THE CHARTER OF THE

CITY OF COLUMBIA HEIGHTS

With Amendments Effective
September 9, 2012

PREAMBLE

We, the people of the Village of Columbia Heights, in order to become a self-governing city under the municipal home rule provisions of the constitution and statutes of Minnesota, do adopt and establish this Charter of the City of Columbia Heights.

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CHAPTER 1
NAME, BOUNDARIES, POWERS, AND GENERAL PROVISIONS

Section 1. NAME. The Village of Columbia Heights, in the County of Anoka, and State of Minnesota, shall become, upon taking effect of this charter, a city under the name and style of the City of Columbia Heights, and shall continue to be a municipal corporation, with the same boundaries as are now established or as they may hereafter be established.

Section 2. POWERS OF THE CITY. The City of Columbia Heights, by and in its corporate name, shall have perpetual succession; and save as herein otherwise provided and save as prohibited by the constitution or statutes of the State of Minnesota, it shall have and exercise all powers, functions, rights and privileges possessed by the Village of Columbia Heights 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 in here 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 it 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.

Section 3. CONSTRUCTION OF THIS CHARTER. 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.

Section 4. POWERS, HOW EXERCISED. All powers of the City of Columbia Heights, unless otherwise provided by this charter, shall be exercised by the City Council or under its direction, subject to the initiative, referendum, and recall powers of the people.

Section 5. CHARTER A PUBLIC ACT. This charter of the City of Columbia Heights shall be a public act and need not be pleaded or proved in any case. It shall take effect thirty days from and after its adoption by the voters of the Village of Columbia Heights, and shall go fully into operation on the first Monday after the first Tuesday in July, A.D., 1921.

CHAPTER 2
FORM OF GOVERNMENT

Section 6. FORM OF GOVERNMENT. The form of government established by this charter shall be known as the "Council-Manager Plan."

Section 7. ELECTIVE OFFICES. The council shall be composed of a mayor and four council members who shall be qualified electors, and who shall be elected at large in the manner hereinafter provided. The four council members shall serve for a term of four years and until their successors are elected and qualified. The Mayor shall serve for a term of two years and until a successor is elected and qualified. The council shall be judge of the election of the mayor and council members. **(Ordinance No. 1466, passed December 15, 2003) (Ordinance No. 1300, passed April 10, 1995)**

Section 8. INCOMPATIBLE OFFICES. No member of the council shall hold any paid municipal office or employment under the City of Columbia Heights, and until one year after the expiration of that member's term as council member no former member shall be appointed to any paid office or employment under the city which office or employment was created or the emoluments of which were increased during that member's term. **(Ordinance No. 1086, passed June 11, 1984)**

Section 9. VACANCIES IN THE COUNCIL. A vacancy in the council shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council, or by reason of the death, resignation, removal from office, cessation as a resident of the city, continuous absence from the city for more than three months, conviction of a felony of any such person whether before or after qualification, the failure of any council member without good cause to perform any of the duties of membership in the council for a period of three months or for any other cause as may be provided for in Minnesota Statutes, as amended. In each such case, at the next regular meeting following receipt of notice by the council of one of the foregoing conditions, the council shall by resolution declare such vacancy to exist unless further investigation is required. Notice of said vacancy shall be posted at city hall for a period of two (2) weeks from the date of the adoption of the resolution declaring said vacancy. Notice shall also be published in a designated city newspaper for a period of two (2) weeks as soon as possible after the date of the adoption of said resolution, with the publication being completed no later than thirty (30) days from said date. Applications shall be sought and accepted from individuals interested in filling the vacancy, which applications shall be submitted to city hall, to the attention of the City Clerk, within 45 days from the date of said resolution. The council shall interview each of the applicants within 30 days from the close of the application period, and shall conduct said interviews in an agreed upon uniform manner as a council. After said 30 day period, the council shall make its appointment from the pool of applicants within 15 days, whether done so at a regular council meeting or a special meeting. The individuals so appointed shall fill said vacancy until the next regular municipal election, when the office shall be filled for the unexpired term by an eligible person elected at large in the manner hereinafter set forth; provided, however, that if a vacancy is declared by resolution after March 31st in the year of a regular municipal election, then the appointment process as set forth herein shall not take effect and any such vacancy shall continue to

exist until said election, at which time the vacancy shall be filled for the unexpired term by an eligible person elected at large in the manner hereinafter provided. Notwithstanding anything to the contrary herein, any vacancy resulting from a recall election or from a resignation following the filing of a recall petition shall be filled in the manner provided in such case. **(Ordinance No. 1331, passed September 23, 1996) (Ordinance No. 1086, passed June 11, 1984)**

Section 10. THE MAYOR. The mayor shall be the presiding officer of the council, and shall exercise all powers and perform all duties conferred and imposed upon the mayor by this charter, the ordinances of the city, and the laws of the state. A president pro tempore shall be chosen who shall serve as president in the mayor's absence, and who shall, in the mayor's absence, exercise all powers and perform all duties conferred and imposed upon the mayor by this charter, the ordinances of the city and the laws of the state. In the absence of both the mayor and the president pro tempore, the council member with the most seniority (as determined by consecutive uninterrupted years of service to date) shall exercise and perform said powers and duties. The mayor shall have the appointment, control, and direction of all police officers of the city, and 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 the purposes of the military law. In the event of a vacancy in the office of mayor, whether by death, resignation, or any other cause, the council shall order a special election to fill the vacancy for the unexpired term except in the case of a recall, the vacancy shall be filled in the manner provided by this charter. **(Ordinance No. 1389, passed April 26, 1999) (Ordinance No. 1086, passed June 11, 1984)**

Section 10A. (Deleted per Ordinance No. 1584, passed August 23, 2010)

Section 11. THE CITY MANAGER. The city manager shall be the chief administrative officer of the city. The city manager shall be chosen by the council solely on the basis of executive and administrative qualifications and the choice shall not be limited to inhabitants of the city or state. The city manager shall be appointed for an indefinite period and shall be removable by the council at any time. If removed at any time after one year of service, such person may demand written charges. Such demand shall be in writing and shall be served upon the mayor or any member of the council within one week after the date of the resolution of suspension or removal and written charges shall be served upon the city manager within fifteen days after the service of such demand upon the mayor or any member of the council and public hearing shall be had on said charges before the city council within thirty days after the service of such charges, but the city council and the city manager may consent to a hearing on said charges at a later date, but the removal of the city manager shall not take effect until such hearing shall have been held, but pending such hearing the city council may suspend the city manager from office. During the absence or disability of the city manager, the duties of that office shall be performed by some properly qualified person designated by the council. **(Ordinance No. 1086, passed June 11, 1984)**

Section 12. OATH OF OFFICE. Every officer of the city shall, before entering upon the duties of the office, take and subscribe an oath of office in substantially the following form: I do solemnly swear [or affirm] to support the constitution of the United States and of this state, and to discharge faithfully the duties devolving upon me as _____ _____ of this city to the best of my judgment and ability. **(Ordinance No. 1086, passed June 11, 1984)**

Section 13. SALARIES. The mayor and council members shall by ordinance fix their own salaries in such amount as they deem reasonable. No change in salary shall take effect until after the next succeeding municipal election. **(Ordinance No. 1388, passed April 26, 1999) (Ordinance No. 1086, passed June 11, 1984)**

Section 14. CITY OFFICERS NOT TO ACCEPT FAVORS OR CONTRACTS. (Deleted from Charter before 1950).

