of benefits accruing from said improvement.

#### APPEAL TO THE DISTRICT COURT.

Section 19. Any person interested in any property taken or damaged in these proceedings may appeal to the District Court of Anoka County from an award of damages or an assessment of benefits, in the same manner as provided in this Chapter.

Thereupon the Commission shall forthwith transmit to the Clerk of said Court a duly certified copy of all papers and records in its office pertaining to such proceedings, and if more than one appeal is made, it shall not be necessary to transmit more than one copy.

#### PART III.

#### WHERE THERE CAN BE NO ASSESSMENT FOR BENEFITS. PROCEDURE.

Section 1. Whenever in the condemnation of any property as set forth in this Chapter in case of other assessments, where there can be no assessment for benefits, all of the proceedings required to be had under Part II of this Sub-Chapter shall be had under Part III hereof where there can be no assessment for benefits, except that the Commission in the latter case shall in no event make any assessment for benefits. And all the provisions of said Part II of this Sub-Chapter shall, so far as applicable, apply to and be in force hereunder in Part III hereof, to condemn property where there can be no assessment for benefits.

#### EFFECT OF AWARD.

Section 2. Whenever an award of damages shall be made, confirmed, and not appealed from, in any proceeding for the taking of property under this Chapter, or when even the Court shall render final judgment in any appeal from any such award, or from the confirmation thereof, the right of all parties shall be finally determined thereby, and the same shall constitute a lawful and sufficient condemnation and appropriation to the public use of the land, article, franchise, property right or thing of value for which damages are so awarded, and every right, title and interest therein and thereto, and every lien thereon, shall be thereby divested, and the City shall become vested with the title, and become the owner of the property taken and condemned absolutely for all purposes for which the City may ever use the same, except that as to lands and rights taken for streets, alleys and highway purposes, the City may ever use the same, except that as to lands and rights taken for streets, alleys and highway purposes, the City shall acquire only an easement therein for such purposes; and before

entering upon possession of said land or property the City shall pay the amount of such award, with interest thereon at the rate of six per cent per annum from the date of final award or confirmation thereof, or judgment of the Court, as the case may be.

In case there shall be any doubt as to who is entitled to such compensation or damages, or any part thereof, as may be awarded, the amount so awarded and in doubt shall be by the Commission appropriated and set apart in the city treasury for whosoever shall establish his right thereto by some judicial proceeding. Before payment of any such award the owner of such property, or the claimant of the award, shall furnish satisfactory evidence of his right to such award; provided, however, that the Commission may, by resolution, at any time before confirmation of any award of damages made by it, or in case of an appeal, within twenty days after final determination thereof, abandon such proceedings, and shall thereupon pay the cost thereof.

#### DESCRIPTION OF PROPERTY TAKEN TO BE RECORDED.

Section 3. Upon the completion of any proceedings under this Chapter for the acquisition of any property for the City, the Commission shall cause an accurate description of the property so taken to be prepared, together with a statement of the amount of damages, if any, awarded and paid, or to be paid, to each former owner thereof, and cause its Mayor and City Clerk to acknowledge the same for the City, and cause the same to be recorded in the office of the Register of Deeds of Anoka County.

#### SUB-CHAPTER II.

##### LOCAL IMPROVEMENTS AND ASSESSMENTS.

##### PART I.—GRANT OF POWERS

##### IMPROVEMENTS, THE COST OF WHICH MAY BE DEFRAID BY ASSESSMENT.

Section 1. The City is hereby authorized to grade, pave, repave, curb, gutter, wall, bridge, gravel, macadamize, sprinkle, plank, sweep or repair any street, avenue, alley or highway; to grade, improve, protect and ornament any public park, square or grounds; to construct, improve and ornament parkways and grass plats; to plant and protect shade and ornamental trees along its streets and avenues; to construct, lay, relay, and repair sidewalks, retaining walls, gutters, sewers, drains, in, over and under any street, alley or highway; to abate nuisances, to drain marshes, swamps and low grounds within the city when they constitute a nuisance; and the whole or any part of the expense of such improvement may be, subject to the provisions hereinafter contained, defrayed by an assessment upon the real estate benefited thereby, in proportion to such benefits, without regard to cash valuation, to be determined and levied in the manner hereinafter provided.

And provided further on petition of resident property owners, owning at least fifty-one per cent (51%) of the frontage abutting on the proposed improvement, the city may and hereby is authorized to grade, curb, gutter, and improve, except paving, any street or any part thereof and to pay fifty per cent (50%) of the costs thereof, including street and alley intersections, out of the proper fund and to levy an assessment on the abutting property for the remaining fifty per cent (50%) of such costs, including street and alley intersections, notwithstanding any provision otherwise, in this Charter provided, and provided further that the total cost of any such improvements under such petition shall not exceed Ten Thousand Dollars (\$10,000.00) in any one (1) fiscal year.

All proceedings under such petition and the levy of assessment shall be the same as in this Sub-Chapter provided in so far as the same may apply.

##### COST PAID BY ASSESSMENTS—EXCEPTIONS.

Section 2. The cost of any improvements mentioned in the foregoing section shall be defrayed, save as hereinafter otherwise provided, by an assessment upon the real estate benefited thereby, to be levied in the manner hereinafter prescribed; provided, that the construction, reconstruction and maintenance of crosswalks over public streets and alleys, and sidewalks adjacent to public squares, public grounds and public parks, and the cost of improving or ornamenting public grounds, squares and parks, and the curbing, guttering, paving, repaving, macadamizing and grading of the space occupied by street intersections and the intersections of the alleys with the streets, shall be paid out of the appropriate fund or the general fund of the city.

##### ASSESSMENT OF CORNER LOTS.

Section 3. The Commission may, in its discretion, where any lot fronting on two streets has been previously assessed, and the assessment paid, for laying any water or sewer pipe upon a street other than the one in which such proposed improvement is to be extended, remit from the assessment of such corner lot such portion of such second assessment not exceeding the amount of assessment for a frontage of sixty-five feet on such lot, as it may deem just under all the circumstances of the case.

##### AMOUNT ASSESSABLE AGAINST CITY, PUBLIC OR EXEMPT PROPERTY.

Section 4. The amount which would otherwise be assessable against property belonging to the city, public property, or property exempt from assessment for local improvements, shall be paid out of the appropriate fund or the general fund of the City.

##### TWO OR MORE IMPROVEMENTS AT THE SAME TIME.

Section 5. Two or more of said improvements, upon one or more streets, may be made at the same time, under

one order, and may in that case be included in one contract.  
SEWER AND WATER-PIPES MAY BE INCLUDED IN  
CONTRACT AND ASSESSMENT.

Section 6. The Commission may, when any contract is let for improving any street, alley or highway within the city, include in such contract the laying of sewer or water pipes to the curb line, and the cost of the same may be assessed against the lots or parcels of land for which said sewer or water pipe is laid as part of the assessment for such improvement.

#### PROCEDURE WHERE TWO IMPROVEMENTS ARE MADE AT THE SAME TIME.

Section 7. If two or more improvements are included in one contract, the expense of each improvement shall be separately apportioned and assessed upon the lots and parcels of land benefited by such improvements, in proportion to such benefits, but such two or more improvements may be included in one assessment proceeding.

### PART II.

#### PROCEDURE FOR MAKING ASSESSMENTS. APPLICATIONS AND PETITIONS FOR IMPROVE- MENTS.

Section 1. All applications or propositions for any improvement authorized in Section 1 of Part I of this Sub-Chapter shall be made to or emanate from the Commission. If a majority of the owners of the property abutting on any proposed improvement shall petition therefor in writing, the Commission shall cause plans and specifications for such improvements to be made and filed in the office of the City Clerk, and shall, when such plans and specifications are filed, give notice of the time and place when and where the Commission will meet and hear reasons for and against such improvement, which notice shall be published at least once in the official newspaper, and the last publication shall be at least ten days prior to the time of such meeting. Said notice shall contain a brief description of the improvement and the several tracts of land to be affected thereby; provided, that the Commission, by a four-fifths vote of all of its members, may without petition, in cases where, in its judgment public necessity requires it, cause plans and specifications of such improvement to be made and filed in the office of the City Clerk, and shall give like notice as is required in case of a petition of a majority of the property owners abutting on such improvement.

