

PART I - NORTHFIELD CITY CHARTER¹

Footnotes:

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Editor's note— Printed herein is Northfield City Charter, as adopted and effective on March 11, 1910. For the preparation of this part, the city furnished a copy that was amended through September 5, 1989. Subsequent amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note bearing a date after September 5, 1989 indicates that the provision remains unchanged from the original Charter, as amended through September 5, 1989. After preparation of the proofs of the Code the city furnished ordinances amendatory of the Charter commencing with Ordinance No. 499, adopted August 4, 1986. History notes have been inserted in the Charter referencing these ordinances. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, expression of numbers, and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

State Law reference— City charters generally, Minn. Stat. ch. 410.

CHAPTER ONE. - PREAMBLE

Section 1.1. - Preamble.

One of our nation's most cherished qualities is freedom. There can be no freedom, however, without responsibility and order. Written documents governing our nation and state governments clearly declare the right of all persons to life, liberty, and the pursuit of happiness. Accompanying statements spell out the responsibilities and order that make freedom possible. It is proper that cities also spell out the freedoms and responsibilities of their citizens that make for good order.

Be it hereby declared that no person in the City of Northfield shall, on the grounds of age, race, color, creed, sex, religion, national origin, marital status or status with regard to public assistance or disability be subjected to discrimination in any form. Human freedom and human rights are indivisible. If anyone is denied equality, no one is free. The following charter is a declaration of the public policy of the City of Northfield to fulfill its responsibility to treat all of its citizens equally and with good order.

CHAPTER TWO. - NAME, BOUNDARIES, POWER AND GENERAL PROVISIONS

Section 2.1. - Name and Boundaries.

The City of Northfield, Rice County and Dakota County, Minnesota, shall continue to be a municipal corporation under that name and with the same boundaries as now are or hereafter may be established.

Section 2.2. - Powers of the City.

In order to promote and protect the health, safety, morals, comfort, convenience, and welfare of the inhabitants of the city, the city shall have all powers which may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the constitutions of this state and of the United States. It is the intention of this Charter to confer upon the city every power which it would have if it were specifically mentioned. Unless granted to some other officer or body, all powers are vested in the city council.

Section 2.3. - Home Rule Charter.

As provided by Article XII, Sections 4 and 5 of the Minnesota Constitution, and Minn. Stat. ch. 410, the City of Northfield voted in 1910 to adopt home rule government and define it as a charter which is now part I of the City Code. The statutes provide that the process of originating and amending of a charter be managed by a charter commission of seven (7) members. Any registered voter of the city may submit an

application for appointment. The chairperson of the charter commission will oversee the process for receiving, verifying eligibility and forwarding applications of qualified applicants to the Chief Judge of the Third Judicial District Court who will make the appointment(s).

(Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 2.4. - Home Rule Charter Amendments.

Minn. Stat. §§ 410.12 and 410.14 provide that amendments may be initiated by the commission itself, by the city council or by citizen petition consistent with the aforementioned state statutes and other provisions of this Charter. All proposed amendments will be documented as ordinances by the commission. Commission and petition initiated amendments require approval by either an unanimous vote of the full city council or by an approving majority in a public referendum. Council initiated amendments must be approved by a public referendum.

(Ord. No. 934, 7-10-2012, effective 10-12-2012)

CHAPTER THREE. - FORM OF GOVERNMENT²

Footnotes:

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State Law reference— Charter may prescribe form of government, Minn. Stat. § 410.16.

Section 3.1. - Form of Government.

The form of government established by this Charter is the "Mayor-Council" plan. The council shall exercise the legislative power of the city and determine all matters of policy. The mayor shall be the chief executive officer of the city government, accountable to the council for oversight of the administration of the city.

(Ord. No. 801, 4-19-2004)

Section 3.2. - Boards and Commissions.

The council may establish boards or commissions to advise it with respect to any municipal function or activity, to investigate any subject of interest to the city, and to perform quasi-judicial functions. The mayor shall appoint the members of advisory boards and commissions subject to confirmation by a majority vote of the council. Recommendations presented to the council from its duly constituted boards and commissions shall receive consideration within six (6) months of presentation unless otherwise required by law or requested by the presenting body. The presenting body shall be notified of the progress of consideration of the recommendation. In case of rejection of a recommendation or a decision not to act on a matter, written reasons for such a response shall be forwarded to the presenting body. Any member of a city board or commission may be removed upon the affirmative vote of five (5) members of the council.

(Ord. No. 739, § 3.2, 11-6-2000)

Section 3.3. - Council Composition and Election.

The council shall be composed of a mayor and six (6) council members who shall be qualified. To qualify for elective office a candidate must be qualified to vote, be at least twenty-one (21) years of age on the date he or she would assume office, and be a resident of the city and of any ward he or she seeks to represent, or will become a resident therein at least thirty (30) days before the election. If elected, candidates must further qualify for office by taking and filing an oath of office. One (1) council member shall be elected from each of four (4) wards and two (2) council members shall be elected at large. Each council member and the mayor shall serve for a term of four (4) years and until a successor is elected and qualified. Two ward council members and one council member at large shall have terms that expire at the end of each even numbered year. A person who is sworn in as mayor while holding a council seat thereby vacates the council seat.

(Ord. No. 739, § 3.3, 11-6-2000; Ord. No. 781, 3-17-2003)

Section 3.4. - Incompatible Offices.

An elected officer of the city may not be appointed administrator, hold any other city office nor be employed by the city in any other capacity for pay; nor for a period of one year after expiration of the officer's term of office, hold a city office nor be employed by the city for pay.

(Ord. No. 739, § 3.4, 11-6-2000)

Section 3.5. - Vacancies in the Council or in the Office of Mayor.

