

## **PART I**

# **HOME RULE CHARTER**

FOR THE CITY OF  
INTERNATIONAL FALLS  
MINNESOTA

### **Chapter I NAME, POWERS AND BOUNDARIES**

#### **Sec. 1. Name and Powers.**

All that part of the County of Koochiching in the State of Minnesota contained within the limits and boundaries in the next section described, and all the people now inhabiting and those who shall hereafter inhabit the said territory, shall be a city and shall form a municipal corporation, under the name and style of "City of International Falls," and shall have perpetual succession.

Said corporation save as herein otherwise provided and save as prohibited by the constitution of statutes of the State of Minnesota, shall have and exercise all powers, functions, rights, and privileges possessed by it prior to the adoption of this charter; also all powers, functions, rights, and privileges now or hereafter given or granted to municipal corporations having "home rule charters" by the constitution and laws of the State of Minnesota; also all powers, functions, rights, and privileges usually exercised by, or which are incidental to, or inhere in, municipal corporations of like power and degree; also all municipal powers, functions, rights, privileges, and immunities, of every name and nature whatsoever; and in addition shall have all the powers and be subject to the restrictions contained in this charter. In its corporate name it may take and hold, by purchase, condemnation, gift, or devise and lease and convey any and all such real, personal, or mixed property, within or without its boundaries, as its purposes may require, or as may be useful or beneficial to its inhabitants; and it may contract with the county or with other municipalities for such joint services and utilities as may seem desirable and for all other legitimate purposes.

The provisions of this charter shall be construed liberally in favor of the City, to the end that it may have all necessary powers for the efficient conduct of its municipal affairs, as contemplated by the municipal home rule provisions of the constitution and laws of the State of Minnesota. The specific mention of particular municipal powers in other sections of this charter shall not be construed as limiting the powers of the City in the premises to those thus mentioned.

#### **Sec. 2. Boundaries.**

The boundaries of the City are on record at the Minnesota Department of Administration, Office of Municipal Boundary Adjustments or its successor.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 14, 4th series, eff. 7-31-04)

#### **Sec. 3. Ward and Precinct Boundaries.**

The ward boundaries shall be established by City resolution or ordinance.

(Ord. No. 1, 3rd series, eff. 12-25-91; Ord. No. 14, 4th series, eff. 7-31-04)

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#### **Sec. 4. Election Districts.**

Each of said wards shall constitute a separate election precinct of said City of the holding for all general or special elections provided for under the laws of this State or under this Charter.

#### **Sec. 5. Annexing Additional Territory.**

In any case where territory adjacent to and adjoining the territory of said City has been or shall hereafter be platted into lots or blocks and said plat shall have been filed for record in the office of the County Recorder in and for Koochiching County, Minnesota, the same may be annexed to said City by an Ordinance duly adopted by the City Council.

Such territory so annexed shall thereafter form a part of said City and be subject to the jurisdiction thereof.

A copy of such ordinance describing said territory shall thereupon be filed in the office of the County Recorder in and for said County of Koochiching.

(Ord. No. 14, 4th series, eff. 7-31-04)

## **Chapter II ELECTIONS, APPOINTMENTS, AND GENERAL PROVISIONS CONCERNING OFFICERS**

#### **Sec. 6. Time of Election.**

An annual election for the election of City officers shall be held in said City on the first Tuesday after the first Monday in November of each even year for the election of such officers as shall be provided therein.

Such election shall be held at such place in each ward as shall be designated by the City Council.

Ten days previous notice of such election and of the officers to be elected and of the subjects to be voted upon shall be given by the City Administrator by posting the same in some public place in each of said wards or by publishing the same in the official paper of said city.

That such notice shall be given at least ten days previous to the day of such election.

Provided, that failure to give such notice shall not invalidate such election.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 14, 4th series, eff. 7-31-04)

#### **Sec. 7. Elective and Appointive Officers.**

The elective officers of the City shall be a Mayor, a councilor at large and a councilor from each ward.

Each of said Councilors shall be a qualified voter and actual resident of the ward for which he is elected, except the Mayor and Councilors to be elected at large who, together with all other elective officers, shall be residents and qualified electors of said City.

The City Council by majority vote shall appoint a Health Officer. The City Council shall retain or hire a City Administrator and may retain or hire other officers as they deem necessary for the proper conduct and management of the affairs of the city, however that the City Council may, prior to the making of such retainers or hirings, combine any offices as it shall deem for the best interests of the City. The City Council may specify duties and minimum qualifications for each of the officer positions.

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"Covered Employees" are all part-time or full-time employees of either city, including appointees, who received a monthly salary and pension and health benefits on January 1, 1988 and who are requesting a position with said consolidated city shall be entitled to employment with the consolidated city. No employee shall lose their job due to the consolidation of International Falls and South International Falls. The original appointments of the new consolidated city must be from the aforesaid "covered employees".

All "covered employees" shall be entitled to employment with the consolidated city. However, the issue of assignment, classification, pay and benefits excluding pension shall be based on job classification and ratings determined after the referendum.

If a "covered employee" makes an application for a position with the new consolidated city, he/she waives his right to seek elective office prior and during his employment with said city since he is give employment upon consolidation subject to this Charter and the laws of the State of Minnesota.

The term of all elective and appointive officers shall, except as otherwise provided herein, commence on January 1st of the odd years following election or appointment, and such officers shall serve until their successors are elected or appointed and qualify.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 14, 4th series, eff. 7-31-04; Ord. of 11-2-04, § 1; Ord. No. 24, 4th series, eff. 9-29-06)

## **Sec. 8. Removal of Officers.**

Any person appointed to any office under the provisions of the charter during said person's term or upon said person's written request for reappointment may be removed from such office by a vote of four-fifths ( $\frac{4}{5}$ ) of the Council as a whole, except as otherwise provided herein. But no such officer shall be removed except for cause, nor unless he shall first have been furnished with a copy of the charges against him, and shall have had a reasonable opportunity to be heard by himself or counsel in his own defense.

The City Council shall have power to fix the time and place for the trial of such officer, of which he shall be given not less than 10 days' notice, to compel the attendance of witnesses and the production of papers and to hear and determine the case.

If such officer shall fail or refuse to appear and answer such charge the same shall be cause for removal.

(Ord. No. 24, 4th series, eff. 9-29-06)

## **Sec. 9. Vacancy—How Filled.**

Whenever a vacancy occurs in any elective or administrative office of the City, the Council shall, within 60 days by resolution appoint a qualified person to serve the unexpired term in such office.

## **Sec. 10. What shall constitute an Election.**

A plurality of votes for elective officers shall constitute an election.

When two or more persons shall receive an equal number, and the highest number of votes for any office, the election shall be determined by the casting of lots, under the supervision of the City Council, at such time and place and in such manner as the City Council shall direct. Officers appointed or elected by the City Council shall receive a majority vote of all its members to constitute an election.

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## **Sec. 11. Who are Entitled to Vote.**

All persons entitled to vote for state and county officers shall be entitled to vote for any officer to be elected under this charter, and to vote on any subject which may properly come before the voters.

## **Sec. 12. Elections.**

Except as otherwise provided in this Chapter, all general laws of the State of Minnesota relating to elections and all preliminaries thereto shall as far as applicable, apply to and govern all elections under this charter whether general or special, and are hereby adopted as a part of this charter, the same as if specifically here reenacted; provided that the "Primary Election Law" for nominating candidates for City Officers shall not apply to this City.

The returns for all city elections shall be made to the City Administrator, and the City Council shall within three days after said election, either at a regular or special meeting, canvass the returns and declare the result thereof, and order certificates of election to be issued by the City Administrator to the persons elected.

(Ord. No. 28, 3rd series, eff. 2-17-01)

## **Sec. 13. Elective Officers and Term of Office.**

The elective officers of the City shall be a Mayor, elected for a term of four (4) years; and four (4) Councilors, elected for terms of four (4) years. During the first election the Councilor at Large will serve a four (4) year term and the Councilors for each ward shall serve two (2) year terms. Thereafter all terms will be for four (4) years.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 14, 4th series, eff. 7-31-04; Ord. of 11-2-04, § 2)

## **Sec. 14. Special Elections.**

Special elections may be called by the City Council and the same shall be called, held and conducted in such manner as may be provided by ordinance.

## **Sec. 15. Vacancies in Office.**

Every City Office shall become vacant on the happening of either of the events set forth in M.S.A. § 351.02, before the termination of his term of office.

## **Sec. 16. Resignation.**

Any person having entered upon the duties of his office may resign the same with the consent of City Council.

## **Sec. 17. City Contracts.—Officers Not Be Interested.**

No officer of said City shall, during his term of office, be or become in any manner interested in any contract in behalf of the City or any department thereof, with himself or with any firm of which he is a member, or with any association or corporation of which he may be an officer, and any such contract shall be absolutely void, and such officer shall forfeit such office so held by him and thereafter disqualified from holding any office in said City.

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## **Sec. 18. Penalty for Failure to Observe Duties Imposed.**

Any officer or employee of the City who shall willfully violate any provisions of the charter in regard to any duty imposed on him as such officer or employee, or commit any fraud upon the City, or convert any of the property or funds of said City to his own use or to the use of any other person, or who shall willfully or corruptly permit any other person to do so, shall be guilty of a misdemeanor, and shall on conviction thereof be punished therefor as provided by the General Laws of the State in case of misdemeanors, and shall forfeit any office held by him in said City and be thereafter forever disqualified from holding any office of trust or profit in said City.

## **Sec. 19. Salaries of Officers.**

The salaries of all officers and employees of the City shall be fixed by resolution of the City Council and entered on the minutes of the meeting of the Council.

All salaries shall be paid bi-weekly out of the treasury of the City.

(Ord. No. 14, 4th series, eff. 7-31-04)

## **Sec. 20. Annual Reports of Officers.**

Every appointed officer, and all Boards provided for in this charter, shall, annually, at the close of the fiscal year, make and transmit to the council an annual report, properly verified by affidavit, of the business of such office or department for the current fiscal year, together with a true and full inventory of all money, property and other effects of the City in the possession of such officer or Board or under its control.

