



# *CITY CHARTER*

ADOPTED: November 5, 2002  
Amendments made on March 1, 2010  
Amended on February 17, 2015

**South St. Paul City Charter**  
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# CITY CHARTER OF THE CITY OF SOUTH ST. PAUL

## CHAPTER 1

### NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS

Section 1.01. All of the territory in the County of Dakota contained within the limits and the boundaries hereinafter described, shall be a city of the name of “South St. Paul”, and the people now inhabiting, and those who shall hereafter inhabit the territory hereinafter described, shall be a municipal corporation and by that name shall sue and be sued, complain and defend in any court, make and use a common seal and alter it at pleasure; and take, hold, purchase, lease and convey such real and personal and mixed estate as the purposes of this corporation may require, within or without the limits aforesaid; shall be capable of contracting and being contracted with, and shall have the general powers hereinafter specifically granted, and the authorities hereof shall have perpetual succession.

Section 1.02. The territory aforesaid constituting the City of South St. Paul, and the limits and boundaries thereof shall consist of the following described sections, or so much thereof as lies west of the middle of the main channel of the Mississippi river, all of said territory being in township twenty-eight (28), range twenty-two (22) (except as noted), Dakota County, Minnesota, to-wit:

All of Sections numbered fifteen (15), sixteen (16), twenty-one (21), twenty-two (22), twenty-three (23), twenty-six (26), twenty-seven (27), the north half (½) of section twenty-eight (28); the following plats, lots and/or areas in the Southeast quarter (SE ¼) of Section 28: Apfelridge, Stelo Addition, Glenview Park, the North 528 feet of the northeast quarter (NE ¼) of said southeast quarter (SE ¼), Lots 1 through 15, Block 1 and Lots 1, 2, and 4 through 15, Block 4 Nabersberg Addition; the following lots, blocks and/or plats in Section 33: Lots 1 through 15, Block 1 and Lots 1 through 6, Block 4 Sarles Addition to South St. Paul, Block 2 Helena Addition, Block 2 Annex Addition to South St. Paul and Taurinkas Addition; the north half (N ½) of Section 34; the north half (N ½) of the southwest quarter (SW ¼) of Section 34; the following plats in Section 3, Township 27 and the southwest quarter (SW ¼) of Section 34 Township 28: Udstuen Rearrangement, Airport Rearrangement, Hemmingsen Replat, Lots 1 through 5, Block 1 Dawn Way Ridge; the west half (W ½) of the southeast quarter (SE ¼) of Section 34; the east half (E ½) of the southeast quarter (SE ¼) lying north of the south line of Lincoln Park Addition; all of Section 35 lying west of the middle thread of the Mississippi River, except the portions of said Section lying south of the south boundary line of Lincoln Park Addition, and the said south boundary line of said Lincoln Park Addition, extended easterly to the middle thread of the Mississippi River, including all islands in said river east of said territory belonging to Dakota County.

Section 1.03. Powers of the City. The City of South St. Paul shall have all powers possible for a municipal corporation to have under the constitution and laws of this State of Minnesota as fully and completely as though they were specifically enumerated in this charter. The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article. Unless granted to some other officer or body, all powers are vested in the city council.

Section 1.04. Charter a Public Act. This charter shall be a public act and need not be pleaded or proved in any case. It shall take effect thirty (30) days after the election at which it is approved, or in accordance with state law.

## CHAPTER 2 MUNICIPAL ELECTIONS

Section 2.01. General Elections. General elections of city officers shall be held on the first Tuesday after the first Monday in November in each even-numbered year. Notice of the time and place of holding such election shall be given by the city clerk by posting notices thereof at each polling place in the city and by such other notice as required by state law, but failure to do so shall not invalidate such election.

Section 2.02. Primary Elections. In accordance with state law, there shall be a primary election for the selection of two nominees for each elected office at the regular municipal election unless no more than two nominees file for each elective office. Notice of the time and place of holding such election shall be given by the city clerk by posting notices thereof at each polling place in the city and by such other notice as required by state law, but failure to do so shall not invalidate such election. (*Amended by Ordinance No. 1225*)

Section 2.03. Qualifications of Electors. Any person who is a resident of the city and entitled under state law to vote for county and state offices shall have the right to vote for any officer at any election held under this charter.