#### HEARING.

Section 2. If upon such hearing the Commission believe said improvement necessary and proper, they shall order the improvement made, and assess the cost thereof on the prop-

erty benefited thereby; provided, that the Commission may order a proportion of the cost of said improvement paid out of the appropriate fund or the general fund of the city.

#### COMMISSION TO LET CONTRACT AND MAKE ASSESSMENT.

Section 3. When the Commission shall determine to make any improvement described in section 1 of Part I of this Sub-Chapter, it shall cause an estimate of the cost of such improvement to be made by the City Engineer. After said estimate is made, the Commission shall proceed at once to assess the estimated cost thereof, except that portion to be paid out of the appropriate fund or the general fund, on the property to be benefited thereby, in proportion to the benefits resulting thereto, but in no case in excess of any such benefits. In making such assessment roll, the Commission shall describe each parcel of property assessed, and state the amount assessed against the same, and shall state the name of the owner thereof, so far as known to the Commission. No mistake in or omission of such owner's name shall in anywise affect such assessment.

If the work is completed before any assessment is made, or if the amount so assessed shall be insufficient to complete the work, the Commission, after the completion of said work, may make a final assessment in the same manner to pay the same.

All assessments paid on account of any improvement ordered to be done by contract, before the contract therefor is let, shall be kept in the Permanent Improvement Revolving Fund for such improvement.

#### ASSESSMENT AGAINST RAILWAYS OR STREET RAILWAYS.

Section 4. When in any case any portion of the cost of making any improvement mentioned in section 1 of Part I of this Sub-Chapter shall, by virtue of any valid law, ordinance or contract, be chargeable to any railway company or street railway company, the amount so chargeable may be assessed against such railway company, and the remainder only upon the real estate benefited thereby; and the City may collect the amount so assessed against said railway company by distress and sale of personal property, in the manner provided by the General Laws of this State in case of taxes levied upon personal property, or by suit brought to enforce the collection of said assessment as to an indebtedness; provided, that any real estate belonging to such railway company and subject to assessment and deemed benefited by said improvement, shall be assessed as in other cases.

#### NOTICE TO BE GIVEN BEFORE MAKING OTHER ASSESSMENT.

Section 5. Before proceedings to make an assessment for any improvement mentioned in section 1 of Part I of this Sub-Chapter, the Commission shall give ten days' no-

tice, by one publication in the official newspaper, of the time and place when and where it will attend for the purpose of making such assessment, in which notice it shall specify what such assessment is to be for, and the amount to be assessed. The Commission shall also give at least ten days notice to the same effect to all property owners interested, or their agents resident in the city, if known to said Commission.

The notice required by this section may be made by depositing in the post office a postal card or letter addressed to each property owner to be assessed, or his agent residing in the city, at least ten days prior to the making of an assessment, upon which card or letter shall be either printed or written substantially the notice above specified; but failure to give such personal notice shall in nowise affect the validity of said assessment or of any of the proceedings.

#### HEARING BEFORE MAKING ASSESSMENT.

Section 6. All persons interested in any such assessment shall have the right to be present and to be heard, either in person or by counsel, and the Commission may receive any legal evidence, and may adjourn the hearing, if necessary, from time to time and place to place.

#### NOTICE OF HEARING OBJECTIONS AFTER MAKING ASSESSMENT.

Section 7. When the Commission shall have completed such assessment, it shall cause like notice to be given of the time and place at which it will hear objections, and for the confirmation of such assessments, as hereinbefore required in relation to assessments for the condemnation of real estate, and the objections shall be made in like manner and under like regulations and conditions, and all parties in interest shall have like rights, and the Commission shall perform like duties and have like powers in relation to such assessments as are herein given in relation to assessments for the condemnation of real estate.

#### ASSESSMENT FINAL AND CONCLUSIVE

Section 8. When said assessment is confirmed, it shall be final and conclusive upon all parties not appealing therefrom.

#### NOTICE OF CONFIRMATION.

Section 9. When any assessment of benefits has finally been confirmed by the Commission, it shall forthwith cause a brief notice of the fact of such confirmation to be published once in the official newspaper.

#### ASSESSMENTS PARAMOUNT LIEN.

Section 10. All assessments levied under the provisions of this Charter shall be a lien on the real estate upon which the same may be imposed from the date of the confirmation of such assessment, and of equal rank with the lien of the State for taxes which have been or may be levied

upon said property under the General Laws of the State; and the general rules of law as to priority of tax liens shall apply equally to the liens of such assessments and to such liens for general taxes, with the same force and effect as though all liens aforesaid, and all taxes and assessments aforesaid, were of the same general character and imposed for the same purpose and by the same authority, without regard to priority in point of time of the attaching of either of said liens, and a sale or perfecting of title under either shall not bar or extinguish the other.

#### CITY CLERK SHALL KEEP RECORD OF ALL ASSESSMENTS.

Section 11. The City Clerk shall keep in his office, in books provided for that purpose, a correct record of all assessments confirmed by the Commission; the books to be properly ruled and headed so as to contain at all times a substantial description and history of each assessment on each lot and parcel of ground, whether payable in installments, as hereinafter provided, and whether paid to the City or County Treasurer, or whether remaining unpaid.

#### ASSESSMENTS PAYABLE IN INSTALLMENTS.

Section 12. When such assessment is fully completed and has been confirmed and established, the Commission shall, by resolution in writing, provide that the owner, or any person interested in any lot or parcel so assessed and described in such assessment, may, at his election and written request, pay the same in ten annual installments. Each of said installments shall bear interest at a rate to be determined by said resolution, not exceeding six per cent per annum, from the expiration of thirty days after the publication of the notice provided in section 15 of Part II of this Sub-Chapter.

#### WARRANT FOR ASSESSMENT.

Section 13. When any special assessment shall be confirmed and established by the Commission as herein provided for, it shall be the duty of the City Clerk to issue a warrant for the collection thereof, which shall be under the seal of the City, and signed by the Mayor and City Clerk, and shall contain a printed or written copy of the assessment roll as confirmed, or so much thereof as described the real estate and the amount of the assessment in each case. Said warrant shall also include a copy of the resolution passed by the Commission as provided in section 13 of Part II of this Sub-Chapter.

#### WARRANTS DELIVERED TO THE CITY TREASURER.

Section 14. All warrants issued for the collection of any special assessment by the City as herein authorized, shall be delivered by the City Clerk to the City Treasurer as soon as practicable after said assessment has been confirmed and established. The City Clerk shall in each instance take a receipt for such warrant and place the same on file.



#### TREASURER TO ORDER NOTICE ON WARRANT.

Section 15. Upon the receipt of any warrant for the collection of any special assessments, the City Treasurer shall forthwith give notice, by one publication in the official newspaper, that such warrant is in his hands for collection, briefly describing its nature and the improvement for which the assessment was made, and the territory embraced in such assessment. Such notice shall require all persons interested to make payment within thirty days from the date of such notice. Such notice shall also state that the owner, or any person interested in any lot or parcel of land so assessed and described in such assessment, may at his election and written request, pay the assessment in ten annual installments.

#### NOTICE OF ELECTION BY PROPERTY OWNERS.

Section 16. Any person desiring to pay such assessment in installments, as a condition precedent to the exercise of such right, shall, within thirty days after the publication of the notice provided for in the preceding section, and before such assessment becomes delinquent, make and file with the City Treasurer, in duplicate, written notice of his election to pay such assessment in annual installments, recognize and assent to the regularity of said assessment, and at the same time pay the first installment then due and payable; upon failure to file such notice and pay such first installment, the whole of such assessment shall be due and payable the same as though no extension of time for payment had been provided for.

Upon the filing of such notice by any person interested, the City Treasurer shall divide the said assessment into the proper installments, and make record of the same, and transmit one of such duplicate notices to the City Clerk, who shall note such fact in his record book of assessments.

