

9463

CHARTER

of the

**CITY OF
ORTONVILLE**

CHARTER
of the
City of Ortonville

ADOPTED BY ELECTION

OCTOBER 1, 1943

FIRST ELECTION UNDER NEW CHARTER

DECEMBER 7, 1943

Charter Became Effective on November 1, 1943

CHARTER COMMISSION

E. N. Schoen, Chairman

Harvey Pflueger, Secretary

R. C. Kaercher	F. B. Wickland
O. O. Ross	C. James Reed
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Chapter 1
Name, Boundaries and Powers
of the City

Section 1. The City of Ortonville, in the Counties of Big Stone and Lac qui Parle in the State of Minnesota, shall, upon the taking effect of this charter, continue to be a city under the name of the City of Ortonville, and shall continue to be a municipal corporation and shall include the following described land and territory situated in the Counties of Big Stone and Lac qui Parle, State of Minnesota:

BOUNDARIES

Commencing at the point where the township line between Townships 121 and 122, Range 46 intersects with the Western boundary of the State of Minnesota.

From thence east on said township line to the southeast corner of Government Lot 4, Section 32, Township 122, Range 46,

Thence north on the quarter quarter line to the north boundary of the southerly ten acres of the southeast quarter of the southeast quarter of said Section 32,

Thence east along said northerly boundary to the east boundary of said Section 32,

Thence south along the section lines to a point 304.8 feet south of the northeast corner of Government Lot 4, Section 5, Township 121, Range 46,

Thence west, parallel to the northerly boundary of said Government Lot 4, to the southwesterly boundary of Out Lot 2 of said Government Lot 4,

Thence southeast along the southwesterly boundary of said Out Lot 2 to the southerly boundary of said Government Lot 4,

Thence east along the southerly boundary of said Government Lot 4 to the southeast corner of said Government Lot 4,

Thence east of the southerly boundary of the northwest quarter of the southwest quarter of Section 4, said Township and Range, to the southeast corner of said Northwest Quarter.

From thence north along the East boundary line of said northeast quarter to the East and West quarter line through said Section 4, in Township 121, Range 46.

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Thence east on said quarter line through the center of Section 4 to the Northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 4, thence South along the forty line on the West boundary of the east half of the Southeast Quarter of said Section 4 to a point 30 rods north of the South line of said Section 4.

Thence due East thirty rods.

Thence south thirty rods to the south section line of said Section 4.

Thence west along said section line to a point 166 feet east of the northwest corner of the Northeast Quarter of the Northeast Quarter of Section 9, Township 121, Range 46.

Thence south on a straight line 80 rods to a point 166 feet east of the southwest corner of the Northeast quarter of the Northeast Quarter of said Section 9.

Thence due west 496 feet.

Thence South parallel with the east line of said section 9 to the quarter line running east and west through the center of said section.

Thence east along said quarter line 330 feet to the southwest corner of the Southeast Quarter of the Northeast Quarter of said Section 9.

Thence south to the southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 9.

Thence east along the section line between Sections 9 and 16 and 10 and 15, said township and range, to the Northeast corner of the Northwest Quarter of said Section 15.

Thence South on the north and south quarter line through said section 15, 120 rods.

Thence west at right angles with the north line of said section 15, 80 rods.

Thence south along the forty line to the point of intersection with the main line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

Thence northwesterly along the line of said railroad to the point where the same intersects with the north boundary line of the southwest quarter of the Southwest Quarter of said Section 15, Township 121, Range 46.

Thence West along the north boundary line of said forty and the north boundary line of Lot 6 in Section 16, Township 121, Range 46 to the east bank of the Minnesota river.

Thence down the east bank of the Minnesota

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River as it now exists to the point of intersection with the south boundary line of said Section 16,

From thence West on the south boundary line of said Section 16 to the western boundary of the State of Minnesota.

Thence north along the west boundary line of the State of Minnesota to the place of beginning.

In the Counties of Big Stone and Lac qui Parle and State of Minnesota, is hereby set apart and incorporated as the City of Ortonville, under the provisions of Chapter Three Hundred and Seventy-five (375), of the General Laws of the State of Minnesota for the year one thousand nine hundred and seven (1907), and sections seven hundred forty-nine (749 to seven hundred fifty-eight 758) inclusive of Revised Laws 1905 and amendments thereto.

Section 2. The City shall have all powers of local self-government and home rule and all powers possible for a municipal corporation to have under the Constitution of the State of Minnesota. The City shall have all powers possessed by municipal corporations at common law and that now or hereafter may be granted to municipalities by the Laws of the State of Minnesota. All such powers shall be exercised in the manner prescribed in this Charter or by the laws of the State of Minnesota, or if not so prescribed, as shall be provided by ordinance of the Council.

Section 3. The provisions of this Charter shall be construed liberally in favor of the city, to the end that it may have all the powers necessary for the efficient conduct of its municipal affairs. The specific mention of particular municipal powers in other sections of this Charter shall not be construed as limiting the general powers of the City to those specifically mentioned.

Chapter 2

Powers — How Exercised

Section 4. All powers of the City, unless otherwise specifically provided by this Charter, shall be exercised by the City Council or under its direction, subject to the referendum powers of the voters.

Section 5. All ordinances, resolutions, by-laws and rules existing at the time of the adoption of this Charter shall continue in full force and effect until amended or repealed.

