

CITIES, VILLAGES

Organization

CHAPTER 410

CLASSIFICATION; CHARTERS

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NOTE: For special laws relating to specific villages, see Table 1, Vol. 2.

410.01 CITIES, CLASSES. Cities are hereby divided, for legislative purposes, into classes as follows:

First class—Those having more than 100,000 inhabitants;

Second class—Those having more than 20,000 and not more than 100,000 inhabitants;

Third class—Those having more than 10,000 and not more than 20,000 inhabitants, and

Fourth class—Those having not more than 10,000 inhabitants.

Changes in classification resulting from any future national census shall take effect upon the filing of certified copies of the census in the office of the secretary of state as provided in section 600.18. Meanwhile the council or other governing body shall take measures for the election of proper officials and for dividing the city into wards, if necessary, and otherwise prepare for the coming change.

[R L s 746; 1951 c 348 s 1; 1959 c 510 s 1] (1265)

410.02 [Repealed, 1949 c 114 s 1]

410.03 EXISTING CHARTERS PRESERVED. Until otherwise provided in accordance with this chapter, all cities existing at the time of the taking effect of the Revised Laws 1905 shall continue to be governed by the laws then applicable thereto.

[R. L. s. 747] (1267)

410.04 HOME RULE CHARTERS; PATROL LIMITS. Any city or village in the state may frame a city charter for its own government in the manner hereinafter prescribed; provided, that in such cities having patrol limits established by charter, such limits shall not be altered unless the charter proposing such alteration be adopted by a three-fourths majority.

[R. L. s. 748; 1907 c. 375 s. 1] (1268)

410.05 CHARTER COMMISSION. When the judges of the judicial district in which such city or village is situated, shall deem it for the best interest of the municipality so to do, they may appoint a charter commission to frame such charter, composed of 15 members, each of whom shall be a freeholder and qualified voter of such city or village; and, upon presentation to them of a petition requesting such action, signed by at least ten percent of the number of voters of such municipality, as shown by the returns of the election last held therein, or upon resolution of the governing body of the city or village requesting such action, they shall appoint such board. No person shall be disqualified from serving on such board by reason of his holding any other public office or employment. The members shall severally hold office for the term of four years, or until they cease to be such resident voters and freeholders, and vacancies in the commission shall be

filled by appointment of the judges for the unexpired terms. Upon the expiration of such four-year term, the judges shall appoint a new commission and in case for any reason the judges shall fail to appoint a new commission within 30 days then thereafter at any time the judges upon their own motion may, and upon the written petition of ten voters of the city, shall appoint the new commission. Every appointment shall be made by order filed with the clerk of the court. Every appointee who shall neglect to file with the clerk within 30 days a written acceptance and oath of office shall be deemed to have declined such appointment and his place shall be filled as though he had resigned. The judges, within 30 days thereafter, shall make such rules with reference to such commission, and require such reports, as may appear desirable or necessary. Any appointee who has qualified by filing his written acceptance and oath of office within 30 days may thereafter be removed at any time from office, by written order of the district court, the reason for such removal being stated in the order; and when any member has failed to perform the duties of his office and has failed to attend four consecutive meetings, without being excused by the commission, the secretary of the charter commission shall file a certificate with the court setting forth those facts and the district court shall thereupon make its order of removal, and fill the vacancy created as in the case of a resignation.

[*R L s 749; 1909 c 423; 1913 c 535 s 1; 1949 c 210 s 1; 1959 c 305 s 5; 1961 c 608 s 1*] (1269)

410.06 COMPENSATION; EXPENSES. The members of such commission shall receive no compensation, but the commission may employ an attorney and other personnel to assist in framing such charter, and any amendment or revision thereof, and their reasonable compensation and the cost of printing such charter, or any amendment or revision thereof, when so directed by the commission, shall be paid by such city or village. The amount of reasonable and necessary charter commission expenses that shall be so paid by the city or village shall not exceed in any one year the sum of \$10,000 for a first class city and \$1,500 for any other city or village; but the council may authorize such additional charter commission expenses as it deems necessary. Other statutory and charter provisions requiring budgeting of, or limiting, expenditures do not apply to charter commission expenses. The council may levy a tax in excess of statutory or charter tax limitations to pay such expenses.