Section 15. OFFICIAL BONDS. By resolution, the council shall establish bonding and insurance requirements for all city employees as security for the faithful performance of their respective duties and the safekeeping of the public funds. **(Ordinance No. 1480, passed January 24, 2005)**

CHAPTER 3
COUNCIL AND LEGISLATION

Section 16. COUNCIL MEETINGS. At the time of the first regularly scheduled council meeting in January following a regular municipal election, the council shall meet at the usual place and time for the holding of council meetings. The newly elected members shall assume the duties of such membership on the first Monday in January following that regular municipal election. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution, except that they shall meet not less than once each month. The mayor, or any two members of the council, or the city manager, may call special meetings of the council upon at least three (3) days notice to each member of the council. Such notice shall be posted and shall be delivered personally to each member or shall be left with some responsible person at the member's usual place of residence. The mayor, any two members of the council, or the city manager, may call special emergency meetings of the council. The Council shall make good faith efforts to provide notice of the meeting. Posted or published notice of any such emergency meeting shall not be required. An emergency meeting shall be defined as a special meeting called because of circumstances that, in the judgment of the mayor, any two council members, or the city manager, require immediate consideration. All meetings of the council shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times. **(Ordinance No. 1467, passed December 15, 2003) (Ordinance No. 1391, passed June 14, 1999) (Ordinance No. 1300, passed April 10, 1995)**

Section 17. RULES OF PROCEDURE AND QUORUM. The council shall determine its own rules and order of business, and shall keep a legible written journal and audiotapes of its proceedings. Such journal shall be kept of all public meetings of the Council and any body on which a majority of the members of the Council serve. A majority of all members elected shall constitute a quorum to do business, but a less number may adjourn from time to time. The council shall provide by ordinance a means by which a minority may compel the attendance of absent members. Executive sessions of the Council shall keep such records as required by state statute. Each board and commission appointed by the Council shall also keep a journal of its proceedings.
(Ordinance No. 1349, passed October 13, 1997)

Section 18. ORDINANCES, RESOLUTIONS AND MOTIONS. Except as in this charter otherwise provided, all legislation and all appropriations of money shall be by ordinance, save that where an obligation has been incurred by ordinance, payment thereof may be ordered by resolution if the amount exceeds Five Hundred Dollars, or by ordinary motion if the amount involved is less than that sum, and save also that licenses may be granted, salaries may be fixed, and the powers described in Chapter 8 may be exercised by resolution. Every final vote upon all ordinances, resolutions, and motions, and upon all amendments thereto, shall be by ayes and noes, and the vote of each member shall be recorded in the minutes. A majority vote of all the members elected to the council shall be required for the passage of all ordinances, resolutions, and motions, except as otherwise provided in this charter.

Section 19. PROCEDURE ON ORDINANCES. The enacting clause of all ordinances by the council shall be in the words, "The City of Columbia Heights does ordain." Every ordinance shall be presented in writing. Every ordinance, other than emergency ordinances, shall have two

public readings in full, except that the reading may, by four-fifths (4/5) vote, be dispensed with, provided the printed text is made a part of the official minutes upon passage and at least three days shall elapse between the first and second readings thereof. Every ordinance appropriating money in excess of five hundred dollars, and every ordinance and resolution authorizing the making of any contract involving a liability on the part of the city in excess of five hundred dollars, shall remain on file in the office of the secretary of the council at least one week, and shall be published at least once in the official newspaper of the city or posted on official bulletin boards in the manner provided by this charter, before its final passage except in the case of emergency ordinances. **(Election ballot question passed November 5, 2002) (Ordinance 1079, passed March 26, 1984)**

Section 20. EMERGENCY ORDINANCES. An emergency ordinance is an ordinance for the immediate preservation of the public peace, health or safety, in which the emergency is defined or declared in a preamble thereto, separately voted upon, and agreed to by at least four members of the council, as recorded by ayes and noes. An emergency ordinance may be enacted without previous filing or publication. No grant of any franchise shall be construed to be an emergency ordinance. **(Ordinance 1079, passed March 26, 1984)**

Section 21. PROCEDURE AND RESOLUTIONS. Every resolution shall be presented in writing, and read in full at a council meeting before a vote is taken thereon, except that the reading of a resolution may be dispensed with by unanimous consent.

Section 22. SIGNING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS. Every ordinance or resolution passed by the council shall be signed by the mayor or by two other members, and shall be filed with the secretary of the council within two days and by the secretary recorded and preserved. Every ordinance and resolution shall be published at least once in the official paper of the city within fifteen days after its passage by the council, or in lieu thereof may be posted on bulletin boards as in this charter provided, and shall be recorded in a book kept for that purpose, which record shall be attested by the secretary of the council; provided that the publication of resolutions not involving the expenditure of money may be dispensed with if so ordered by the council. **(Ordinance No. 1086, passed June 11, 1984)**

Section 23. 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 30 days after passage or at such latter date as is fixed therein. Every ordinance and resolution adopted by the voters of the city shall take effect immediately upon its adoption, or at such time as is fixed therein. **(Ordinance 1079, passed March 26, 1984)**

Section 24. AMENDING AND REPEALING OF ORDINANCES AND RESOLUTIONS. Any ordinance may be repealed by reference to its title, number and its date of passage; however, no section of an ordinance shall be amended by reference to its title, number and date of passage, but such amendment shall contain verbatim the section or sections thereof to be amended together with the amended form thereof.

Section 25. SECRETARY OF COUNCIL. The council shall choose a secretary and such other officers and employees as may be necessary to serve at its meetings. The secretary shall be known as the secretary of the council, and shall keep such records and perform such other duties as may be required by this charter or by vote of the council. The council may designate any official or employee of the city, except the city manager or a member of the council, to act as secretary of the council.

Section 26. INVESTIGATION OF CITY AFFAIRS. The council and the city manager, or either of them, and any officer or officers formally authorized by them, or either of them, shall have power to make investigation into the city's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. The council may at any time provide for an examination or audit of the accounts of any officer or department of the city government.

Section 27. INTERFERENCES WITH ADMINISTRATION. Neither the council nor any of its committees or members shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager or prevent the city manager from exercising judgment in the appointment of officers and employees in the administrative service, but this shall not be construed to prohibit the council from passing ordinances for establishing the merit system. Except for the purpose of inquiry the council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately. **(Ordinance No. 1086, passed June 11, 1984)**

CHAPTER 4
NOMINATIONS AND ELECTIONS

Section 28. THE REGULAR MUNICIPAL ELECTION. A regular municipal election shall be held on the first Tuesday after the first Monday in November of each even numbered year at such place or places as the city council may designate. At least fifteen days previous notice shall be given by the city clerk of the time and place of holding such election, and of the officers to be elected, by posting a notice thereof in at least the city's polling places, or by publishing a notice thereof at least once in the official newspaper, or both, as the council may ordain, but failure to give such notice shall not invalidate such election. **(Ordinance No. 1300, passed April 10, 1995)**

Section 28a. THE PRIMARY ELECTION. A primary municipal election shall be held on the date established by Minnesota State Law of any year in which a municipal general election is to be held for the purpose of electing officers, at the same place or places as general elections are held and like officers shall preside at such elections.