Section 2.04. Candidate Filing. Any eligible voter of the city may file for election to any office governed by this charter in the manner prescribed by state law and may withdraw in the manner prescribed by state law.

Section 2.05. Special Elections. Special elections for any purpose shall be held and conducted in all respects as general elections under this charter and notice shall distinctly specify the object of said election.

Section 2.06. Election Returns. In case of a tie vote in any city primary or general election, the city council shall determine the result by lot in accordance with state law. Contested elections shall be governed by state law.

Section 2.07. Commencement and Term of Office. The official term of all elective officers shall begin on the first business day in January of the odd-numbered year following their election. The mayor and councilmembers shall be elected for terms of four years and shall hold office until their respective successors are elected and qualify. The election of the elective offices shall be staggered at the biennial city general elections so that three councilmembers are elected at the biennial city general election in 2002 and the mayor and three councilmembers are elected at the next succeeding biennial city general election, and thereafter the elective officers shall be elected in that order and manner.

Section 2.08. Vacancies in Elective Office. A vacancy in an elective office exists for the following reasons:

- (a) Failure of a person elected to an office to qualify on or before the first business day in January in the year subsequent to the election;
- (b) Death of the officer;
- (c) Resignation of the officer;
- (d) The officer ceasing to be a resident of the city;
- (e) Conviction of the officer of a felony either before or after qualification for office;
- (f) Removal of the officer from office; or
- (g) A reason specified by law.

When a vacancy occurs in an elective office for a reason specified in clauses (d) through (g), the city council must within 30 days, by a resolution stating its findings, declare the vacancy to exist.

Section 2.09. Vacancy - How Filled. A vacancy in the office of any elected official shall be filled by city council appointment until an election is held as provided in this section. If the vacancy occurs before the first day to file affidavits of candidacy for the next regular city election and more than two years remain in the unexpired term, a special election shall be held at the next regular city election and the appointed person shall serve until the qualification of a successor elected at a special election to fill the unexpired portion of the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for the regular city election, or when less than two years remain in the unexpired term, there shall be no special election to fill the vacancy and the appointed person shall serve until the qualification of a successor elected at a regular city election.

Section 2.10. Procedure of Elections. Except as otherwise provided in this chapter, state law pertaining to registration of voters and conduct of primary, special and general elections shall apply to all city elections. The city council may by ordinance adopt suitable and necessary supplementary procedures for the conduct of elections.

### CHAPTER 3 CITY OFFICERS

Section 3.01. Form of Government. The form of government established by this charter is mayor-council. The council shall be composed of a mayor and six councilmembers. The council shall exercise the legislative power of the city and determine all matters of policy. Except as otherwise provided by state law or this charter, all powers of the city are vested in the city council.

Section 3.02. Boards and Commissions. The city council may by ordinance, resolution or in any other manner prescribed by state law, create or abolish commissions or boards and appoint the members thereof, with advisory power to investigate any subject of interest to the city and to prepare any recommendations for consideration by the city council.

Section 3.03. Elective Officers. The elective offices shall be a mayor and six councilmembers who shall be residents and qualified voters of the city and elected at large.

Section 3.04. Other Officers - How Chosen. All non-elected officers, as identified in Sections 3.16 through 3.21, shall be appointed or removed by a majority vote of all members of the city council, except as otherwise provided by this charter.

Section 3.05. Incompatible Offices. Neither the mayor nor any member of the city council shall be appointed or hold any other paid office or employment with the city. No elected officer shall be appointed to any paid, nonelective office or employment with the city until one (1) year after the expiration of the person's term as mayor or councilmember.

Section 3.06. Salaries. The mayor and city council shall each receive a salary in such amount as the city council may establish by ordinance. No change in salary shall take effect until after the next general city election. All city employees shall be compensated as determined by the city council.

Section 3.07. Investigation of City Affairs. The city council or an officer or officers formally authorized by the city council may make investigations into the city's affairs, subpoena witnesses, administer oaths and compel the production of books and papers. The city council shall provide for an audit of the city's accounts at least once a year by the state auditor, or successor, or by a certified public accounting firm. The city council may provide for an audit of the accounts of a non-elected officer, department or office of the city. The city council may conduct surveys or research studies of issues of municipal concern.