Such officer or Board shall also make such other and further reports as shall from time to time be required by the City Council.

All such reports shall be filed with the City Administrator, and shall at all times be open to inspection by any taxpayer of the City.

Every appointed officer and board member, provided for in this chapter, shall, at the expiration of his term of office, turn over to his successor in office or to the City, all books, papers, files, records, money and other property whatsoever, pertaining to his office, which may be in his possession or under his control.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 14, 4th series, eff. 7-31-04)

## **Sec. 21. Ballots.**

At each election of officers under this charter there shall be a ballot known as the "Official Ballot of International Falls," which shall be printed and distributed as hereinafter provided.

## **Sec. 22. Filing for Office.**

No earlier than ten (10) weeks or later than eight (8) weeks before the regular City election, any person eligible, and desirous of having his name placed upon such ballot as a candidate for any office, shall file his affidavit with the City Administrator stating his residence, that he is a qualified voter of the City, the office for which he desires to be a candidate, and shall pay to the City Administrator, a filing fee of \$10.00.

At least two weeks before the first date to file affidavits of candidacy, the City Administrator must publish a notice stating the first and last days to file and the closing time for filing on the last day of filing. At least ten days posted notice must also be given.

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Immediately after the last day for filing, and at least ten days before such election, the City Administrator shall cause to be printed a sufficient number of ballots, varied as may be necessary for the several wards.

On such ballots shall appear the names of no persons except those who have duly filed and paid the fee as herein provided for.

Whenever two or more persons are candidates for the same office, the names of all candidates for such office shall be so alternated on the ballots used in each election district that they shall appear thereon substantially an equal number of times at the top, at the bottom and each intermediate place, if any, of the list or group to which they belong.

All officers charged with the printing and distribution of such ballots shall cause the printer's forms to be so transposed and the blocks of ballots to be so made up as to carry out the intent thereof.

No name of a political party or organization shall be printed on any portion on said ballot.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 14, 4th series, eff. 7-31-04)

### **Sec. 23. Distribution.**

An Election Judge at each polling place shall hand to each voter at the time he enters the voting booth one of said official ballots.

The ballots herein mentioned shall be in addition to any ballots that may be otherwise provided for by state law.

(Ord. No. 14, 4th series, eff. 7-31-04)

### **Sec. 24. Applicable Election Laws.**

The General Laws of the State of Minnesota known as the "Primary Election Law" shall not apply to this City in the election of City Officers but the General Election Laws of the State of Minnesota as applicable to Cities of the Fourth Class shall apply to and govern all elections under this charter.

(Ord. No. 14, 4th series, eff. 7-31-04)

### **Sec. 25. The Initiative.**

Any proposed ordinance may be submitted to the City Council for adoption, by a petition signed by qualified electors of said City equal in number to the percentages hereinafter required.

The signatures to such petition need not be all appended to one paper, but each signer shall add to his signature, his address the name of the Ward in which he resides.

One of the signers of each paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to such paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the filing of such petition the City Administrator shall examine the same and from the poll lists of the last City election ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and shall attach to such petition his certificate showing the result of such examination.

If, by the City Administrator's certificate, the petition is shown to be insufficient in regard to the number of signers thereon, it may be amended within ten days from the date of such certificate.

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The City Administrator, shall, within ten days after the filing with him of such amended petition, make like examination of such amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect.

If the petition, or the amended petition, shall be found sufficient, the City Administrator shall submit the same to the City Council at its next regular meeting.

If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen percent of the entire vote cast for all candidates for Mayor at the last preceding general City election at which a Mayor was elected, and contains a request that said ordinance be submitted to a vote of the electors of said City, if not passed by the Council, then the Council shall either:

- (a) Pass said ordinance without alteration within twenty days after the attachment of the City Administrator's certificate as to sufficiency to the accompanying petition (subject to a referendum vote under the provisions of Section 26 of this chapter); and if such ordinance shall be passed by the council, then, within fourteen days after determination that said ordinance shall have failed of final adoption, the Council shall proceed to call a special election at which said ordinance, without alterations shall be submitted to a vote of the people, or:
- (b) Forthwith, after the City Administrator shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

If the petition be signed by electors equal in number to at least five percent, but less than fifteen percent, of the entire vote cast for all candidates for Mayor at the last preceding election at which a Mayor was elected, then such ordinance, without alteration, shall be submitted by the Council to a vote of the electors at the next general City election that shall occur at any time after thirty days from the date of the City Administrator's certificate of sufficiency attached to the petition accompanying such ordinance.

(Provided, that in all cases, a copy of such proposed ordinance shall be attached to and accompany such petition, and Provided, such proposed ordinance shall not be inconsistent with the Constitution of the State of Minnesota, nor the laws thereof, nor with any provision of this charter.)

The ballots used when voting upon said proposed ordinance shall contain the words "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" (stating the nature of the proposed ordinance).

If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, said ordinance shall thereupon become a valid and binding ordinance of said City;

And any ordinance proposed by petition, or which shall be adopted by a vote of the people cannot be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section, provided that there shall not be held under this section of this charter, more than one special election in a period of six months.

The Council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding regular election, and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly.

Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the City at any election, the City Administrator shall cause the ordinance or proposition to be printed, in the officially designated paper published in said City. Such printing and publication shall be not less than 5 nor more than 20 days before the submission of such ordinance or proposition to be voted upon.

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(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 14, 4th series, eff. 7-31-04)

## **Sec. 26. The Referendum.**

Except when otherwise provided by the general laws of the state or by the provisions of this charter respecting street improvements, no ordinance other than one for the immediate preservation of the public health, peace or safety which contains a statement of its urgency and is passed by a two-thirds vote of the council shall go into effect before thirty days from the time of its final passage and its approval by the Mayor; provided, however, that no grant of any franchise and no ordinance vacating any street or alley shall be considered an emergency measure. If during said thirty days a petition prohibiting against this passage of such ordinance, signed by electors of the City equal in number to at least seven percent of the entire vote cast for all candidates for Mayor at the last preceding city election at which a Mayor was elected, be presented to the council, said ordinance shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance. If the same is not entirely repealed, the council shall, as required in this Charter, submit the ordinance to the vote of the electors of the City, either at the next general city election or at a special election to be called for that purpose. Such ordinance shall not go into effect, or become operative, unless a majority of the electors voting on the same shall vote in favor thereof.

Said petition shall be in all respects in accordance with the provisions of said Charter, except as to the percentage of signers, and be examined and certified by the City Administrator in all respects as therein provided.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 14, 4th series, eff. 7-31-04)

## **Sec. 27. The Recall.**

The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent.

The procedure to effect the removal of an elective officer shall be as follows: A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twenty-five percent of the entire vote cast for all candidates for the office, the incumbent of which is sought to be removed, at the last preceding general city election demanding the election of a successor of the person sought to be removed, shall be filed with the City Administrator and which petition shall contain a general statement of the grounds for which such removal is sought.

The signatures to such petition need not all be appended to one paper, but each signer shall add to his residence the name of the Ward in which he resides.

One of the signers to each of such papers shall make oath before some officer authorized to administer oaths, that the statements therein made are true, and that each signature to such paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the filing of such petition the City Administrator shall examine and from the poll lists of the last preceding general city election ascertain whether or not said petition is signed by the requisite number of electors, and he shall attach to said petition his certificate showing the result of such examination.

If, by the City Administrator's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of such certificate. The City Administrator shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect.

If the petition, or amended petition shall be found sufficient, the City Administrator shall submit the same to the City Council at its next regular meeting.



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If the petition shall be found to be sufficient the City Council shall order, and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the City Administrator's certificate to the council that a sufficient petition is filed.

Such election shall be held and conducted under the same rules and regulations, and the same notice thereof shall be given as in other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor.

Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise in writing, the City Administrator shall place his name on the official ballot without nomination.

In any such removal election, the candidate receiving the highest number of votes shall be declared elected.

If, at such election, some other persons than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from office upon qualification of his successor.

In case the party who receives the highest number of votes shall fail to qualify within ten days after receiving notice of his election the office shall be deemed vacant.

If the incumbent receives the highest number of votes he shall continue in office.

Provided that no special election shall be held under this section within ninety days of a general city election.

That any elector of said City may carry on and maintain any appropriate action, in his own name, to enforce any of the provisions of sections 25, 26, and 27, of this chapter, or to enforce the performance of his duties by any officer of the City under said sections.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 14, 4th series, eff. 7-31-04)

## **Chapter III THE MAYOR**

### **Sec. 28. Powers.**

The mayor shall be the chief executive officer of the City and shall exercise all powers and perform all duties conferred upon him/her by this charter, the ordinances, resolutions and motion of the City and laws of the State. The mayor shall be the presiding officer of the council and shall have equal vote with other members of the council on any matter coming before that body. The Mayor shall have no veto power. The council shall choose from its members a president pro tem who shall serve as president in the mayor's absence and as acting mayor in the case of the mayor's disability or absence from the city. His/Her acts while so acting as mayor, shall have the same force and validity as if performed by the mayor.

The mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the governor for purposes of martial law.

The Mayor shall take care 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 discharge their respective duties, and to that end may maintain an action of mandamus or other appropriate action or proceeding against any delinquent officer.

The Mayor shall appoint with approval by a majority vote of the City Council the Police Chief and Fire Chief, subject to the Civil Service Commission provisions, and the members of any committee or board established by this Charter or the Council.

(Ord. No. 14, 4th series, eff. 7-31-04; Ord. No. 15, 4th series, eff. 7-31-04; Ord. No. 24, 4th series, eff. 9-29-06)

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**Sec. 29. Mayor to Sign Contracts.**

The Mayor shall sign all bonds and obligations on behalf of the City, and all warrants and orders drawn on the City Treasury, unless otherwise provided by law.

