

General Government

CHAPTER 415

GOVERNING BODIES

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415.01 TOWN LAWS, APPLICATION. Nothing contained in chapters 365 to 368 shall apply to territory embraced within the limits of any city, but each city shall have and exercise within its limits all the powers conferred by these chapters upon towns.

[*R L s 692; 1973 c 123 art 5 s 7*] (1103)

415.02 CHARTER, ORDINANCES; CODIFICATION AS EVIDENCE. Any city may cause its charter and all general and special laws, ordinances, resolutions, rules, and bylaws in force therein to be codified, printed, and published and may declare by ordinance such codification to be prima facie evidence of the law of such municipality. It shall thereupon be received in evidence by the courts.

[*R L s 771; 1973 c 123 art 5 s 7*] (1837)

415.021 CODIFICATION OF ORDINANCES. Any city, however organized, may revise and codify and print in book, pamphlet or newspaper form, any ordinances, resolutions, and rules of the city and may include therein for reference any applicable general or special laws. Such codification shall be a sufficient publication of any ordinance included in it and not previously published in a newspaper if a substantial quantity of the codification is printed for general distribution to the public. A notice that copies of the codification are available at the office of the city clerk or recorder shall be published for at least two successive weeks in the official newspaper, or, if there is none, in a newspaper of general circulation in the city.

[*1957 c 115 s 1; 1969 c 73 s 1*]

415.03 [Repealed, 1949 c 119 s 110]

415.031 MAYOR OF CERTAIN CITIES MAY VOTE IN CASE OF A TIE VOTE. In all cities of the fourth class not organized and operating under a charter adopted pursuant to the Constitution of the State of Minnesota, Article 4, Section 36, in which the mayor is the presiding officer of the common council, but has no vote, he shall have the right to vote in case of a tie, but in such case only.

[*1933 c 192*] (1828-100)

415.032 [Repealed, 1951 c 174 s 1]

415.033 CITIES FOURTH CLASS; MAYOR, TERM. In every city having a population of less than 1,000 and not operating under a home rule charter the term of the mayor shall be two years and until his successor is elected and qualifies.

[*1941 c 124 s 1*]

415.035 [Obsolete]

415.04 [Repealed, 1945 c 464 s 2]

415.045 [Repealed, 1949 c 119 s 110]

415.05 MAYOR, COUNCIL, CITIES FOURTH CLASS; SALARIES. In any city in this state having a population not to exceed 10,000 and not organized under the laws of 1895, the common council may, prior to any annual city election to be held therein, pass a resolution fixing the annual salaries of the mayor and the members of such common council at not to exceed \$200 per annum for each officer, and the common council shall cause notice thereof to be given to the voters

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of such city in the notice of the annual city election, and the recorder of such city shall place upon the official ballot of the city, to be used therein at the annual city election the proposition "in favor of paying the sum of \$....., a salary to the mayor and each member of the common council," and the proposition "against paying the sum of \$..... as salary to the mayor and each member of the common council." The recorder shall place the amount of money in each of the above propositions on the ballots, as the common council shall determine by resolution, as aforesaid, but not to exceed \$200. The voters of the city at such annual city election shall vote for or against the proposition of paying the mayor and the respective members of the common council as salary the amount placed upon the ballot and, if a majority of the voters of the city voting on the proposition shall vote in favor of the paying of the salary then the proposition shall be deemed carried and the mayor and each member of the common council shall be entitled to be paid out of the city treasury the sum so voted for as an annual salary for services to be rendered by them thereafter. The amount voted for annual salary of the officers shall thereafter be paid to each of the officers as their annual salary until otherwise changed by a vote of the legal voters of the city as herein provided for fixing the salaries; provided, that in any city of the fourth class not operating under a home rule charter the salaries of the councilmen and mayor may be fixed by a two-thirds vote of the council at not to exceed \$100 per year for each such councilman and mayor.

[1905 c 301 s 1; 1949 c 414 s 1] (1728)

415.06 VOTES, HOW CAST. The voter wishing to vote for or against the proposition of paying the amount for salary to the officer shall place a cross mark (X) opposite the proposition for which he intends to vote. All the votes cast for or against the proposition shall be canvassed, counted, and returned to the city recorder, the same as the votes are for city officers in said city.

[1905 c 301 s 2] (1729)

415.07 APPLICATION. Sections 415.05 and 415.06 shall apply to all such cities therein mentioned whether incorporated under a general or special law, but nothing therein contained shall be construed to apply to any municipality now operating under a home rule charter.

[1905 c 301 s 3] (1730)

415.08 [Repealed, 1961 c 561 s 17]

415.10 CERTAIN CITIES; OFFICIALS; PER DIEM PAYMENTS. The governing body of any city in which the assessed valuation consists in part of iron ore, taconite or semi-taconite may pay the members of such governing body a per diem in an amount not to exceed \$25 per day nor \$250 per year for members of such governing body who are absent from the municipality in the performance of their duty as municipal officials.

[1957 c 246 s 1; 1963 c 158 s 1; 1973 c 57 s 1; 1973 c 123 art 5 s 7]

415.11 CITIES OF SECOND, THIRD AND FOURTH CLASS, SALARIES OF GOVERNING BODY. Subdivision 1. Notwithstanding the provisions of any general or special law, charter, or ordinance, the governing body of any city of the second, third or fourth class may by ordinance fix their own salaries as members of such governing body, and the salary of the chief elected executive officer of such city, in such amount as they deem reasonable.

Subd. 2. No change in salary shall take effect until after the next succeeding municipal election.

[Ex1967 c 42 s 1, 2]

415.15 CITY COUNCIL RESIGNATIONS, VOTING ON SUCCESSOR. No resigning member of a city council shall participate in a vote of the council to choose a person to replace the resigning member.

[1974 c 36 s 1]