Section 3.08. Recall. Any fifteen electors may form themselves into a committee for the purpose of sponsoring the recall of any elected officer of the City by Recall Petition (“Petition”). Attached to, or at the head of each page of the Recall Petition Certification (“Certification”) the committee shall certify to the city clerk: (a) the name of the officer whose removal is sought, (b) a statement, not more than two hundred fifty words in length, of the grounds for removal; which shall specify the malfeasance, or nonfeasance in the performance of the elected officer’s duties, and (c) the Committee’s intention to bring about the recall. (The information contained in provisions (a), (b), and (c) herein shall collectively be referred to as the “Grounds for Recall”). The Certification shall be filed in the office of the city clerk for review and acceptance prior to the circulation of the Petition for signature. If the city clerk accepts the Certification, then the Grounds for Recall shall be attached to, or stated at the head of each page of any Petition circulated for signature. The city clerk shall not accept the Certification, less than 180 days prior to a general municipal election.

**RECALL PETITION CERTIFICATION**

Proposing the recall of \_\_\_\_\_ from the office of \_\_\_\_\_, which recall is sought for the reasons set forth in the attached Grounds for Recall. This movement is sponsored by the following committee of electors:

<b>Name(print)</b>	<b>Signature</b>	<b>Address</b>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____
13.	_____	_____
14.	_____	_____
15.	_____	_____

Section 3.09. Recall Petitions. The Petition for the recall of an elected officer shall consist of a copy of the Certification, identical with that approved by the city clerk together with all the Petition signature papers and affidavits thereto attached. All the signatures need not be on one Petition signature paper, but the circulator of every such paper shall make an

affidavit that each Petition signature paper appended to the Petition is the genuine signature of the person whose name it purports to be. Each Petition signature paper shall be in substantially the following form:

**RECALL PETITION**

The undersigned electors, understanding the nature of the charges against the elected officer herein sought to be recalled, desire the holding of an election for the purpose of the recall of

\_\_\_\_\_.

	<b>NAME (print)</b>	<b>SIGNATURE</b>	<b>ADDRESS</b>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____
12.	_____	_____	_____
13.	_____	_____	_____
14.	_____	_____	_____
15.	_____	_____	_____

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

Section 3.10. Filing of Petition. Within thirty days after the original Certification is approved by the city clerk, the committee shall file the completed Petition in the office of the city clerk. The city clerk shall examine the same within the next five days, and if the city clerk finds it irregular in any way, or finds the number of signers are less than twenty-five percent of the total number of electors who cast their votes at the last preceding regular municipal election, the city clerk shall so notify one or more members of the committee. The committee shall then be given ten days in which to file additional Petition signature papers and to correct the Petition in all other respects, but the committee may not change the statement of the Grounds for Recall. If, at the end of that time the city clerk finds the Petition still insufficient or irregular the city clerk shall notify all of the members of the committee to the effect and shall not transmit the Petition to the city council. No further action on the Petition shall be taken.

Section 3.11. Recall Election. If the Petition or amended Petition is found sufficient, the city clerk shall transmit it to the city council without delay, and shall also officially notify the elected officer or the sufficiency of the Petition and the pending action. Upon receipt of a valid Petition, the city council shall call a special recall election not less than thirty nor more than forty-five days thereafter, provided that if any other municipal election is to occur within sixty days after such meeting, the city council may in its discretion provide for the holding of the recall election at that time.

Section 3.12. Procedure at Recall Election. In the published call for the election, whether posted on bulletin boards or printed in the official paper, there shall be given the Grounds for Recall and also, in not more than five hundred words, the response of the elected officer. If a recall election results in the recall of an elected official, determined by a majority of the voters voting on the recall question in the recall election, the resulting vacancy shall be filled in accordance with Section 2.09.