The purpose of such primary election shall be to select candidates to be voted for at the general municipal election. The candidates for nomination to each office who shall receive the greatest number of votes in such primary election shall be placed upon the ballot of the next general election in numbers not to exceed double the number of vacancies to be filled, and no other name shall be placed upon the ballot for such general election than the candidates selected at said primary election. When not more than twice the number of individuals to be elected to a municipal office file for nomination to any municipal office, no primary shall be held, and the names of those having filed shall be placed on the municipal general election ballot as the nominee for that office. Any person desiring to become a candidate for an elective office in the general municipal election shall file with the city clerk at least fifty-six days prior to but not more than seventy days prior to said primary municipal election an affidavit of such candidacy as set forth in Minnesota Statutes 204B.06, subd. 1, and shall pay to the City Clerk the sum of Five Dollars for which the City Clerk shall give a receipt expressing the purpose of the payment. Such City Clerk shall forthwith pay all fees so received to the City Treasurer. Upon compliance with the provisions of this section the City Clerk shall place such name upon the primary election ballot as a candidate for the office named. At least fifteen days notice shall be given by the City Clerk of the time and place of holding such primary election and of the officers to be nominated, by posting a notice thereof in at least three of the most public places in each election district in the city or by publication of a notice thereof at least once in the official newspaper, or both, as the City Council may ordain, but failure to give such notice shall not invalidate such election. **(Ordinance No. 1300, passed April 10, 1995) (Ordinance No. 1596, passed on May 9, 2011)**

Section 29. SPECIAL ELECTIONS. The council may by resolution order a special election, fix the time of holding the same, and provide all means for holding such special election. The procedure at such election shall conform as nearly as possible to that herein provided for other municipal elections.

Section 30. JUDGES AND CLERKS OF ELECTION. The council shall at least ten days before each municipal election appoint three qualified voters of each election district to be judges of election therein. The judges of each election district shall appoint two qualified electors of the same district, or as many more as may be authorized by the council, to serve as clerks of election.

Section 31. NOMINATION BY PETITION. (Repealed Under Section 28A-Amend. No. 11).

Section 32. NOMINATION PETITION. (Repealed Under Section 28A-Amend. No. 11).

Section 33. WRITE –IN CANDIDATES. A write-in candidate who wants their write-in votes to be counted in the general election must file a written request with the City Clerk no later than seven (7) days before the general election. All write-in votes cast for candidates who have not filed a written request to have these votes counted shall be treated collectively as votes for a single candidate. **(Ordinance No. 1607, passed on June 11, 2012)**

Section 34. CANVAS OF ELECTIONS. The council shall meet and canvas the election returns within seven days 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. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoiled or defective ballots; (c) the vote for each candidate, with an indication of those who were elected; (d) a true copy of the ballots used; (e) the names of the judges and clerks of election; and (f) such other information as may seem pertinent. The city clerk shall forthwith notify all persons elected of the fact of their election. **(Ordinance No. 1597, passed on May 9, 2011)**

Section 35. PROCEDURE AT ELECTIONS. The conduct of elections shall be regulated by ordinance, subject to the provisions of this charter and of the General Laws of Minnesota.

CHAPTER 5
INITIATIVE, REFERENDUM AND RECALL

Section 35. POWERS RESERVED BY THE PEOPLE. The people of Columbia Heights reserve to themselves the power, in accordance with the provisions of this chapter, to initiate and adopt ordinances and resolutions, to require ordinances passed by the council to be referred to the electorate for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respective. **(Ordinance No. 1280, passed June 23, 1997)**

Section 36. EXPENDITURES BY PETITIONER. No member of any initiative, referendum, or recall committee, no circulator of a signature paper, and no signor of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise for services rendered in connection with the circulation thereof. Any committee member, at their sole discretion and at no charge to said committee member, may utilize the services of the city attorney so as to assure that the proposed ordinance is consistent as to form and structure with other similar ordinances enacted by the city council. Any violation of the provisions of this section shall constitute a misdemeanor. **(Ordinance No. 1464, passed December 15, 2003) (Ordinance No. 1280, passed June 23, 1997)**

Section 37. FURTHER REGULATIONS. The council shall as soon as possible after the organization of the city government under this charter provide by ordinance such further regulations for the initiative, referendum, and recall not inconsistent with this charter, as may be deemed necessary. Such ordinance shall include the relevant provisions of this charter.

INITIATIVE

Section 38. INITIATION OF ORDINANCES. Any five registered voters may form themselves into a committee for the initiation of any ordinance of public concern. After formulating their ordinance they shall file a verified copy thereof with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed ordinance to each of the signature papers herein described, together with their names and addresses as sponsors therefore. Before circulating any petition, they shall submit to the city attorney a copy of the proposed ordinance, and the city attorney shall approve same as to form only and not as to content, or put it into a form which is legally sufficient for the purpose intended. Shall the city attorney fail to take such action within ten days from the date on which the proposed ordinance is submitted to the city attorney, such proposed ordinance shall be deemed legally sufficient and a verified copy thereof shall be filed with the city clerk, together with the names and addresses of the members of such committee.**(Ordinance No. 1280, passed June 23, 1997)**

Section 39. FORM OF PETITION AND OF SIGNATURE PAPERS. The petition for the adoption of any ordinance shall consist of the ordinance, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of registered voters equal to at least ten per cent of the total number of votes cast at the last preceding regular municipal election or 700 signatures, whichever is greater. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the persons whose name it purports to be. Each signature paper shall be substantially the following form:

INITIATIVE PETITION

Proposing an ordinance to . . . (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. This ordinance is sponsored by the following committee of registered voters:

NAME	ADDRESS
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

The undersigned registered voters, understanding the terms and the nature of the ordinance hereto attached, petition the council for its adoption, or, in lieu thereof, for its submission to the electors for their approval.

NAME	ADDRESS
1._____	_____
2. _____	_____
3. _____	_____

At the end of the list of signatures shall be appended the affidavit of the circulator, mentioned above. Each affidavit shall be in substantially the following form:

State of _____)
)ss
County of _____)

_____ being duly sworn deposes and says that the affiant, and the affiant only, personally circulated the foregoing paper, that all the signatures appended thereto were made in the affiant's presence, and that the affiant believes them to be the genuine signatures of the persons whose names they purport to be: .....
(Signature of Circulator)

Subscribed and sworn to before me
this ___ day of _____, 19__.

_____
(Signature of Notary Public) ..... **(Ordinance No. 1280, passed June 23, 1997)**

Section 40. FILING OF PETITIONS AND ACTION THEREON. All the signature papers shall be held in the office of the city clerk as one instrument. Within five days after the filing of the petition the city shall ascertain by examination of the number of registered voters whose signatures are appended thereto, and whether this number is at least ten percent of the total number

of registered voters who cast their votes at the last preceding regular municipal election or 700 signatures, whichever is greater. If the city clerk finds the petition insufficient or irregular, the city clerk shall at once notify one or more of the committee of sponsors of that fact, certifying the reason for such finding. The committee shall then be given thirty 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 petition is found to be still insufficient or irregular, the clerk shall file the same and shall notify each member of the committee of the fact. The final finding of the insufficiency or irregularity of a petition 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 electorate at the next regular or any special election, at its option. **(Ordinance No. 1280, passed June 23, 1997)**

Section 41. ACTION OF COUNCIL ON PETITION. Whenever the petition shall be found to be sufficient, the city clerk shall so certify to the council at its next meeting, and the council shall at once read the ordinance and refer it to an appropriate committee, which may be a committee of the whole. The committee or council shall thereupon provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the council not later than sixty-five days after the date upon which such ordinance was submitted to the council by the city clerk. If the council shall fail to pass the proposed ordinance, or shall pass it on in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance shall be submitted by the council to vote of the electorate at the next election occurring not more than three months after the date of the final action by the council, and if no otherwise scheduled election is to be held within three months from such date, then the council shall call a special election to be held not less than thirty nor more than forty-five days from such date. In case the council passes the proposed ordinance with amendments and at least four-fifths of the committee of petitioners do not express their dissatisfaction with such amended form by a certificate filed with the city clerk within ten days from the passage thereof by the council, then the ordinance need not be submitted to the electorate. **(Ordinance No. 1280, passed June 23, 1997)**