Section 6. The present division of the City into

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two wards with their existing boundaries shall be continued until changed by ordinance.

Section 7. The existing departments, divisions, boards and funds of the City Government are continued except as expressly changed by the provisions of this Charter until the same shall be changed by the adoption of an Administrative Code as hereinafter provided. Within six months after the adoption of this Charter, the City Council shall by ordinance adopt an Administrative Code providing a complete plan of administrative organization and management of the City Government and creating in conformity with the express provisions of this Charter such departments, divisions, boards and funds as they may deem advisable. Thereafter, except as established by the provisions of this Charter, the City Council may by ordinance adopted by five-sevenths vote of all the aldermen amend the Administrative Code or adopt a new Administrative Code, but no such change in the Administrative Code shall be made in such manner as to affect any rights of the City or the time and manner of payment of any obligations due to or by the City with respect to any funds established by the Administrative Code.

Chapter 3

Elective Officers and Elections

Section 8. The elective officers of the City shall be a Mayor, seven aldermen and a Judge and Special Judge of the Municipal Court. Of the seven aldermen, three shall be elected at large and two from each ward; provided, that in event the number of wards should be increased to more than two, one alderman shall be elected from each ward and the remainder shall be elected at large. All elective officers shall be qualified electors of the City or ward in which they shall be elected and all elective officers holding office when this Charter takes effect shall continue in office until the terms for which they shall have been elected expire. The alderman and the Judge and Special Judge of the Municipal Court shall hold their office for four years and the Mayor shall hold his office for two years; provided, that, whenever there is an increase in the number of wards, the Alderman in each ward whose term first expires shall be deemed an Alderman at Large, and all elective officers shall con-

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tinue in office until their successors have duly qualified.

Section 9. Every officer of the City, elected or appointed, shall before entering upon the duties of his office take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the Constitution of the United States and of this State, and to discharge faithfully the duties devolving upon me as _____ of the City of Ortonville to the best of my judgment and ability.

Section 10. Neither the Mayor nor any alderman shall hold any paid municipal office or employment under the City nor, until one year after the expiration of their terms of office, shall be appointed to any paid office or employment under the City which office or employment was created or the salaries of which were increased during their term as Mayor or Alderman.

Section 11. The Council shall fix the compensation of all officers elected or appointed under this Charter and the compensation so fixed shall not be changed, increased or diminished during the term for which such officer is elected or appointed except that the Council may by ordinance adopted by five-sevenths vote of all the Alderman authorize additional compensation when in their judgment such increase is warranted; provided, that the compensation of the Mayor and Alderman shall be sixty dollars per year and their compensation shall not be increased unless the question of such increase is submitted to and approved by the voters.

Section 12. Biennial City elections shall be held on the first Tuesday following the first Monday of December in each odd numbered year and the officers elected shall take office on the first Monday after the first Tuesday in January following such election.

Section 13. All elections, general and special, shall be conducted under the general election laws of the State of Minnesota.

Section 14. Whenever a vacancy occurs in any of the elective or appointive offices specifically provided in this Charter, such vacancy shall be filled for the unexpired term of such official by resolution of the Council and any vacancies occurring in any appointive office provided for by the Administrative Code may be filled in the manner provided in said Administrative Code; except that any vacancy in

the office of Judge and Special Judge of the Municipal Court shall be filled in the manner provided in the Constitution of this State and any vacancy occurring in the office of City Attorney shall be filled by the Mayor. All appointive officials except the City Clerk, the Treasurer and City Attorney may be removed at any time at the pleasure of the Council and the City Attorney may be removed at any time at the pleasure of the Mayor. In addition the Council shall have power by resolution to declare that a vacancy exists in any elective office by reason of the failure of such official without good cause to perform any of the duties of such office or may by resolution determine that it is necessary to remove the City Clerk or Treasurer; provided that such resolution shall set forth the reasons for declaring a vacancy to exist in any elective office or for removal of the City Clerk or Treasurer and fix a time, place and hour when the Council will meet for a public hearing thereon; provided, that such resolution shall be published at least once in the official newspaper of the City not less than ten days prior to the date of such hearing. The action of the Council in declaring such vacancy or removing such officials, following the publication of the resolution and hearing, shall be final.

Chapter 4 Executive and Administrative Officers

Section 15. The Mayor. The Mayor shall be recognized as the official head of the City for all ceremonial purposes, and by the Governor for military purposes. He shall be the chief executive officer of the City and shall have command and control of its police force. It shall be his duty to 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 and that all other officers of the City discharge their respective duties and to that end may institute and maintain on behalf of the City any appropriate action or proceeding against any delinquent officer.

Section 16. Vice-Mayor. At its annual meeting in January following the biennial City election the Council shall choose one of its members as Vice-Mayor for the next two years. The Vice-Mayor shall

perform the duties of the Mayor during his absence or disability.

Section 17. The City Clerk shall be appointed by the Council only by resolution adopted by a five-sevenths vote of all the aldermen. The City Clerk shall be appointed solely on the basis of his fiscal and administrative qualifications and need not, when appointed, be a resident of the City or State. At its first meeting in January following the adoption of this Charter the Council shall appoint a City Clerk for a term of one year and shall thereafter appoint such City Clerk for a term of four years. The City Clerk may with the advice and consent of the Council appoint a Deputy City Clerk to assist him and to perform his duties during his absence or disability.