Section 3.13. Form of Recall Ballot. Unless the elected officer whose removal is sought shall have resigned within ten days after the receipt by the city council of the completed Petition, the form of the ballot at such election shall be as near as may be: “Shall A be recalled?” the name of the elected officer whose recall is sought being inserted in place of A, and the electors shall be permitted to vote separately “Yes” or “No” upon this question.

Section 3.14. Mayor-Powers and Duties. The mayor shall preside at meetings of the council and shall have a vote as a member. The mayor shall be recognized as head of the city government for all ceremonial purposes, by the courts, and by the governor for purposes of martial law. The mayor shall represent the city before the legislature and in intergovernmental relationships and as required by law, this charter, ordinances, or as directed by the city council.

The mayor shall take care that the laws of the state and the ordinances and regulations of the city are duly observed and strictly enforced within the limits of said city. The mayor shall countersign all orders drawn upon the city for the payment of money.

Section 3.15. Acting Mayor. After each general city election or when otherwise required, the city council shall at the first meeting of the council, choose one member of the city council to serve as acting mayor. The acting mayor shall serve in the event of the vacancy, absence from the city, inability of the mayor to perform the duties of the office due to sickness or other cause. The acting mayor shall exercise the powers and perform the duties of the mayor and while in this capacity the acts of the acting mayor shall have the same force and validity as the mayor. The acting mayor shall serve until the mayor is again able to carry out the duties of the office. In the absence of the mayor and acting mayor, the city council will select a member to serve in the capacity of acting mayor.

Section 3.16. City Administrator. The city administrator is the chief administrative officer of the city to whom the mayor and city council may delegate by ordinance or resolution such management and administrative authority as from time to time is deemed necessary, appropriate and in the best interests of the city. The city administrator is appointed by the city council for an indefinite term on the basis of training, experience, executive and administrative qualifications. The appointment and termination of the city administrator shall be by resolution. If the office of city administrator is vacant, the city council shall appoint a properly qualified acting city administrator within thirty days.

Section 3.17. City Clerk. The city clerk shall be appointed by the city council for an indefinite term and shall have custody of the corporate seal, and of all papers and records of the city, attend all meetings of the city council and as secretary to the city council keep correct record of all its proceedings and of all rules, ordinances, and resolutions, which it may adopt or pass, in suitable books kept for that purpose. The city clerk shall have authority to administer oaths and to take and certify deeds and other instruments in all cases in which the same are required or sanctioned by law. The city clerk shall keep office at the place of meeting of the city council, which shall be open at all reasonable hours as determined by the city council, and all records and files of the city clerk's office shall be open to the inspection of the public, as provided by law. Copies of all papers filed in the city clerk's office certified by the city clerk under the corporate seal, shall be evidence in all the courts as if the original were produced. The city clerk shall file in the city clerk's office all documents, and perform all things incident thereto as required by law, and shall receive such fees therefor as established by city council or as provided by law. The city clerk shall perform other duties as may be assigned by the city council and the city administrator.

Section. 3.18. Deputy City Clerk. The city council shall, whenever it is deemed necessary, have the power to appoint a deputy city clerk. In the absence of the city clerk, the deputy city clerk shall have the same powers and be subject to the same duties as the city clerk.

Section 3.19. City Treasurer. The city council shall appoint a city treasurer for an indefinite term. The city treasurer is the custodian of city funds and the chief accounting officer of the city. The duties of city treasurer shall be those specified by state law.

Section. 3.20. City Attorney. The city council shall appoint a city attorney who shall be the chief legal advisor of the mayor and the city council, and all offices, departments and agencies, and of all city officers and employees in matters relating to their official powers and duties. The city attorney, or assistants chosen by the city attorney, shall represent the city in all legal proceedings. The city council may engage other legal counsel to represent the city in matters requiring special expertise, on a case by case basis. The city attorney may be an individual or a law firm. The city attorney shall serve at the pleasure of the city council, for

such compensation and upon such terms as may be agreed upon by the parties, and in accordance with all federal and state law.

Section 3.21. City Engineer. *(Repealed by Ordinance No. 1224 on 3/1/10)*

Section. 3.22. Departments. The city council may establish city departments, in addition to those created by the charter, and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this charter to a particular department, office or agency may be discontinued or assigned to any other unless authorized by this charter.