The Commission may, at any time after an assessment becomes delinquent and before the same is certified to the County Auditor, and upon the written application of the owner, and upon such terms as may be equitable, waive the neglect to so elect within the proper time, and permit any assessment which has become delinquent to be paid in installments as hereinbefore provided.

#### ELECTION WAIVER OF DEFECTS.

Section 17. Any person making an election to pay in installments as provided in section 16 of Part II of this Sub-Chapter, his heirs, personal representatives or grantees of any lot or parcel of land as to which an extension has been granted, shall be held to have recognized and assented to the validity and regularity of said assessment, and of all proceedings had therein prior to the granting of said application, and shall thereby forever be estopped from denying the validity of said assessment, or the amount thereof.

#### INSTALLMENTS—WHEN DUE.

Section 18. The time for the payment of installments and interest, and for the enforcement of the same against

the property affected by the assessment, shall be extended so that the several amounts shall become due and payable as follows:

The first installment within thirty (30) days after publication of the City Treasurer's notice provided in Section 15 of Part II of this Sub-Chapter.

All other installments together with interest on same and all future installments on June first, of each succeeding year.

Each installment, together with interest as aforesaid, shall be due and payable at the office of the City Treasurer on the first of June of the year when payable.

#### CERTIFYING INSTALLMENTS TO THE CITY CLERK.

Section 19. In all cases where an election to pay any assessment in installments, as provided by Section 16 of Part II of this Sub-Chapter, shall have been made and filed in the office of the City Treasurer, and the first installment paid as therein required, the City Treasurer shall cause a statement of the amount of the remaining installments and the time when each of them is to be due, the property on which the same are made and the names of the respective owners thereof, if known, to be certified to the City Clerk within thirty (30) days after said election. It shall be the duty of said City Clerk to thereupon make a record thereof, and, upon application therefor by any person, to issue a certificate as to special taxes or assessments on any given tract upon payment of a fee of twenty-five cents (\$.25) for each tract covered by said certificate, which said fees shall be paid into the City Treasury. It shall be the duty of the City Treasurer to collect each of said annual installments, together with interest on current and all future installments, on June first of the year when said installment is due and payable.

#### RETURN OF CITY TREASURER TO CLERK OF DELINQUENT ASSESSMENTS.

Section 20. If the assessment charged in any special assessment warrant made for any improvement shall not be paid within thirty days after the publication of said notice by the City Treasurer, and the owner or person interested in the lot or parcel so assessed has neglected to make and file the notice of election and make the first payment as provided by section 16 of Part II of this Sub-Chapter, the City Treasurer shall return to the City Clerk a list, duly certified, of the assessment which remains unpaid, giving in such list the description of the several lots or parcels on which the assessments have not been paid, with the names of the respective owners thereof, if known, and the several amounts assessed thereto.

#### CITY CLERK TO TRANSMIT LIST TO COUNTY AUDITOR.

Section 21. The City Clerk shall, on or before the first day of July following, cause a statement of the amount of



said delinquent assessment, except assessments that have been appealed to the District Court as hereinafter provided, with ten per cent annual interest thereon computed from the time said assessments became delinquent, to the first day of June of the year next following the making of said assessments, added thereto, with a description of the several lots or parcels of land on which the same are made, and the names of the respective owners thereof, if known, to be certified to the Auditor of Anoka County. It shall be the duty of the said Auditor to enter the several amounts of said unpaid assessments and the interest as aforesaid upon the tax duplicate of the county at the time said duplicates are made up, and the same for each year ending July first shall be carried to the tax becoming due or payable in January of the following year, and enforced and collected in the same manner provided for the enforcement and collection of state and county taxes under and in accordance with the provisions of the General Laws of the State. Such assessments, when collected, shall be paid over by the County Treasurer to the City Treasurer.

The same penalties and interest shall attach and be collected by the County Treasurer on assessments as upon general taxes, which penalties and interest shall belong to the City and be turned over by said Treasurer to the City Treasurer with the assessments.

#### INSTALLMENTS NOT PAID WHEN DUE.

Section 22. If any installment and interest is not paid when due on the first day of June of each year, together with interest to that time on all future installments of the same assessment, the City Treasurer shall add a penalty of ten per cent to the total amount thus delinquent, and certify the same to the City Clerk as a special tax on said property. The City Clerk shall thereupon certify the same to the Auditor of Anoka County in the same manner and at the same time as in cases of other delinquent assessments. The County Auditor, upon receipt thereof, shall enter and carry out the same upon the proper tax duplicates of the county in the same manner as in other cases of unpaid assessments certified to him under the provisions of this Charter, and the same shall thereupon be collected and payment thereof enforced the same as other taxes on real estate are collected and enforced, and when collected, together with any penalties and interest on the same, be paid over to the City Treasurer.

#### INSTALLMENTS MAY BE PAID BEFORE DUE.

Section 23. Any owner or person interested in any land against which an assessment has been levied may after such assessment has been divided into installments, pay one or more of the installments at any time before maturity upon the payment of thirty days interest in addition to the interest which has already accrued.

#### INSTALLMENTS PARAMOUNT LIEN.

Section 24. Every installment the time of payment of which has been extended shall constitute and continue to

be a paramount lien in favor of the City and against the lots or parcels of land as to which said extension is granted for the amount so extended for each lot or parcel until the same is fully paid.

#### INFORMALITIES.

Section 25. No assessment shall be set aside or held invalid by reason of any informality in the proceedings prior to the entry thereof in the tax list by the Auditor of Anoka County, as hereinbefore required, unless it shall appear that by reason of such informality or irregularity substantial injury has been done to the person or persons claiming to be aggrieved.

#### NEW ASSESSMENTS—WHEN.

Section 26. If for any cause the proceedings of the Commission, or any of its officers, be found irregular or defective, whether such defects are jurisdictional or otherwise, the Commission may make a new assessment as often as need be upon all real estate benefited on which no assessment has been made for said improvement until the full amount of all benefits assessed have been realized from the real estate benefited by such improvement.

#### POWER TO PURCHASE PROPERTY OR ASSIGNMENT OF LIEN.

Section 27. In order to protect the lien of the City on special assessments, the Commission shall, whenever necessary, have power to purchase any lot or parcel of land at any tax sale, or take an assignment of any lien on same against which the City has a lien for special assessments, and may sell and assign any such lien held by such City, and otherwise take such action as will protect the interest of the City.

#### COMMISSION MAY ISSUE WARRANTS.

Section 28. The Commission is hereby authorized in anticipation of the levy, in the collection of such assessment, whether divided into installments or not, to issue warrants on the Permanent Improvement Revolving Fund, payable at such times, and in such amounts as in the judgment of the Commission the assessments will provide for, which warrants shall bear interest at a rate not exceeding six per cent per annum, payable annually, on the fifth day of July, and may have coupons attached representing each year's interest. Such warrants shall be non-assessable, and shall state upon their face for what purpose they are issued, and that they are payable out of the Permanent Improvement Revolving Fund, and shall be signed by the Mayor and countersigned by the City Clerk, under the seal of the City, and be in denominations of not more than One Thousand Dollars (\$1,000) each. Such warrants may be used in making payments on contracts for making the improvements for which the assessments are made, or may be sold for cash, at not less than the par value thereof, and

the proceeds thereof credited to the Permanent Improvement Revolving Fund, and used for paying for the said improvement. It shall be the duty of the City Treasurer to endorse on each warrant issued as aforesaid, on presentation to him, the post office address of the owner, and in case of assignment of any such warrant the holder thereof shall present the same to the City Treasurer for endorsement of the post office address of such assignee. The City Treasurer shall keep a proper record of the post office addresses of the holders of all warrants issued as aforesaid. It shall be the duty of the City Treasurer to pay such warrants and interest coupons as they mature and are presented for payment out of the fund on which they are drawn, and to cancel the same when paid. Any indebtedness created by the issuance of such warrants shall not be deemed a part of the total indebtedness of the City which the City is heretofore forbidden to incur to exceed five per cent of the total value of the taxable property in such city according to the last preceding assessment for city purposes.