Section 42. INITIATIVE BALLOTS. The ballots used when voting upon any such proposed ordinance shall state the substance thereof, and shall give the registered voter the opportunity to vote either "For the ordinance" or "Against the ordinance". If a majority of the registered voters voting on any such ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the city as the case may be. Any number of proposed ordinances may be voted upon at the same election, but in case there shall be more than one, the registered voter shall be allowed to vote for or against each separately. **(Ordinance No. 1280, passed June 23, 1997)**

Section 43. INITIATION OF CHARTER AMENDMENTS. Nothing in this charter contained shall be construed as in any way affecting the right of the electorate under this constitution and statutes of Minnesota to propose amendments to this charter. **(Ordinance No. 1280, passed June 23, 1997)**

REFERENDUM

Section 44. THE REFERENDUM. If prior to the date when an ordinance of the council takes effect a petition signed by registered voters of the city equal in number to ten percent of the total vote at the last regular municipal election or 700 signatures, whichever is greater, be filed with the city clerk requesting that any such ordinance, or any part thereof, be repealed or be submitted to a vote of the electorate, the said ordinance shall thereby be prevented from going into operation. The council shall thereupon reconsider the said ordinance at its next regular meeting, and either repeal

the same, or repeal the sections thereof to which objection has been raised by the petitioners, or by aye and no vote reaffirm its adherence to the ordinance as passed. In the latter case the council shall immediately order a special municipal election to be held thereon within not less than thirty nor more than forty-five days from the action of the council calling it. If a majority of the registered voters voting thereon are opposed to the ordinance, it shall not become effective; but if a majority of the voters voting thereon favor the ordinance, it shall go into effect immediately or on the date therein specified. **(Ordinance No. 1280, passed June 23, 1997)**

Section 45. REFERENDUM PETITIONS. The requirements laid down in sections 38 and 39 above as to the formation of committees for the initiation of ordinances and as to the form of petitions and signature papers shall apply to the referendum as far as possible, but with such verbal changes as may be necessary. A referendum petition shall begin as follows:

REFERENDUM PETITION

Proposing the repeal of an ordinance to . . . (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. This ordinance is sponsored by, etc. **(Ordinance No. 1280, passed June 23, 1997)**

Section 46. REFERENDUM BALLOTS. The ballots used in any referendum election shall conform to the rules laid down in section 42 of this charter for initiative ballots.

RECALL

Section 47. THE RECALL. Any five electors may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the city. The committee shall certify to the city clerk the name of the officer whose removal is sought, a statement of the grounds for removal in not more than two hundred and fifty words and their intention to bring about the recall. A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.

Section 48. RECALL PETITIONS. The petition for the recall of any official shall consist of a certificate identical with that filed with the city clerk together with all the signature papers and affidavits thereto attached. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be substantially the following form:

RECALL PETITION

proposing the recall of _____ from the office of _____ which recall is sought for the reasons set forth in the attached certificate. This movement is sponsored by the following committee of electors:

NAME	ADDRESS
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

The undersigned electors, understanding the nature of the charges against the officer herein sought to be recalled, desiring the holding of a recall election for that purpose:

NAME	ADDRESS
1. _____	_____
2. _____	_____
3. _____	_____

At the end of the list of signatures shall be appended the affidavit of the circulator, mentioned above. **(Ordinance No. 1086, passed June 11, 1984)**

Section 49. FILING OF PETITION. Within thirty days after filing of the original certificate, the committee shall file the completed petition in the office of the city clerk. The city clerk shall examine the same within the next five days, and if the city clerk finds it irregular in any way, or finds that the number of signers is less than twenty-five percent of the total number of electors who cast their votes at the last preceding regular municipal election, the city clerk shall so notify one or more members of the committee. The committee shall then be given ten days in which to file additional signature papers and to correct the petition in all other respects, but they 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 insufficient or irregular the city clerk shall notify all of the members of the committee to that effect and shall file the petition. No further action shall be taken thereon. **(Ordinance No. 1086, passed June 11, 1984)**

Section 50. RECALL ELECTION. If the petition or amended petition be found sufficient, the city clerk shall transmit it to the council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The council shall at its next meeting, by motion, provide for the holding of a special recall election not less than thirty nor more than forty-five days thereafter, provided that if any other municipal election is to occur within sixty days after such meeting, the council may in its discretion provide for the holding of the recall election at that time.

Section 51. PROCEDURE AT RECALL ELECTION. In the published call for the election, whether posted on bulletin boards or printed in the official paper, there shall be given the statement of the grounds for the recall and also, in not more than five hundred words, the answer of the officer concerned. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible, in accordance with the usual procedure in municipal elections. **(Ordinance No. 1086, passed June 11, 1984)**

Section 52. FORM OF RECALL BALLOT. Unless the officer whose removal is sought shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of the ballot at such election shall be as near as may be: "Shall A be recalled?" the name of the officer whose recall is sought being inserted in place of A, and the electors shall be permitted to vote separately "Yes" or "No" upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: "Candidates to fill the place of A, if recalled." But the officer whose recall is sought shall not be a candidate upon such ballot. In case a majority of those voting for and against the recall of any official shall vote in favor of recall, such official shall be thereby removed from office, and in that event the candidate who receives the highest number of votes for that office shall be elected thereto for the balance of the unexpired term. If the officer sought to be recalled shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of ballot at the election shall be the same as nearly as may be, as the form in use at a regular municipal election. **(Ordinance No. 1086, passed June 11, 1984)**

CHAPTER 6
ADMINISTRATION OF CITY AFFAIRS

Section 53. POWERS AND DUTIES OF THE CITY MANAGER. Subject to the provisions of this charter and any regulations consistent therewith which may be adopted by council, the city manager shall control and direct the administration of the city's affairs, except that the police department and the enforcement of the laws pertaining to said department shall be under the sole control of the mayor. The city manager's powers and duties shall be:

(a) To see that this charter and the laws, ordinances and resolutions of the city are enforced;

(b) To appoint and, except as herein provided, remove the city clerk, all heads of departments, and all subordinate officers and employees in the departments, all appointments to be upon merit and fitness alone;

(c) To exercise control over all departments and divisions of the city administration created by this charter or which may be hereafter created by the council except as herein provided;

(d) To attend all meetings of the council, with the right to take part in the discussions but having no vote; but the council may at its discretion exclude the city manager from meetings at which the city manager's removal is considered;

(e) To recommend to the council for adoption such measures as the city manager may deem necessary for the welfare of the people and the efficient administration of the city's affairs;

(f) To keep the council fully advised as to the financial condition and needs of the city, and to prepare and to submit to the council the annual budget;

(g) To prepare and to submit to the council for adoption an administrative code incorporating the details of administrative procedure, and from time to time to suggest amendments to the same; and

(h) To perform such other duties as may be prescribed by this charter or required of the city manager by ordinances or resolutions adopted by the council. **(Ordinance No. 1086, passed June 11, 1984)**

Section 54. DEPARTMENTS OF ADMINISTRATION. The council may create such departments, divisions and bureaus for the administration of the city's affairs as may seem necessary, and from time to time alter the powers and organization of the same. It shall, in conjunction with the city manager prepare a complete administrative code for the city and enact the same in the form of an ordinance which may be amended from time to time by ordinance.