Section 3.23. Other Offices. There shall be a city clerk, city treasurer and such other offices as the city council may create by ordinance or resolution or as established by law.

Section 3.24. Purchases and Contracts. The city administrator is the chief purchasing agent of the city. Purchases and contracts may be made by the city administrator, or designee, when the amount of the purchase or contract does not exceed the amount at which competitive bids are required by law or a lesser amount set by resolution or ordinance and such purchase is in the current annual budget. Other purchases and contracts are made by the city council on the recommendation of the city administrator, department head, or designees. Except for purchases and contracts made by the city administrator, or designee, contracts, bonds and instruments to which the city is a party must be signed by the mayor and the city clerk on behalf of the city.

Section 3.25. Contract Bids. City contracts must be made in compliance with federal or state law. When competitive bids are submitted, the contract must be awarded to the lowest responsible bidder. The city council may by ordinance or resolution adopt additional regulations for making city contracts.

Section 3.26. Oath of Office. Elective officers of the city and any other officer so required by state law, must before taking office, take and subscribe an oath of office in substantially the form required by state law.

Section 3.27. Official Bonds. The city administrator, the city clerk, the city treasurer, and such other officers or employees of the city as may be provided for by ordinance shall each, before entering upon the duties of his or her respective office or employment, give a corporate surety bond to the city in such form and in such amount as may be fixed by the city council as security for the faithful performance of his or her official duties and the safekeeping of the public funds. Such bonds may be either individual or blanket bonds in the discretion of the city council. They shall be approved by the city council, and approved as to form by the city attorney, and filed with the city clerk. The premiums on the bonds shall be paid by the city.

**CHAPTER 4**  
**CITY COUNCIL – POWERS AND DUTIES**

Section 4.01. Rules of Procedure and Quorum. The city council shall determine its own rules and order of business in accordance with state law and this charter. A majority of all members of the city council shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

Section 4.02. City Council Meetings. The city council shall hold regular or stated meetings at such times and places as they, by resolution or ordinance, may determine but not less frequently than once a month. An organizational meeting of the city council shall be held on the first business day in January of each odd-numbered year. At this time, the newly elected members of city council shall assume their duties.

Section 4.03. City Council Control of Finances. The city council is responsible for the financial affairs of the city. The city council must provide for the collection and protection of revenues and other assets and the auditing and settlement of accounts.

Section 4.04. Ordinances, Resolutions and Motions. Except as otherwise provided in this charter, all legislation shall be by ordinance. The yes and no votes on ordinances, resolutions and motions shall be recorded. An affirmative vote of a majority of all the members of the city council shall be required for the passage of all ordinances, resolutions, and motions, except as otherwise provided in this charter or by state law.

Section 4.05. Procedure on Resolutions and Motions. Every resolution shall be presented in writing before being voted upon and, when requested by a member of the city council, shall be read in full. All business that does not require an ordinance or resolution may be transacted by motion.

Section 4.06. When Ordinances and Resolutions take Effect. Every ordinance or resolution passed by the city council shall be attested by the city clerk, and filed and preserved by the city clerk. Every ordinance shall be published at least once in the official newspaper and the affidavit of publication shall be recorded therewith. Every ordinance shall take affect upon its publication or at such later date as it specifies. Every resolution shall take effect immediately upon its passage or at such later date as it specifies.

Section 4.07. Procedure on Ordinances. The enacting clause of all ordinances shall be in the words, “The City Council of the City of South St. Paul does ordain”. Every ordinance shall be presented in writing. No ordinance shall be passed at the meeting at which it was introduced and be adopted at a regular meeting.

Section 4.08. Amendment and Repeal of Ordinances. Every ordinance repealing a previous ordinance, shall give the number, if any, and the title of the ordinance to be repealed in whole or in part. An ordinance amending the city code must specify the section, subsection, subdivision or clause to be amended. Such an amending ordinance shall indicate new matter by underscoring and matter to be omitted by lining it through. In newspaper publication of an ordinance the same indications of omitted and new matter shall be used except that italics or bold-faced type may be submitted for underscoring and omitted matter may be printed in capital letters within parentheses.