An elective office becomes vacant when the person elected or appointed thereto dies before taking office or fails to qualify, or the incumbent dies, resigns in writing filed with the city clerk, fails to attend council meetings for sixty (60) days without just cause, is convicted of a felony, ceases to reside in the city or ward from which elected, or is adjudged incompetent by a court of competent jurisdiction. In each such case, the council shall by resolution declare the vacancy to exist and shall forthwith appoint an eligible person to fill the vacancy. If the vacancy occurs between July 1 and December 31, the appointee shall serve until the end of the following year. If the vacancy occurs between January 1 and June 30, the appointee shall serve until the end of the current year. A replacement shall be elected on the first Tuesday after the first Monday in November of the year in which the appointment expires. A special election shall be held if no regular municipal election is scheduled for that date. The elected replacement shall serve a full term if the term of the person requiring replacement ends at the end of the year in which the replacement election occurs. Otherwise the elected replacement shall have a shortened term that fills the unexpired part of the term of the person requiring replacement.

(Ord. No. 545, § 3.5, 1-2-1990; Ord. No. 739, § 3.5, 11-6-2000; Ord. No. 781, 3-17-2003; Ord. No. 863, 7-9-2007; Ord. No. 938, 8-7-2012, effective 11-5-2012)

Section 3.6. - Salaries.

The mayor, council members and all other officers and employees of the city shall receive such salaries, wages and expenses as may be fixed by the city council.

Section 3.7. - Investigation of City Affairs.

The council or an officer or officers formally authorized by the council may make investigations into the city's affairs. The council may provide for an examination or audit of the accounts of an officer or department of the city government. The council may conduct surveys or research studies of subjects of municipal concern.

(Ord. No. 781, 3-17-2003)

Section 3.8. - The Mayor.

Subd. 1. *Legislative Functions.* The mayor shall be the presiding officer of the council. The mayor shall have a vote as a member of the council. The mayor shall act as chief spokesperson for the council and shall exercise leadership of the council in the formulation of policy.

Subd. 2. *Executive Functions.* The mayor shall exercise all powers and perform all duties conferred on the mayor by state law, this Charter, city ordinances, and council resolutions. The mayor shall study the administration and operations of the city and shall report to the council any neglect, dereliction of duty, or waste on the part of any officer or department of the city. The mayor may appoint and remove, with the approval of the council, such professional services as the mayor shall deem necessary. If the office of administrator becomes vacant, the mayor, with the approval of the council, shall appoint an acting administrator. The mayor shall be recognized as the official head of the city for purposes relating to national security or peacetime emergency. Subject to state law concerning emergency management and any local emergency management program consistent therewith, the mayor shall oversee and direct the city's response to any declared emergency.

Subd. 3. *Ceremonial Functions.* The mayor shall be recognized as the official head of the city for all ceremonial purposes.

(Ord. No. 801, 4-19-2004)

Section 3.9. - President Pro Tem.

The council shall choose from its members a president pro tem who shall hold office at the pleasure of the council and shall serve as mayor in case of the mayor's absence or temporary disability.

(Ord. No. 801, 4-19-2004)

CHAPTER FOUR. - PROCEDURE OF COUNCIL

Section 4.1. - Council Meetings.

At its first meeting in January, the council shall meet at the usual place and time for the holding of council meetings. At this time any newly elected members of the council including the mayor shall, as the first order of business, be administered the oath of office and shall assume their duties. Thereafter, the council shall meet at such time as may be prescribed by resolution. Such a resolution shall remain in force until modified by the council. The mayor or any three members of the council may call special meetings of the council upon at least twelve hours notice to each member and such public notice as shall be prescribed by ordinance in compliance with the laws of Minnesota. Public notice of all meetings of the council and its committees shall be given as prescribed by ordinance, and any citizen shall have access to the minutes and records thereof at all reasonable times.

(Ord. No. 739, § 4.1, 11-6-2000; Ord. No. 781, 3-17-2003)

Section 4.2. - Secretary of Council.

The city clerk shall act as secretary of the council unless otherwise designated by ordinance. The city clerk shall keep a journal of council proceedings and such other records and perform such other duties as may be required by this Charter or the council. The council shall choose such other officers and employees as may be necessary to serve at its meetings.

(Ord. No. 739, 11-6-2000; Ord. No. 863, 7-9-2007)

Section 4.3. - Rules of Procedure and Quorum.

The council shall determine its own rules and order of business. A majority of all council members shall constitute a quorum to do business, but a smaller number may adjourn from one meeting to the next. The council may by ordinance provide a means by which a minority may compel the attendance of absent members.

(Ord. No. 739, § 4.3, 11-6-2000)

Section 4.4. - Hearing of the Public.

At each regular meeting of the council a time shall be set aside for the hearing of citizens.

(Ord. No. 545, § 4.4, 1-2-1990; Ord. No. 739, § 4.4, 11-6-2000)

Section 4.5. - Ordinances, Resolutions and Motions.

Except as in this Charter otherwise provided, all legislation shall be by ordinance. An ordinance may provide for fixing and changing fees, rates and other charges by resolution of the city council. The aye and no vote on ordinances, resolutions, and motions shall be recorded unless the vote is unanimous. An affirmative vote of a majority of all the members of the council shall be required for the passage of all ordinances and resolutions, except that adoption of and amendments to the comprehensive plan and the zoning ordinance shall require a two-thirds majority of all members of the council and except as otherwise provided by this Charter or required by state law.

(Ord. No. 739, § 4.5, 11-6-2000)

Section 4.6. - Dominance of the Comprehensive Plan.

The council may not adopt any ordinance that conflicts with the comprehensive plan.

(Ord. No. 739, § 4.6, 11-6-2000)

Section 4.7. - Procedure on Ordinances.

Every ordinance shall be presented in writing. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause of all ordinances shall be in the words, "The City Council of the City of Northfield Does Ordain." No ordinance except an emergency ordinance shall be passed at the meeting at which it is introduced and at least three days shall elapse between its introduction and final passage.

(Ord. No. 739, § 4.7, 11-6-2000)

Section 4.8. - 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 thereto, and shall be adopted by an affirmative vote of at least five members of the council. No prosecution shall be based upon the provisions of any emergency ordinance until twenty-four hours after the ordinance has been filed with the city clerk and posted in three conspicuous places or until the

ordinance has been published, unless the person charged with violation has actual notice of the passage of the ordinance prior to the act or omission complained of.