Section 55. SUBORDINATE OFFICERS. There shall be a city clerk and such other officers subordinate to the city manager as the council may create by ordinances passed by a four-fifths vote. The city clerk shall be subject to the direction of the city manager, and shall have such duties in connection with the keeping of the public records, and the general administration of the city's affairs as shall be ordained by the council. The city clerk may be designated to act as secretary of the council. The council may by ordinance abolish offices which have been created by ordinance, and it may combine the duties of various offices as it may see fit. **(Ordinance No. 1086, passed June 11, 1984) (Ordinance No. 1551, passed August 25, 2008)**

Section 56. PURCHASES AND CONTRACTS. The city manager shall be chief purchasing agent of the City. All purchases and contracts on behalf of the City shall be made by the City Manager, but subject to the approval of the City Council whenever the amounts of such purchases or contracts exceeds the current amount set by the council. Said amount may be amended by a simple

majority of the Council by resolution. All contracts for the conveyance of any real estate by the city shall be signed by the Mayor and the City Manager on behalf of the City and shall be executed in the name of the city. **(Ordinance 1603, passed September 26, 2011) (Election ballot question passed November 5, 2002) (Ordinance 1213, passed December 10, 1990)**

Section 57. CONTRACTS, HOW LET. All contracts of the city shall be let in accordance with the Uniform Municipal Contracting Law of the State of Minnesota. Further regulations for the taking of bids and letting of contracts may be made by ordinance. **(Ordinance 1213, passed December 10, 1990)**

CHAPTER 7
TAXATION AND FINANCE

Section 58. 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 monies, and in the exercise of a sound discretion shall make appropriation for the payment of all liabilities and expenses.

Section 59. FISCAL YEAR. The fiscal year of the city shall end each year on the 31st day of December.

Section 60. TAXATION. Except as provided in this charter, the general laws of the state relating to taxation shall apply in this city. **(Ordinance 1079, passed March 26, 1984)**

Section 61. BOARD OF EQUALIZATION. The council shall constitute a board of equalization and shall annually meet as such in the usual place for holding council meetings at a time set by the council to equalize assessments according to law. **(Ordinance 1079, passed March 26, 1984)**

Section 62. PREPARATION OF THE BUDGET. The city manager shall prepare the estimates for the annual budget. The proposed budget shall be consistent with generally accepted accounting principles and shall contain estimates of revenue, itemized estimates of expenditures for both the current fiscal year and the ensuing fiscal year, comparisons with the revenues and amounts expended for the past two completed fiscal years, and such other information as the council may require. At a regular council meeting in August, the city manager shall present the budget along with a budget message which may highlight the important features of the budget and may contain such explanatory statements as the city manager shall deem necessary. **(Ordinance 1079, passed March 26, 1984)**

Section 63. PASSAGE OF THE BUDGET. After presentation of the budget, the council may hold meetings from time to time to consider the estimates contained therein. Prior to adoption of the budget the council shall designate one meeting as a public hearing at which interested citizens will be given an opportunity to question and comment on the budget estimates. The annual budget finally agreed upon shall be adopted by resolution of the council and shall constitute a financial plan for the city for the ensuing fiscal year. The total expenditures appropriated in the budget resolution shall not exceed the estimated revenues available from various sources. The council shall adopt the budget resolution for the ensuing fiscal year not later than the 10th day of October or such other date as may be fixed by state law. **(Ordinance 1079, passed March 26, 1984)**

Section 64. ENFORCEMENT OF THE BUDGET. The city manager shall strictly enforce the budget. No expenditures may be made unless sufficient funds have been budgeted therefore. Any obligations incurred by any person in the employ of the city for any purpose not authorized or for any amount for which no money exists within the proper fund shall be a personal obligation upon the person incurring the expenditure. **(Ordinance 1079, passed March 26, 1984)**

Section 65. MODIFICATIONS IN THE BUDGET. After the budget shall have been adopted, the council shall not have the power to increase the amounts appropriated to the various funds, whether by insertion of new items or otherwise, beyond the estimated revenues, unless the

actual receipts shall exceed such estimates and in that event not beyond the actual receipts. The sums fixed in the budget shall be appropriated after the beginning of the fiscal year for the funds therein designated and no other. After passage of the budget, the council may at any time by four-fifths vote, transfer sums appropriated from one fund to another fund or transfer sums from the undesignated equity, subject to the limitations contained in the charter. **(Ordinance 1079, passed March 26, 1984)**

Section 66. LEVY AND COLLECTION OF TAXES. The city Treasurer shall transmit to the county auditor annually, not later than October 10 or such other date as may be fixed by state law, the budget resolution, which shall indicate the amount of taxes to be levied. Such taxes shall be collected and payment thereof shall be enforced in accordance with this charter and applicable state law. No tax shall be invalid by reason of any informality in the manner of levying the same, nor shall any tax be invalid because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied, but in such case the excess shall go into the fund to which such tax belongs. **(Ordinance 1079, passed March 26, 1984) (Ordinance 1551, passed August 25, 2008)**

Section 67. TAX SETTLEMENT WITH COUNTY TREASURER. The city treasurer shall see to it that all monies in the county treasury belonging to the city are promptly turned over to the city according to law.

Section 68. PAYMENT OF BILLS, HOW MADE. All payment of bills shall be made only upon the order of the mayor and city manager, duly authorized by the council. The payment order shall specify the fund from which payment is made, and that such order may only be paid out of the proper fund. No claim for payment against the city shall be allowed by the council unless such claim had been accompanied by a statement of a responsible officer of the city indicating the correctness and reasonableness of the claim or unless the city council finds that the subject bill is a valid claim against the city. Any order or resolution for payment of money violating any provision of this section shall be void, and the officer of the city violating any provision of this section shall be personally responsible for the amount of such payment. **(Ordinance 1079, passed March 26, 1984)**

Section 69. FUNDS TO BE KEPT. There shall be maintained in the city treasury the following funds for the support of which the council may levy taxes, sell bonds, issue certificates of indebtedness, or otherwise collect revenues as is provided by law, to-wit:

(a) A debt service fund for the purpose of payment when due of any bonds or any other debt of the city and to pay the interest on all bonds and other obligations of the city. The council shall levy an annual tax sufficient to meet all obligations against this fund when due, unless otherwise provided for.

(b) A public utility fund or funds for the acquisition, construction, extension, 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 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

funds and accounts shall be kept for each such utility operated separately, and in case two or more utilities are operated together the funds and accounts shall be kept separately as far as practicable.

(c) A general operating fund which shall contain an undesignated equity into which shall be paid all monies not herein provided to be paid into any other fund.

(d) A special assessment fund, into which fund shall be paid all monies received from the sale of Certificates of Indebtedness issued for the purpose of creating or maintaining such fund; also all monies received from the sale of Certificates of Indebtedness issued to anticipate the payment of special assessments; also all monies received from the proceeds of assessments levied for local improvements.