Section 4.09. Codification and Publication of Ordinances. The city shall codify and publish an ordinance code in books, pamphlets or continuous reference loose leaf form. Copies shall be made available by the city council at the office of the city clerk for general distribution to the public free or at a reasonable charge.

**Chapter 5**  
**TAXES AND FINANCES**  
**Fiscal Year**

Section 5.01. Fiscal Year. The fiscal year of the city is the calendar year.

Section 5.02. System of Taxation. Except as prohibited by state law, the city council may provide by ordinance for a system of local taxation. In the taxation of real and personal property under a system of local taxation, the city council must conform to state law in the assessment of property and collection of the taxes.

Section 5.03. Repealed (7-21-03 by Ordinance #1146 - Board of Equalization)

Section 5.04. Preparation of Budget. The city administrator shall prepare an annual budget and submit it to the mayor and city council. The budget must include the general fund but may include other funds at the discretion of the city. The estimated revenues and expenditures by department shall be shown for each fund.

Section 5.05. Adoption of Budget. The city council must, by resolution, adopt the budget at the time required by state law. The consideration of the budget by the city council must be conducted in a manner to give citizens an opportunity to be heard. The city administrator must review the budget in the detail requested by the city council. The adopted budget must set forth in detail the financial plan of the city for the ensuing fiscal year. The budgeted expenditures may not exceed the estimated revenues together with other available funds on hand to fund the expenditures. The city council must, by resolution, levy sufficient taxes to provide adequate resources for the budgeted expenditures in the next ensuing fiscal year. The tax levy resolution must be certified to the county auditor in accordance with state law. The sums fixed in the budget resolution are appropriated for the purposes identified in the budget resolution.

Section 5.06. Enforcement of Budget. The city administrator shall enforce the budget in accordance with the city council approved budget resolutions and other financial policies.

Section 5.07. Alterations in Budget. The city council may amend the budget by motion or resolution. Amendments require a vote of the majority of all members of the city council.

Section 5.08. Treasury and Disbursements. The city treasurer will receive, disburse, deposit, invest and keep records of city funds in accordance with federal or state law, ordinances, and city council resolutions and regulations. All disbursements of funds will be by check or bank transfer or equivalent means unless the disbursement is under \$99 or in case of emergency, in which case cash may be disbursed. The city council will make further regulations for the safekeeping and disbursement of monies.

Section 5.09. Disposition of Fines and Penalties. All fines, forfeitures and penalties received by the city for the violation of any ordinance shall be paid into the city treasury within 30 days.

Section 5.10. Funds. There must be maintained in the city treasury a general fund and the funds required by law, ordinance, the budget resolution or other resolution. The city council may make inter-fund loans and transfers, except from trust or agency funds or where prohibited by this charter or state law.

Section 5.11. Financial Reporting. The city treasurer must keep the city council informed of the financial status of the city. The city treasurer must provide for an annual audit of the city's finances and publication thereof in accordance with state law.

Section 5.12. City Debt. The city shall have the power to issue and sell bonds authorized by and in accordance with state law. The city may issue tax anticipation certificates in the manner and subject to the limitations of state law.

## CHAPTER 6 FRANCHISES

Section 6.01. “Franchise” Defined. The word “franchise” means a special privilege conferred by the city upon an individual, company, corporation, or entity which does not belong to citizens of the country generally of common right.

Section 6.02. Franchise. The city council is granted, subject to the provisions and limitations herein stated, the power to grant, regulate and control the exercise by any person, company, corporation, or entity of any public franchise, or privilege in, upon, or under the streets or public places in the city, but no perpetual franchise shall be granted, and no exclusive franchise shall be granted. Every franchise shall, where no term is expressed, expire within fifteen (15) years. No franchise shall be granted for a longer term than twenty-five (25) years. If an application for a longer term than fifteen (15) years is submitted to the city council, the question of granting such franchise shall be submitted to a vote of the people, and thereupon the city council must call an election in the manner provided for calling special elections. The election shall be conducted in the manner for special elections; provided, however, that such questions may be submitted at any general election occurring within a reasonable time after such application is filed. If two-thirds of the voters voting thereon, vote in favor of such application, the same shall be declared granted, and it shall thereupon become the duty of the city council to grant the same.