The Mayor shall, also sign all contracts on the part of the City, except as otherwise provided in this charter.  
(Ord. No. 24, 4th series, eff. 9-29-06)

**Sec. 30. Mayor Shall Communicate Service of Process.**

The Mayor shall, upon service of notice, summons or process upon him/her in any action or proceeding against the City, forthwith inform the City Attorney and the City Council thereof.

(Ord. No. 24, 4th series, eff. 9-29-06)

## Chapter IV THE CITY ADMINISTRATOR

**Sec. 31. To Receive and Keep Moneys Belonging to the City.**

The City Administrator shall receive and safely keep all moneys belonging or accruing to the City, including license money and fines, and shall keep accurate and detailed accounts thereof, and he/she shall be entitled to and shall demand and receive of the Treasurer of Koochiching County, at the times specified by law, all moneys due the City for taxes, assessments, and interest and penalties thereon, on accounts of levies and assessments made by the City for any local improvement. He/She shall be the custodian of all bonds, certificates of indebtedness or other securities held by the City.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 24, 4th series, eff. 9-29-06)

**Sec. 32. To Credit Moneys to Various Funds.**

The City Administrator shall, upon the receipt of any moneys, forthwith credit the same to the separate funds to which the same respectively belong or for which they are levied, and shall deposit the same daily, in the name of the City, to the order of the City Administrator, in the various depositories which shall have been designated by the City Council, but shall not deposit with any such depository an amount in excess of the market value of the collateral furnished by such depository and approved by the City Council.

And all interest that may accrue upon any such moneys shall be credited to the general fund.

(Ord. No. 28, 3rd series, eff. 2-17-01)

**Sec. 33. City Depositories.**

The Council shall designate depositories for city funds as provided by State Law.

**Sec. 34. When to Pay Out Money.**

The City Administrator shall pay no money out of the City Treasury except in the following cases: First, in the payment of the principal and interest of bonds or of certificates of indebtedness.

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Second, upon an order drawn and countersigned which has been first duly authorized and allowed, and which shall specify the purpose for which it is drawn, and the fund out of which and the person to whom it is payable. Upon the payment and receipt by him of any such order the City Administrator shall cancel and file the same and it shall not be again issued.

And he/she shall keep separate orders drawn upon each particular fund.

Third, in the duly authorized payment of the employees of any department of the City on payrolls, in which case he/she shall make such payment to each employee, taking his receipt therefor.

Fourth, in the payment out of the money appropriated for the contingent expenses of the Mayor upon warrant-checks drawn upon such appropriations, signed by the Mayor and countersigned by the City Administrator, not exceeding the amount appropriated by the City Council for such purposes in any fiscal year.

Fifth, in the payment out of money appropriated for petty cash expenditures in accordance with the procedures established by City Council resolution.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 24, 4th series, eff. 9-29-06)

### **Sec. 35. City Administrator to Make Monthly Statements.**

The City Administrator shall, at a meeting during each month, make statements to the City Council of the amount received and distributed on account of each fund controlled by the City Council, and a statement of the amount of money in the various funds deposited with each depository and in his hands. At the same time he/she shall report to the City Council the total amount of City funds and where placed or deposited.

He/She shall, whenever notified to do so by the City Council, withdraw all funds from any depository designated as hereinbefore provided, and notify the City Council of such withdrawal, and shall thenceforth deposit no more therein until authorized to do so by the City Council.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 24, 4th series, eff. 9-29-06)

### **Sec. 36. Reserved.**

Editor's note(s)—Ord. No. 14, 4th series, effective July 31, 2004, repealed § 36, which pertained to bond of city administrator and derived from Ord. No. 28, 3rd series, eff. 2-17-01. See Section 47 for similar provisions.

### **Sec. 37. Election, Qualification and Duties.**

The City Administrator shall keep the corporate seal and all the papers and records of the City and keep a record of the proceedings of the City, Council, at whose meetings it shall be his duty to be present, and of all boards of which he/she is a member. The City Administrator shall have power to take acknowledgments, administer oaths and affirmations, and copies of all papers filed in his office and transcripts of any records in his office certified to by him under the corporate seal shall be evidence in all courts in like manner as if the originals were produced by the City Administrator at the trial. He/She shall perform all other services by law required of City Administrators of cities and townships in this state, and when services are required of him by public law for which compensation is provided, such services shall be regarded as services for the City.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 24, 4th series, eff. 9-29-06)

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**Sec. 38. Warrant Accounts.**

He/She shall draw all warrant-checks as provided in Section 60 of Chapter V and he/she shall keep accounts of combination warrant-checks drawn on the City Administrator in separate books, and shall note thereon the cancellation thereof whenever the same shall be cancelled, and shall keep such other books and records as shall be necessary for the preservation of the accounts of the transactions and business of the City, and all books, lists and records heretofore kept, or which shall be kept in the City Administrator's office, and copies thereof by him certified shall be competent evidence of all matters shown by them.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 24, 4th series, eff. 9-29-06)

**Sec. 39. Keep Accounts.**

He/She shall keep accounts with and all receiving or disbursing officers of said city; in such accounts he/she shall charge such officers with all amounts received by them from all sources of revenue and with all City property in their hands or control, as such officers, and credit them with all amounts disbursed, or property disposed of on proper authority, and with all money or property turned over to the City or to their successors in office.

(Ord. No. 24, 4th series, eff. 9-29-06)

**Sec. 40. Countersigned Bonds, Etc.**

He/She shall countersign all bonds, warrants or other evidences of indebtedness of the City; and no such bond, order, certificate or other evidence of indebtedness shall be valid until so countersigned.

(Ord. No. 24, 4th series, eff. 9-29-06)

**Sec. 41. To Examine Accounts of Other Officers.**

He/She shall examine the reports, books, papers, and vouchers of other receiving and disbursing officers, and perform such other duties pertaining to his office as the City Council may prescribe and it shall be the duty of the City Administrator to make a report of the financial conditions of the City to the City Council at any time the same may be required by the City Council.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 24, 4th series, eff. 9-29-06)

**Sec. 42. To Report Financial Condition to the City Council.**

He/She shall at the end of each fiscal year report to the City Council the financial condition of the City. He/She shall within two weeks after the filing of the official annual audit of the city finances, make out and cause to be published in the official paper of the City, a summary showing the financial condition of the City, the amount of moneys received for the year, and from what source, and also the amount disbursed and for what purpose.

(Ord. No. 24, 4th series, eff. 9-29-06)

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### **Sec. 43. To Countersigned All Contracts.**

He/She shall countersigned all contracts made in behalf of said City, and no such contract shall be valid for any purpose until so countersigned, and he/she shall be the custodian of all such contracts, which shall be open to the inspection of all parties interested.

(Ord. No. 24, 4th series, eff. 9-29-06)

### **Sec. 44. Supervision of Official Publications.**

The City Administrator shall have the supervision of all printing and official publications ordered by the City Council. He/She shall cause to be published in the official paper the approved minutes of all proceedings of the City Council as early as practicable within ten days following said meeting in which minutes were approved.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 24, 4th series, eff. 9-29-06)

### **Sec. 45. Assistants.**

The City Administrator shall have power to appoint a City Administrator's designee subject to the approval of the City Council, who shall hold his office during the pleasure of the City Administrator, and shall have authority under direction of the City Administrator to perform all the duties of the City Administrator. The City Administrator shall be responsible for the acts of his designee and the City Administrator is hereby authorized to require his said designee to give a faithful performance bond in an amount to be fixed by the City Council to the said City Administrator conditioned for the faithful performance of the duties of the office, which bond shall be paid by the City.

(Ord. No. 14, 4th series, eff. 7-31-04)

### **Sec. 46. Additional Services.**

It shall be the duty of the City Administrator to perform such services, additional to those above prescribed, as may be incidental to his office, or required elsewhere in this charter, or by city ordinance, or by direction of the City Council, and to discharge such other duties in connection with the finances of the City as are, or may be, required of him by this charter, by the City Council, or by the general laws of the State applicable to this City.

(Ord. No. 28, 3rd series, eff. 2-17-01)

### **Sec. 47. Bond.**

The City Administrator, before entering upon the duties of his office shall give a faithful performance bond to the city in an amount to be fixed by the City Council, conditioned for the faithful performance of the duties of his office. Such bond shall be subject to the approval of the City Council, and the premium on said bond shall be paid out of the City Treasury.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 14, 4th series, eff. 7-31-04)

## **Chapter V CITY FINANCE**

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**Sec. 48. Fiscal Year.**

The fiscal year of the City shall end each year on the 31st of December.

**Sec. 49. Property Subject to Taxation.**

All property in the City of International Falls, taxable under the laws of the State, shall be subject to taxation for the support of the City government and the payment of its debts and liabilities, and the same shall be assessed as provided for by law and in this charter.

There shall be maintained in the City Treasury the respective funds hereinafter in this chapter provided, and the City Council, by a majority vote of the authorized membership thereof, may levy an annual tax upon all taxable property in said City for the support of such funds and purposes.

**Sec. 50. General Funds.**

There shall be maintained in the City Treasury a fund to be designated as the General Fund, into which shall be paid all moneys not specifically designated as belonging to any other particular fund, and from which fund the City Council may replenish any other fund.

**Sec. 51. Permanent Improvement Fund.**

There shall be created, when not already existing and maintained in the City Treasury, a fund to be designated as the Permanent Improvement Fund, into which shall be paid all the moneys received from the sale of any property, except such property seized and forfeited by the police, or permanent improvements of the City not otherwise provided, and such amount from time to time as may be realized from the sale of any bonds or certificates or indebtedness, issued on account of such fund, and all amounts collected on special assessments advanced in the first instance out of such fund, all excess of all assessments for water mains and sewers.

It shall further be maintained by an annual tax levy to be made by the City Council for such payment as may be necessary.