(Ord. No. 739, § 4.8, 11-6-2000; Ord. No. 863, 7-9-2007)

Section 4.9. - Procedure on Resolutions.

Every resolution shall be presented in writing and read in full before a vote is taken thereon, except when resolutions are submitted in a consent agenda or when the reading of a resolution is dispensed with by unanimous consent. Failure to request reading in full shall be deemed to be consent to less than a full reading.

(Ord. No. 545, § 4.7, 1-2-1990; Ord. No. 739, § 4.9, 11-6-2000)

Section 4.10. - Signing and Publication of Ordinances and Resolutions.

Every ordinance or resolution passed by the council shall be signed by the mayor and attested, filed and preserved by the city clerk. Every ordinance shall be published at least once (1) in the official newspaper in either summary form or in total, as the council shall determine. If it is determined that the ordinance shall be published in summary form, the summary shall adequately reflect the subject matter of the ordinance and shall further state that the complete text of the ordinance is on file at the office of the city clerk, and may be obtained from the city clerk at no cost. To the extent and in the manner provided by law an ordinance may incorporate by reference a statute of Minnesota, a state administrative rule or a regulation, a code or ordinance or part thereof without publishing the material referred to in full.

(Ord. No. 739, § 4.10, 11-6-2000; Ord. No. 781, 3-17-2003; Ord. No. 863, 7-9-2007)

Section 4.11. - When Ordinances and Resolutions Take Effect.

A resolution and an emergency ordinance shall take effect immediately upon its passage or at such later date as is fixed therein. Every other ordinance shall take effect thirty (30) days after publication, or at such later date as is fixed therein.

(Ord. No. 739, § 4.11, 11-6-2000)

Section 4.12. - Amendment and Repeal of Ordinances and Resolutions.

Every ordinance or resolution repealing a previous ordinance or resolution or section or subdivision thereof shall give the number if any, and the title of the ordinance or resolution to be repealed in whole or in part. No ordinance or resolution or section or subdivision thereof shall be amended by reference to the title alone, but such an amending ordinance or resolution shall set forth in full each section or subdivision to be amended and shall indicate new matter by underscoring and old matter to be omitted by lining out. In newspaper publication, the same indications of omitted and new matter shall be used except that italics or bold-faced type may be substituted for underscoring and omitted matter may be printed in capital letters within parentheses.

(Ord. No. 739, § 4.12, 11-6-2000)

Section 4.13. - Revision and Codification of Ordinances.

The city may revise, rearrange and codify its ordinances with such additions and deletions as may be deemed necessary by the council. Such ordinance code shall be published in continuously revised loose-

leaf form and copies shall be made available by the council at a reasonable charge. Publication in such code shall be a sufficient publication of any ordinance provision not previously published if a notice that copies of the codification are available at the office of the city clerk is published in the official newspaper for at least two (2) successive weeks.

(Ord. No. 739, § 4.13, 11-6-2000; Ord. No. 863, 7-9-2007)

Section 4.14. - Differing Texts of City Instruments.

In case of a conflict between the text of any printed code or electronically archived charter, ordinance, or resolution of the city, on the one hand, and the original of the same instrument, on the other, the substantive text of the original document shall prevail, provided that formal, non-substantive changes may be made to ordinances as necessary to incorporate them into a unified code.

(Ord. No. 781, 3-17-2003)

CHAPTER FIVE. - NOMINATIONS AND ELECTIONS

Section 5.1. - The Regular Municipal Election.

A regular municipal election shall be held on the first Tuesday after the first Monday in November of even numbered years at such place or places as the city council may designate.

(Ord. No. 739, § 5.1, 11-6-2000; Ord. No. 782, 3-17-2003)

Section 5.2. - Primary Election.

A primary election shall be held on the second Tuesday in August preceding any regular municipal election. If no more than two (2) persons file for nomination to a municipal office, their names shall not be placed upon the primary ballot and shall be placed on the general election ballot as the nominees for that office.

(Ord. No. 782, 3-17-2003; Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 5.3. - Special Election.

The council may by resolution order a special election and provide all means for holding it. At least two (2) weeks published notice of a special election shall be given in the official newspaper. The procedure of such election shall conform as nearly as possible to that prescribed for other municipal elections, except that a primary election shall not be held for any special election for filling a vacancy or vacancies in the council.

(Ord. No. 782, 3-17-2003)

Section 5.4. - Election Notice.

The city clerk shall give at least two (2) weeks notice of the time and place of holding any election and of the officers to be nominated or elected by posting in at least one (1) public place and by publication at least once in the official newspaper, but failure to give notice shall not invalidate such election.

(Ord. No. 782, 3-17-2003; Ord. No. 863, 7-9-2007; Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 5.5. - Differentiation of Offices.

If both council offices at large are on the ballot in any election, the offices shall be differentiated by term length.

(Ord. No. 782, 3-17-2003)

Section 5.6. - Filing for Office.

A candidate seeking to fill a full term of a city office shall file an affidavit of candidacy with the city clerk not more than eighty-four (84) days nor less than seventy (70) days before the date of the primary election. A candidate seeking to fill the unexpired term of a vacated office shall file an affidavit of candidacy with the city clerk not more than ninety-one (91) days nor less than seventy-seven (77) days before the first Tuesday after the first Monday in November. A person must file for office no later than 5:00 p.m. on the 70th day before the primary or special election. No less than five (5) registered voters of the city may file an application with the city clerk on behalf of any qualified candidate they wish to have on the ballot, provided that service of a copy of the application be made on such candidate and proof of service endorsed on the application before filing. In either case, the filing fee shall be a reasonable amount as established by ordinance. Such affidavit or application shall state that the candidate is qualified under the laws and constitution of the state, name the office for which the person is a candidate, and if a candidate for a ward council member, that the candidate is a resident of that ward. All candidates shall complete and file the public disclosure statement prescribed by the city's ethics ordinance.