Section 6.03. Not To Be Granted At First Meeting. A franchise shall not be granted at the same meeting at which the application is made, nor unless the application is granted by a vote of the majority of the members of the city council.

Section 6.04. License Fee. With respect to franchises for the furnishing of natural gas for public and private use, the transmitting and furnishing of electric energy for light, heat and power for public and private use, and the furnishing of telephone and telegraph service for public and private use, the license fees shall be established in a franchise ordinance with the individual, company, corporation or entity providing the utility. All other franchises shall be subject to and conditioned upon the payment of a license fee to the city as a consideration for the granting of the franchise. The annual license fee shall be equal to five percent (5%) of the gross earnings of the franchise within the city. (*Amended by Ordinance 1288 – 2/17/15*)

Section 6.05. How Paid. The license fee shall be paid to the city treasurer in a timely manner in accordance with the terms of the franchise. A franchisee shall, with each payment, file with the city clerk an accurate and sworn statement and report of the gross earnings of the franchisee for the payment period.

Section 6.06. Violation. A franchisee failing, neglecting, or refusing to pay the license fees or violating any other provision herein, shall forfeit the franchise granted and shall not be entitled to have said franchise reinstated by the mere payment of such fees, but must make application for a new franchise.

Section 6.07. Earnings - How Determined. The gross earnings license fee to be collected from franchises shall be based upon the gross earnings of the business transacted within the city.

Section 6.08. Chapter To Be Part Of Franchise. The acceptance of a franchise from said city by any person, company, corporation, or entity shall be an acceptance of all of the provisions of this chapter, whether or not referred to in the franchise, and all of the provisions of this chapter shall be a part of the franchise without any express reference being made hereto.

Section 6.09. Limitations And Restrictions. In granting any franchise, the city council shall impose such limitations and restrictions not herein specifically mentioned as the nature of the business and best interests of the public may require.

**CHAPTER 7**  
**POLICE AND FIRE DEPARTMENT**

Section 7.01. Providing Police and Fire Department. The city council shall provide for a police department and a fire department with the number of members and with such equipment and facilities as the city council determines to be reasonably necessary for the safety and welfare of the city and its residents and in accordance with state law.

**CHAPTER 8**  
**PUBLIC IMPROVEMENTS, SPECIAL ASSESSMENTS AND**  
**PUBLIC OWNED UTILITIES**

Section 8.01. Power to Make Improvements and Levy Assessments. The city shall have the power to make any and every type of public improvement not prohibited by the laws of this state and to levy special assessments for all or any part of the cost of such improvements, pursuant to state law. The city council shall provide by resolution an assessment policy.

Section 8.02. Assessments for Services. The city council shall provide by ordinance that the cost of snow or rubbish removal or of any other service to streets, sidewalks or other public property or the cost of any service to other property undertaken by the city may be assessed against the property benefitted and collected in like manner as are special assessments. The city council may provide for the collection of unpaid special charges for all or part of the cost of services as provided by state law.

Section 8.03. Public Works; How Performed. Public works, including all local improvements, may be constructed, extended, repaired and maintained either directly by day labor or by contract as provided by state law. The city shall require contractors to give bonds and security as required by state law.

Section 8.04. Appeal Process. Any property owner whose property is specially assessed, may appeal said assessment in accordance with state law.

Section 8.05. Acquisition and Operation of Utilities. The city may own and operate any gas, water, sanitary sewer, heat, power, light, telephone or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or both. It may construct all facilities reasonably needed for that purpose. It may acquire any existing utility properties so needed, but such action may only be taken by ordinance, which shall not be an emergency ordinance. The operation of all public utilities owned by the city shall be under the supervision of the city engineer.

Section 8.06. Rates and Finances. The city council may fix rates, fares and prices for municipal utilities and services. The city council may prescribe the time and the manner in which payments for all utility services are made, may make other regulations governing utility services and may prescribe penalties for violations of the regulations.

Section 8.07. Purchase in Bulk. The city council may, in lieu of providing for the local production of gas, electricity, water and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix.

