

#2866

Certified

Home Rule Charter

OF THE

Village of Minnetonka Beach

Home Rule Charter OF THE Village of Minnetonka Beach

ARTICLE I.

NAME, BOUNDARIES, REAL ESTATE.

Section 1. Corporate Name.—That all the inhabitants of the Village of Minnetonka Beach, in Hennepin County Minnesota, according to the boundaries and limits of said village as limited and established in the proceedings heretofore had for the incorporation of said village and such boundaries and limits as may be hereafter established, shall be a body politic, incorporated under and to be known by the name and style of the "Village of Minnetonka Beach," with all the express powers, rights and duties herein provided, and all those powers necessarily implied in or incident to such express powers, and such as are indispensable to the accomplishment of its purpose and corporate existence.

Section 2. Boundaries.—That the boundaries and limits of said Village of Minnetonka Beach, as heretofore established, and as contained in the record of incorporation of said village in Volume 66, page 1, of Miscellaneous Records, in the office of the Register of Deeds of Hennepin County, Minnesota, and until changed by the village council, are as follows:

"Commencing at the corner to sections sixteen (16), seventeen (17), twenty (20) and twenty-one (21), township one hundred seventeen (117), range twenty-three (23); thence north between sections sixteen (16) and seventeen (17), thirty-three and 62/100ths (33.62) chains more or less to the shore of Lake Minnetonka. Thence easterly along said shore one hundred and 25/100ths (100 and 25/100ths) chains to the line between sections fifteen (15) and sixteen (16), thence easterly and southerly along said lake shore eighty-one and 50/100ths (81.50) chains to the line between sections fifteen (15) and twenty-two (22); thence southerly twelve and 60/100ths (12.60) chains and northwesterly eighteen and 40/100ths (18.40) chains around Huntington's Point so-called and along said lake shore to the line between sections fifteen (15) and twenty-two (22); thence northwesterly along said shore twen-

ty one and 1/10th (21.1) chains to the line between said sections fifteen (15) and sixteen (16); thence westerly and southerly along said shore ninety-three and 2/10ths (93.2) chains to the line between sections sixteen (16) and twenty-one (21); thence west on said line fifteen and 90/100ths (15.90) chains more or less to the point of beginning, the said above described tract comprising lots two (2) and three (3) section fifteen (15), lots three (3), four (4), five (5), six (6) and seven (7) section sixteen (16), and lot two (2) section twenty-two (22), all in township one hundred seventeen (117) north range twenty-three (23) west of the Fifth Principal Meridian and containing two hundred ninety-six and 41/100ths (296.41) acres according to United States survey."

Section 3. **Real Estate.**—All real estate whether owned in fee simple title, or held by lease, sufferance, easement or otherwise, including public squares, parks, waterfronts, streets, alleys and property of every kind, heretofore granted, donated, purchased or otherwise acquired by the Village of Minnetonka Beach shall vest in and remain in and inure to the said corporation, the Village of Minnetonka Beach, under this Act.

ARTICLE II.

CORPORATE POWERS.

Section 1. The Village of Minnetonka Beach shall possess and may exercise under its corporate name the rights and powers, and be subject to the duties of municipal corporations at common law with perpetual succession; may use a corporate seal, sue and be sued, acquire property in fee simple or lesser interest or estate within or without its boundaries needed for the full discharge of any public function which it is permitted to exercise by purchase, gift, devise, appropriation, condemnation, lease or otherwise; sell, lease, hold, manage and control such property; acquire, construct, own, lease and operate and regulate public utilities, and incident thereto, buy, construct, maintain and operate water works, gas and electric plants, buy gas, electricity, steam, water or any other kind of power, and when not needed re-sell same at wholesale or retail; assess, levy and collect taxes for general and special purposes on all the subjects or objects which the village may lawfully tax; borrow money on the faith and credit of the village, and issue and sell bonds or notes of the village; levy

and collect assessments for local improvements; license and regulate persons, corporations and associations engaged in any business, occupation or trade; grant franchises for public utilities, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the village, and all nuisances and causes thereof; improve and extend the village limits; plat public property; regulate and control the use of the streets and other public places; create, establish, abolish and organize offices, and fix the salaries and compensation of all officers and employees; make and enforce local police, sanitary and other regulations; pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the village, and the performance of the functions thereof, provided that the enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein the village shall have and may exercise all other powers which, under the constitution and laws of the State of Minnesota, it would be competent for this charter specifically to enumerate.

ARTICLE III.

VILLAGE COUNCIL, OFFICERS, DUTIES, ELECTIONS, ETC.

Village Council.—The Village of Minnetonka Beach shall be governed and its business conducted by a village council which shall be composed of a mayor, three (3) trustees and a recorder.

Other Elective Officers.—Other elective officers shall be an assessor, a treasurer, two (2) justices of the peace, and two (2) constables.

Tenure of Office.—The mayor and recorder shall be elected for a period of one (1) year. At the first election following the adoption of this charter three (3) trustees shall be elected, one for a term of one (1) year, one for a term of two (2) years, and one for a term of three (3) years; the term for which each is elected to be designated on the ballot. After said first election one trustee shall be elected annually for the term of three (3) years. All the present elective officers shall hold and continue in office until the first annual election following the adoption of this charter.

The assessor, treasurer, justices of the peace and constables shall be elected for the term of two (2) years.

All officers chosen, having qualified as such, shall hold office until their successors qualify.

Vacancies in office may be filled for the remainder of the year by the village council.