Any candidate may withdraw from the election by filing an affidavit of withdrawal with the city clerk no later than 5:00 p.m. two (2) days after the last day for filing affidavits of candidacy. Thereafter, no candidate may file an affidavit of withdrawal.

(Ord. No. 499, 8-4-1986; Ord. No. 545, § 5.3, 1-2-1990; Ord. No. 567, § 5.3, 5-30-1991; Ord. No. 739, § 5.3, 11-6-2000; Ord. No. 782, 3-17-2003; Ord. No. 863, 7-9-2007; Ord. No. 876, 5-5-2008; Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 5.7. - Canvass of Elections.

The council shall meet and canvass the election returns in the manner provided for in state law after any regular or special election, and shall make full declaration of the results as soon as possible, and file a statement thereof with the city clerk. The city clerk shall forthwith notify all persons of their election.

(Ord. No. 739, 11-6-2000; Ord. No. 782, 3-17-2003; Ord. No. 863, 7-9-2007; Ord. No. 877, 5-5-2008; Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 5.8. - Procedure at Elections.

Subject to the provisions of this Charter and applicable state laws, the council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided in this Charter or in ordinances adopted pursuant thereto, and to the extent the general laws supersede this Charter or such ordinances, the general laws of the state of Minnesota pertaining to elections shall apply to municipal elections.

(Ord. No. 739, § 5.5, 11-6-2000; Ord. No. 782, 3-17-2003)

CHAPTER SIX. - INITIATIVE, REFERENDUM, AND RECALL^[3]

Footnotes:

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Editor's note— Ord. No. 744, adopted June 18, 2001, amended ch. six in its entirety, in effect repealing and reenacting said ch. six to read as herein set out. Former ch. six, §§ 6.1—6.12, pertained to similar subject matter and derived from Ord. No. 545, §§ 6.2, 6.9, adopted Jan. 2, 1990; and Ord. No. 739, adopted Nov. 6, 2000.

State Law reference— Recall authorized, Minn. Stat. § 410.20.

Section 6.1. - Powers Reserved by the People.

The people of Northfield reserve to themselves the powers of initiative, referendum and recall as defined below.

(Ord. No. 744, 6-18-2001)

Section 6.2. - General Regulations.

Any petition of initiative, referendum, or recall must comply with state law, rules, regulations and document forms promulgated by the Office of the Secretary of State, and this Charter. Registered voter as used herein is defined as a city resident who is registered to vote in the City of Northfield.

(Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 6.3. - Initiative.

Any ordinance, except an ordinance relating to land use planning, zoning and development, the appropriation of money, or the levy of taxes, may be proposed by a petition which shall state at the head of each page the purpose of the proposed ordinance and have attached thereto the exact text of the proposed ordinance, and be in compliance with this Charter. If the council passes the proposed ordinance or passes it with amendments and a majority of the sponsoring committee does not disapprove the amended form by a statement filed with the city clerk within ten (10) days of its passage by the council, the ordinance need not be submitted to the voters. If the council fails to enact the ordinance in an acceptable form within sixty (60) days after the final determination of the sufficiency of the petition, the ordinance or a summary thereof shall be placed on the ballot at the next election occurring in the city. If no election is to occur within one hundred twenty (120) days after the filing of the petition, the council shall call a special election on the ordinance to be held within such period. If a majority of those voting on the ordinance vote in its favor, it shall become effective thirty (30) days after the election day on which it is adopted unless the ordinance specifies a later effective date.

(Ord. No. 744, 6-18-2001; Ord. No. 780, 3-17-2003; Ord. No. 863, 7-9-2007; Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 6.4. - Referendum.

With the exception of ordinances relating to land use planning, zoning and development, the appropriation of money, or the levy of taxes, if, prior to the date when an ordinance takes effect, a petition

is filed with the city clerk that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into operation. The petition shall state at the head of each page the purpose of the ordinance, have attached thereto the exact text of the ordinance, and be in compliance with this Charter. The council shall thereupon reconsider the ordinance at its next regular meeting, and, by a no or aye vote, either repeal it or reaffirm its approval of the ordinance as originally passed. If it reaffirms, the council shall immediately order a special election to be held thereon, or submit the ordinance or a summary thereof at the next regular municipal election, pending which the ordinance shall remain suspended. If a majority of the electors voting thereon is opposed to the ordinance, it shall not become effective; but if a majority of the electors voting thereon favors the ordinance, it shall go into effect immediately or on the date therein specified.

(Ord. No. 744, 6-18-2001; Ord. No. 780, 3-17-2003; Ord. No. 863, 7-9-2007; Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 6.5. - Petitions of Initiative and Referendum.

An initiative or referendum shall be initiated by a petition signed by a number of registered voters of the city that is not less than ten percent (10%) of the votes cast in the most recent regular municipal election. Each petition shall be sponsored by a committee of five (5) registered voters of the city whose names and addresses shall appear on the petition on file in the office of the city clerk. A petition may consist of one (1) or more papers, but each paper circulated separately shall contain at its head and attached to it the statements required by Section 6.3 or 6.4 as the case may be and be in compliance with this Charter. Any person whose name appears on a petition may withdraw his or her name by a statement in writing filed with the city clerk before the clerk reports on the sufficiency of the petition.

(Ord. No. 744, 6-18-2001; Ord. No. 863, 7-9-2007; Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 6.6. - Determination of Sufficiency.

When the city clerk receives the petition, the petitioner will be given a receipt indicating the number of pages and approximate number of signatures. The city clerk shall then examine the petition as to its sufficiency in form as prescribed by this Charter and as to the number of valid signatures. The city clerk shall report these findings to the council within fifteen (15) days of the receipt of the petition. Upon receiving the report, the council shall at its next regular meeting determine by resolution the sufficiency of the petition in all respects.

(Ord. No. 744, 6-18-2001; Ord. No. 863, 7-9-2007; Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 6.7. - Disposition of Insufficient Petition.