Every warrant issued as aforesaid shall contain the following proviso:

"The City of Anoka reserves the right to pay this warrant and accrued interest at any time upon giving the holder thereof thirty days notice."

Whenever there are funds in the Permanent Improvement Revolving Fund that may be properly applied to the payment of any such outstanding warrant, it shall be the duty of the City Treasurer to notify the holder of such warrant, that there is money in the city treasury for the payment of the same. Said notice shall be given by one publication in the official newspaper and by mail to the last known post office address of the owner of said warrant, and if such address is unknown, such notice shall be addressed to such person at Anoka, Minnesota. Proof of such mailing shall be made by the affidavit of the person mailing the same, and shall state the time and manner of mailing, and how each notice was addressed, and such affidavit shall be filed and preserved in the office of the City Treasurer. Said warrant shall draw no interest after thirty days from the mailing of said notice.

#### APPEAL TO DISTRICT COURT.

Section 29. Any person interested in any property assessed under this Charter for benefits resulting from any improvement, may appeal from such assessment to the District Court of Anoka County within thirty days after the publication of the notice provided for in section 9 of Part II of this Sub-Chapter, section 17 of Part II of Sub-Chapter I, section 7 of Part II of Sub-Chapter III, and section 9 of Part III of Sub-Chapter III of this Chapter.

#### APPEAL—HOW MADE—PROCEDURE ON APPEAL.

Section 30. Said appeal shall be made by filing a written notice with the Commission, stating that appellant appeals to the said District Court from said assessment, and containing a description of the property of said appellant

as assessed, and the objections of said appellant to said assessment, and by filing with the Clerk of said Court, within ten days thereafter, a copy of said notice of appeal. To render an appeal effectual for any purpose, a bond shall be executed by the appellant to the City, conditioned that appellant shall pay all costs and charges which may be awarded against him on the appeal, not exceeding the penalty of the bond, which shall be in the sum of Two Hundred Dollars (\$200). Said bond shall be approved by the Judge of said Court, and filed in the office of the Clerk of said Court. In case of an appeal, it shall be the duty of the Commission forthwith to prepare and deliver to the appellant a copy of the assessment roll as confirmed; it shall be necessary to include in said copy only those pages of said roll which are pertinent to the property involved in such appeal, which copy shall within fifteen days after the taking of such appeal be filed by the appellant in the office of the Clerk of said Court. The District Court may, for good cause shown, grant further time for filing such certified copy, or may, when necessary, require a further return to be made. The cause shall be entered by such Clerk in the name of the person taking such appeal against the City as an "Appeal from Assessments," and may be brought on for hearing by either party, and shall have the preference in order of trial over all the civil cases pending in said Court.

#### PROCEDURE IN DISTRICT COURT ON APPEAL.

Section 31. Such appeal shall be tried by the Court without a jury, except that in condemnation proceedings either party may demand a jury trial, at a general term, without pleadings other than as above stated. Upon said trial appellant can make no other objections to said assessment than those stated in his notice of appeal, but the Court may, in its discretion, permit such notice to be amended in this respect at any time. The Court shall hear such competent evidence as may be offered by either party, and may revise, amend, correct, increase, reduce or confirm the assessment appealed from, or may order a new assessment to be made as to the property concerning which such appeal is taken, and in that event, shall direct the Commission how to make such new assessment so as to avoid the errors complained of.

The Court shall not dismiss the appeal, nor confirm or annul the assessment on the ground that only a portion of the assessment roll has been returned; but either party may introduce the whole of said roll in evidence, and the same shall in all cases, whether on said appeal or otherwise, and in all courts, be prima facie evidence of the validity of all proceedings up to and including the confirmation of the assessments.

Disbursements and costs, except statutory costs, may in the discretion of the Court be allowed on said appeal as in other civil cases, but any judgment entered therefor against the City shall be paid out of the General Fund. From the determination of said appeal by the District Court, either party may appeal to the Supreme Court of the State.

**COPY OF ORDER SENT TO THE CITY TREASURER—  
PROCEEDINGS.**

Section 32. It shall be the duty of the Clerk of the District Court, within twenty days after such order is filed by the Court, to make a copy of the order made by the Court in said proceedings and deliver the same to the City Treasurer. Unless the Court orders a new assessment, the City Treasurer shall certify the assessments mentioned in said order of the District Court to the City Clerk in the same manner as other delinquent assessments are certified. And if the Court order a new assessment, the City Treasurer, on receipt of the copy of the order from the Clerk of the District Court as aforesaid, shall immediately transmit the same to the City Clerk, and the Commission shall thereupon proceed to make a new assessment.

**RE-ASSESSMENT.**

Section 33. If said assessment shall be set aside by the Court for any cause, jurisdictional or otherwise, the Commission shall proceed de novo to make a new assessment, and it shall proceed in like manner, and give like notice, as herein required in relation to the first assessment, and all persons in interest shall have like rights, and the Commission shall proceed in any subsequent assessment as in case of the first assessment.

Provided, that if the assessment of benefits to any tract of land shall not be appealed from, or shall not have been set aside by the Court, the Commission may in any subsequent assessment or re-assessment omit the tract of land as to which the first assessment shall not have been set aside or appealed from, or on which said assessment shall have been paid; and as often as an assessment or re-assessment against any tract or real estate assessed for any local improvement is set aside, the same shall be re-assessed until said property shall have paid its proper share of benefits accruing from the said improvement.

**SUB-CHAPTER III.**

**MAKING OF IMPROVEMENTS.**

**SIDEWALKS—STREET SPRINKLING.**

**PART I.**

**MAKING OF IMPROVEMENTS.**

**CONTRACTS.**

Section 1. Except as herein otherwise provided, the provisions of this Charter applicable to other contracts, shall apply to contracts mentioned and provided for in this Chapter.

**PLANS, PROFILES AND SPECIFICATIONS TO BE  
MADE.**

Section 2. Whenever any public improvement shall be ordered made for which an assessment is to be made as

aforesaid, the Commission shall cause a plan or profile of the work proposed, together with specifications for the doing of the same, to be prepared by the City Engineer, which shall be deposited with the City Clerk and kept at all times open for public inspection. The Commission shall, after the making and filing of said plans, profiles and specifications, cause proposals for doing such work to be advertised for in the official newspaper of the city.

**BIDS.**

Section 3. The bids for doing such work shall be directed to the Commission, and shall be sealed.

**BIDS TO BE OPENED.**

Section 4. Said bids shall be publicly opened by said Commission at the time specified in the notice inviting proposals.

**BIDS TO BE LET TO THE LOWEST BIDDER**

Section 5. All contracts shall be awarded to the lowest reliable and responsible bidder complying with the foregoing requirements. Provided, however, that the Commission may reject any and all bids.

**RIGHT TO SUSPEND WORK.**

Section 6. The right shall be reserved in said contract to the City Engineer, with the consent of the Commission, in case of improper construction, to suspend the work at any time or order the entire reconstruction of the same if improperly done.

**ESTIMATE.**

Section 7. In the course of the proper performance of the contract, the Commission may, from time to time, not oftener than once a month, as the work progresses, allow the contractor estimates of the amount already earned, less fifteen percent thereof, which, when ordered paid by the Commission, shall entitle said contractor to receive the amount so allowed out of the money applicable to the payment of such work. When the work has been completed by the contractor to the satisfaction of the Commission and the City Engineer, the balance due may be audited and allowed by the Commission.

**COMMISSION TO COMPLETE WORK**

Section 8. If, in the opinion of the Commission, any work under contract does not progress each month so as to insure its completion within the time named in the contract, the commission and City Engineer shall have power to furnish and use men and material to complete the work, and charge the expense thereof to the contractor, and the same shall be deducted from any moneys due or to become due such contractor, or may be collected from him or the sureties on his bond in a suit by the City.

#### PROPERTY OWNERS MAY CONSTRUCT STREETS.

Section 9. Property owners shall be allowed to construct streets and public improvements upon or through their own property, at their own expense, in such cases and upon such terms and regulations as the Commission may prescribe by resolution.