[*R L s 750; 1907 c 216 s 1; 1947 c 406 s 1; 1959 c 305 s 5; 1961 c 608 s 2*] (1270)

410.07 DETERMINATION OF DESIRABILITY; FRAMING CHARTER. As soon as practicable after such appointment, the charter commission shall deliver to the clerk of the city or village either (1) its report determining that a home rule charter for the city or village is not necessary or desirable, or (2) the draft of a proposed charter, in either case signed by at least a majority of its members. Such draft shall fix the corporate name and the boundaries of the proposed city, and provide for a mayor, and for a council to be elected by the people. Subject to the limitations in this chapter provided, it may provide for any scheme of municipal government not inconsistent with the constitution, and may provide for the establishment and administration of all departments of a city government, and for the regulation of all local municipal functions, as fully as the legislature might have done before home rule charters for cities and villages were authorized by constitutional amendment in 1896. It may omit provisions in reference to any department contained in special or general laws then operative in the city or village, and provide that such special or general laws, or such parts thereof as are specified, shall continue and be in force therein, including any such special or general law authorizing the city or village to incur indebtedness or issue its bonds for municipal purposes. It may prescribe methods of procedure in respect to the operation of the government thereby created, and the duties thereunder of all courts and officers of the district and county in which the city is situated, which duties such courts and officers shall perform. By such charter the city may be authorized to acquire, by gift, devise, purchase, or condemnation, any property, within or without its boundaries, needed for the full discharge of any public function which it is permitted to exercise. Nothing in this section shall authorize a change of boundaries, except that boundaries may be changed so as to include lands and property contiguous thereto when not lying at a distance of more than three miles from the boundaries of the original corporation and when used for industrial or mining purposes or occupied or leased for such purposes, if the person,

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association, or corporation so using, occupying, or leasing the same, by writing presented to the charter commission at any time before a draft of the proposed charter is delivered to the clerk of such city or village, so request.

[*R L s 751 ; 1921 c 120; 1921 c 343; 1959 c 305 s 1; 1961 c 608 s 3*] (1271)

410.08 [Repealed, 1953 c 278 s 1]

410.09 REGULATION OF FRANCHISES. Such proposed charter may provide for regulating and controlling the exercise of privileges and franchises in or upon the streets and other public places of the city, whether granted by the city or village, by the legislature, or by any other authority; but no perpetual franchise or privilege shall ever be created, nor shall any exclusive franchise or privilege be granted, unless the proposed grant be first submitted to the voters of the city or village, and be approved by a majority of those voting thereon, nor in such case for a period of more than 25 years.

[*R. L. s. 753*] (1283)

410.10 SUBMISSION OF CHARTER. Subdivision 1. Upon delivery of such draft, the council or other governing body of the city or village shall cause the proposed charter to be submitted at the next general election thereafter occurring in the city or village within six months after the delivery of such draft, and if there is no general city or village election occurring in the city or village within six months after the delivery of such draft, then the council or other governing body of the city or village shall cause the proposed charter to be submitted at a special election to be held within 90 days after the delivery of such draft. The council or other governing body may call a special election for that purpose only at any time. If the election is held at the same time with the general election, the voting places and election officers shall be the same for both elections. At any time before the council has fixed the date of the election upon the proposed charter, the charter commission may recall it for further action; and the council may authorize recall of the charter by the commission at any later date prior to the first publication of the proposed charter.