The Clerk shall keep the corporate seal of the City and all papers and records thereof except as otherwise provided in this Charter or by the Administrative Code, attend all meetings of the Council in person or by his Deputy and keep a record of all proceedings thereof. He shall keep accounts showing the financial transactions of all departments of the City upon forms prescribed by him and approved by the Council. He shall not later than the fifteenth day of each month prepare a summary statement of the revenues and expenses for the preceding month, detailed as to appropriations and funds in such manner as to show the exact financial condition of the City and each department, division and office thereof and submit the same to the Council at its next regular meeting. He shall from time to time give the Council such information and recommend such measures as he shall deem advantageous to the City. He shall perform the duties imposed by law on City Clerks and such other duties as may be provided in the Administrative Code.

The City Clerk shall have the power to administer oaths and affirmations and take and certify acknowledgments in all cases in which the same are required or sanctioned by law.

Section 18. The Treasurer. The Council shall appoint a City Treasurer for a term of two years commencing on the first day of February in each even numbered year who shall perform the duties imposed upon City Treasurers by law and such other duties as may be provided in the Administrative Code.

Section 19. The Mayor shall appoint the City Attorney whose term shall expire on the fifteenth

day of January following the next biennial election. No person shall be eligible to the office who has not been admitted to practice in all courts in this State for at least three years prior to his appointment. He shall perform all duties imposed by law on City Attorneys, shall act as prosecuting attorney in municipal court and perform such other duties consistent with his office as the Council shall impose by ordinance; provided, that the council shall have the right and power to employ special counsel for special matters or actions at law in which the City is interested.

Chapter 5 Council Meetings, Resolutions, Ordinances and Referendum

Section 20. The Council shall consist of the Mayor and seven aldermen and the Mayor shall preside over its meetings but the Mayor shall have no vote except in case of a tie when he shall have the power to cast the deciding vote and in the case of emergency ordinances where he shall have no power of veto. The annual meeting of the Council shall be held on the first Monday after the first Tuesday in January each year at 7:30 o'clock P. M. at which time any newly elected members of the Council shall assume their duties. Thereafter regular council meetings shall be held at such times as may be prescribed by Ordinance except that there shall be not less than one regular council meeting each month and the time and manner of calling special council meetings shall also be prescribed by Ordinance. A majority of the Aldermen shall be a quorum to do business, but a less number may adjourn from time to time. All legislative action shall be by ordinance except as otherwise provided by the laws of the State or by this Charter. The Council shall keep a journal of its proceedings which shall be a public record; and every final vote upon the passage of all ordinances and resolutions shall be by yeas and nays and entered in the journal; and no ordinance shall be passed without the concurrence of a majority of the Aldermen; and all meetings of the Council shall be public. No ordinance or resolution shall contain more than one subject which shall be clearly expressed in its title and shall not be amended either after its introduction or passage

so as to change its original subject or purpose.

Section 21. The enacting clause of all Ordinances shall be "The Council of the City of Ortonville, Minnesota, does ordain;" Every Ordinance shall be presented in writing; shall be fully and distinctly read at two Council meetings; and at least three days shall elapse between the first and second readings thereof. Every Ordinance shall be published once in the official newspaper of the City or, in the event that at any time there is no legal newspaper published in the City, shall be posted in three public places in the City. All Ordinances, except emergency Ordinances, shall take effect thirty days after their publication or posting unless repealed by referendum as hereinafter provided.

Section 22. An emergency ordinance is an ordinance for the immediate preservation of the public peace, health or safety, in which the emergency is defined or declared in a preamble thereto and no emergency ordinance shall be passed without the concurrence of at least five aldermen. An emergency ordinance shall take effect immediately upon passage. No grant of any franchise shall be construed to be an emergency.

Section 23. Every ordinance or resolution of the Council, except emergency ordinances, shall before it takes effect be presented to the Mayor for approval; if he shall approve it, he shall sign the same, but, if he disapproves it, he shall return it to the City Clerk with his objections thereto to be presented to the Council at its next regular meeting or at a special meeting called for that purpose. Upon the return of any ordinance or resolution by the Mayor, the vote by which same was passed shall be deemed to have been reconsidered and the question shall again be put upon the passage of the same notwithstanding the objections of the Mayor, and, if upon such reconsideration the same shall pass by a five-sevenths vote of all the aldermen, it shall have the same effect as if approved by the Mayor. If an ordinance or resolution shall not be returned by the Mayor within three days, Sundays and Holidays excluded, after it shall have been presented to him, the same shall have the same effect as if approved by him.

Section 24. The people of Ortonville reserve to themselves the power, in accordance with the provisions of this Charter, to require ordinances or any part thereof, other than emergency ordinances, pas-

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sed by the Council to be referred to the voters for approval or disapproval through referendum. If, prior to the date when an ordinance takes effect, a petition signed by qualified voters equal in number to fifteen per cent of the total vote cast for Mayor at the last biennial election be filed with the City Clerk requesting that any such ordinance or part thereof be repealed, such ordinance shall not take effect and shall be laid over pending further proceedings as hereinafter provided.