If the council determines that the petition is insufficient or irregular, the city clerk shall deliver a copy of the petition, together with a written statement of its defects, to the sponsoring committee. The committee shall have twenty (20) days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the council finds that the petition is still insufficient or irregular, the city clerk shall file the petition in the office of the city clerk and notify the sponsoring committee. The final finding that the petition is insufficient or irregular shall not prejudice the filing of a new petition for the same purpose nor shall it prevent the council from referring the ordinance to the voters at the next regular or special election at its option.

(Ord. No. 744, 6-18-2001; Ord. No. 863, 7-9-2007; Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 6.8. - Reenactment; Amendment.

An ordinance adopted following an initiative petition may not be repealed or amended in substance or intent by the council for a period of one year following its effective date. An ordinance repealed following a referendum petition may not be reenacted by the council for a period of one year following its repeal unless the reenacted ordinance is substantially different from the repealed ordinance.

(Ord. No. 744, 6-18-2001)

Section 6.9. - Recall.

Any five (5) registered voters of the city may form themselves into a committee for the purpose of bringing about the recall for malfeasance or nonfeasance of any person holding elective office in the city. The committee shall file a certificate with the city clerk naming the officer whose removal is sought, a statement of the grounds for removal in not more than two hundred and fifty (250) words, and their intention to bring about the officer's recall. A copy of this certificate shall be attached to each signature paper of the recall petition and no signature paper shall be put into circulation until the certificate has been filed with the city clerk.

(Ord. No. 744, 6-18-2001; Ord. No. 863, 7-9-2007)

Section 6.10. - Recall Petition.

The petition for the recall of any person holding elective office shall follow the petition requirements in Sections 6.2 and 6.9 of this Charter and shall be signed by a number of registered voters of the city that is not less than ten percent (10%) of the votes cast in the most recent regular municipal election.

(Ord. No. 744, 6-18-2001; Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 6.11. - Filing a Recall Petition.

Within thirty (30) days after filing the original certificate, the committee shall file the completed petition in the office of the city clerk. The city clerk shall examine the completed petition within the next fifteen (15) days; and, if the city clerk finds it does not meet any of the requirements of this Charter, the city clerk shall deliver a copy of the petition, together with a written statement of its defects, to the sponsoring committee. The committee shall then be given ten (10) days in which to file additional signatures and to correct the petition in all other respects, but it may not change the statement of the grounds upon which the recall is sought. If at the end of that time the city clerk finds the petition still does not meet all the requirements of this Charter, the city clerk shall notify all the members of the committee to that effect and shall file the petition in the office of the city clerk. No further action shall be taken thereon.

(Ord. No. 744, 6-18-2001; Ord. No. 863, 7-9-2007; Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 6.12. - Recall Election.

If the city clerk finds that the petition or amended petition meets the requirements of this Charter, the city clerk shall transmit it to the council without delay, and shall also officially notify by registered mail the

person sought to be recalled of the sufficiency of the petition and of the pending action. The council shall at its next meeting determine whether the petition is legally sufficient and, if it is, provide for the holding of a special recall election not less than seventy (70) nor more than eighty-five (85) days after such meeting; but, if any other election is to occur within one hundred (100) days after such meeting, the council may in its discretion provide for the holding of the recall vote at that time. The city clerk shall include with the published notice of the election the statement of the grounds for the recall and also, in not more than five hundred (500) words, the answer of the officer concerned in justification of his/her course of office. If a majority of those voting on the recall is opposed, it shall not become effective. If a majority of those voting on the recall is in favor, it shall become effective immediately.

(Ord. No. 744, 6-18-2001; Ord. No. 781, 3-17-2003; Ord. No. 863, 7-9-2007; Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 6.13. - Further Regulations.

The council may provide by ordinance such further regulations for the initiative, referendum, and recall, consistent with this Charter, as it deems necessary.

(Ord. No. 744, 6-18-2001)

CHAPTER SEVEN. - ADMINISTRATION

Section 7.1. - Appointment of the Administrator.

There shall be an administrator, who shall be the chief administrative officer of the city. The administrator shall be appointed by the council, solely on the basis of his or her administrative experience and qualifications, and shall be responsible to and serve under the control and direction of the council.

(Ord. No. 545, § 7.1, 1-2-1990; Ord. No. 739, § 7.1, 11-6-2000; Ord. No. 781, 3-17-2003; Ord. No. 801, 4-19-2004)

Section 7.2. - Removal of the Administrator.

The administrator shall serve at the pleasure of the council and may be removed by the council by written notice at any time. After one year of service, the administrator may demand written charges and a public hearing on the charges before final removal may take effect. Such demands must be made in writing and delivered to the city clerk. A demand for written charges must be made within five days of receipt of notice of the council's decision to remove the administrator. A demand for a public hearing must be made within ten days after receipt of written charges. If the administrator does not request a public hearing, removal of the administrator shall be final upon the expiration of the ten day period. If the administrator requests a public hearing, the council shall hold the hearing within thirty days after receipt of the administrator's request. The council shall notify the administrator of its decision in writing within five days after the hearing. Pending final removal of an administrator who has served for one year, the council may suspend the administrator by written notice but shall continue the administrator's salary until the date of final removal.

(Ord. No. 801, 4-19-2004; Ord. No. 864, 7-9-2007)

Section 7.3. - Powers and Duties of the Administrator.

Subd. 1. The administrator shall administer the city in accordance with state law, this Charter, city ordinances, and council policies.

Subd. 2. With the approval of the council, the administrator shall appoint and may remove the finance director, the city clerk and other department heads.

Subd. 3. The administrator shall supervise all departments of the city. He or she shall have the sole authority to employ and dismiss personnel in city departments, including positions created by ordinance, except for the finance director, the city clerk and other department heads.

Subd. 4. The administrator shall establish rules, regulations, and procedures governing city departments, which shall be effective upon issuance and continue in effect until rescinded by the administrator or the council.

Subd. 5. The administrator shall coordinate activities of and serve as adviser to all elected and appointed city officials.

Subd. 6. The administrator shall keep the council fully advised as to the financial condition and needs of the city and shall prepare and submit to the council the annual budgets.

Subd. 7. The administrator shall supervise the purchase of all materials and equipment. The administrator may establish purchasing procedures subject to the approval of the council.