And out of such fund shall be paid the cost of acquiring all real property and appurtenances, and the construction and improvement of all buildings and permanent improvements which shall not be otherwise provided for out of other funds, and also the cost of all local improvements, unless the City Council maintains a permanent improvement revolving fund. And the City Council shall maintain such fund sufficient to meet the expenses of all such improvements as the same become payable as in this charter provided.

(Ord. No. 14, 4th series, eff. 7-31-04; Ord. No. 24, 4th series, eff. 9-29-06)

**Sec. 52. Permanent Improvement Revolving Fund.**

There shall be created, if necessary, and maintained in the City Treasury, if the City Council so direct by ordinance, a fund to be designated as the "Permanent Improvement Revolving Fund" into which shall be paid all accounts realized from the sale of certificates of indebtedness issued on account of such fund, and the principal sum of all special assessments and benefits assessed and levied on account of any local improvements, as well as taxes levied on account of such fund, and there shall be paid out of such fund that portion of all local improvements for which special assessments are levied, and such amount of excess assessments as may in any instance be refunded and for no other purpose whatever.

And the City shall maintain such fund sufficient to meet the expenses of all such improvements as the same become payable as in this charter provided.

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And the City Council may from time to time by ordinance by a two thirds ( $\frac{2}{3}$ ) vote issue, negotiate and sell certificates of indebtedness for the creating or maintaining of such fund, and such certificates shall not be sold for less than par and accrued interest, and shall be made payment from said fund and at such times as the City Council may determine; Provided, however that the amount of certificates so issued shall not exceed at any one time one (1) per cent of the total value of taxable property of such City, according to the last preceding assessment for purposes of taxation.

(Ord. No. 14, 4th series, eff. 7-31-04)

### **Sec. 53. Public Utility.**

A Public Utility Fund may be established for the acquisition, support, maintenance, and operation of any public utility owned or operated by the City, including the payment of the interest on any bonds or other indebtedness which may be a lien upon such utility. There shall be paid into this fund all monies derived from the sale of bonds issued on account of any such utility, and from the operation of such utility, and from the sale of any property acquired for or used in connection with any such utility.

There shall be paid out of this fund the cost of the purchase, construction, extension, operation, maintenance and repair of such utility, including the interest upon all bonds or other indebtedness which may be a lien upon such utility. Any surplus in said fund may be used for the purchase of any bonds or certificates of indebtedness issued against said utility, and for the payment of such bonds or other indebtedness upon their maturity. Separate accounts shall be kept for each such utility operated separately. Should there be any accumulation of money in this fund beyond the needs thereof, the City Council may, by resolution, direct such accumulation or any part thereof, to be paid and transferred to the general fund of the City.

### **Sec. 54. Petty Cash Fund.**

There may be established by the City Council a petty cash fund to be used in accordance with state law. Said fund is to be administered by the City Administrator pursuant to procedural guidelines established by the City Council.

(Ord. No. 28, 3rd series, eff. 2-17-01)

### **Sec. 55. Bond and Interest Fund.**

There shall be maintained in the City Treasury, a fund to be designated as the Bond and Interest Fund, which shall be maintained by an annual levy upon all the taxable property of the City of an amount which, in addition to any balance remaining in such fund, shall be sufficient to pay the interest and principal on maturing bond which becomes due during the next fiscal year, upon all the bonds or debts of the City.

There shall be maintained in the City Treasury such other funds, and the City Administrator shall perform such other duties as are prescribed by law or ordinance of the City.

(Ord. No. 14, 4th series, eff. 7-31-04)

### **Sec. 56. Reserved.**

Editor's note(s)—Ord. No. 14, 4th series, effective July 31, 2004, repealed § 56, which pertained to board of tax levy.

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## **Sec. 57. Reserved.**

Editor's note(s)—Ord. No. 14, 4th series, effective July 31, 2004, repealed § 57, which pertained to report of estimates and derived from Ord. No. 28, 3rd series, eff. 2-17-01.

## **Sec. 58. Annual Tax Levy.**

The City Council shall, on or before the 10th day of October of each year, levy an annual tax upon all property in such City, taxable under the laws of this state, for the purpose of defraying and paying all the expenses, obligations and liabilities existing or authorizing by this charter, and the levy so made as aforesaid, shall be reported by the City Administrator forthwith to the County Auditor of Koochiching County, and shall be entered upon the tax duplicate of said County and collected annually in like manner as County and State taxes are collected.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 14, 4th series, eff. 7-31-04)

## **Sec. 59. Limit of Debt.**

Any general obligation bonds issued by the City pursuant to Section 74 of this City Charter shall be subject to the debt limitations set forth in Minnesota Statutes, Chapter 475, and any other applicable state law.

(Ord. No. 45, 5th series, § 1, eff. 12-24-21)

Editor's note(s)—Ord. No. 45, 5th series, § 1, effective December 24, 2021, repealed the former § 59, and enacted a new § 59 as set out herein. The former § 59 pertained to limit of Debt or Liability.

## **Sec. 60. Money—How Paid Out—Combination Warrant Check.**

All moneys belonging to the City, except as otherwise provided in this charter, shall be under control of the City Council and shall be paid out only on a combination warrant-check signed by the Mayor and City Administrator, duly authorized by virtue of a resolution of the City Council, by an affirmative vote of a majority of the whole number of the City Council.

Provided, that all sums of money due or to become due upon monthly payrolls, or as salaries for compensation of city officers and employees regularly elected or appointed and receiving a fixed salary or compensation, and all sums due or to become due for interest on bonds and other fixed charges, may be allowed and ordered paid on mere motion duly carried by an affirmative vote of a majority of all the members present.

It shall be the duty of the City Administrator to draw all warrant-checks and he shall designate on each warrant-check and on the claim or account to be paid the fund upon which drawn and out of which the same shall be paid; and each warrant-check shall be payable only out of such fund belonging to the City as is named in the resolution providing for its payment, if the same is authorized by resolution.

Each combination warrant-check shall be payable to the order of the person in whose favor it is drawn and may be transferred by endorsement.

(Ord. No. 28, 3rd series, eff. 2-17-01)

## **Sec. 61. Reserved.**

Editor's note(s)—Ord. No. 24, 4th series, effective September 29, 2006, repealed § 61, which pertained to taxpayer's and claimant's appeal and derived from Ord. No. 28, 3rd series, eff. 2-17-01.



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**Sec. 62. Annual Audit.**

As soon as practical after the end of each fiscal year the City Council shall cause an audit of the city books to be made either by a public examiner or by a certified competent public accountant.

**Chapter VI POWERS AND DUTIES OF CITY COUNCIL****Sec. 63. Legislative Power Vested in City Council.**

The legislative power and authority of the City shall be vested in the City Council, composed of the mayor and four councilors of such City as herein provided.

(Ord. No. 24, 4th series, eff. 9-29-06)

**Sec. 64. Organization.**

The City Council at its first meeting after election shall organize and proceed to organize as provided in this Charter, and elect such other officers as may be necessary for the transaction of its business. Such election shall be by voice vote duly recorded as to yeas, nays and abstentions, and a majority affirmative vote of all members shall be necessary to elect.

**Sec. 65. Rules and Special Meetings.**

The City Council shall prescribe rules for its own guidance and the time for its regular meetings. The Mayor or a majority of the council may call special meetings of the Council giving at least twelve (12) hours notice by the City Administrator to each member of the Council. Such notice of the time, place, and purpose shall be posted at the City Hall for a like period and notice shall be given to the news media as designated by the City Council. Notice shall be delivered personally to each member or shall be left at said members usual place of residence. No business shall be transacted at a special meeting the same shall have been specified in the call therefore.

(Ord. No. 28, 3rd series, eff. 2-17-01)

**Sec. 66. Quorum.**

A majority of the members shall constitute a quorum, but less than a majority may adjourn from time to time, and a minority as well as a majority may compel the attendance of absent members.

**Sec. 67. Canvassing Votes.**

The City Council shall have the power to, and it shall, canvass the returns of votes cast at all City elections and declare the results thereof, and shall be the judge of the election and qualifications of its own members.

**Sec. 68. Ordinances and Resolutions.**

Except as otherwise provided in this Charter, all legislation shall be by ordinance. In amending any ordinance all previous amendments thereof shall be consolidated in a rewording of the section amended, and each section or subsection amended shall be stated in full and shall be preceded by the words "so as to read as follows."

A repealing ordinance shall state in full the title of the ordinance repealed.

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## **Sec. 69. Procedure on Ordinances.**

Every proposed ordinance, excepting emergency ordinances, shall be presented in writing. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The format of all ordinances shall be: "The City Council of the City of International Falls, do ordain as follows...". No ordinance, except an emergency ordinance, shall be adopted at the meeting at which it is introduced and at least seven days shall elapse between its introduction and final passage.

## **Sec. 70. Emergency Ordinances.**

An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is defined and declared in a preamble and the ordinance is adopted by a vote of two-thirds of the Council.

## **Sec. 71. Passage of Ordinances and Resolutions.**

Every ordinance, except as in the charter otherwise provided, shall be passed by a majority vote of the members of the City Council, taken by yeas and nays, which shall be entered upon its journal. Every ordinance shall be published once in the official newspaper of the City before it takes effect. No vote of the City Council shall be reconsidered or rescinded at a subsequent meeting unless all members of the city council are present.