Any five voters may form a referendum committee. More than one copy of the same referendum petition may be circulated as a part of a single petition, but the circulator of each copy shall make an affidavit that each signature thereon is the genuine signature of the person whose name it purports to be. Each petition shall be in substantially the following form:

REFERENDUM PETITION

Proposing the repeal of an Ordinance entitled "-----" (or part of an Ordinance entitled "-----" which part reads as follows: "-----" A copy of said Ordinance is hereto attached. The proposed repeal is sponsored by the following committee of voters:

Table with 2 columns: Name, Address. Rows 1-5.

The undersigned qualified voters of the City of Ortonville, understanding the nature of the measure hereto attached and believing it to be detrimental to the welfare of the City, petition the Council for its repeal or submission to the voters for approval or rejection.

Name of Voter Address

All copies of the Petition shall be filed in the office of the City Clerk as one instrument. Within five days after the filing of the Petition the City Clerk shall ascertain by examination whether the Petition is regular and has been signed by the required percentage of voters. If he finds the Petition insufficient or irregular, he shall at once notify one or more of the Referendum Committee stating the reasons for his findings. The Committee shall then be given ten days in which to file additional copies

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of the Petition or a corrected Petition. The Clerk shall present the Petition, or corrected petition, to the Council at its next regular meeting, certifying it if he finds it regular and sufficient or, if he finds it irregular and insufficient, stating that it was filed with him and his reasons for finding it insufficient or irregular. If certified, the Council shall reconsider the ordinance or part thereof to which objection has been made and either repeal the same or part thereof to which objection has been made or re-pass the ordinance without change. Should the ordinance be so re-passed, the Council shall immediately call an election to be held thereon and, if a majority of the votes cast on the question are opposed to the ordinance or part thereof, it shall be deemed repealed; but if a majority favor the ordinance or part thereof as passed by the Council, it shall take effect immediately or upon the date therein specified. Should the Clerk present the Petition to the Council with a finding that it is insufficient or irregular, the Council may either reconsider and repeal the ordinance or part thereof to which objection is made; or may despite such insufficiency or irregularity of the petition refer the matter to the voters; or may by resolution adopt the Clerk's findings as to such insufficiency or irregularity in which case such determination shall be final and the ordinance as originally passed shall be in full force and effect.

Chapter 6 Public Utilities

Section 25. The public waterworks, electric light and power system, sanitary sewer system, garbage and waste collection and disposal system, municipal airport, and any other public utility from which a revenue is or may be derived whether now or hereafter owned and operated by the City shall constitute one department of the City, known as the "Public Utility Department," and the City Council shall have general management and control thereof with full power to do all things necessary for the proper operation, maintenance, improvement, acquisition, extension and repair of such public utilities.

Section 26. Rates to be charged for all services, materials, labor or benefits furnished by any such public utility, including charges to be made for service or benefits furnished to the City as a whole or

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any of its departments; rules and regulations necessary to properly regulate furnishing such service and secure prompt payment of bills; the method by which the City may acquire and collect liens upon property for unpaid bills; and the manner and extent to which the City shall operate such public utilities and furnish service outside the corporate limits of the City shall be established or changed only by ordinance.

Section 27. It shall be the duty of the Council to see that rates are adequate to provide funds to properly operate and maintain and to pay interest and principal on any indebtedness which may be incurred for capital expenditures for the improvement, acquisition, extension and repair of such public utilities. To provide funds necessary for capital expenditures the Council shall have power by ordinance to authorize the issuance of Revenue Warrants which shall be payable solely from the net revenues of the Public Utility Department and the City shall be expressly relieved by the terms thereof from any obligation to levy, collect, use or apply any taxes or moneys received from taxation to the payment of either principal or interest on such Revenue Warrants except for the payment of service rendered to or benefits received by the City or any of its departments. Such ordinance shall fix the maximum amount of Revenue Warrants thereby authorized; describe in general terms the nature of the capital expenditures for which they are to be issued; and may contain covenants determining what shall constitute net revenues of the Public Utility Department; whether all or part of the net revenues shall be pledged; and such other provisions as the Council may deem necessary; provided, however, that no such ordinance shall ever be construed as an emergency ordinance. Such Revenue Warrants shall bear interest at not to exceed 5% per annum, payable semi-annually, and shall mature at such time or times, be in such form and be sold under such terms as the Council may by resolution deem for the best interests of the City. The Council shall have power by resolution to issue Refunding Revenue Warrants to refund outstanding Revenue Warrants whenever moneys from the net revenues pledged are insufficient to meet any maturing Revenue Warrants or interest or at the optional or callable dates of such Revenue Warrants and each issue of Refunding Revenue Warrants shall constitute the same charge

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or lien on the net revenues of the Public Utility Department as do the warrants refunded.

Section 28. No public utility now or hereafter owned by the City shall be sold, leased, or otherwise disposed of unless the full terms of the proposed sale, lease, or other disposition thereof shall have been embodied in an Ordinance passed by the Council and the proposition submitted to an election and approved by a two-thirds vote of the voters voting on the question.