#### PART II.

#### SIDEWALKS.

#### PLANS AND SPECIFICATIONS.

Section 1. The Commission shall, by resolution, adopt and cause to be filed for inspection in the office of the City Clerk, general plans and specifications to apply to and govern the building, relaying and repairing of all sidewalks in the city.

From time to time in each year, the Commission shall cause invitations for bids to be published in the official newspaper in the same manner and for the same length of time as is required in the case of other public improvements, for building, laying and repairing all sidewalks that may be ordered by the Commission. The bids therefor shall be received and opened, contracts let and bond given, in the same manner as provided in this Chapter for other public improvements.

#### GRANT OF POWERS—DUTIES OF OWNERS.

Section 2. The Commission shall have the right to cause to be constructed sidewalks along any of the public streets and highways of the city that it may deem necessary, and cause the same to be relayed, repaired or removed when necessary, and it is hereby made the duty of all owners of land adjoining any street or highway to construct, relay, repair or remove such sidewalk along the side of the street or highway next to the land of such owners respectively as may be ordered by the Commission, and according to the plans and specifications adopted by the Commission therefor.

#### HOW ORDERED.

Section 3. Whenever the Commission shall deem it necessary that any sidewalk in the city shall be built or relayed, it shall, by resolution, direct such building or relaying according to the plans and specifications adopted therefor.

The publication of such resolution once in the official newspaper shall be sufficient notice to the owners of the land along which said sidewalk is to be built to construct the same, and unless such owners shall each, along his respective land, construct and fully complete such sidewalk within thirty days after the publication of such resolution, the Commission shall forthwith proceed to build or relay the same by contract as hereinbefore provided, under the direction of the City Engineer.

#### REPAIR OF SIDEWALKS.

Section 4. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the Superintendent of the Department of Streets and Alleys to immediately repair the same in a good and substantial manner and report to the Commission the cost of such repairs in each case, with a description of the lot or parcel of land abutting upon the sidewalks on which said repairs are made, and such reports shall be carefully filed and preserved by the City Clerk.

#### NOTICE OF MAKING ASSESSMENT.

Section 5. The said Commission shall give ten days notice, by one publication in the official newspaper, to the effect that at a certain time and place it will proceed to make an assessment for constructing, relaying or repairing said sidewalks. Said notice shall briefly describe the location and nature of said improvement by streets.

#### ASSESSMENT, TO WHAT AMOUNT, AND ON WHAT PROPERTY.

Section 6. The Commission shall assess the amount, as nearly as it can ascertain the same, which will be required to defray the cost of such improvement, including the necessary expense of making and collecting such assessment, upon the real estate or lots of land benefited by said improvement to the amount of such benefit.

#### NOTICE OF CONFIRMATION OF ASSESSMENT.

Section 7. When said assessment is completed, the Commission shall give ten days' notice, by one publication in the official newspaper, to the effect that at a time and place therein specified, said assessment will be confirmed, unless sufficient cause is shown to the contrary, and the objections must be filed one day before the time specified in said notice with the City Clerk. The Commission shall proceed on the hearing in the same manner, and shall have the same power to revise, correct and confirm or set aside such assessment, or to proceed de novo, as in case of other assessments.

#### ASSESSMENT FINAL AND CONCLUSIVE.

Section 8. Said assessment, when confirmed, shall be final and conclusive, unless appealed from as provided by section 29 of Part II of Sub-Chapter II, and the sections following, of this Chapter, and shall be collected and enforced as other assessments made under Part I of Sub-Chapter II of this Chapter. In case of an appeal, said appeal shall not delay or effect the collection of the assessment except as to the property appealed from.

#### COMMISSION MAY COMPLETE OR RE-LET CONTRACT.

Section 9. Whenever the contractor shall fail to build, repair or relay any sidewalk within the time designated by



the Commission, or in any other respects fail to comply with the terms of his contract, the Commission shall have power to furnish and use men and material to complete the work, and charge the expense to the contractor, and the same shall be deducted from any money due or to become due such contractor, or may be collected from him or his sureties by suit, and the Commission may advertise for bids for the completion of the incomplete part of said contract, and let the contract in the same manner as hereinbefore provided in case of the original contract. The decision of the Commission that said contractor has failed to comply with said contract shall be final and conclusive as between said contractor and the City, and the defaulting contractor and his sureties shall be liable to the City for all damages resulting from his failure to perform such contract.

#### ESTIMATE ON CONTRACT.

Section 10. In case the contractor shall properly perform his contract, the said Commission may, from time to time, not oftener than once a month, as the work progresses, allow the contractor estimates of the amount already earned, less fifteen per cent thereof, which may be paid out of the moneys applicable to said work.

### PART III.

#### STREET SPRINKLING.

##### SPRINKLING DISTRICT.

Section 1. The Commission shall divide the city into sprinkling districts, without reference to ward lines. Said districts shall be designated by numbers, as follows, to-wit: Sprinkling District number one; Sprinkling District number two; etc.

##### PROPOSALS TO BE ADVERTISED.

Section 2. The Commission shall, each year, cause proposals to be advertised for, in the official newspaper, in the same manner as in the case of other public improvements, for the sprinkling of the streets, avenues, alleys, parks, or other public grounds, or any part thereof, in each and all of said sprinkling districts which may be ordered sprinkled by the Commission.

##### PLANS AND SPECIFICATIONS.

Section 3. General plans and specifications applicable to all sprinkling that may be ordered by the Commission shall be made and filed with the City Clerk at least ten days before the day named in said notice for the receipt of said proposals.

##### CONTRACT—HOW LET.

Section 4. Sprinkling contracts shall be let and made in the same manner as provided for in case of local improvements.

#### COMMISSION MAY ORDER SPRINKLING—WHEN.

Section 5. The Commission may order sprinkling to be done whenever and wherever it deems the public interest, or sanitary or other cause, requires.

#### PROCEDURE AFTER SPRINKLING IS ORDERED TO BE DONE.

Section 6. Whenever the Commission shall order any sprinkling to be done, it shall cause the sprinkling contractor to be notified thereof and such sprinkling to be done, and it shall be the duty of the Superintendent of the Department of Streets and Alleys to cause such sprinkling to be duly inspected, and to be done in accordance with the contract, and report of the fact to the Commission, which shall cause an assessment to be made for said sprinkling in the manner hereinbefore provided.

#### NOTICE OF ASSESSMENT FOR SPRINKLING.

Section 7. On the first day of September of each year, or as soon thereafter as practicable, the Commission shall give at least ten days notice, by one publication in the official newspaper, to the effect that at a certain time and place it will meet to make an assessment for sprinkling. Said notice shall briefly describe the location of the streets sprinkled, by streets and districts.

#### ASSESSMENTS—ON WHAT PROPERTY MADE.

Section 8. The Commission shall assess the amount as nearly as possible which will be required to defray the cost of such sprinkling, including the expense of assessment, upon the real estate benefited, to the amount of such benefit.

#### NOTICE OF CONFIRMATION OF ASSESSMENT.

Section 9. When said assessment is completed, the Commission shall give ten days notice, by one publication in the official newspaper, to the effect that at a time and place specified, said assessment will be confirmed, unless cause is shown to the contrary; and that objections must be filed at least one day before such time with the City Clerk; such objections shall be made and filed in the same manner, and the Commission shall proceed in hearing the same, and shall have the same power to revise, correct, confirm or set aside such assessment and proceed de novo, as in case of other assessments for local improvements.

#### ASSESSMENTS FINAL AND CONCLUSIVE.

Section 10. Said assessment, when confirmed, shall be final and conclusive, unless appealed from as provided in section 29 of Part II of Sub-Chapter II of this Chapter, and the following sections of this Charter, and shall be collected and enforced as other assessments made under Part I of Sub-Chapter II of this Chapter; provided, a reference in the City Treasurer's notice to the number of the sprinkling districts for the sprinkling of which such assessment



has been made, shall be deemed a sufficient reference to the territory embraced in such assessment; and provided, further, that said assessment shall not be divided into installments.

In case of an appeal, said appeal shall not delay or effect the collection of the assessment, except as to the property appealed from.

