

## CHAPTER SIX. INITIATIVE, REFERENDUM, AND RECALL<sup>1</sup>

### 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

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<sup>1</sup>Editor's note(s)—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(s)—Recall authorized, Minn. Stat. § 410.20.

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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)

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## **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

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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)