

COMMITTEE OF THE WHOLE

13-035-0

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER XI, SECTION 84, OF THE CITY CHARTER AMENDING THE STATED DOLLAR AMOUNT FOR FAILURE TO COMPLY LIABILITY.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Chapter XI, Section 84 of the 1912 Home Rule Charter of the city of Duluth, as amended, is hereby amended, to read as follows:

Section 84. Every corporation, co-partnership or person exercising any franchise in the city of Duluth shall file annually on the first Monday in February in each year, in the office of the auditor, a statement, subscribed and sworn to by at least two officers of such corporation, or by the individual in control, in case such franchise is exercised by a person or co-partnership, setting forth in detail for the preceding calendar year the then actual cost to said corporation, co-partnership or persons of the plant or business operated by such corporation, co-partnership or person, the actual encumbrances, debts and obligations thereon, if any, the amount of stock issued, and to whom issued, and the consideration therefor, the gross earnings, the expenses and nature thereof, and the net income, after deducting all proper costs and expenses, the names and residences and the amount of the stock of all stockholders of such public service corporation; if any bonds have been redeemed and not cancelled, that fact shall also be stated. This duty may be enforced by appropriate legal proceedings. Every such corporation or person, who fails to comply with the provisions of this Section, shall also be liable to the city of Duluth ~~in the sum of one hundred dollars (\$100.00)~~ for each day of such failure in an amount to be set by city council resolution, to be recovered in a civil action in any court of competent

jurisdiction, and at the end of sixty (60) days, if such default shall continue, the council may forfeit such franchise.

Section 2. That this ordinance shall take effect 90 days after its passage and publication.

Approved as to form:


Attorney

ATTY GBG:cjk 5/3/2013

STATEMENT OF PURPOSE: This ordinance amends Section 84 of the City Charter to remove the stated dollar amount for the failure to comply liability amount and establishes that the amount shall be set by city council resolution.

The proposed charter change was reviewed and recommended by the Charter commission at its meeting of April 10, 2013.

This ordinance requires a unanimous vote for approval.