(e) Such other funds the council may create at any time, subject to the limitations of this charter. **(Ordinance 1079, passed March 26, 1984)**

Section 70. RECEIPTS TO GO TO CITY TREASURER. All receipts of money belonging to the city, or any branch thereof, excepting only those funds collected by the county treasurer, shall be paid into the city treasurer by the person authorized to receive the same at the close of each business day. All such monies, and also all monies received upon tax settlements from the county treasurer, shall be deposited as soon as received in the bank or banks approved by the city council. **(Ordinance No. 1086, passed June 11, 1984) (Ordinance No. 1598, passed May 9, 2011)**

Section 71. ACCOUNTS AND REPORTS. The city manager shall be the chief accounting officer of the city. The council may enforce the obligation of the city manager to use generally accepted accounting principles in all accounting obligations in this chapter. Such obligation shall include a thorough monthly report and an annual report covering the entire financial operation of the city for the past year which the city manager must provide to the council on or before March 30 of each year. The annual report shall include a comparison of actual expenditures and actual revenues for each fund, divided into such categories as the budget presented by the city manager for the subject fiscal year, along with such additional information as required by the council. **(Ordinance 1079, passed March 26, 1984)**

Section 72. BONDED DEBT AND DEBT LIMIT. No bond shall ever be issued to pay current expenses or to refund certificates of indebtedness issued to provide for temporary deficiencies in the revenues to cover current expenses, but bonds may be issued by a four-fifths vote of the council, subject to the referendum powers of the people, for the purchase of real estate, for new equipment, and for all improvements of a lasting character.

The total bonded debt of the city shall never exceed ten percent of the assessed valuation of all the taxable property in the city, but in computing the total bonded debt, emergency debt certificates, and bonds issued prior to the adoption of the charter and either held in a sinking fund or issued for the purchase, construction, maintenance, extension, enlargement, or improvement or water, heating plants, or either, or any other public convenience from which a revenue is or may be derived, owned and operated by such city or village, or the acquisition of property needed in connection therewith, or for the improvement of streets, parks or other public improvements, to the extent that they are payable from the proceeds of assessments levied upon property especially benefitted thereby, and obligations issued for the improvements which are payable, wholly or partly, from the collections of special assessments levied on property benefitted thereby, or for the creation or maintenance of a permanent improvement revolving fund shall not count as part of such total

bonded debt. In no case will bonds be issued to run for more than thirty years. The purpose for which bonds are issued shall be set forth in the ordinance authorizing them and the proceeds from such bonds shall not be diverted to any other purposes. **(Ordinance No. 1284, passed June 13, 1994)**

Before any bonds are sold, there shall be a four-fifths vote of the council authorizing the issuance of the bonds by ordinance. However, bonds to be sold for the refinancing of any existing bonds shall be authorized by four fifths vote of the council by resolution. Following its passage, the ordinance shall be published at least once by publication in a legal newspaper having general circulation in the city. The registered voters of the city shall have thirty days from the date of publication to initiate a referendum on the ordinance authorizing the issuance. Subsequent to the passage of the authorizing ordinance, its publication, and the thirty-day period, the bond sale shall occur within sixty days. During said sixty day period, the City Manager shall have the authority to establish a special meeting upon at least seventy-two (72) hours advance notice to each member of the council. At that special meeting, the City Manager is authorized to receive the actual bid(s) or sale of the bonds to be negotiated. The actual award or sale of the bonds shall be approved by a resolution passed by a four-fifths vote of the council. **(Ordinance No. 1492; passed September 12, 2005)(Ordinance No. 1284, passed June 13, 1994)**

In addition to all powers specifically granted in that regard by its charter or amendments thereto, the city shall have all the powers in reference to the issuance of bonds or certificates of indebtedness provided by statute. **(Ordinance No. 1114, passed February 10, 1986)**

Sections 72, 72a, and 72b revised (per Ordinance No. 1585 passed August 23, 2010)

Section 73. FORM AND REPAYMENT OF BONDS. Bonds issued by the city may take the form either of term bonds or of serial bonds. In case of the issuance of any term bonds, it shall be the duty of the city manager to include in the budget estimates each year a sufficient sum, with a safe margin to spare, to set aside in a debt service fund for the repayment of the bonds at the end of the term, and another sum to pay the interest on the bonds for that year. In case of the issuance of serial bonds, it shall be the city manager's duty to include in the budget estimates each year a sum amply sufficient to pay the principal and interest on any bonds falling due that year, and another sum sufficient to pay the interest for that year on the bonds still outstanding. **(Ordinance No. 1114, passed February 10, 1986)**

Section 74. EMERGENCY DEBT CERTIFICATES. If any year the 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 should subject the city to the necessity of making extraordinary expenditures, then the council may authorize the sale by the city treasurer of emergency debt certificates to run not to exceed one year and to bear interest at six percent per annum. A tax sufficient to redeem all such certificates at maturity shall be levied as part of the budget of the following year. The authorization of an issue of such emergency debt certificates shall take the form of an ordinance approved by four-fifths of the members of the council; the ordinance may, if deemed necessary, be passed as an emergency ordinance.

CHAPTER 8
LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section 75. POWER TO MAKE LOCAL IMPROVEMENTS. The council shall have the power to undertake local improvements and assess the cost of such improvements or any portion thereof, against any property specially benefitted by such improvement. Any such improvements and any assessments thereunder, shall be in accordance with the general laws of the State of Minnesota. **(Ordinance No. 1600, passed June 13, 2011.)**

Section 76. POWER TO LEVY SPECIAL ASSESSMENTS . (This section deleted in its entirety. **Ordinance No. 1600, passed June 13, 2011**.)

Section 77. LOCAL IMPROVEMENTS, HOW MADE. (This section deleted in its entirety. **Ordinance No. 1600, passed June 13, 2011.)**

Section 78. APPEAL FROM ASSESSMENT. (This section deleted in its entirety. **Ordinance No. 1600, passed June 13, 2011.)**

Section 79. NOTICE OF APPEAL. (This section deleted in its entirety. **Ordinance No. 1600, passed June 13, 2011.)**

Section 80. TRIAL OF ASSESSMENT APPEAL. (This section deleted in its entirety. Ordinance No. 1600, passed June 13, 2011.)

Section 81. RE-ASSESSMENTS. (This section deleted in its entirety. **Ordinance No. 1600, passed June 13, 2011.)**

Section 82. PLAN OF ASSESSMENTS. (This section deleted in its entirety. **Ordinance No. 1600, passed June 13, 2011.)**

Section 83. PAYMENT OF ASSESSMENTS. (This section deleted in its entirety. **Ordinance No. 1600, passed June 13, 2011.)**

Section 84. PENALTY FOR DELINQUENCY. (This section deleted in its entirety. **Ordinance No. 1600, passed June 13, 2011.)**

Section 85. CERTIFIED TO AUDITOR. (This section deleted in its entirety. **Ordinance No. 1600, passed June 13, 2011.)**

Section 86. COUNTY TREASURER COLLECTOR FOR CITY. (This section deleted in its entirety. **Ordinance No. 1600, passed June 13, 2011.)**

CHAPTER 9
EMINENT DOMAIN

Section 87. POWER TO ACQUIRE PROPERTY. The city of Columbia Heights is hereby empowered to acquire, by purchase, gift, devise or condemnation, any property, corporal or incorporal, either within or without its corporate boundaries, which may be needed by said city for any public use or purpose. In addition to the power to acquire property for other public purposes, the city may also acquire, as herein provided, any gas, water, heat, power, light, telephone, or other plant or other public utility; but no proceedings to acquire any such public utility shall be consummated unless the city has the money in its treasury to pay for the same or has by vote of the people made provision for paying for the property proposed to be acquired. The general laws of the State of Minnesota relative to Eminent Domain shall govern the City of Columbia Heights.

(Section 87 revised and Sections 88 through 92 deleted per Ordinance No. 1586 passed August 23, 2010.)