Subd. 2. The notice of election shall contain the complete charter and shall be published once a week for two successive weeks in the official newspaper of the city or village, or if there be none, in a legal newspaper of general circulation in the city or village. In every city of the first class, the publication shall be made in a newspaper having an aggregate regular paid circulation of at least 25,000 copies. The governing body may in addition thereto publish the notice in any other legal newspaper published in the city or village.

Subd. 3. The ballot shall bear the printed words, "Shall the proposed new charter be adopted? Yes—No," with a square after each of the last two words, in which the voter may place a cross to express his choice. If any part of such charter be submitted in the alternative, the ballot shall be so printed as to permit the voter to indicate his preference in any instance by inserting a cross in like manner.

Subd. 4. If any charter so submitted be rejected the charter commission may propose others from time to time until one is adopted.

[*R L s 754; 1909 c 214 s 1; 1959 c 305 s 5; 1961 c 608 s 4*] (1284)

410.11 ADOPTION; NOTICE, EFFECTIVE DATE. If 55 percent of the votes cast on the proposition are in favor of the proposed charter, it shall be considered adopted; and, if any provisions thereof are submitted in the alternative, those ratified by a majority of the votes cast thereon shall prevail. If the charter is adopted, the city or village clerk shall file with the secretary of state, the register of deeds of the county in which the city or village lies, and in his own office a copy of the charter accompanied by his certificate attesting to the accuracy of the copy and giving the date of the election and the vote by which the charter was adopted. The charter shall take effect 30 days after the election, or at such other time as is fixed in the charter, and shall then supersede all other charter provisions relating to such city or village. Thereupon the courts shall take judicial notice of the new charter and, upon the election of officers thereunder, the officials of the former corporation shall deliver to them the records, money, and other public property in their control.

[*R L s 755; 1959 c 305 s 2*] (1285)

410.12 AMENDMENTS. Subdivision 1. **Proposals.** The charter commission may propose amendments to such charter and shall do so upon the petition of voters equal in number to five percent of the total votes cast at the last previous

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state general election in the city. If the city has a system of permanent registration of voters, only registered voters are eligible to sign the petition. All petitions circulated with respect to a charter amendment shall be uniform in character and shall have attached thereto the text of the proposed amendment in full; except that in the case of a proposed amendment containing more than 1,000 words, a true and correct copy of the same may be filed with the city clerk, and the petition shall then contain a summary of not less than 50 nor more than 300 words setting forth in substance the nature of the proposed amendment. Such summary shall contain a statement of the objects and purposes of the amendment proposed and an outline of any proposed new scheme or frame work of government and shall be sufficient to inform the signers of the petition as to what change in government is sought to be accomplished by the amendment. The summary, together with a copy of the proposed amendment, shall first be submitted to the charter commission for its approval as to form and substance. The commission shall within ten days after such submission to it, return the same to the proposers of the amendment with such modifications in statement as it may deem necessary in order that the summary may fairly comply with the requirements above set forth.

Subd. 2. **Petitions.** The signatures to such petition need not all be appended to one paper, but to each separate petition there shall be attached an affidavit of the circulator thereof as provided by this section. Each signer of any such petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition the names and addresses of five electors of the city, and on each paper the names and addresses of the same five electors, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. The affidavit attached to each petition shall be as follows:

State of..... }
County of..... } ss.

.....being duly sworn, deposes and says that he, and he only, personally circulated the foregoing paper, that all the signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

Signed.....
(Signature of Circulator)

Subscribed and sworn to before me
this.....day of.....19....
Notary Public (or other officer)
authorized to administer oaths

The foregoing affidavit shall be strictly construed and any affiant convicted of swearing falsely as regards any particular thereof shall be punishable in accordance with existing law.