All ordinances shall be recorded, by the City Administrator, in books to be provided for that purpose.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 9, 5th series, eff. 2-11-13)

## **Sec. 72. Contracts Awarded—Warrant Checks Drawn.**

In all matters, except those provided for in Section 88 of this chapter and any other cases mentioned in this charter in which action is required to be by ordinance, the City Council may act by resolution in writing, or in cases in which it is not otherwise provided in this charter the City Council may act by mere motion to be entered on the minutes; provided, however, that every appropriation in excess of that amount required for sealed bids or more to be paid to any one person, firm or corporation (exclusive of salaries and compensation of officers and employees of said City, and bond interest and other fixed charges, or sums heretofore authorized or contracted to be paid, which sums, including the payroll of City officers or employees whose salaries or compensation have been fixed by law or resolution, may be passed and warrants ordered hereunder, by motion as provided in Section 61 of Chapter V of this charter). The letting of any job of work, or the authorizing of any contract or purchase, involving an expenditure from the City Administrator of eight hundred dollars (\$800.00) or more, and any provision for the sale of any real estate of the city, or of any of its personal property of the value of eight hundred dollars (\$800.00) or more, and every determination to take private property for public use, and every determination to issue bonds of the city or in any way to contract indebtedness exceeding eight hundred dollars (\$800.00) (except as herein otherwise provided) shall be by ordinance.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 14, 4th series, eff. 7-31-04)

## **Sec. 73. Majority Vote Required.**

Every ordinance appropriating money or creating any liability (or for the issuance of certificates of indebtedness in anticipation of tax or assessment levies), awarding or approving any contract for the payment of money, ordering any condemnation of private property, or the making of any local improvements, shall require a majority vote of all the members of the City Council, except as provided in Section 60, Chapter V.

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## **Sec. 74. Issuance of Bonds.**

Notwithstanding any other provision of this City Charter to the contrary, the City shall have the authority to issue general obligation bonds, revenue bonds and other obligations for the purposes of and in accordance with the provisions of state law. Any resolution authorizing the issuance of any bonds of the City shall require the affirmative vote of a majority of all members of the City Council present at the meeting thereof, unless a greater number is required under applicable state law. Such bonds shall be payable from a debt service account established in the resolution authorizing the issuance of any such bonds.

(Ord. No. 45, 5th series, § 1, eff. 12-24-21)

Editor's note(s)—Ord. No. 45, 5th series, § 1, effective December 24, 2021, repealed the former § 74, and enacted a new § 74 as set out herein. The former § 74 pertained to Issuance of Bonds, Etc. and derived from Ord. No. 24, 4th series, eff. 9-29-06.

## **Sec. 75. Councilors Not to Solicit Appointment.**

No member of the City Council shall demand, request or solicit any board, officer, or employee, connected with the City, to appoint any person to a position in said City, except that councilors in open council meetings may make such request or solicitation. Upon proof of a violation of this provision the office of such member shall become and be declared vacant by the City Council.

(Ord. No. 24, 4th series, eff. 9-29-06)

## **Sec. 76. Witnesses Before a City Council.**

The City Council and any of its Committees authorized by it to do so, shall have the power to compel the attendance of witnesses and the production of books, papers and other evidences at any of its meetings, or before such committee, and for that purpose may issue subpoenas or attachments in any case of inquiry of investigation to be signed by its Mayor, or the Chair of such Committee, as the case may be, which shall be served and executed by any officer or person authorized by law to serve subpoenas and other processes.

(Ord. No. 14, 4th series, eff. 7-31-04)

## **Sec. 77. Punishment for Refusal to Testify.**

If any witness shall refuse to testify to the facts within that persons knowledge, or to produce any books or papers in that persons possession, or under his control, the City Council shall have the power to fine or commit that person for contempt.

(Ord. No. 24, 4th series, eff. 9-29-06)

## **Sec. 78. Witnesses Not to Be Excused.**

No witness shall be excused from testifying concerning that persons knowledge of the matter under investigation in any such proceeding or inquiry before the City Council or any Committee thereof, or before any officer of the City having power to conduct the investigation; but such testimony shall not be used against that person in any criminal prosecution except for perjury.

(Ord. No. 14, 4th series, eff. 7-31-04; Ord. No. 24, 4th series, eff. 9-29-06)

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## **Sec. 79. Reserved.**

Editor's note(s)—Ord. No. 45, 5th series, § 1A., effective December 24, 2021, repealed § 79, which pertained to City Council to Control Finances—Limit on Bond Issues and derived from Ord. No. 24, 4th series, eff. 9-29-06.

## **Sec. 80. Condemnation.**

The City Council shall have the power to acquire by condemnation, dedication, or otherwise for any municipal purpose, lands within or without the City, for and to lay out, open, widen, and extend streets, alleys, avenues, bridge approaches, parks and public grounds, and to establish the grade and width of such streets, alleys and avenues, and to change the same; and to acquire by condemnation or otherwise easements for slopes, cuts and fills; by condemnation or otherwise to extend or widen any street, alley, or highway, over or across or to construct any sewer under or through, any railroad track, right of way or land of any railroad or other corporation, and to acquire by condemnation or otherwise, the right to take, use or divert water from any lake, stream, or water course for water supply of said City, and to acquire by condemnation or otherwise, the right to take or use lands for airways or airports. The City shall not be limited to the acquisition of property for the purposes herein expressed, but may acquire property or easements by condemnation or otherwise for any municipal purpose, in the manner provided by M.S.A. Ch. 117 or its amendment, and shall be paid out of the general funds in the City Treasury.

(Ord. No. 14, 4th series, eff. 7-31-04; Ord. No. 24, 4th series, eff. 9-29-06)

## **Sec. 81. Improvement of Streets.**

The City Council shall have the power to extend, widen, straighten, grade, drain, pave, repave, macadamize or otherwise improve any street, alley, or public ground, and to lay or order laid sidewalks, curb and gutter thereon, also to establish a building line for any structure, avenue or street, and to prevent the erection of buildings in front of such line.

(Ord. No. 14, 4th series, eff. 7-31-04; Ord. No. 24, 4th series, eff. 9-29-06)

## **Sec. 82. Maintaining and Altering Water Courses and Lakes.**

The City Council shall have the power to build and maintain bridges and viaducts, to deepen, widen, dock and cover, wall, alter or change the channel of any water course within the City, and by condemnation or otherwise to acquire the land and rights necessary therefore, and may remove any obstructions or unsightly structures from any pond or water course in the City and to prevent the dumping of any garbage therein.

(Ord. No. 24, 4th series, eff. 9-29-06)

## **Sec. 83. Approval of Plats.**

The City Council shall have the sole power to accept and approve plats of additions within or adjoining the City, and to prescribe the width and location of streets and alleys required in such plats of property.

(Ord. No. 24, 4th series, eff. 9-29-06)

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## **Sec. 84. Light, Water and Transportation.**

The City Council shall have the power to provide for the lighting of streets, avenues and public grounds and buildings, and to purchase, acquire or establish gas, electric and other lighting plants, and to furnish gas, heat and electricity to persons within or without the City limits on such terms as it may provide; to purchase, procure or establish water works and to provide water for the use and convenience of the inhabitants of the City or others, and to prescribe and fix the charges for the same and the manner in which the same shall be paid; and to provide for systems of public transportation within the City, and to regulate the operation thereof. The City Council shall also have the power to make contracts with individuals, firms or corporations for the use of street lighting and other purposes. Such contracts for water and electricity and gas to be made for such time as the City Council may deem for the best interests of the City.

(Ord. No. 14, 4th series, eff. 7-31-04; Ord. No. 24, 4th series, eff. 9-29-06)

## **Sec. 85. Power to Maintain Buildings.**

The City Council shall have power by a three-fifths ( $\frac{3}{5}$ ) vote of the Council as a whole, to erect, provide for, improve, and repair a city hall, fire halls, police stations, armories, jail workhouse, hospitals, public cemeteries, libraries, public grounds, quarantine hospitals, and sewer stations and other appurtenances, accessories, apparatus, and equipment in connection therewith as may be necessary for the transaction of business of the City, either within or without its limits, for its government, or the operation of its department; and to acquire by purchase, gift or condemnation lands for sites for said buildings or to be used in connection therewith; and to acquire by purchase, condemnation or otherwise, any real property for municipal purposes, and by resolution passed by a three-fifths ( $\frac{3}{5}$ ) vote of the Council as a whole, to sell or authorize the sale of any of the same.

(Ord. No. 14, 4th series, eff. 7-31-04; Ord. No. 24, 4th series, eff. 9-29-06)

## **Sec. 86. Depositing Funds and Auditing Accounts.**

The City Council shall designate the depositories of the funds of the City Treasury, and by resolution approve all bonds given for the safekeeping thereof, and it shall examine and audit the accounts of all City officers.

(Ord. No. 24, 4th series, eff. 9-29-06)

## **Sec. 87. Specific Powers.**

The City Council, except as in this charter otherwise provided, shall have the general management and control of the finances and all property of the City, and shall have full power and authority to make, amend or repeal all such ordinances and resolutions as it shall deem expedient for the government and good order of the City, for the protection of the public and public health, comfort and safety, for the suppression of vice, intemperance, prevention of crime, and the general welfare of the City. It shall have power and authority to declare and impose penalties and punishments for violation of ordinance and resolutions, and to enforce the same against any person who may violate the same; and all such ordinances and resolutions, not inconsistent with the constitution and laws of this State, nor of the United States, are hereby declared to have full force of law.

(Ord. No. 14, 4th series, eff. 7-31-04)

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## **Sec. 88. Other Powers.**

The City Council shall prescribe by ordinance all regulations proper and necessary to carry into effect any and all powers granted by this charter, and may provide by such ordinances for the punishment of the violation of any of the same by subjecting the offender to pay a fine not to exceed the fine penalty provisions for a misdemeanor as provided in state law, and pay the cost of such prosecution as in violation of a law of the State, or to be confined with fine and costs as sentenced by the Court in any place of confinement maintained by the City, or in case there is no such place, then to be confined in the county jail of Koochiching County, not to exceed the term of ninety (90) days, and may be cumulative or for an indefinite term, not to exceed the term of ninety (90) days subject to suspension or termination by reason of or during good behavior of the person so imprisoned. When a fine and costs have been imposed the offender, upon failure to pay the same may be likewise imprisoned until such fine and costs are paid not exceeding however, ninety (90) days.