CHAPTER 10
FRANCHISES

Section 93. FRANCHISE DEFINED. The word "franchise" as used in this chapter shall be construed to mean any special privilege granted to any person, co-partnership, or corporation, in, over, upon, or under any of the highways or public places of the city of Columbia Heights, whether such privilege has heretofore been granted by the Village of Columbia Heights or the State of Minnesota, or shall hereafter be granted by the City of Columbia Heights or the State of Minnesota. The terms "public service corporation," "co-partnership," or person, as used in this chapter, shall be construed to mean any corporation, co-partnership, or person exercising any franchise with the city of Columbia Heights. The term "company" shall mean either a corporation, a co-partnership, or any person exercising any franchise within the City of Columbia Heights.

Section 94. FRANCHISE ORDINANCE. The council may grant franchises by ordinance adopted by four-fifths vote, but in no case shall a franchise be granted by an emergency ordinance. Franchise rights shall always be subject to the superior right of the public use of streets and public places. All corporations, co-partnerships, or persons desiring to make an especially burdensome use of streets or public places, inconsistent with the public's right in such places, or desiring the privilege of replacing in, over, upon, or under any street or public place any permanent or semi-permanent fixtures for the purpose of constructing or operating street or other railways, or for telephoning, or telegraphing, or transmitting electricity, or transporting by pneumatic tubes or furnishing to the city or its inhabitants or any portion thereof, transportation facilities, water, light, heat, power, or any other public utility, or for any other purpose, shall be required to obtain a franchise before proceeding to make such use of the streets or public places or before proceeding to place such fixtures in such places.

Section 95. PUBLICATION OF FRANCHISES. Every ordinance granting or extending any franchise shall contain all the terms and conditions of the franchise. A franchise shall be without any validity whatever until it has been accepted by the grantee, and until it has been given adequate publicity, either by publication of the franchise verbatim in the official paper of the city at least once a week for four successive weeks after its passages, or by the posting of authentic copies of the franchise upon bulletin boards in at least ten of the most public places in the city for a period of thirty days after its passage.

Section 96. TERM OF FRANCHISES LIMITED. No perpetual franchise shall ever be granted, nor shall any franchise be granted for a longer term than twenty-five years.

Section 97. POWER OF REGULATION RESERVED. The City of Columbia Heights shall have the right and power to regulate and control the exercise by any corporation, co-partnership, or person, of any franchise however acquired, and whether such franchise has been heretofore granted by the Village of Columbia Heights or the State of Minnesota, or shall hereafter be granted by the City of Columbia Heights or the State of Minnesota.

Section 98. REGULATION OF RATES AND CHARGES. All corporations, co-partnerships, and persons exercising franchises in the city of Columbia Heights, shall give courteous, efficient and adequate service at reasonable rates.

Section 99. Nothing herein contained shall be construed as in any way preventing the electors from exercising their powers under the referendum to reject such franchise.

Section 100. CONDITIONS IN EVERY FRANCHISE. Every franchise which does not contain the provisions prescribed in this section shall be absolutely void and incapable of ratification by estoppel or otherwise.

Every franchise shall contain the following provisions:

(a) That the grantee shall be subject to and will perform on its part all the terms of Sections 94-102, inclusive, of this charter.

(b) That the grantee shall not issue any capital stock on account of the franchise or the value thereof, and that the grantee shall have no right to receive, upon condemnation proceedings brought by the city to acquire the public utility exercising such franchise, any return on account of the franchise or its value.

(c) That no sale or lease of said franchise shall be active until the assignee or leasee shall have filed in the office of the city clerk an instrument, duly executed, reciting the fact of such sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required of the grantee thereunder.

(d) That every grant in said franchise contained of permission for the erection of poles, masts, or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks in, or of pipes or conduits, under places of any permanent or semi-permanent fixtures whatsoever, shall be subject to the condition that the council shall have the power to require such alterations therein, or relocation or rerouting thereof, as the council may at any time deem necessary for safety, health or convenience of the public, and particularly that it shall have the power to require the removal of poles, masts, and other fixtures bearing wires and the placing of underground poles, masts and of other fixtures bearing wires and the placing of underground of all wires for whatsoever purpose used.

(e) Every franchise and every extension or renewal of such franchise shall contain a provision for its acceptance in writing by the grantee within thirty days after it passage by the council and before its submission to a vote of the people in case of a referendum. No such franchise shall be binding upon the city until its acceptance by the grantee. Such acceptance shall be construed to be an acceptance of and consent to all the terms, conditions, and limitations contained in the ordinance granting the franchise as well as of the provisions of this charter.

Section 101. FURTHER PROVISIONS OF FRANCHISES. The enumeration and specification of particular matters which must be included in every franchise or renewal or extension thereof, shall not be construed as impairing the right of the city to insert in any such franchise or restrictions as the council may deem proper to protect the city's interest, nor shall anything contained in this charter limit any right or power possessed by the city over existing franchises.

CHAPTER 11
PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

Section 102. ACQUISITION AND OPERATION OF UTILITIES. The City of Columbia Heights shall have power to acquire public utilities as provided in Chapter 9 of this charter. The operation of all public utilities owned by the city shall be under the supervision of the city manager.

Section 103. RATES AND FINANCES. Upon recommendations made by the city manager or upon its own motion the city council shall have the power to fix all rates and charges for water, light, heat, and all other utilities provided by plants owned by the city, but such rates and charges shall be just and reasonable. In like manner the council may prescribe the time and manner in which payment for all such service shall be made, and the manner in which water and electric current shall be computed or measured, whether by meter or flat rate, and make such other regulations as may be necessary, and may prescribe penalties for violations of such regulations.

Section 104. PURCHASE IN BULK. The council may, in lieu of providing for the local production of gas, electricity, water, and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix.

Section 105. CITY TO PAY FOR SERVICES. The council shall make a reasonable charge, based on the cost of service, for lighting the streets and public buildings, or for supplying heat, power, or any other utility services, and shall credit the same to the publicly owned utility supplying the service. Such charges for light, heat, power, water and other services, shall be collected in the same manner as from the other consumers, unless the council provides some other plan. **(Ordinance 1079, passed March 26, 1984)**

Section 106. LEASE OF PLANT. The council may, if the public interests will be served thereby, contract with any responsible person, co-partnership, or corporation, for the operation of any utility owned by the city, upon such rentals and conditions as it may deem necessary, but such contract shall be embodied in and let only by an ordinance approved by four-fifths of the council and subject to popular referendum. In no case shall such contract be for a longer term than ten years. The contractor shall be subject as far as possible to the rules as to rates and service, and as to council control, laid down for the holders of franchises in Chapter 10 of this charter.

Section 107. PUBLIC UTILITY, HOW SOLD. No public utility owned by the city, whether acquired prior to the adoption of this charter or thereafter, shall be sold or otherwise disposed of by the city, unless the full terms of the proposition of said sale or other disposition thereof, together with the price to be paid therefore shall have been embodied in an ordinance passed by a four-fifths vote of the council in the usual way and submitted to the electors at a general or special election and approved by a majority vote of the electors voting thereon.