Subd. 8. The administrator shall attend meetings of the council and may take part in the discussion of matters before the council, except that, unless otherwise provided by state law, the council may exclude the administrator from a meeting at which the administrator's performance or a disciplinary matter regarding the administrator is considered.

Subd. 9. The administrator shall see that statutes relating to the city and the laws, ordinances, and resolutions of the city are enforced, shall investigate all complaints concerning city administration, and shall make recommendations to the council for improvement in services.

Subd. 10. The administrator, in consultation with the mayor, shall prepare the preliminary agenda for each council meeting.

Subd. 11. The administrator shall perform such other duties as may be required by the council.

(Ord. No. 739, § 7.3, 11-6-2000; Ord. No. 801, 4-19-2004; Ord. No. 863, 7-9-2007)

State Law reference— Charter may provide for administrative organizations, Minn. Stat. § 410.20.

Section 7.4. - Administrative Organizations.

The council may establish city departments, offices, and agencies and prescribe their functions. No power or duty conferred by this Charter upon a particular office or agency shall be transferred to any other.

(Ord. No. 739, 11-6-2000; Ord. No. 801, 4-19-2004)

Section 7.5. - Subordinate Officers.

Subordinate to the administrator, there shall be a finance director, city clerk, and such other officers as the council may establish by ordinance. The city clerk shall have duties in connection with the keeping of the public records. The finance director shall have duties of the custody and disbursement of the public funds, and all department managers shall be responsible for the administration of the city's affairs as the administrator may prescribe. The council by ordinance may abolish offices which have been created by ordinance and it may combine the duties of various offices.

(Ord. No. 739, § 7.5, 11-6-2000; Ord. No. 801, 4-19-2004; Ord. No. 863, 7-9-2007)

CHAPTER EIGHT. - CONTRACTS

Section 8.1. - Contracts.

All contracts entered into on behalf of the city shall comply with provisions of the Minnesota Uniform [Municipal] Contracting Law [Minn. Stat. § 471.345], where applicable.

CHAPTER NINE. - TAXATION AND FINANCES

Section 9.1. - Council to Control Finances.

The council shall have full authority over the financial affairs of the city, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public moneys, and in the exercise of sound discretion shall make appropriations for the payment of all liabilities and expenses. The council may contribute city funds to any entity to promote the health, safety, and welfare of the city, if the gift does not have as its primary objective the benefit of a private interest.

(Ord. No. 739, § 9.1, 11-6-2000)

Section 9.2. - Fiscal Year.

The fiscal year of the city shall be the calendar year.

Section 9.3. - System of Taxation.

Subject to the state constitution, and except as forbidden by it or by state law, the council shall have full power to provide by ordinance for a system of local taxation. This authority includes the power by ordinance to assess, levy, and collect taxes on all subjects or objects of taxation except as limited or prohibited by the state constitution, by this chapter or by laws imposing restrictions upon the city irrespective of charter provisions.

Section 9.4. - Board of Equalization.

The council shall constitute the board of equalization to equalize assessments of property for taxation purposes unless the council transfers such powers and duties to county boards of commissioners pursuant to state law.

(Ord. No. 801, 4-19-2004)

Section 9.5. - Submission of the Budget and the Capital Improvement Plan.

The administrator shall submit to the council no later than its first regular meeting in September the required annual budget and a five-year capital improvement plan. The budget shall be in the form prescribed by ordinance and other law. The capital improvement plan shall include the estimated project costs, proposed financing and the estimated annual cost of operating and maintaining any facilities to be constructed or acquired.

(Ord. No. 545, § 9.4, 1-2-1990; Ord. No. 781, 3-17-2003; Ord. No. 801, 4-19-2004; Ord. No. 879, 7-21-2008)

Section 9.6. - Council Action on Budget.

The annual budget and the capital improvement plan shall be considered at the first regular monthly meeting of the council in September and at subsequent meetings until a budget is adopted for the ensuing year. The meetings shall be so conducted as to give interested citizens a reasonable opportunity to be heard. The council shall also hold a public hearing on the budget. The council may revise the proposed budget but no amendments to the budget shall increase the authorized expenditure to an amount greater than the estimated income. The council shall adopt the budget by resolution no later than the dates required by the laws of Minnesota. The council shall also adopt a resolution levying the amount of taxes provided in the budget and the finance director shall certify the tax resolution to the county auditor in accordance with state law.

(Ord. No. 567, § 9.6, 5-30-1991; Ord. No. 739, 11-6-2000; Ord. No. 781, 3-17-2003; Ord. No. 801, 4-19-2004; Ord. No. 863, 7-9-2007; Ord. No. 879, 7-21-2008)

Section 9.7. - Enforcement of the Budget.

The administrator shall strictly enforce the provisions of the budget. The administrator shall not authorize any payment or the incurring of any obligation by the city unless an appropriation has been made in the budget resolution and there are sufficient unexpended funds left after deducting the total past expenditures and encumbrances against the appropriation. No officer or employee of the city shall place any order to make any purchase except for a purpose and to the amount authorized in the budget resolution. No check shall be issued or transfer made to any account other than one owned by the city until the claim to which it relates has been supported by an itemized bill, payroll, or time-sheet or other document approved and signed by the responsible city officer who vouches for its correctness and reasonableness.

(Ord. No. 567, § 9.7, 5-30-1991; Ord. No. 781, 3-17-2003; Ord. No. 801, 4-19-2004)

Section 9.8. - Alterations in the Budget.

After the budget resolution has been adopted, the council shall not increase the amounts fixed in the resolution beyond the estimated receipts except to the extent that actual receipts exceed the estimate. At any time the council may, by resolution approved by at least five (5) of its members, reduce the sums appropriated for any purpose by the budget resolution or authorize the transfer of sums from unencumbered balances of appropriations in the budget resolution to other purposes.

(Ord. No. 781, 3-17-2003; Ord. No. 801, 4-19-2004)

Section 9.9. - Funds.