(Ord. No. 14, 4th series, eff. 7-32-04; Ord. No. 24, 4th series, eff. 9-29-06)

## **Sec. 89. Appointment of Officers.**

The appointment of any officer by the City Council shall require an affirmative vote of a majority of all its members, taken by voice vote duly recorded by the City Administrator as to yeas, naves, and abstentions.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 14, 4th series, eff. 7-31-04)

## **Sec. 90. Purchases and Letting of Contracts.**

The City Council shall have power to let contracts for the erection, improvement and repair of any of the public works or buildings of the City, and for the performance of any work required to be done, and material to be furnished in carrying into execution its powers and operations of its departments.

The City Administrator shall be the chief purchasing agent of the city. All city purchases and contract shall be made according to State law. Contracts shall be made in compliance with uniform contracting law. The Council may by ordinance adopt further regulations for the making of bids and letting of contracts.

(Ord. No. 28, 3rd series, eff. 2-17-01)

## **Sec. 91. Contracts to Lowest Bidders.**

The City Council shall let all such contracts to the lowest responsible bidder meeting specifications, who will enter into the contract and give security for the performance thereof and shall let no contracts to any party in default to the City in the performance or by reason of any other contract. The City Council shall sell all property, bonds and other evidence of indebtedness only to the highest bidder for cash therefore and shall not sell nor negotiate any such bond or evidence of indebtedness below its par value, the same being its face value and accrued interest. It shall designate as City depositories only such duly incorporated banks or trust companies in this State as shall furnish security required by law, and shall be satisfactory to the City Council.

(Ord. No. 24, 4th series, eff. 9-29-06)

## **Sec. 92. Bond of Contractors.**

The City Council may require of every party entering into a contact with the City or any of its departments or accepting any license, immunity, privilege or franchise from or under the City pursuant to any power or authority

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herein vested, a bond to be approved by the City Council for the full and faithful performance of such contracts or the just and lawful exercise of the powers and privileges conferred, which bonds shall be sufficient in amount to indemnify the City against any loss or damage that may be sustained by a breach of contract, or any wrong committed in the exercise of such power or privilege.

(Ord. No. 24, 4th series, eff. 9-29-06)

### **Sec. 93. Advertising for Proposals.**

Every advertisement for proposal shall be made by publication in the official newspaper of the City, at least twice, of a notice containing a general description of the contract to be let or the property to be purchased or sold, or bond or other indebtedness to be negotiated, or funds to be deposited, or franchise to be granted, and shall invite sealed proposals therefore, which proposals shall be filed with the City Administrator at such time as shall be designated in said advertisement, not less than one (1) week, after the last publication. All proposals shall be opened and read by the City Administrator in the presence of the City Council before any of the same are acted on or accepted.

(Ord. No. 28, 3rd series, eff. 2-17-01)

### **Sec. 94. Designation of Official Papers.**

The City Council shall biennially, at its organizational meeting or as soon thereafter as practicable, designate some newspaper printed in the English language, which is and shall have been printed, published and of general circulation in the City, for one (1) year prior to its designation as the official paper of the City, and shall let the contract for publishing the ordinances and proceedings of the council, and other public notices required by law to such newspaper, as other contracts are required to be let. The compensation paid for printing shall never exceed the amount allowed by law for legal advertising. Whenever in the City no newspaper is published any paper printed in the English language and published in Koochiching County may be designated as the official paper.

Provided that if each and all proposals shall fix a price in excess of the maximum, as herein provided, or if no proposal shall be received, then in either event the City Council may adopt such other methods for publication of ordinances, proceedings and other matters as it may determine, the compensation in no event to exceed the amount herein provided.

### **Sec. 95. Power to Enter Private Property.**

The City Council may authorize the entry into any lands or tenements for the purpose of carrying into effect its inspection laws and may enter upon any land to lay any branch sewer or water main, or drain any marsh, or make any changes or erections in, upon or about any water course.

(Ord. No. 24 4th series, eff. 9-29-06)

### **Sec. 96. Vacation of Streets.**

The City Council of said City shall have the sole and exclusive power to vacate or discontinue public grounds, streets, alleys and highways within said City.

No such vacation or discontinuance shall be granted or ordered by the City Council, except upon the petition of one or more residents and freeholders of said City; such petition shall set forth the facts and reasons for such vacation accompanied by a plat of such public grounds, streets, alleys, or highways proposed to be vacated, and it shall be verified by the oath of the petitioners.

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The City Council, shall, thereupon, if they deem it expedient, that the matter be proceeded with, order the petition to be filed of record with the City Administrator, who shall give notice by publication in the official paper of the City for four (4) weeks, at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief its object and that said petition will be heard and considered by the City Council; or a committee appointed by them, on a certain day therein specified, not less than ten (10) days from the expiration of said publication.

The City Council or such committee as may be appointed by them, for the purpose, at the time and place appointed shall investigate and consider the said matter and shall hear the testimony and evidence on the part of the parties interested.

If, after having heard the testimony, and evidence, the City Council shall determine in favor of such vacation, it shall then appoint three disinterested freeholders of said City, no two of whom shall reside in the same ward, as commissioners to view the premises and to ascertain and award the amount of damages and compensation to be paid to the owner of property which may be injured by such vacation, and to assess the benefits which may accrue to the lands and property which may be benefited by such vacation, and in proportion to the benefits to be received.

Two of such commissioners shall constitute a quorum and be competent to perform any duty required of such commissioners.

They shall give notice by two publications in the office paper of said City that such survey and plat is on file in the office of the City Administrator for the examination of all persons interested, and that they will, on a day designated in such notice, which shall be at least ten days after the first publication of said notice, meet at a place designated in said notice on or near proposed improvement and view that portion of the street proposed to be vacated, and ascertain and award therefore the damages and compensation, and assess thereon the benefits actually accruing to such property as may be benefited by reason of such vacation; and that they will then and there hear such evidence and proof as interested parties may offer.

And such commissioners shall meet and view the premises pursuant to such notice and may adjourn from time to time, and after having viewed the premises, may for the hearing of evidence and preparation of their award assessment, adjourn, or go to any other convenient place in said City, and may have the aid and advice of the City Engineer and of any other office of the City.

After viewing the premises and hearing the evidence offered, such commissioners shall prepare and make a true and impartial appraisal and award of the compensation and damages to be paid to each person whose property may be injured by reason of such contemplated vacation.

In each case they shall award only the excess of the compensation and damages over and above such benefits.

The said commissioners shall then report to the City Council an assessment list containing the appraisal of such compensation and damages, or such charges thereon as shall not exceed the actual benefits to the property so assessed, which list shall contain a brief description of each tract or parcel of property so assessed, the name or names of the owners thereof, if known, the amount assessed, and of the excess of such compensation and damages as aforesaid which they shall return unassessed.

Such report shall lie over until the next regular meeting of the council, which shall occur at least one week from the reception thereof, at which time or at any other meeting the City Council may act on such report and hear any complaint touching such award or assessment, or it may refer the matter to a committee of the Council to hear such complaint and report thereon.

The Council may confirm such award and assessment, or either, or annul the same or send the same back to the same commission for further consideration, and the commissioners may, in such case, again, upon giving a like notice as herein provided, meet at a time and place to be designated in said notice, which shall be at least two (2) weeks after the publication of such notice, meet and hear any further evidence that may be adduced by interested



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parties and may adjourn from time to time, and may correct any mistakes in such award and assessment and alter and revise the same as they may deem just, and again report the same to the City Council, who may thereupon confirm or annul the same.

Whenever the City Council shall confirm any such award and assessment, such confirmation shall make such award and assessment final and conclusive upon all parties interested, except as herein provided, and the City Council shall proceed at the same or at any subsequent meeting to levy such assessment upon the several parcels of land described in the assessment list presented by the commissioners in accordance with the assessment so confirmed and cause to be made and adopted an assessment roll of the same, which may be in such form as the Council may adopt.

When damages are awarded to any person or persons, as provided in this section, in excess of benefits, the City Council shall order the same to be paid out of the city treasury on warrants to be drawn and attested by the City Administrator and signed by the Mayor; said warrants to be issued to the person or persons entitled thereto at the expiration of the time for appeal as hereinafter provided.

The City Council upon the confirmation of such award and assessment, and upon payment into the city treasury of such assessment, may, by an order passed by a three-fifths ( $\frac{3}{5}$ ) vote of the Council as a whole, declare such public grounds, streets, alleys or highways vacated, and a transcript of such order, duly certified by the City Administrator, shall be filed for record and duly recorded in the office of the register of deeds for the County of Koochiching.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 24, 4th series, eff. 9-29-06)

### **Sec. 97. Appeal from Vacation.**

Any person aggrieved by any such vacation or discontinuance, or by any such assessment of damages or benefits therefore as hereinbefore provided, shall have the right at any time within ten (10) days after the publication of the order vacating such street, alley or highway, to appeal to the district court of the County of Koochiching and from such confirmation of such assessment or from such order declaring such vacation.

It shall be the duty of the City Administrator, as soon as any such appeal is taken, to transmit to the proper court a certified copy of the record of all proceedings in the case.

Such appeal shall be entered and brought on for trial and be governed by the same rules in all respects as appeals from justice of the peace in civil actions, except that no pleadings shall be required.

(Ord. No. 28, 3rd series, eff. 2-17-01)

### **Sec. 98. Prohibiting Relief from Assessment, Etc.**

The City Council shall not have the power to relieve any citizen from the payment of any lawful tax, assessment, fine or license, bond or security, nor to exempt that person from any burden imposed upon him by law or ordinance or to ordain the payment of any demand not authorized and audited according to law. The City Council shall not have power to ordain or authorize any compromise of any disputed demand arising under contracts, or any allowance therefore or therein, except as provided in the contract therefore. The City Council shall not have authority nor power to authorize or ordain the payment of any damages or claim for alleged injuries to persons or property except by resolution, adopted by a vote of three-fifths ( $\frac{3}{5}$ ) vote of the Council as a whole.