CHAPTER 12
MISCELLANEOUS AND TRANSITORY PROVISIONS

Section 108. OFFICIAL PUBLICATIONS. The council shall regulate by ordinance the manner in which official publicity shall be given to the holding of elections, to ordinances, resolutions, initiative, referendum, and recall petitions, to requests for bids upon contemplated purchases and contracts, and to all other matters whatsoever which require publication either by the terms of this charter or by the constitution and laws of Minnesota. It shall annually designate a newspaper of general circulation in the city as the official paper in which shall be published such measures and matters as are by the constitution and laws of this state required to be so published, and such other matters as the council may deem it wise to have published in this matter, or in lieu thereof it may establish a municipal publication, which shall then be the official newspaper. The council may in its discretion provide for the publication of the annual budget, ordinances, resolutions, initiative, referendum, and recall petitions, election notices, and such other measures and matters as it may deem wise by the posting of typed copies at city hall and electronically displayed via the city's website and for such period of time as the council may direct in each case. If the latter method of publication is adopted, the council may provide that it shall be in lieu of other methods of publication or in addition thereto at its option. Wherever in this charter there is a requirement of the publication of any measure or matter, it shall be understood that the city council may designate the manner of such publication, subject to the options permitted by this section; but nothing herein contained shall be construed as authorizing or as attempting to authorize any violation of the constitution or the statutes of the state in any matter which is of state concern or which is exclusively under state control. **(Ordinance No 1465, passed December 15, 2003)**

Section 109. CITY PROPERTY NOT LOST BY ADVERSE POSSESSION. No right, title, estate or easement of the city in any property shall be lost by adverse possession or occupant, and no statute of limitations shall operate against the city in favor of any person occupying any public property or highway, whether such highway shall have been improved or not.

Section 110. SALES OF REAL PROPERTY. No real property of the city shall be disposed of except by ordinance. The proceeds of any such sale shall be used as far as possible to retire any outstanding indebtedness incurred by the city in the purchase, construction, or improvement of this or other property used for the same public purpose; but if there be no such outstanding indebtedness, then the council may by a resolution adopted by a four-fifths vote designate some other public use for such proceeds.

Section 111. VACATION OF STREETS. No street or alley within the city shall be discontinued except by ordinance approved by a four-fifths vote of the council and subject to popular referendum. A record of such vacation shall be made in the office of the Register of Deeds of Anoka County.

Section 112. DAMAGE SUITS. (Section deleted per Ordinance No. 1436, passed August 27, 2001.)

Section 113. RECOVERY OF JUDGMENT FOR DAMAGES. If any judgement shall be recovered in any action against the city for any injury or damage caused by any obstruction, excavation, opening or defect in any street or public ground caused or occasioned by the act or omission of any person or corporation, the city shall have

the right to recover the amount of any such judgment from the person or corporation so responsible for such obstruction, excavation, opening, or defect; and such person or corporation is hereby declared to be liable to the city in the amount of such damages.

Section 114. CITY TO SUCCEED TO RIGHTS AND OBLIGATIONS OF VILLAGE. (Section deleted per Ordinance No. 1437, passed August 27, 2001.)

Section 115. VILLAGE OFFICERS TO HOLD OFFICE TILL WHEN. (Section deleted per Ordinance No. 1438, passed August 27, 2001.)

Section 116. STATUTES NOT AFFECTED BY CHARTER. All general laws and statutes of the state applicable to all cities operating under home rule charters, or applicable to cities of the same class as the City of Columbia Heights operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the city of Columbia Heights, and shall be construed as supplementary to the provisions of this charter.

Section 117. EXISTING ORDINANCES CONTINUED. (Section deleted per Ordinance No. 1439, passed August 27, 2001.)

Section 118. 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 village 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 119. 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.

SUMMARY OF CHARTER AMENDMENTS AS OF SEPTEMBER, 2012

ORDINANCE NO.	DATE OF 2ND READING	SECTIONS AFFECTED
1607	6-11-12	CHAPTER 4, SECTIONS 33 AND 34
1603	9-26-11	CHAPTER 6, SECTION 56
1601	5-23-11	CHAPTER 6, SECTION 56 (FAILED)
1600	6-13-11	CHAPTER 8, SECTIONS 75 through 86
1599	4-25-11	CHAPTER 7, SECTION 74, TABLED
1598	5-9-11	CHAPTER 7, SECTION 70
1597	5-9-11	CHAPTER 4, SECTION 33
1596	5-9-11	CHAPTER 4, SECTION 28A
1586	8-23-10	CHAPTER 9, SECTIONS 87 through 92
1585	8-23-10	CHAPTER 7, SECTION 72
1584	8-23-10	CHAPTER 2, SECTION 10A
1551	8-25-08	CHAPTER 6, SECTION 55; CHAPTER 7, SECTION 66; CHAPTER 8, SECTION 77
1509	6-26-06	CHAPTER 2, SECTION 6, 7,8, & 9 (FAILED)
1492	9-12-05	CHAPTER 7, SECTION 72
1480	1-24-05	CHAPTER 2, SECTION 15
1468	12-15-03	CHAPTER 9, SECTION 89
1467	12-15-03	CHAPTER 3, SECTION 16
1466	12-15-03	CHAPTER 2, SECTION 7
1465	12-15-03	CHAPTER 12, SECTION 108
1464	12-15-03	CHAPTER 5, SECTION 36
1445	FAILED 3/25/02	CHAPTER 3, SECTION 19 (PASSED AT **GEN. ELECTION** ON 11-5-02; EFF. 12-5-02)
1435	FAILED 8/27/01	CHAPTER 6, SECTION 56 (PASSED AT **GEN. ELECTION** ON 11-5-02; EFF. 12-5-02)
1439	8-27-01	CHAPTER 12, SECTION 117
1438	8-27-01	CHAPTER 12, SECTION 115
1437	8-27-01	CHAPTER 12, SECTION 114
1436	8-27-01	CHAPTER 12, SECTION 112
1392	6-14-99	CHAPTER 8, SECTION 83
1391	6-14-99	CHAPTER 3, SECTION 16
1388	4-26-99	CHAPTER 2, SECTION 13
1389	4-26-99	CHAPTER 2, SECTION 10
1349	10-13-97	CHAPTER 3, SECTION 17
1280	6-23-97	CHAPTER 5, SECTIONS 35, 36, 38, 39, 40, 41, 42, 43, 44, 45
1331	9-23-96	CHAPTER 2, SECTION 9
1300	4-10-95	CHAPTER 2, SECTION 7;CHAPTER 3, SECTION 16; CHAPTER 4, SECTIONS 28, 28A
1284	6-13-94	CHAPTER 7, SECTIONS 72, 72B
1213	12-10-90	CHAPTER 6, SECTION 56; CHAPTER 6, SECTION 57
1175	11-28-88	CHAPTER 4, SECTION 28A
1145	4-13-87	CHAPTER 4, SECTION 28A (FAILED)
1114	2-10-86	CHAPTER 4, SECTION 28; CHAPTER 5, SECTION 45; CHAPTER 7, SECTIONS 72, 72. 72B, AND 73
1091		FAILED
1086	6-11-84	CHAPTER 2, SECTIONS 7, 8, 9, 10, 11, 12, 13; CHAPTER 3, SECTIONS 22 & 27 CHAPTER 4, SECTIONS 28A;CHAPTER 5, SECTIONS 40, 47, 48, & 49, 51, & 52 CHAPTER 6, SECTIONS 53, 55;CHAPTER 7, SECTIONS 70, 73; CHAPTER 8, SECTIOI 80, 82
1079	3-26-84	CHAPTER 3, SECTIONS 19, 20, & 23; CHAPTER 5, SECTIONS 36 & 44; CHAPTER 6, SECTIONS 56, 57; CHAPTER 7, SECTIONS 60, 61, 62, 63, 64, 65, 66, 68, 69, 71; CHAPTER 11, SECTION 105
1046	8-22-83	CHAPTER 3, SECTIONS 19, 20, 23; CHAPTER 5, SECTIONS 36 & 44; CHAPTER 6, SECTIONS 56 &57; CHAPTER 7, SECTION 60, 61, 62, 63, 64, 65, 66, 68, 69, and 71; CHAPTER 11, SECTION 105 (FAILED)
956	7-13-81	CHAPTER 5, SECTION 41