There shall be maintained in the city treasury, a general fund and such other funds as may be required by statute, ordinance or resolution. The council may, by ordinance or resolution, make inter-fund loans, except from trust and agency funds, as it may deem necessary and appropriate.

(Ord. No. 781, 3-17-2003; Ord. No. 801, 4-19-2004)

Section 9.10. - City Indebtedness.

Except as provided in Section 9.11 and 9.12, no obligation shall be issued to pay current expenses, but the council may issue and sell obligations for any other municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this Charter or by law, no such obligations shall be issued and sold without the approval of a majority of the voters voting on the question at a general or special election.

(Ord. No. 781, 3-17-2003; Ord. No. 801, 4-19-2004)

Section 9.11. - Tax Anticipation Certificates.

At any time after January 1 the council may issue certificates of indebtedness in anticipation of state and federal aids and the collection of taxes levied for any fund and not yet collected. The total amount of certificates issued against any fund for any year with interest thereon until maturity shall not exceed the total of state and federal aids and current taxes due for the fund and uncollected at the time of issuance. Such certificates shall be issued on such terms and conditions as the council may determine and shall become due no later than April 1 of the year following their issuance. The proceeds of the taxes levied and such state and federal aids as the governing body may have allocated for the fund against which the tax anticipation certificates were issued and the full faith and credit of the city shall be irrevocably pledged for the redemption of the certificates.

(Ord. No. 781, 3-17-2003; Ord. No. 801, 4-19-2004)

Section 9.12. - Emergency Debt Certificates.

If in any year receipts from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expenses of the city, or if any calamity or other public emergency necessitates the making of extraordinary expenditures, the council may by ordinance issue certificates to mature within three (3) years. A tax sufficient to pay principal and interest on certificates with the margin required by law may be levied as required by law. The ordinance authorizing an issue of such emergency debt certificates shall state the nature of the emergency and be approved by at least five (5) members of the council. It may be passed as an emergency ordinance.

(Ord. No. 781, 3-17-2003; Ord. No. 801, 4-19-2004)

CHAPTER TEN. - PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section 10.1. - Power to Make Improvements and Levy Assessments.

The city may make any type of public improvement not forbidden by law and levy special assessments to pay all or part of the cost of such improvements as are of a local character. The total assessments for any local improvement may not exceed the cost of the improvement, including all costs and expenses connected therewith, with interest. No assessment shall exceed the benefits to the property.

Section 10.2. - Assessments for Services.

The council may provide by ordinance that the costs of city services to streets, sidewalks, or other public or private property may be assessed against property benefitted and collected in the same manner as special assessments.

Section 10.3. - Local Improvement Procedure.

When the city undertakes any local improvement to which the state local improvement code applies, it shall comply with the provisions of that law. The council shall adopt a special assessment policy ordinance. The council may by ordinance prescribe the procedure to be followed in making any other local improvement and levying assessments therefor.

CHAPTER ELEVEN. - EMINENT DOMAIN

Section 11.1. - Power to Acquire Property.

The city may acquire, by purchase, gift, condemnation, or otherwise any property, corporeal or incorporeal, including easements, either within or without its boundaries, that may be needed by the city for any public purpose. In acquiring property by exercising the power of eminent domain, the city shall proceed according to Minn. Stat. ch. 117 or other applicable law.

CHAPTER TWELVE. - FRANCHISES

Section 12.1. - Franchise Required.

No person shall operate a public utility in the City of Northfield without a franchise. The City of Northfield shall grant a franchise only by ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise.

Section 12.2. - Term.

No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding twenty (20) years shall be effective until approval by a majority of the electors voting thereon.

Section 12.3. - Public Hearing.

Before any franchise ordinance is adopted or any rates, fares, or prices to be charged by a public utility are fixed by the council, the council shall hold a public hearing on the matter. Notice of such hearing shall be published at least once in the official newspaper not less than ten (10) days prior to the date of the hearing.

Section 12.4. - Power of Regulation Reserved.

Subject to any applicable law the council may by ordinance reasonably regulate and control the exercise of any franchise, including the maximum rates, fares, or prices to be charged by the grantee. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares, or prices under any applicable law, ordinance, or regulation or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain.

Section 12.5. - Renewals or Extensions.

Every extension, renewal or modification of any existing franchise or of any franchise granted hereafter shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

CHAPTER THIRTEEN. - PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

Section 13.1. - Acquisition and Operation of Utilities.

The city may own and operate any water, gas, light, power, heat, telephone, transportation, cable or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or other governmental agencies. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility property so needed. The city shall not acquire or construct any public utility unless the proposition to acquire or to construct it has been incorporated in an ordinance and adopted by the council.

(Ord. No. 739, § 13.1, 11-6-2000)

Section 13.2. - Regulations and Rates.

The council may by ordinance or resolution fix rates, fares and prices for any municipal utility, prescribe the time and manner of payments for any such services, make such other regulations as may be necessary and prescribe penalties for violation of such regulations.

(Ord. No. 739, § 13.2, 11-6-2000)

Section 13.3. - Lease of Plant.

The council may by ordinance contract with any person, firm, or corporation for the operation of any municipal utility for a term not to exceed ten (10) years.

Section 13.4. - Sale of Public Utility.

No public utility owned by the city shall be sold or otherwise disposed of by the city unless the full terms of the proposition of sale or other disposition are embodied in an ordinance approved by a majority of the voters thereon at a general or special election. Any sale, lease or abandonment of a city-owned utility shall be subject to the requirements of state law.

CHAPTER FOURTEEN. - CITY HOSPITALS

Section 14.1. - Hospitals and Related Facilities.

The city may own and operate hospitals, convalescent homes, nursing homes, and related medical facilities including medical clinics. Related medical facilities including medical clinics may be owned or operated by the city only if they are found to be necessary for or in aid of the delivery of health care services by the city's hospitals.

(Ord. No. 545, § 14.1, 1-2-1990; Ord. No. 739, § 14.1, 11-6-2000)

Section 14.2. - Hospital Board.