Section 29. A separate fund, to be known as "Water & Light Reserve Fund," shall be established and it shall be the duty of the Council to make provision for such fund in the Administrative Code in accordance with this section of the Charter. Into this fund shall be paid all moneys on hand in the Water and Light Fund when this Charter takes effect and no transfer shall ever be made from the Water and Light Reserve Fund to any other fund whereby the moneys on hand in said fund shall be reduced below \$25,000.00, and no transfer shall ever be made from such fund to any other fund except by ordinance. The Council shall have power to use any of the moneys in the Water and Light Reserve Fund for the purpose of making repairs or improvements to the public waterworks and the electric light and power system or either of them; provided, however, that should the moneys on hand in said Water and Light Reserve Fund at any time aggregate less than \$25,000.00, it shall be the duty of the Council to annually transfer 25% of the net earnings of the Public Utility Department to this fund until the moneys on hand in said fund shall again be not less than \$25,000.00.

Chapter 7

Finance and Taxation

Section 30. The Council shall at all times retain general control over the financial affairs of the City, the administrative details of which shall be part of the administrative code. The Council shall provide in the Administrative Code for the publication of an annual statement of the financial affairs of the City. The fiscal year of the City shall be the same as the calendar year.

Section 31. No orders shall be issued upon the city treasurer exceeding in amount the tax collected or assessed or in process of collection and moneys on hand not otherwise appropriated; provided, how-

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ever, that the Council shall have the power, if by resolution they deem it expedient, to issue time warrants for the purpose of replenishing any fund of the City but the aggregate amount of such time warrants outstanding against all funds shall at no time exceed One per cent of the assessed valuation of all property in the City. No moneys shall be transferred from one fund to another except by ordinance.

Section 32. It shall be the duty of the Clerk to prepare and submit to the Council at its first regular meeting in August each year a detailed estimate of the taxes required to be levied for all City purposes for the ensuing year together with a suggested form of resolution making such levy, and at this meeting the Council shall make such changes as they deem expedient and table the resolution for final action at its first regular meeting in September. At such September meeting or adjournment thereof all interested persons shall be given an opportunity to be heard on the proposed taxes. The Council shall determine the amount of taxes to be levied and adopt such tax levy resolution prior to the first of October and the Clerk shall transmit the tax levy to the County Auditor not later than the tenth of October. No tax shall be invalid by reason of any informality in the manner of levying same nor because the amount levied shall exceed the amount required to be raised for the special purpose for which it was levied. It shall be the duty of the heads of the various departments of the City to file with the City Clerk an estimate of the receipts and disbursements of such department for the ensuing fiscal year on or before the first day of July in each year to assist the Council in determining the amount of taxes to be levied and it shall be the duty of the City Clerk to publish the estimates so filed by the heads of the various departments once in the official newspaper of the City not later than the first day of August following the filing of such estimates with him.

Section 33. No bonds of the City shall be issued whereby its bonded indebtedness would be made to exceed ten per cent of the last assessed valuation of the taxable property therein, including moneys and credits; provided that certificates of indebtedness or bonds issued before or after the adoption of this Charter shall not be included in or counted as a part of such bonded indebtedness, if (1) held in a sinking fund maintained by the City; or (2) issued

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for the acquisition, equipment, purchase, construction, maintenance, extension, enlargement or improvement of street railways, telegraph or telephone lines, water, lighting, heat and power plants, or either or any other public convenience from which a revenue is or may be derived, owned and operated by the City, or the acquisition of property needed in connection therewith, or the construction of public drainage ditches or the acquisition of lands for, or for the improvement of streets, parks or other public improvements, to the extent that they are payable from the proceeds of assessments levied upon property specially benefited by such ditches or improvements, or (3) issued for the creation or maintenance of a permanent improvement revolving fund; or (4) for the purpose of anticipating the collection of general taxes for the year in which they are issued. Bonds may be issued by Ordinance adopted by five-sevenths vote of all the aldermen within the limits prescribed above and the City may issue certificates of indebtedness or bonds to any limit prescribed therein, without approval of the voters, if such issue be for either of the last two mentioned purposes, or for the purpose of extending, enlarging or improving water and lighting and heat and power plants, or either, owned and operated by such City, or of acquiring property needed in connection therewith, or for the purpose of funding floating indebtedness incurred by the City before the adoption of the Charter, or for any municipal purposes or improvements in respect to which the City is authorized by any special or general law to incur indebtedness or issue certificates of indebtedness or bonds at the time of the adoption of this Charter.

Chapter 8

Local Improvements

Section 34. The Council shall have power to make any local improvements deemed necessary for the welfare or convenience of the City and its inhabitants and assess the cost or such part thereof as they deem just against any property found benefited thereby. Any two or more local improvements may be made at the same time and as part of the same proceedings and the assessment therefor likewise levied and collected.

Section 35. Local improvements may be initiated either by a petition submitted to the Council by

interested property owners for such improvement or by a resolution passed by the Council to investigate the necessity and feasibility of such local improvement. Before taking any further action, the Council shall refer the matter to a competent engineer of its selection who shall report to the Council with all convenient speed. Such report shall advise the Council in a preliminary way as to whether the proposed improvement is feasible and as to whether it should best be made as set forth in the petition or resolution or in connection with some other improvement or improvements not included in the petition or resolution and the estimate of the cost of the improvement as recommended in the report. On the filing of such report with the Clerk, the Council shall by resolution fix a time, hour and place when the Engineer's Report will be considered and action taken thereon and direct the Clerk to give notice of such hearing by publishing a notice once in each week for two successive weeks in the official newspaper of the City. The Notice shall describe in general language the improvement or improvements recommended in the Engineer's Report and the estimated cost thereof, but it need not include a description of the properties liable to be assessed therefor or the names of their several owners. At the time fixed in the notice, or at some subsequent time or times to which the hearing may be adjourned, the Council shall hear such persons as care to be heard in reference thereto. At the conclusion of the hearing the Council shall determine by resolution whether the improvement or improvements as set forth in the Engineer's report or any part thereof shall be made, which resolution shall describe the improvement or improvements to be made and the limits thereof in general language.