(Ord. No. 24, 4th series, eff. 9-29-06)

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## **Sec. 99. Compilation of Laws and Ordinance.**

The City Council may from time to time provide for the compilation and publication, in book, pamphlet or electronic media, of this charter, the ordinances and regulations of the City, rules of the City Council, police rules, regulations adopted by the board of health, and such resolutions of the City Council, as it may designate; and may provide for the distribution by sale or otherwise of copies of such compilation and publication; and such book, pamphlet or electronic media so issued, purporting on the title page to have been published by authority of the City Council and to contain the ordinances of the City or other matter in this section above mentioned, shall be prima facie evidence of their contents in all courts of this state; and in absence of evidence to the contrary, all ordinances, rules, regulations and resolutions found therein shall be presumed to have been duly legally passed, promulgated or adopted. Copies duly certified by the City Administrator of this City, of this charter, ordinances or rules, regulations or resolutions in writing or other papers in his official custody, or any records kept by him in his official capacity shall also be received as prima facie evidence of their contents in all courts of this state. The District Court of the County of Koochiching, shall take judicial notice of this charter and all ordinances duly passed by the City Council.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 14, 4th series, eff. 7-31-04)

## **Sec. 100. Care of Streets.**

The City Council shall have and maintain active care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds, as in this charter provided, and all other public improvements and public property within the limits of the City, and shall cause all streets which have been opened and graded under the authority of the City or with its assent, to be kept open and in repair and free from nuisances.

(Ord. No. 14, 4th series, eff. 7-31-04)

## **Sec. 101. Not Liable for Injuries Caused by Railway Cars.**

The City shall be exempt from all liability or damages caused by railroads either to person or property, when said railroads or engine or cars are passing along, across, under, over or upon any street, lane, alley or any public way within the limits of the City.

# **Chapter VII POLICE DEPARTMENT**

## **Sec. 102. Organization.**

The Police department shall consist of a Chief of Police and such other officers and employees as may from time to time be authorized by the City Council. The Chief of Police shall be supervised by the City Administrator.

(Ord. No. 14, 4th series, eff. 7-31-04; Ord. No. 15, 4th series, eff. 7-31-04)

## **Sec. 103. Police Civil Service Commission.**

A Police Civil Service Commission having been duly adopted by resolution of the City Charter for International Falls, on the 21st day of June, 1937, said Police Civil Service Commission not having been abolished in the manner provided by law, the powers and duties of the said Civil Service Commission in respect to the Police Department of the City shall be those enumerated in Chapter 419 Laws of the State of Minnesota, as amended.

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In event the foregoing commission is abolished, in a manner provided by law, then such Chief of Police and all other officers and employees as may be authorized by the Council shall be appointed and may be removed by the Council of the City.

(Ord. No. 14, 4th series, eff. 7-31-04; Ord. No. 15, 4th series, eff. 7-31-04)

## **Chapter VIII FIRE DEPARTMENT**

### **Sec. 104. Chief of the Fire Department.**

There shall be a fire department in the City of International Falls. The head of said department shall be known as the "Fire Chief supervised by the City Administrator."

(Ord. No. 15, 4th series, eff. 7-31-04; Ord. No. 24, 4th series, eff. 9-29-06)

### **Sec. 105. Fire Department Personnel.**

The Fire Chief, Assistant Chief of the Fire Department, and all other personnel of said fire department are subject to employment, promotion, discharge, or suspension by the Firefighter's Civil Service Commission, all in accordance with M.S.A., Ch. 420.

The Firefighter's Civil Service Commission having been duly adopted by resolution of the City Council of International Falls on the 26th day of July, 1937, said Firefighter's Civil Service Commission not having been abolished in the manner provided by law, the powers and duties of the said Civil Service Commission, in respect to the fire department of the City, shall be those enumerated in Chapter 420, Laws of the State of Minnesota, as amended.

In the event the foregoing commission is abolished in a manner provided by law, then such Fire Chief and all other officers and personnel of the fire department and employees as may be authorized by the Council, shall be appointed and may be removed by the City Council, subject only to the limitations imposed by the Civil Service Law.

(Ord. No. 15, 4th series, eff. 7-31-04; Ord. No. 24, 4th series, eff. 9-29-06)

### **Sec. 106. Powers and Duties of the Chief.**

The Fire Chief, under the direction of the City Council, shall have the general superintendency of the fire department and the custody of all engines and engine house hooks, ladders, hose and other property used for the purposes of said department. The Fire Chief shall see that the same are kept in order, and that all rules and regulations and all ordinances and provisions of this Charter, relative to the Fire Department and to superintend the preservation of all property endangered by fire, and shall have control and direction, in case of fire, of all persons, organizations or associations engaged in preserving such property.

It shall be that persons duty to recommend additions and replacements of obsolete and inadequate equipment and to recommend towards its disposal.

(Ord. No. 15, 4th series, eff. 7-31-04; Ord. No. 24, 4th series, eff. 9-29-06)

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## **Sec. 107. Rules and Regulations.**

The Fire Chief, with the approval of the City Council, is authorized and required to make all needful rules and regulations, not inconsistent with the laws of the State, the provisions of this charter, or the ordinances of the City, for the government and control of the fire department, and for the prevention and extinguishment of fires. All rules and regulations made in pursuance thereof shall be in writing signed by the aforesaid officers, and shall be filed in the office of the City Administrator, and shall be binding upon all persons connected with said department.

(Ord. No. 15, 4th series, eff. 7-31-04; Ord. No. 24, 4th series, eff. 9-29-06)

## **Chapter IX BOARD OF EQUALIZATION**

### **Sec. 108. Board of Equalization.**

The functions and responsibilities of the Board of Equalization to review, amend, and equalize property valuations as set out in Minnesota statutes, as amended, shall be performed by the Koochiching County Board with the assistance of the Koochiching County Assessor's office for all properties within the City of International Falls.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 14, 4th series, eff. 7-31-04; Ord. of 11-2-04, § 3; Ord. No. 24, 5th series, §§ 1A., B., eff. 10-19-18)

### **Sec. 109. Reserved.**

Editor's note(s)—Ord. No. 24, 5th series, § 1A., effective October 19, 2018, repealed § 109, which pertained to powers of the board.

### **Sec. 110. Reserved.**

Editor's note(s)—Ord. No. 24, 5th series, § 1A., effective October 19, 2018, repealed § 110, which pertained to grievances.

## **Chapter X CITY ATTORNEY**

### **Sec. 111. Appointment.**

At the time of the organization of the City Council after each regular municipal election thereof, or as soon thereafter as may be, the City Council may appoint a City Attorney, who shall be a person learned in the law and duly admitted to practice in courts of record in this State, and who shall serve for the term of two years and until his/her successor is appointed and qualified, unless removed for cause as in this charter provided. When from absence, sickness or other cause, the City Attorney shall be unable to attend to any of his/her official duties the City Attorney may recommend someone to act in his/her place for the time being, subject to City Council approval.

(Ord. No. 24, 4th series, eff. 9-29-06; Ord. No. 24, 5th series, § 1C., eff. 10-19-18)

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### **Sec. 112. Duties.**

The City Attorney shall be the legal adviser of the City and shall perform all the services incident to the office, and shall appear in and conduct all civil suits, prosecutions and proceedings in which the City shall be directly or indirectly interested, except as otherwise provided in this charter, and, when necessary, take charge of and conduct all prosecutions for violation of the City ordinances, and perform all such other duties as may be required by law.

(Ord. No. 24, 4th series, eff. 9-29-06)

### **Sec. 113. Opinions.**

The City Attorney shall, when so required, furnish opinions, in writing or otherwise as requested, upon any subject submitted to him/her by the City Council or any of the committees or boards thereof. The City Attorney shall advise the City Council and all city officers in respect to their official duties. No board, department or officer of the City shall have or employ any other attorney in connection with their official business.

The City Council in case of necessity may upon three affirmative votes of the Council employ additional legal counsel to assist the City.

(Ord. No. 24, 4th series, eff. 9-29-06; Ord. No. 24, 5th series, § 1D., eff. 10-19-18)

### **Sec. 114. Appeals.**

The City Attorney, unless otherwise ordered by the City Council, shall have the right to decide whether or not, in any case in which the City is a party in any court, to take an appeal from any order, judgment or determination of the court. The City Attorney shall notify the City Council of the result of all appeals in which the City is a party, or in which it is interested.

(Ord. No. 24, 4th series, eff. 9-29-06; Ord. No. 24, 5th series, §§ 1E., F., eff. 10-19-18)

## **Chapter XI CITY ENGINEER—DEPARTMENT OF PUBLIC WORKS**

### **Sec. 115. Appointment.**

There shall be established a department of public works, buildings and structures, which shall be in charge of a civil engineer to be known as "City Engineer", who shall be retained or hired by the City Council. The Director of Public Works, who may or may not be a civil engineer, through the heads of the departments described in this chapter shall have charge and control of the streets, alleys, highways, and parks of the City, all work done thereon and construction thereof, as well as the construction, maintenance and operation of all the public lighting, sewer and water systems of the City.

(Ord. No. 14, 4th series, eff. 7-31-04; Ord. No. 24, 4th series, eff. 9-29-06; Ord. No. 24, 5th series, § 1G., eff. 10-19-18)

### **Sec. 116. Heads of Departments.**

The City Council may hire a Street Commissioner, Water Commissioner, and such other officers as the City Council may deem necessary. Persons hired to such offices or any combination thereof, shall be the heads of the

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departments to which they are assigned, but shall be responsible to the Director of Public Works, and shall perform such duties as he/she may assign to them.

(Ord. No. 24, 4th series, eff. 9-29-06; Ord. No. 24, 5th series, § 1H., eff. 10-19-18)

**Sec. 117. Surveys, etc.**

All surveys, profiles, plans and estimates made by the Department of Public Works shall be carefully preserved and shall be public records of the City.