#### RIGHT OF CITY IN CASE OF DEFAULT.

Section 11. In case the contractor shall in anywise fail to perform his contract, the Commission is hereby empowered to do every act relative to such contract and contractor as in case of a similar default by a contractor for the construction of a sidewalk, with like result to such contractor and his sureties.

#### SPRINKLING BY CITY—ASSESSMENT.

Section 12. Nothing herein contained shall prevent the Commission from purchasing the necessary tools, equipment and material, and sprinkling any street, highway, public place or sprinkling district in the city, and making assessments for said sprinkling as hereinbefore provided.

### CHAPTER XII.

#### WATER WORKS AND LIGHTS.

##### POWERS OF COMMISSION.

Section 1. The Commission shall have the power to maintain the water and light system now established in this city, and to enlarge, extend and improve the same, or contract for a new system of water works or lighting at any time when the public necessity demands.

##### USE OF STREETS AND PUBLIC GROUNDS.

Section 2. The Commission shall have the right to lay water mains and pipes, and to set poles and electric lights, and string wiring for the same, in any and all streets, alleys, highways and public grounds in and outside of the city.

### CHAPTER XIII.

#### VACATING STREETS AND ALLEYS.

##### POWER OF COMMISSION.

Section 1. The Commission shall have exclusive power to vacate or discontinue public streets, alleys or highways, or any portion thereof in the city, but no such vacation or discontinuance shall be granted or ordered by the Commission except upon the verified petition, in writing, of one or more of the owners of real estate on that portion of such street, alley or highway proposed to be vacated. Such petition shall state the reason for such vacation, and briefly describe the street, alley, or portion thereof, desired to be

vacated. The Commission, upon presentation of such petition, at any special or regular meeting may thereupon order such petition to be filed with the City Clerk, who shall immediately make and publish in the official newspaper a notice for the period of two consecutive weeks, at least once a week, stating that such petition has been filed with the City Clerk, and its object in brief, and that such petition will be heard and considered by the Commission at a time and place specified therein, which time and place shall be fixed by the Commission at the time of the acceptance of such petition, and the time of hearing such petition shall be at least ten days after the last publication of said notice.

#### HEARING.

Section 2. The Commission, at the time and place appointed, shall investigate and consider the subject involved in said petition, and may view the premises, and shall hear all testimony offered for or against said petition.

#### ORDER OF COMMISSION.

Section 3. The Commission, after hearing such petition, may, by resolution, passed by a four-fifths vote of its members, grant the prayer of the petition and order and declare such street, alley or highway vacated and discontinued.

#### PUBLICATION OF RESOLUTION.

Section 4. Upon the passage of such resolution, and the approval thereof by the Mayor, as in other cases, and upon the same being countersigned by the City Clerk, it shall be published once in the official newspaper of the city.

#### COPY OF RESOLUTION TO BE FILED WITH THE REGISTER OF DEEDS.

Section 5. A copy of such resolution, duly certified, by the City Clerk to be a true copy, shall immediately after such publication be filed with the Register of Deeds of Anoka County, and duly recorded in his office.

### CHAPTER XIV.

#### CONTRACTS.

##### DEFINITIONS.

Section 1. All contracts for commodities or services to be furnished or performed for the City, or any Department thereof, involving an expenditure of more than Five Hundred Dollars (\$500.00), shall be made as in this Charter provided, and not otherwise.

The words "Commodities" and "Service," as used in this Chapter, shall be construed to include all labor, materials or other property, and the lighting and other service and all local or public improvements.

The word "contract," as used in this Chapter, shall be construed to include every agreement, in writing or other-

wise, by which any commodities, labor or service are to be furnished to or done for the City, and every transaction whereby an expenditure is made or incurred on the part of the City, or any Department or officer thereof.

All action in this Chapter required or authorized to be taken by the Commission shall be by resolution or ordinance.

#### ESTIMATES—AMOUNT OF CONTRACT.

Section 2. The Commission in the first instance, shall, on its own motion, or may on the recommendation or report of any Department or officer of the City, determine in a general way the commodities, labor or service to be done or furnished, and shall estimate the cost thereof, and in order to determine such estimated cost, may require estimates from any officer or employee of the City.

In case such estimated cost does not exceed the sum of Five Hundred Dollars (\$500.00), the Commission may direct that the commodities, labor or services be procured by or through the proper Department or officer of the City without public bids.

In all cases where such estimated cost exceeds the sum of Five Hundred Dollars (\$500.00), said commodities or service shall only be furnished or done upon public bids.

#### PLANS AND SPECIFICATIONS.

Section 3. Before advertising for bids, the Commission shall cause to be prepared by the proper Department or officer of the City, and filed with the City Clerk, detailed plans and specifications, and the proposed contract for commodities and service.

#### ADVERTISING.

Section 4. After filing the same, the Commission shall direct the City Clerk to advertise for bids for doing or furnishing said commodities or service in accordance with such contract, plans or specifications. Such advertisement shall be published in the official newspaper, and in such other manner as the Commission shall direct.

All advertisements for bids shall clearly state that such bids are to be received and opened at a public meeting of the Commission in the Commission Chamber, upon a certain day and hour.

#### CERTIFIED CHECKS.

Section 5. In advertising for any bid, the Commission shall require bidders to accompany bids with a certified check upon some reputable bank, payable to the City of Anoka, for at least five per cent of the total amount of such bid, which check shall be forfeited to the City as liquidated damages if the bidder, upon the letting of a contract to him, fails to enter into the contract so let. In all advertisements for bids, there shall be reserved the right to reject any and all bids.

#### RECEIVING AND OPENING BIDS.

Section 6. At the time and place mentioned in the advertisement for bids, the Commission shall meet in public session, and publicly receive, open and read all bids that may be presented. Before any bids are opened, they shall be numbered consecutively, and no further bids shall be received after any bid has been opened. The Commission shall give all persons who desire the same an opportunity to inspect all bids when they are opened. No bid shall be considered if unaccompanied by a certified check as aforesaid.

#### ACTION OF COMMISSION.

Section 7. The Commission shall act upon such bids and determine which one, if any, shall be accepted. All contracts shall be awarded to the lowest reliable and reputable bidder complying with the foregoing requirements; provided, that the Commission may reject any bids which it may deem unreasonable or unreliable, and the Commission, in determining the reliability of the bid, shall consider the question of the responsibility of the bidder and his ability to perform his contract, without reference to the responsibility of the sureties on his bond; and any person who shall have defaulted in any contract awarded by the City, except as to time, or who shall have refused to enter into a contract after the same shall have been awarded to him, shall not be considered a reliable and responsible bidder. In case the lowest responsible bid shall be more than the estimated cost of such commodities or service, the Commission may reject all bids and abandon the proposed contract, or it may require the City Clerk to advertise for new bids in the manner hereinbefore provided.

All contracts shall be executed by the bidder within five days after the contract is ready for his signature; and if not executed by him within said time, he shall be deemed to have abandoned the same.

#### PERFORMANCE OF CONTRACTS.

Section 8. After the acceptance by the Commission of any bid, it shall direct the execution of a contract by the proper officers, in accordance with said plans and specifications, and such contract shall be carried out by the proper Department or officer of the City as in this Charter provided.

In case the Commission shall determine that any commodities or service are to be procured in open market, the same shall be procured by the proper Department or officer in accordance with such general directions as the Commission may give.

#### BONDS.

Section 9. Every person to whom a contract is awarded for an amount exceeding Five Hundred Dollars (\$500.00), shall give bond, in such sum as the Commission may direct, and with such sureties as it may approve, for the faithful performance of such contract.

In all cases of contracts coming within the purview of Sections 4535 to 4539, inclusive, of the Revised Laws of 1905, of the State of Minnesota, and the amendments thereof, it shall require such bonds as are required by such laws.

#### EXPENDITURES.

Section 10. It shall be the duty of each officer or head of Department to report to the Commission quarterly the commodities, work and service likely to be needed for the operation of his Department or office for the ensuing quarter, and not theretofore contracted for.