Section 36. As soon as possible after this Charter takes effect, the Council shall prepare and adopt a complete local Improvement Ordinance, which may be amended from time to time as other ordinances, covering procedure for preparation of plans and specifications; awarding contracts, use of day labor; preparation of assessments and share of cost which may be assessed to the City as a whole; hearings on and appeals from special assessments; supplemental assessment and reassessment; and all other matters appropriate to the subject of local improvement and assessments. After the passage of such Ordinance, all resolutions pertaining to local improvements shall

conform to the provisions of such local Improvement Ordinance. The Council shall also have power to include as a part of such local Improvement Ordinance the method by which local improvement certificates or warrants may be issued to finance such work.

Chapter 9 Franchises

Section 37. The word "Franchise" as used in this Charter shall be construed to include all privileges granted to any person, firm, association or corporation in, over, upon or under any of the highways or public places of the City, whether such privileges have been or shall hereafter be granted either by the City or by the State of Minnesota.

Section 38. No franchise shall be granted except by ordinance adopted by five-sevenths vote of all the aldermen and every Ordinance by which the Council shall propose to grant any franchise shall contain all the terms and conditions of the franchise to be granted. No exclusive franchise shall ever be granted; no franchise shall be granted for a term exceeding twenty years; and no ordinance proposing to grant a franchise for a period of more than two years shall take effect until it shall be submitted at an election and approved by a three-fifths majority of the voters on the question.

Section 39. The words "Long Term Contracts" shall be construed to mean and be limited to contracts for the purchase by the City or any of its departments of any materials or supplies including contracts for the purchase of electricity which run for a period of more than two years. No such long term contract shall be entered into until the same shall have been approved by Ordinance adopted by a five-sevenths vote of all the Aldermen and, except in case of contracts whereby the City Council reserves the unconditional right to cancel and terminate such contract at any time after the expiration of such two-year period, until such ordinance approving the contract shall have been submitted at an election and approved by a majority of the voters voting on the question.

Chapter 10 Assessment of Property and Township Organization

Section 40. The assessment of the property within the city limits of said City of Ortonville the same being situated in the Counties of Big Stone and Lac qui Parle, shall be made by the township assessors of the townships of Ortonville in Big Stone County, and Yellow Banks in Lac qui Parle County, and the county auditors of each of said counties shall prepare proper assessment books separate from the township assessment books of said townships in which all the property within the city limits of said City of Ortonville shall be listed for taxation, and the township assessors shall properly assess all property within said city limits conforming in all cases with the laws of the State relating to township assessors and assessments. Upon the return of the books by such assessors of said townships to the county auditors of said counties after having been equalized by town and county and state boards of equalization of said towns and counties aforesaid respectively, the county auditors of said counties shall receive from the City Clerk of said city and extend upon the tax lists, all taxes levied by the City Council and returned by the City Clerk; provided, that such levy be returned by said City Clerk in proper form and on or before October tenth of each year.

Chapter 11 Municipal Court

Section 41. The present Municipal Court of the City of Ortonville, is confirmed and continued, and Chapter 229 of the General Laws of the State of Minnesota for 1895 and all amendments thereof, and additions thereto heretofore or hereafter made and section 131, and section 139 of the Revised Laws of Minnesota for 1905 are hereby adopted and made a part of this Charter and shall have the same force and effect as if herein set out in full.

JURISDICTION

Section 42. The Municipal Court shall have jurisdiction within and throughout the Counties of Big Stone and Lac qui Parle aforesaid in all actions,

suits or proceedings cognizable before a Municipal Court under the general laws of this state. The said judge of the municipal court of the City of Ortonville shall have and possess exclusive and original jurisdiction of all criminal cases arising under the provisions of this charter. All prosecutions for violating any of the provisions of any ordinance, resolution, rule or by-law enacted under the provisions of this charter shall be brought in the name of the City of Ortonville and shall be commenced by warrant upon complaint being made before said court as required by law in criminal cases before said courts in this state, and the same proceedings shall be had therein as are required to be had by the laws of this state in criminal and civil actions before municipal and justice courts provided, that no warrant shall be necessary in any case of an arrest of any person or persons while in the act of violating any law of the State of Minnesota or any ordinance, resolution, rule or by-law of the said City of Ortonville, but in such cases complaint shall be made before the case comes on for trial which shall be reduced to writing and at the trial the party shall be required to plead thereto as to a warrant in other cases and the persons so arrested may be proceeded against in the same manner as if the arrest had been made by warrant, and such trial shall be made without jury. All processes issued by the Municipal or City Justice Courts of said City of Ortonville shall be directed to the city marshal, public officer or watchman of the City of Ortonville, and to the sheriff or any constable of the Counties of Big Stone or Lac qui Parle, Minnesota. It shall be a sufficient pleading of the ordinance, resolution, rule or by-law of said City to refer to the title and section thereof which are hereby declared to have all the force and effect of general laws if the same conform to this Charter, and are within the jurisdiction of said city, and it shall not be necessary to read or give them in evidence upon the trial of any proceeding or action, criminal or civil.