Subd. 3. **May be assembled as one petition.** All petition papers for a proposed amendment shall be assembled and filed with the charter commission as one instrument. Within ten days after such petition is transmitted to the city council, the city clerk shall determine whether each paper of the petition is properly attested and whether the petition is signed by a sufficient number of voters. The city clerk shall declare any petition paper entirely invalid which is not attested by the circulator thereof as required in this section. Upon completing his examination of the petition, the city clerk shall certify the result of his examination to the council. If he shall certify that the petition is insufficient he shall set forth in his certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of his findings. A petition may be amended at any time within ten days after the making of a certificate of insufficiency by the city clerk, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The city clerk shall within five days after such amendment is filed, make examination of the amended petition, and if his certificate shall show the petition still to be insufficient, he shall file it in his office and notify the committee of the petitioners of his findings and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Subd. 4. **Election.** Amendments shall be submitted to the qualified voters at a general or special election and published as in the case of the original charter. The form of ballot shall be fixed by the governing body. The statement of the question on the ballot shall be sufficient to identify the amendment clearly and to distinguish the question from every other question on the ballot at the same time. If 55 percent of the votes cast on any amendment are in favor of its adoption, copies of the amendment and certificates shall be filed, as in the case of the original charter and the amendment shall take effect in 30 days from the date of the election or at such other time as is fixed in the amendment.

[*R. L. s. 756; 1907 c. 199 s. 1; 1911 c. 343 s. 1; 1939 c. 292 s. 1; 1943 c. 227 s. 1; 1949 c. 122 s. 1; 1959 c. 305 s. 3, 4; 1961 c. 608 s. 5, 6*] (1286)

410.13 [Repealed, 1959 c. 305 s. 6]

410.14 ALTERNATIVE PROPOSALS. In submitting a charter or an amendment to the voters any alternative section or article may be presented and voted on separately, without prejudice to other articles or sections of the charter or any amendments thereto.

[*R. L. s. 757*] (1288)

410.15 SUCCESSION; SUBSISTING RIGHTS. The new city so organized shall be in all respects the legal successor of the former corporation, and no charter so adopted, nor any amendment thereof, shall prejudice any subsisting right, lien, or demand against the city or village superseded, or affect any pending action or proceeding to enforce the same. All rights, penalties, and forfeitures accrued or accruing to such former corporation, all property vested therein or held in trust therefor, all taxes and assessments levied in its behalf, and all its privileges and immunities not inconsistent with the new charter, shall pass to its successor. All ordinances, resolutions, and by-laws in force at the adoption of such new charter, and not in conflict with its provisions, shall continue in force until duly altered or repealed.

[*R. L. s. 758*] (1289)

410.16 FORMS OF GOVERNMENT INCORPORATED IN CHARTER. The charter commission may incorporate as part of the proposed charter for any city the commission, mayor-council, council-manager form of city government or any other form not inconsistent with constitution or statute, and may provide that all elective city officers, including mayor and members of the council, shall be elected at large or otherwise.

[*1909 c. 170 s. 1; 1959 c. 305 s. 5; 1961 c. 608 s. 7*] (1290)

410.17 OFFICERS, HOW NOMINATED AND ELECTED. Such charter commission may also provide in such proposed charter that all candidates to be voted for at all general municipal elections shall be nominated by a primary election, and that no other names shall be placed upon the ballot to be voted upon at such election, except the names of those elected in the manner which may be prescribed by such charter; and such charter may provide for a primary election to be held at such time as may be fixed preceding the general municipal elections, and that the judges of election for the general municipal election shall be the judges of the primary election, and may provide in what manner any person desiring to become a candidate for any elective municipal office may become a candidate for nomination at such primary election, and may provide for the publication of statements and petitions of candidates, the form of the primary election and municipal election ballots and for publication thereof, and may provide that there shall or shall not be any party designation or mark indicating that any candidate is a member of any party whatsoever, whether on the primary election ballot or upon the municipal election ballot, and may make provisions with reference to the printing, delivery, and authentication of ballots and for the counting and canvass of results of such primary election or municipal election.