Section 8.08. Lease of Plant. The city council may contract for the operation of any utility owned by the city by ordinance.

Section 8.09. Public Utility - How Sold. No public utility owned by the city shall be sold or otherwise disposed of except by ordinance approved by a two-thirds vote of the city council.

**CHAPTER 9**  
**MISCELLANEOUS & TRANSITORY PROVISIONS**

Section 9.01. Official Publication. The city council shall annually designate a legal newspaper of general circulation in the city as its official newspaper in which shall be published ordinances and other matters required by law to be so published, as well as such other matters as the city council may deem to be in the public interest to be published in this manner.

Section 9.02. Profiles to be filed. Whenever any public ground, street, or alley shall be laid out, widened or enlarged, the city council shall cause an accurate survey and profile thereof to be made and filed in the office of the city engineer.

Section 9.03. Acquisition of Property. The city may 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. When acquiring property by the exercise of the right of eminent domain, the city shall do so in the manner provided by state law.

Section 9.04. Disposition of City Property. No city officer or employee of the city shall sell, dispose of, or convert to their own use, any city property in his charge without approval from the city council, except as otherwise provided in this charter.

Section 9.05. Sales of Real Property. No real property of the city shall be disposed of except as authorized by resolution adopted by two-thirds vote of all members of the city council. The proceeds of any sale of such property shall be used as far as possible to retire any outstanding indebtedness incurred by the city in the purchase, construction or improvement of this property. If there is no such outstanding indebtedness, the city council may by resolution designate some other public use for the proceeds.

Section 9.06. Existing Ordinances continued. All ordinances and regulations of the city in force when this charter takes effect and not inconsistent with this charter are continued in full force and effect until amended or repealed.

Section 9.07. Repeal of Inconsistent Ordinances and Resolutions. All ordinances, resolutions, and bylaws inconsistent with this charter are hereby repealed, except that all vested rights under any ordinance, order, resolution, by law or contract shall be and remain in full force and effect.

Section 9.08. Charter Commission Membership. The charter commission shall be composed of nine residents who shall be appointed for four year terms in accordance with state law. Members shall serve until the expiration of their respective terms and until their successors are appointed and qualify.

Section 9.09. Vacation of Streets. The city council may by resolution vacate any street or alley or part thereof within the city. Such vacation may be made only after published notice and an opportunity for affected property owners and the public to be heard, and upon such further terms and by such procedure as the city council by ordinance may prescribe. A notice of completion of such procedures shall be filed in accordance with state law.

Section 9.10. City to Succeed to Rights and Obligations of Former City. The city shall succeed to all the property rights, and privileges and shall be subject to all legal obligations of the city under the former charter.

Section 9.11. Ordinances to Make Charter Effective. The city council shall by ordinance, resolution or other appropriate action take such steps as may be necessary to make effective the provisions of this charter.

Section 9.12. Charter Amendments. This charter may be amended or revised in any manner provided by state law.

Section 9.13. Present officers continued. The present officers of the city shall continue in their respective offices and functions until their successors are chosen and qualify, and shall continue to govern the city in the usual manner.

Section 9.14. Pending Condemnations, Improvements and Assessments. Any condemnation, improvement, or assessment proceeding in progress when this charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the city prior to the time when this charter takes effect shall be collected as if this charter had not been adopted.

Section 9.15. Administrative Civil Penalties. The Council may establish by ordinance a procedure for imposing an administrative civil penalty which shall not exceed twice the maximum fine amount authorized for misdemeanor offenses for violations of the City Code or violations authorized by state law for an administrative process. The procedure must provide for notice to the accused and for an opportunity to be heard by a neutral party, who may be a non-City employee.

Section 9.16. Assessment of Unpaid Penalties. The Council may provide by ordinance that unpaid administrative civil penalties the City imposes as a result of certain violations be assessed against the property that was the subject of or related to the subject matter of the penalties. The ordinance must provide that the City first attempted to obtain voluntary payment of the penalties. The ordinance must also require the City to give notice and an opportunity to be heard to the property owner listed on the official tax records before the assessments are imposed. The assessments must be collected like special assessments.

*(Section 9.15 & 9.16 – adopted by Ordinance No. 1223)*