Judgment shall be given if for the plaintiff for the amount of fine, penalty or forfeiture fixed by such ordinance, resolution, rule, or by-law, or such part thereof if a discretion be given, as the court shall deem proportionate to the offense, together with costs of suit; and shall in all cases further adjudge and order that in default of payment thereof the defendant be committed to the city prison or

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work-house of said city, or to the county jail of Big Stone County, Minnesota, for such time not exceeding ninety days as the court shall deem proper.

If such payment be not forthwith made the judge or city justice (as the case may be) shall make out a commitment stating the amount of such judgment and costs and time for which committed in the usual form of commitment by such courts; every person so committed shall be received and committed to prison by the keeper of the city prison or county jail, and kept until the expiration of the time above provided, but he shall be released by order of the judge or city justice on payment to him of such fine and costs, in due course of law.

APPEAL

Appeal may be taken to the District Court from the judgments of the Municipal and City Justice Courts of the City of Ortonville, in the same manner as from judgments in civil actions, in other courts of like jurisdiction except as provided in this Charter. In all cases where the fine or penalty imposed exclusive of costs for the violation of the provisions of any ordinance, resolution, rule or by-law of said City exceeds twenty (20) dollars; in case the appeal is taken by the defendant he shall, as a part thereof execute a bond to the city with sureties to be approved by such Judge or City Justice conditioned that if judgment be affirmed in whole or in part he will pay the same and all costs and damages awarded against him on such appeal; and in case such judgment shall be affirmed in whole or in part the execution may be issued against both defendant and his sureties; and in the event of an appeal by the City of Ortonville no bond shall be required.

All fines, forfeitures and penalties received for the violation of any ordinance, resolution, rule or by-law of said city, and all moneys paid for license and permits shall be paid into the city treasury for the use of said city. The Clerk of the Municipal Court and the City Justice shall report and pay into the city treasury quarterly all money collected by them and belonging to said city, which reports shall be verified by the affidavit and filed in the office of the city treasurer.

PROCEDURE

Section 43. The City Council may determine and establish by ordinance or resolution, the mode of procedure and what shall be sufficient to allege and

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prove in order to make out a prima facie case of violation of any ordinance.

PROCESS

Section 44. The style of all process issued by the Municipal Court and the City Justice of said City shall be: "State of Minnesota, Counties of Big Stone and Lac qui Parle. City of Ortonville—ss."

APPEALS

Section 45. Appeals from the decisions or judgments of the Municipal or Justice Courts of said city in criminal prosecutions for the violation of the general laws of the State shall be taken to the County in which the offense was committed.

In all prosecutions or proceedings for a violation of the Charter, Ordinance or Regulations of said City and in all cases in which the City or any of its officers as such is a party appeals from such Municipal and Justice Courts shall be taken to said County of Big Stone.

Chapter 12

Miscellaneous Provisions

Section 46. The Council shall have power by Ordinance to fix the manner in which the publicity shall be given to requests for bids; the amount of bond to be given by officers of the city and penalties for any violating of this Charter or any Ordinance of the City.

Any administrative rule or regulation of any department of the State of Minnesota affecting the city, or any statute of the State of Minnesota, or any published code, specification, or regulation prepared by an official or unofficial organization for general circulation and use, may be adopted and incorporated by reference thereto in an ordinance and by marking three copies thereof as "official copies" and filing them for reference and inspection in the office of the City Clerk, and the publication requirements of this charter shall be as fully satisfied in such cases by this method as if the said material had been set forth in the ordinance in full.

Section 47. The City shall succeed to all the contract and property rights and privileges and be subject to all the legal obligations and the terms of existing contracts and franchises existing at the time this Charter goes into effect.

Ortonville City Charter

Section 48. When any suit or action shall be commenced against the City, service or process therein shall be made by leaving a copy thereof with the City Clerk or person in charge of the City Clerk's office and it shall be the duty of the City Clerk to forthwith inform the Mayor and Council thereof.

Letter of Transmission

To the Honorable A. K. Evans, Mayor of the City of Ortonville in the Counties of Big Stone and Lac qui Parle, State of Minnesota, and the members of the City Council of said city:

The undersigned heretofore appointed by the Judges of the District Courts of the 16th and 12th Judicial Districts as a board of freeholders or charter commission for said City of Ortonville, do hereby report and recommend for submission to the voters of said city for adoption of the within city charter.

Dated this 8th day of September, 1943.

E. N. Schoen, Chairman
Harvey Pflueger, Secretary
R. C. Kaercher
O. O. Ross
Charles Arnold
E. V. Cliff
A. J. Hanson
Charles Bolsta
F. B. Wickland
C. James Reed
Harlan N. Parker
M. J. Hausauer
A. L. Moore
C. H. Smith
J. Roy Geier

Drafted by H. W. Moody, Municipal Bond Attorney, Saint Paul, Minnesota, August, 1943.

TO WHOM IT MAY CONCERN:

I, J. A. Jacobson, the duly elected, qualified and acting city clerk of the City of Ortonville, hereby certify that the City Charter of the City of Ortonville was submitted to the electors of the City of Ortonville for adoption or rejection as provided by statute on the first day of October, 1943; that the said Charter was regularly and properly adopted by the electors of said city.