#### EMERGENCIES, AND THE PROBABLE COST THEREOF.

Section 11. In case of emergency, and when the delays provided for by this Chapter will cause great damage to the public or endanger public safety, the head of any Department, with the written approval of the Mayor, may make necessary repairs by day labor, and procure materials therefor, in the open market.

#### CONTRACTS NOT TO BE ASSIGNED.

Section 12. No contract for which a bond is required shall be assigned or transferred in any manner except as in this section provided for, and any assignment or transfer thereof, except by operation of law, or by consent of the Commission, expressed by resolution, shall fully end and determine such contract and shall make the same null and void as to any other or further performance thereof by the contractor or his assigns, without any act on the part of the City; and the City, through its proper authorities, may at once proceed to re-let such contract, or may, in its discretion, proceed to complete the same as the agent and at the expense of such contractor and his sureties.

#### AFFIDAVITS THAT CLAIMS ARE PAID.

Section 13. Before any contractor or his representative shall receive a final estimate on any contract for which a bond is required, said contractor or his representatives shall make and file with the City Clerk an affidavit that all claims for materials and labor to date on the work on which said estimate is asked, have been fully paid.

#### CONTRACTS FOR OFFICIAL ADVERTISING.

Section 14. The Commission shall let annually, in the month of May, or as soon thereafter as practicable, contracts for the official advertising for the ensuing fiscal year. For this purpose the Commission shall advertise for two consecutive weeks, setting forth specifically the work contemplated to be done, and asking for sealed proposals therefor.

The proposals shall specify the type and spacing to be used. The Commission shall let the contract for such official advertising to the lowest responsible bidder publishing a

newspaper in the city which is a legal newspaper according to the laws of the State; provided, the Commission may reject any and all bids. If the Commission shall deem it best for the interest of the City to select a newspaper that is not the lowest bidder, they may select such newspaper. The newspaper to which the award is made, shall be designated as the "Official Newspaper." The successful bidder shall be required to give a bond to the City in the sum of Five Hundred Dollars (\$500) for the faithful performance of the contract.

#### COLLUSION WITH BIDDER.

Section 15. Any officer of the City, or any Department thereof, who shall aid or assist any bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall willfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by any contract, or who shall knowingly certify to a greater amount of labor performed, or to the receipt of a greater amount of different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance, and shall be removed from office.

#### COLLUSION BY BIDDER.

Section 16. If, at any time, it is found that the person to whom a contract has been awarded has, in presenting any bid or bids colluded with any other person, party or parties for the purpose of preventing any other competing bids being made, or has entered into any agreement by which he made a higher or lower bid than some other person for the purpose of dividing the contract or profits therefrom between two or more bidders, then the contract so awarded shall be null and void, and the Commission shall advertise for new bids for said work, or provide for such work to be done by the proper Department or officer.

#### PENALTY.

Section 17. Any contract made in violation of the provisions of this Chapter shall be absolutely void, and any money paid on account of such contract by the City may be recovered by the City, without restitution of the property or the benefits received or obtained by the City thereunder.

#### CHAPTER XV.

#### FRANCHISES.

#### ORDINANCES GRANTING FRANCHISES.

Section 1. Every ordinance by which the Commission shall propose to grant any franchise shall contain all the terms and conditions of the franchise to be granted, and it

shall be a feature of every franchise so granted that the maximum price for the service or charge shall be stated in the grant thereof.

#### REGULATION OF RATES.

Section 2. The City shall have the power to regulate and control the maximum rate to be charged by any corporation or person exercising any franchise in the City for the service rendered by it to the City, or to the public, but such price shall be fair and reasonable to such corporation or person and to the public. The manner in which such rate shall be regulated shall be fixed by the Commission, by ordinance, and the Commission is hereby authorized to provide by ordinance for the appointment of commissioners to fully investigate and determine all questions with reference to rates to be charged by any corporation or person.

#### LIFE OF FRANCHISE.

Section 3. The maximum length of time for which a franchise or privilege to use the streets, alleys or other public places of the City may be granted to any person, firm or corporation, shall be twenty-five years.

#### FORFEITURE FOR NON-COMPLIANCE.

Section 4. Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the Commission shall have power to declare the termination and forfeiture of any such franchise or privilege the same as though in each instance such power was expressly reserved.

#### FRANCHISES NOT IN USE FORFEITED.

Section 5. All franchises and privileges heretofore granted which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall, within six months after this Charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

#### MATTERS IN CHARTER NOT TO IMPAIR RIGHT TO INSERT OTHER MATTERS IN FRANCHISE.

Section 6. The enumeration and specification of particular matters in this Charter which must be included in every franchise or grant, shall not be construed as impairing the right of the Commission to insert in such franchise or grant such other and further matters, conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, fares, rentals, charges, control, forfeitures, or any other provisions whatever, as the Commission shall deem proper to protect the interest of the people.

#### CHAPTER XVI.

##### ACTION AGAINST THE CITY FOR DAMAGES. NOTICE.

Section 1. 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 or highway upon which such injury happened is actually open, 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 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 Commission 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 Commission 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.

##### NOTICE BY CITY OF DEFECTS.

Section 2. In the prosecution of actions against the City for personal injuries growing out of 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 the injury, or that said City had actual notice and knowledge of such defect or want of repair at the time such injury happened.

#### CHAPTER XVII.

##### MUNICIPAL COURT.

##### WHERE HELD.

Section 1. The Municipal Court shall be held in the city of Anoka, at some suitable place to be provided therefor by the Commission.

##### JURISDICTION.

Section 2. The Municipal Court of said City shall have exclusive cognizance and jurisdiction of all trials and examinations within said city cognizable before a Justice of the Peace under the laws of the State, and of all suits, prosecutions, proceedings for the recovery of all forfeitures, fines and penalties, or the infliction of punishment for the

breach of any by-laws, regulation or ordinance of said City, and of all offenses against the same. And in all cases of convictions for assaults, batteries and affrays, disorderly conduct, breach of the peace, keeping or frequenting disorderly houses, or houses of ill fame, the Municipal Court may, in addition to any fine or punishment authorized and imposed, or without such fine or other punishment, compel the accused to give security to keep the peace and be of good behavior for a period not exceeding six (6) months, and in a sum not exceeding Five Hundred Dollars (\$500).

The Judge and Special Judge of said Court shall have the powers of Justices of the Peace as conservators of the peace, and in all ministerial and ex-parte matters, and shall have the powers of Justices of the Peace to take depositions to be used in other courts.

Said Court shall also have power in all criminal actions within its jurisdiction, when the punishment is by imprisonment, or by imprisonment in default of payment of fine, to sentence any offender to hard labor in any workhouse established by the City for that purpose, or in case of male offenders, to sentence them to labor on any public improvement or work in like manner as in case of offenders against the city ordinances.

#### FINES AND PENALTIES—DISPOSITION.

Section 3. All fines and penalties imposed by said Municipal Court shall belong to and be a part of the revenue of said City.

#### FEE PAID JUDGES.

Section 4. The Judge and Special Judge of the Municipal Court shall be entitled to receive fees for any services performed by them whether for the City, County or individuals. Such charges against the City shall be presented, allowed and paid as other claims; and such fees shall be the same as are provided for Justices of the Peace under the laws of the State for like services.

#### REPORTS TO COMMISSION.

Section 5. The Judge and Special Judge of the Municipal Court shall at least once a month, and as often as the Commission may require, report to the Commission all the proceedings instituted before them in which the City is interested, and shall at the same time account for and pay over to the City Treasurer all fines and penalties collected or received by them belonging to said City.

#### RESIDENCE IN CITY DOES NOT DISQUALIFY.

Section 6. The fact that the Judge and Special Judge of the Municipal Court are residents of the City of Anoka shall not deprive them of jurisdiction of actions brought in favor of or against said City when said actions are otherwise within the jurisdiction of said Municipal Court.

### CHAPTER XVIII.

#### MISCELLANEOUS.

##### CONDUCT OF LEGAL PROCEEDINGS.

Section 1. The City Attorney shall prosecute on behalf of the City all criminal cases arising from violations of the provisions of this Charter and the ordinances of the City, and shall attend to all suits and proceedings in which the City may be legally interested; provided, that the Commission shall have control of all litigation of the City, and may employ other attorneys to take charge of any litigation, or to assist the City Attorney therein.