[*1909 c. 170 s. 2; 1959 c. 305 s. 5*] (1291)

410.18 DISTRIBUTION OF ADMINISTRATIVE POWERS. Such charter commission may also provide that the administrative powers, authority, and duties in any such city shall be distributed into and among departments and may provide that the council may determine the powers and duties to be performed by and assign them to the appropriate department and determine who shall be the head of each department and prescribe the powers and duties of all officers and employees thereof, and may assign particular officers or employees to perform duties in two or more departments, and make such other rules and regulations as may be

necessary or proper for the efficient and economical conduct of the business of the city.

[1909 c 170 s 3; 1959 c 305 s 5] (1292)

410.19 POWERS OF MAYOR AND COUNCIL. The charter commission may incorporate in such charter provisions defining the powers and duties of the mayor and each member of the council, and may provide that each member of the council shall perform such administrative duties as may be designated in such charter.

[1909 c 170 s 4; 1959 c 305 s 5] (1293)

410.20 RECALL AND REMOVAL OF OFFICERS; ORDINANCES. Such commission may also provide for the recall of any elective municipal officer and for his removal by vote of the electors of such city, and may also provide for submitting ordinances to the council by petition of the electors of such city and for the repeal of ordinances in like manner; and may also provide that no ordinance passed by the council, except an emergency ordinance, shall take effect within a certain time after its passage, and that if, during such time, a petition be made by a certain percentage of the electors of the city protesting against the passage of such ordinance until the same be voted on at an election held for such purpose, and then such ordinance to take effect or not as determined by such vote.

[1909 c 170 s 5; 1959 c 305 s 5] (1294)

410.21 APPLICATION OF GENERAL ELECTION LAWS. The provisions of any charter of any such city adopted pursuant to this chapter shall be valid and shall control as to nominations, primary elections, and elections for municipal offices, notwithstanding that such charter provisions may be inconsistent with any general law relating thereto, and such general laws shall apply only in so far as consistent with such charter.

[1909 c. 170 s. 6] (1295)

410.22 SUBMISSION OF AMENDMENTS. Nothing in this chapter contained shall be held to abridge, impair, or diminish the right of electors in any city now having or which shall hereafter have such a charter commission and a home rule charter, to require the submission of amendments to the charter of such city, as provided in section 410.12, but, in addition to the provisions of section 410.12, five percent of the electors may, by petition, as provided in section 410.12, require the submission of amendments to such charter, embodying the commission plan of government, in whole or in part, as more particularly described and set forth in sections 410.16 to 410.21.

[1909 c 170 s 7; 1959 c 305 s 5] (1296)

410.23 [Repealed, 1959 c 305 s 6]

410.24 NEW OR REVISED CHARTER. Any city having a home rule charter may submit and adopt a new or revised charter in the manner provided by law for the original adoption of such home rule charter.

[1909 c 236 s 2; 1961 c 608 s 8] (1298)

410.25 [Repealed, 1959 c 305 s 6]

410.26 [Repealed, 1961 c 608 s 10]

410.27 AMENDMENTS OF CHARTER. Subdivision 1. The council of any city having a home rule charter may propose charter amendments to the voters by the method prescribed in this section.

Subd. 2. The council may propose any charter amendment by ordinance.

Subd. 3. Any ordinance proposing such an amendment shall be submitted to the charter commission. Within 60 days thereafter, the charter commission shall review the proposed amendment but before the expiration of such period the commission may extend the time for review for an additional 90 days by filing with the city clerk its resolution determining that an additional time for review is needed.

Subd. 4. After reviewing the proposed amendment, the charter commission shall approve or reject the proposed amendment or suggest a substitute amendment. The commission shall promptly notify the council of the action taken.

Subd. 5. Upon notification of the charter commission's action, the council shall submit to the people, in the same manner as provided in section 410.12, subdivision 4, the amendment originally proposed by it or the substitute amendment proposed by the charter commission. The amendment shall become effective only when approved by the voters as provided in section 410.12, subdivision 4. If so approved, it shall be filed in the same manner as other amendments.

[1961 c 608 s 9]