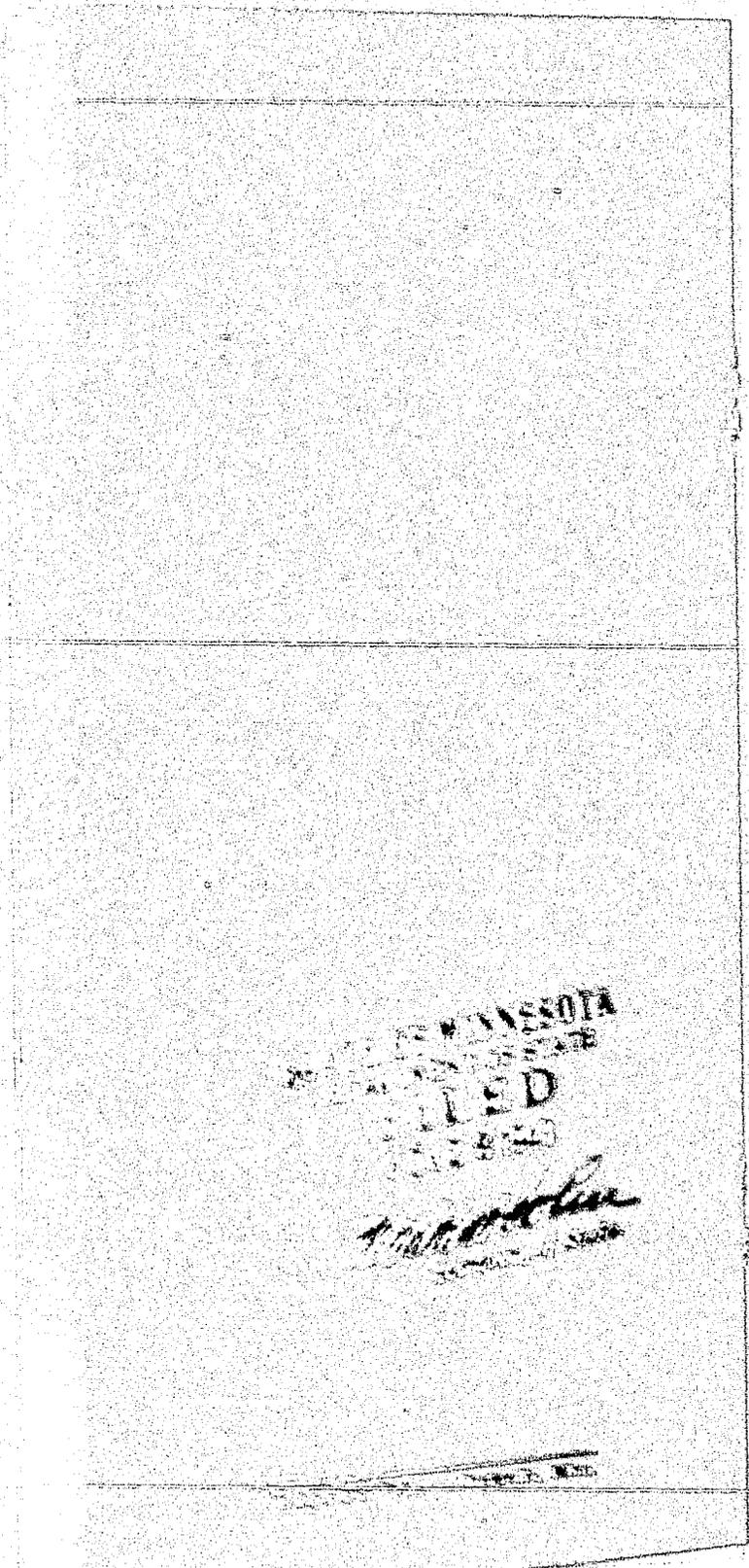
J. A. JACOBSON,
City Clerk, of the City of
Ortonville, Minnesota.

Seal of the City of
Ortonville, Minnesota.

Published by authority of the City Council of the
City of Ortonville, Minnesota.

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MINNESOTA
POST OFFICE
ST. CLOUD
MAY 15 1900

Wm. J. Miller
MAY 15 1900

MAY 15 1900

**THE PRECEDING
[] DOCUMENT(S)
HAVE BEEN
REFILMED
TO ENSURE
LEGIBILITY**



STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 29 1943

W. H. Johnson
Secretary of State.

CERTIFICATE OF ADOPTION OF HOME RULE CHARTER

State of Minnesota }
County of Big Stone } ss

I, A. K. Evans, mayor of the city of Ontonville and as such the chief magistrate of such city do hereby certify that the charter hereto attached and made a part of this certificate, is a true and correct copy of the charter returned and filed with the city by the duly appointed and qualified board of freeholders of such city.

I further certify that such charter was duly submitted to the voters of the city of Ontonville at a special election held in such city on Oct. 1, 1943 and was duly adopted by a vote of 128 for the charter and 52 against the charter, the total vote cast in such city of Ontonville at such election being 181.

Witness my hand and the corporate seal of the city of Ontonville this 24 day of November, 1943.

Attest:

A. K. Evans
Mayor

J. G. Jacobson
City Clerk

9/4/63

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 29 1943

Wm. H. Johnson
Secretary of State.