##### CITY CLERK.

Section 2. The City Clerk shall have the power to administer oaths and affirmations, and to take and certify acknowledgments of deeds and other instruments in all cases in which the same are required or sanctioned by law.

##### PRISONERS MAY BE REQUIRED TO WORK IN WORKHOUSE OR UPON THE PUBLIC IMPROVEMENTS OF THE CITY.

Section 3. The Commission may provide by ordinance that all persons committed upon sentence, or in the default of the payment of a fine, may be kept at hard labor in the workhouse or upon the public improvements of the City for a term not exceeding ninety days.

##### PARKED PART OF STREETS.

Section 4. The Commission shall have power to provide by ordinance that the parked part or grass plot of any street shall be graded and covered with sod or seeded with grass, to be maintained and the grass properly cut by the occupant or owner of the abutting property, and in case of neglect of the occupant or owners to do so, that the same may be done by the City at the expense of the abutting property, and that said expense may be collected by assessment in the same manner as assessments for laying and repairing sidewalks are collected.

##### PROCESS AGAINST THE CITY.

Section 5. Service of summons, process or notice of any action or proceeding against the City may be made by leaving a copy thereof with the City Clerk, and it shall be the duty of the City Clerk to forthwith inform the City Attorney thereof, who shall take such other proceedings as may be needful to defend the interests of the City.

##### WARRANTS.

Section 6. In all prosecutions for the violation of the laws of the State, the provisions of this Charter, or the ordinances of the City, the first process shall be by warrant;



provided, that no warrant shall be necessary in the case of arrest of any person while in the act of violating any such law, provision of this Charter, or ordinance of the City; and the persons so arrested shall be proceeded against in the same manner as if the arrest had been by warrant.

#### POWER OF POLICE OFFICERS.

Section 7. The Chief of Police, and all regular or temporary police officers, shall possess the powers of constables at common law and under the statutes of this State and in addition thereto, shall have the power to serve and execute any warrant, summons, commitment, writ, subpoena or process issued out of the Municipal Court, and shall have authority to pursue and arrest in any part of the state beyond the limits of the city any person charged with any violation of any law, ordinance of the City, or offense or crime within the limits of the city. Provided, that no such officer shall have power to arrest without a warrant, except in cases in which arrest without a warrant is authorized by the General Laws of the State, or this Charter; and the violation of the City ordinances shall be deemed a public offense.

#### PUNISHMENT FOR OFFENSES.

Section 8. Every act, or omission to act, which under this Charter or the ordinances and regulations of the City, is or shall be made a misdemeanor or subject to punishment, shall be, if the punishment is not otherwise prescribed, punishable by imprisonment for not more than ninety days, or by a fine of not more than One Hundred Dollars (\$100).

#### INSPECTION OF RECORDS.

Section 9. All records, books, and papers pertaining to the business of the City, or any Department thereof, shall be public and open to the inspection of any citizen of the City at all reasonable times and places.

#### APPROVAL OF PLATS.

Section 10. The Commission shall have the sole power to accept and approve all plats of property within the city, and to prescribe the width and location of streets and alleys required in such plats. The Commission shall have the power to require the owners of unplatted property to make such improvements as it deem proper before a plat thereof shall be accepted and approved by it.

#### ACTIONS ON BEHALF OF THE CITY.

Section 11. All actions brought to recover any penalty or forfeiture under this Charter, or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the City.

#### NOT INCOMPETENT.

Section 12. No person shall be an incompetent judge, witness or juror by reason of his being an inhabitant of the

city, in any proceeding or action in which the City shall be a party in interest.

#### STATE OFFENDERS.

Section 13. The City shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the City, or any magistrate, to the jail of Anoka County for any offense punishable under the State laws.

#### DEFINITION OF MISDEMEANOR.

Section 14. The term "misdemeanor," as used in this Charter, shall mean a violation of this Charter, or of any ordinance, of which the Municipal Court shall have jurisdiction.

#### ATTEND TO DUTIES.

Section 15. All persons holding any office or employment under the City, whether elective or appointive, shall be required to engage in the actual work of the office or employment so held, to the extent that their services may be necessary for the full and complete discharge of the duties of said office or employment, and a failure so to do shall be ground for removal.

#### AFFIDAVITS OF PUBLICATION OF ORDINANCES OR RESOLUTIONS.

Section 16. The proprietor of the official newspaper shall, immediately after the publication of any notice, ordinance or resolution, or proceedings of the Commission, or of any other matter which is required by any provision of this Charter, file with the City Clerk a copy of such publication, with his affidavit or that of his foreman, of its due publication; and such affidavit shall be prima facie evidence of the publication; and no bill or claims for any publication whatever shall be allowed or adjusted by the City Clerk until such affidavit shall have been filed with him, and until he has approved the same.

#### FIRST ELECTION UNDER THIS CHARTER.

Section 17. After the adoption of this Charter, it shall be the duty of the Mayor, Council and City Clerk of the City of Anoka, in office when this Charter is adopted, to forthwith call a special election for the election of a Mayor and four Commissioners, to hold office under this Charter when the same takes effect. Such election to be conducted as provided in this Charter for the general municipal election. This Charter shall at the end of thirty days after its ratification by the qualified voters of the city become the Charter of the City, and supersede the existing Charter and amendments thereof.

#### TERMS OF INCUMBENTS IN OFFICE.

Section 18. The terms of office of the Mayor, Aldermen, City Clerk, Treasurer, City Engineer, Assessor, and

all other officers and appointees in office in said City at the time of the election and qualification of said Mayor and four Commissioners, except the Judge and Special Judge of the Municipal Court, shall cease and terminate on the election and qualification of the Commission first elected hereunder.

#### SUCCESSION.

Section 19. When this Charter takes effect, the City of Anoka shall be and become the legal successor of the City of Anoka, under its former Charter, and shall be vested with all franchises, rights and immunities formerly vested in said City, except as hereinbefore otherwise provided.

All property and property rights and interests of every kind and nature formerly vested in the City of Anoka, or in any board or public officer of the same, shall, when this Charter takes effect, be and become vested in and be possessed by the City of Anoka under this Charter, and all previously existing indebtedness, obligations and liabilities of the City of Anoka, or any board or department thereof, together with all interest accrued or to be accrued thereon, be assumed and paid by the City of Anoka. This section shall not apply to the independent school district of Anoka.

#### ORDINANCES, ETC., LEFT IN FORCE.

Section 20. Nothing herein shall be understood or construed as repealing, amending, or modifying any City ordinance, resolution, rule, or order which may be in force in the City of Anoka at the time this Charter goes into effect and becomes operative, except so far as the same may be incompatible with any of the provisions of this Charter, but the same shall continue in full force until repealed, amended or modified by the Commission herein provided for.

#### CHARTER TO BE PUBLIC LAW.

Section 21. This Charter is hereby declared to be a public Act, and may be read in evidence in all courts of this State, and need not be pleaded or proven.

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**ADDENDA**

That Section 2, Chapter VI of the City Charter be amended so as to read as follows:

**EXAMINATION OF BOOKS, REPORTS, ETC., OF  
OFFICERS AND EMPLOYEES**

Section 2. The Commission shall employ, once a year, either the State Public Examiner or some other competent accountant to be paid by the City, who shall have full power to examine all books, records and reports of all officers and employees who receive or disburse city moneys, and the books, records, and reports of such other officers and departments as the Mayor or the Commission may direct. Said accountant may require any officer or employee to be sworn and explain under oath all matters relative to said books, records and reports. All officers and employees of the city shall give to such accountant all required assistance and information, under oath or otherwise, as to all matters relating to such books, records and reports, and shall submit to him for examination such books and papers as may be requested. Refusal or failure of any officer or employee of the city to comply with the requirements of this section shall be sufficient ground for his removal from such office or employment.

Adopted in 1923.

**STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED**

**JAN 9 - 1942**

*Wickert*  
State

9019