The control and management of all hospitals, convalescent homes, nursing homes, and related medical facilities including medical clinics, now or hereafter owned and operated by the City of Northfield shall be committed to a hospital board consisting of seven (7), eight (8) or nine (9) members as determined by the council. The members shall be residents of the Northfield School District with no more than two members residing outside the corporate limits of the City of Northfield. The members shall not be paid a salary for their services, but shall receive actual expenses while on business of the board. No member of said board shall be an employee of the Northfield City Hospital. The appointments to the board shall be made by the mayor, subject to confirmation by a majority vote of the city council. The members shall be appointed for three-year terms. The maximum number of consecutive terms shall be three (3). The members shall be eligible for reappointment after a period of one (1) year off the board. When the size of the board is changed, the terms of the new appointees may be less than three (3) years. Vacancies in the board shall be filled by appointment and shall be confirmed in like manner for the remainder of the unexpired term.

(Ord. No. 739, § 14.2, 11-6-2000)

Section 14.3. - Meetings and Offices.

The board shall hold regular meetings at least once each month and a majority of the members shall constitute a quorum at any meeting. At the first regular meeting in February, the board shall elect from its members a chairperson and vice-chairperson. It shall also elect a secretary-treasurer who need not necessarily be from the membership of the board. The officers shall have such duties as the board shall prescribe and shall hold their offices until their successor are appointed and qualified.

(Ord. No. 739, § 14.3, 11-6-2000)

Section 14.4. - Powers.

The board shall have such powers as stated by ordinance. Nothing in this Charter shall be construed to vest any power in the board to construct any additional hospitals or additions to hospitals, convalescent homes or nursing homes, related medical facilities including medical clinics, or appurtenant structures, to buy or sell any of the above, or to levy or impose taxes in the City of Northfield, such powers to be in the city council.

(Ord. No. 739, § 14.4, 11-6-2000; Ord. No. 781, 3-17-2003)

Section 14.5. - Funds.

All funds received from the operations of such hospital or hospitals, convalescent homes, nursing homes, and related medical facilities including medical clinics, and contributions thereto and taxes for such purposes shall be kept in a separate account and used solely for purposes relating to those facilities. The hospital board shall have authority to spend money therefrom but shall comply with the provisions of the Minnesota Uniform Municipal Contracting Law [Minn. Stat. § 471.345].

(Ord. No. 739, § 14.5, 11-6-2000)

Section 14.6. - Reports.

The board shall submit to the city council the annual audit of the city hospital and other reports as requested by the city council.

(Ord. No. 739, § 14.6, 11-6-2000)

CHAPTER FIFTEEN. - GENERAL PROVISIONS

Section 15.1. - Official Publications.

The council shall annually at its first meeting of the year designate a legal newspaper of general circulation in the city as its official newspaper in which shall be published ordinances and other matters required by law to be so published as well as such other matters as the council may deem it in the public interest to have published in this manner.

Section 15.2. - Oath of Office.

Every elected or appointed officer of the city, before entering upon the duties of the office, shall take and subscribe an oath of office as required by the laws of the State of Minnesota.

Section 15.3. - Official Interest in Contracts.

Except as otherwise permitted by law, no officer of the city who is authorized to take part in any manner in making or amending any sale, lease, or contract between the city and another party or parties shall voluntarily have a personal financial interest in or personally benefit financially from such sale, lease, or contract.

(Ord. No. 739, § 15.3, 11-6-2000)

Section 15.4. - Official Bonds.

The city administrator, finance director, city clerk, and such other officers or employees of the city as may be specified by ordinance shall each before entering upon the duties of the respective office or employment, give a corporate surety bond to the city as security for the faithful performance of the official duties and the safekeeping of the public funds. Such bonds shall be in such form and amount as the council determines and may be either individual or blanket bonds in the discretion of the council. They shall be approved by the city council and filed with the city clerk. The provisions of state laws relating to official bonds consistent with this Charter shall be complied with. The premiums on such bonds shall be paid by the city.

(Ord. No. 739, 11-6-2000; Ord. No. 863, 7-9-2007)

Section 15.5. - Sales of Real Property.

The council may by resolution approved of by at least five (5) members sell or otherwise dispose of any real property of the city. A sale or other disposition of the city's real property may be made only after a public hearing has been held and published notice of the hearing has been given at least ten (10) but not more than thirty (30) days prior to the hearing. The net cash proceeds of the sale of the property shall be used to retire any outstanding indebtedness incurred by the city in the acquisition or improvement of the property. Any remaining net cash proceeds shall be used to finance other improvements in the capital improvement budget or to retire any other bonded indebtedness.

Section 15.6. - Vacation.

The council may by ordinance approved by at least five (5) members vacate any street, alley or other public grounds or part thereof within the city. Such vacation may be made only after published notice and an opportunity for affected property owners and public to be heard, and upon such further terms and by such procedures as the council by ordinance may prescribe. A notice of completion of such proceedings shall be filed with the proper county offices in accordance with law.

Section 15.7. - City to Succeed to Rights and Obligations of Former City.

The city shall succeed to all the property, rights and privileges, and shall be subject to all the legal obligations of the city under the former charter.

Section 15.8. - Present Officers Continued.

The present officers of the city shall continue in their respective offices and functions and shall continue to govern the city in the usual manner until their successors are duly elected and qualified.

Section 15.9. - Existing Ordinances Continued.

All ordinances and regulations of the city in force when this Charter takes effect and consistent with this Charter are continued in full force and effect until amended or repealed.

Section 15.10. - Pending Condemnations and Assessments.

Any condemnation or assessment proceeding in progress when this Charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the city prior to the time when this Charter takes effect shall be collected and the lien thereof enforced in the same manner as if this Charter had not been adopted.

Section 15.11. - Ordinances to Make Charter Effective.

The council shall by ordinance make such regulations as may be necessary to carry out and make effective the provisions of this Charter.

Section 15.12. - [Effective date.]

This Charter becomes effective March 11, 1919, July 6, 1974, March 1, 1979. Amended September 5, 1989, April 18, 1990, September 19, 1991, March 13, 2001, and September 21, 2001.

(Ord. No. 781, 3-17-2003)