(Ord. No. 24, 5th series, § 1I., eff. 10-19-18)

**Chapter XII BOARD OF HEALTH**

**Sec. 118. Appointments—Qualifications.**

The Board of Health shall consist of three members, one of whom shall be a physician, duly licensed to practice medicine within the State of Minnesota, of good standing in his/her profession and who shall have been in active practice for at least three years. He/she shall be styled, "Health Officer."

Each member of said board shall be appointed for the term of two years.

(Ord. No. 24, 4th series, eff. 9-29-06)

**Sec. 119. General Powers, Duties.**

Except as otherwise provided in this Charter, the members of said board shall have and exercise all the authority and power and shall perform all the duties granted to or imposed upon local boards of health by the general laws of the State of Minnesota; and all such laws of said state governing such local boards shall, so far as applicable, apply and be in force in this City.

**Sec. 120. Reserved.**

Editor's note(s)—Ord. No. 24, 4th series, effective September 29, 2006, repealed § 120, which pertained to special powers and duties.

**Sec. 121. Professional Advice.**

The health officer shall give to the Mayor or other city authorities all such professional advice and information as they may require, with a view to the preservation of public health; and whenever he/she shall hear of the existence of any malignant, contagious or pestilential disease, he/she shall investigate the same and adopt measures to arrest its progress.

(Ord. No. 24, 5th series, § 1J., eff. 10-19-18)

**Sec. 122. To Make a Circuit of Observation.**

It shall be the duty of the members of the Board of Health to make a circuit of observation of every part of the City and environs, from time to time, and in all cases wherein they may discover the existence of any agent,

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the presence of which will prove dangerous to the health of the City, and there is no ordinance competent for the correction of the evil, they shall immediately report the same to the City Council, accompanied by their written opinion of the necessity of extraordinary or particular action.

(Ord. No. 24, 5th series, § 1K., eff. 10-19-18)

**Sec. 123. Books for Records.**

It shall be the duty of the health officer to provide, at the expense of the City, the necessary books for keeping a record of all transactions of the Board of Health, and such other statistical information necessary for such official work of said board.

(Ord. No. 24, 5th series, § 1L., eff. 10-19-18)

**Chapter XIII PUBLIC LIBRARY**

**Sec. 124. Generally.**

It is hereby declared to be the responsibility of the City of International Falls to promote the development of the Public Library and to provide for its support as provided by State Law.

**Chapter XIV LOCAL IMPROVEMENTS**

**Sec. 125. Public Improvement Assessments.**

All public improvements to be installed or constructed by the City may be assessed in accordance with applicable state law.

(Ord. No. 45, 5th series, § 1, eff. 12-24-21)

Editor's note(s)—Ord. No. 45, 5th series, § 1, effective December 24, 2021, amended § 125 in its entirety to read as herein set out. Former § 125, pertained to sewage disposal plants and storm sewers, and derived from Ord. No. 14 4th series, eff. 7-31-04; Ord. No. 17, 4th series, eff. 7-31-04.

**Chapter XV MISCELLANEOUS AND TRANSITIONAL PROVISIONS**

**Sec. 126. Civil Action to be Brought in Name of City.**

All civil actions to recover any penalty or forfeiture under this charter or under any ordinance or regulations passed in pursuant thereof, or for any other authorized purpose, and all prosecutions for the violation of any penal provisions in this charter or of any ordinance or regulation adopted in pursuance of this charter, shall be brought in the corporation name of the City.

**Sec. 127. Judgments—How Discharged.**

No judgment in favor of the City in either a civil or criminal action shall be remitted or discharged, except by a four-fifths (4/5) vote of the Council as a whole.

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(Ord. No. 24, 4th series, eff. 9-29-06)

**Sec. 128. Mayor and City Administrator to Sign all Documents.**

All deeds, leases or other conveyances, of other written transfers of property made, and all written contracts entered into by the City, and all bonds and other evidences of debt issued by the City, shall, on behalf of the City, be signed by the Mayor and attested by the City Administrator.

(Ord. No. 28, 3rd series, eff. 2-17-01)

**Sec. 129. Process to be Served on Mayor.**

Service of process and writs in any action or other judicial proceedings against the City, may be made upon the Mayor, and upon such service being made the Mayor shall immediately inform the City Council thereof, and shall take such other steps in relation to the action or proceedings in which such process or writs were issued, as may be required by ordinance in such case provided, or by resolution of the City Council.

**Sec. 130. Failure to Hold Election.**

Any failure to hold any election in the City at the time or in the manner in this charter prescribed or any failure on the part of the City Council or of any City Officer or Officer to perform any duty prescribed by this charter at the time when or in the manner in which it should be performed shall not operate to dissolve or suspend the City as a municipal or corporate rights, powers or privileges, but such election may be held or such duty may be performed at a subsequent time with full force and effect.

**Sec. 131. Approval of Plats.**

Whenever any plat of any parcel of land within the limits of the City, showing divisions and subdivisions of such parcel into lots, blocks and streets, shall be submitted to the City Council for approval pursuant to the provisions of M.S.A. Ch. 505, with intention to dedicate such streets to public use, such plat shall be accompanied with a delineation of a sufficient part of other platted portions of the City to indicate how the streets marked on such plat correspond and connect with streets already in use in the City; and the Council may require such alterations to be made in the streets as shown on the plat so presented as in its opinion are necessary to preserve uniformity and regularity in the public streets of the City, and may withhold approval of the plat presented until such alterations shall be made; and should any lot or block outlined in such plat be sold or offered for sale as such lot or block before such alterations are made or before approval of the plat by the Council, the person selling or offering the same for sale shall be liable to the penalty prescribed by Laws of Minnesota.

**Sec. 132. City Engineer to File Plat, etc.**

When any public street, road or alley, or part thereof, or any public park grounds shall be laid out and opened in the City pursuant to the provisions of this charter, or shall be dedicated to public use by deed, the City Engineer shall make and file an accurate plat thereof in the office of the County Recorder of Koochiching County, and the same shall be there recorded.

(Ord. No. 14, 4th series, eff. 7-31-04)



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### **Sec. 133. Obstructions in Street or Alley.**

If any person or company shall place and leave any unauthorized obstruction, or make unauthorized excavation in any street, road or alley in the city, or leave such obstruction or excavation unguarded when authorized, such person or company shall be liable to any person who may be personally injured or whose property may be injured or destroyed without his fault by means of such obstruction or excavation; and in case any damage shall be recovered in any action against the City for injuries caused by such obstruction or excavation; the City shall have the right to recover the amount of such damages in turn from the personnel or company placing such obstruction or making such excavation; provided that upon the commencement of such action against the City, notice thereof shall be immediately given in writing to such person or company so liable, with a statement that the City will look to such person or company to pay the amount of any judgment against the City which may be recovered in such action; and an opportunity given to such person or company to defend such action; and such person or company may upon his or its own application, or upon the application of the City, be made a party defendant to such action, in which case, if judgment be recovered against the defendant, execution thereon shall be first issued against such person or company only, and the City shall not be required to pay such judgment until such execution shall be returned unsatisfied.

### **Sec. 134. Uniform System of Bookkeeping.**

The City Council shall adopt and establish a uniform system of bookkeeping for all departments of the City Government pertaining to the finances of the City, and prescribe the form to be used therefore, and when so established it shall be used in, and adopted by, all departments and boards of the City Government; and the annual estimates of the City Administrator required by Section 49 of Chapter 5 of this Charter on the subject of finances shall be made to conform thereto.

(Ord. No. 28, 3rd series, eff. 2-17-01; Ord. No. 24, 5th series, § 1M., eff. 10-19-18)

### **Sec. 135. Laws to Remain in Force.**

All provisions of law not in force and which are also contained in this Charter shall be regarded as being continued in force, and all provisions of law not in force which are changed, modified or amended shall be regarded as continued in force as so changed, modified or amended.

### **Sec. 136. Procedure Governed by General Law.**

All matters of procedures, including election procedure, not provided for in this Charter or in the particular laws referred to and specifically excepted from repeal by this Charter and thus made a part of this Charter, shall be governed by the General Laws of the State of Minnesota applicable thereto.

(Ord. No. 24, 4th series, eff. 9-29-06)

### **Sec. 137. Fourth of July.**

That the City Council is hereby authorized to appropriate an annual sum to be set by resolution for the purpose of celebrating the Fourth of July.

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**Sec. 138. Oath of Office.**

Every elected or appointed officer of the city shall before entering upon the duties of his/her office take and subscribe to an oath of office and file the same with the City Administrator in substantially the following form:

"I, \_\_\_\_\_, do solemnly swear that I will support the Constitution of the United States and of the State of Minnesota, and faithfully and to the best of my ability discharge the duties of \_\_\_\_\_, in and for the City of International Falls during my continuance in office."

(Ord. No. 28, 3rd series, eff. 2-17-01)

**Sec. 139. Reserved.**

Editor's note(s)—Ord. No. 14, 4th series, effective July 31, 2004, repealed § 139, which pertained to transitory provision.

**Sec. 140. Succession of Rights of Liabilities.**

The City of International Falls is vested with all the rights and immunities formerly vested in the City of International Falls and South International Falls, and is subject to all liabilities existing against the Cities at that time (any tax levy, assessment, condemnation, or other municipal action in progress when this Charter takes effect shall be continued and completed under the laws under which such proceedings were begun) and all ordinances, resolutions, and regulations in force shall be in effect.

(Ord. No. 14, 4th series, eff. 7-31-04)

**Sec. 141. Word Construction.**

Whenever used in this Charter, the singular shall include the plural and the plural the singular unless the context otherwise requires, and the masculine shall include the feminine, and the feminine the masculine.

**Sec. 142. [Dedication of City Beach to the Public.]**

City Beach, the parcel which is legally described as follows:

Lot 26, Auditor's Plat 3 and Lots 45 and 46, Plat of Brennan's Beach all in Section 30, Township 71 North, Range 23 West

is hereby dedicated to the public in perpetuity under the trusteeship of the City of International Falls. This dedication shall not be assigned nor modified.

(Ord. No. 2, 5th series, § 1, eff. 11-8-07)