Elections.—The village election shall occur annually on the third Tuesday in June. The village council shall cause ten (10) days' posted notice of such election to be given, specifying the time and place thereof, the offices to be filled, and the questions, if any, to be determined by vote. The council shall also within ten (10) days of the election appoint two (2) judges and one (1) clerk for each voting district of the village, all to be resident voters and not candidates for any village office, who shall be sworn to faithfully discharge their duties as such, and shall open the polls and keep them open from eight o'clock A. M. until seven-thirty o'clock P. M. If the judges or clerk, or any of them, fail to appear or refuse to serve, the electors present at the hour for opening may supply their place by viva voce vote.

The judges and clerk shall count the votes cast, proclaim the results and record the same in a book provided for the purpose, such book, with the ballots cast, shall thereupon be returned to the recorder. Within five (5) days after the election the council shall meet as a canvassing board and declare the results appearing from said returns. A plurality of votes shall elect and in case of a tie the election shall be determined by lot in the presence of the board and under its direction. The recorder shall forthwith give written notice to each person chosen of his election to the office named, and shall also certify the results of said election to the county auditor.

Special Village Elections.—Special elections may be ordered by the council on its own motion, or upon the petition of thirty (30) resident voters of which at least ten (10) days' posted notice shall be given, clearly setting forth the questions to be submitted. Judges and clerks shall be appointed by the village council, the vote shall be taken and results ascertained, declared and certified as in case of annual elections.

Duties of Officers—Mayor and Trustees. The mayor shall be the presiding officer and shall have such general powers as are usually incident to the office and such specific powers and duties

as are herein prescribed and a vote in case of a tie. The mayor and the trustees shall be the administrative officers of the village, and in addition to their duties as administrative officers shall be peace officers, and may suppress in a summary manner any riotous or disorderly conduct in the streets or other public places of the village, and may command the assistance of all persons under such penalties as may be prescribed by the by-laws and ordinances. They shall also be and constitute a canvassing board and a board of review, provided that the mayor and recorder, with the assessor, may be designated and shall act as a board of review for the correction of village assessments in manner and as provided in Section 2026 of the General Statutes of Minnesota for the year 1913.

The council shall make an annual report showing the items and nature of all accounts, and to whom allowed, together with a detailed statement of the financial condition of the village. It shall also cause an audit of the books of account for each fiscal year to be made by a certified public accountant. Such report and audit shall be filed with the recorder, and a copy of the report shall be posted at the time and place of the annual election.

No member of the village council shall be financially interested either directly or indirectly in any village contract.

A mayor pro tem and a recorder pro tem may be by the council elected from among its members to act in event of the absence or disability of said respective officers with all the powers and authority herein created or given to each thereof.

Recorder.—The recorder shall keep

(1) A minute book noting therein all proceedings of the council, all petitions and communications addressed thereto, and all bills presented.

(2) An ordinance book in which he shall record at length all ordinances, by-laws, rules and regulations passed by the council, and all communications, permits and licenses issued.

(3) A finance book in which he shall enter the financial transactions of the village, including the dates and amounts of all warrants drawn upon the treasurer, giving the names of the payees and the purpose for which drawn.

He shall give the required notices and perform the acts herein required of the recorder under the head of "Elections." He shall act generally as clerk, shall be custodian of the village records, countersign official papers, post and publish notices, ordinances

ARTICLE IV.

POWERS AND DUTIES OF THE VILLAGE COUNCIL.

The village council of the Village of Minnetonka Beach, shall have and exercise the particular powers following, to-wit:

Section 1. Ordinances, Rules, Regulations, Resolutions, etc.

(1) Shall have power to adopt all such ordinances, rules, regulations, resolutions and by-laws as it shall deem necessary or expedient for the exercise of its powers, and the regulation of the rights, privileges and duties of the inhabitants of said village, and to declare that the violation of any ordinance, or regulation herein authorized shall be a penal offence, and to prescribe penalties therefor, and to collect any fine or penalty imposed by civil process, provided, that no such penalty shall exceed a fine of One Hundred Dollars (\$100.00), and costs of prosecution, or imprisonment in a village or county jail for a period of three (3) months.

(2) All ordinances, rules and by laws shall be enacted by a majority vote of all the members of the council. Ordinances shall be signed by the mayor and attested by the recorder, and posted for one week in three (3) conspicuous places in the village. Proof of such posting by the certificate of the village recorder, shall be attached to and filed with such ordinance, and shall be conclusive evidence of the facts stated. All ordinances shall be suitably entitled and in this style, "The village council of the Village of Minnetonka Beach do ordain as follows," and when passed as aforesaid shall have the force of law until repealed.

(3) All ordinances of the Village of Minnetonka Beach, not inconsistent with the provisions of this Charter, in force and effect at the time of the adoption thereof, shall remain and continue in full force and effect until altered, amended or repealed by said village council.

Section 2. Officers and Employees.—Shall have power to appoint a street commissioner, park commissioner, health officer, attorney, marshal, one or more policemen, and any other officer that may at any time be deemed necessary or conducive to the proper administration of the village affairs, and may appoint an inspector, commissioner or other agent for exigent or particular service, and shall prescribe the duties and fix the salaries, if any, of all appointees, and may require bonds in amounts that it may prescribe for the faithful discharge of the duties of its officers and

representatives, with power to remove any and all such for cause or the public welfare.

Section 3. Streets, Sidewalks, Public Grounds, Sewers, etc.—

(1) Shall have power to lay out, open, change, widen, alter and extend streets, alleys, parks, squares, bridges and other public ways and grounds, to name and change the names thereof; to grade, pave, sprinkle or oil, maintain and repair same; to establish and maintain gutters, drains, sewers and curbs thereon; to erect lamp posts, and to provide for the lighting thereof; to regulate the use of all streets, alleys, parks, public ways and grounds; to require the removal therefrom of all encroachments or obstructions, including telegraph, telephone or other poles carrying electric wires; to forbid and cause to be removed advertising signs therefrom or alongside thereof; to require the owners of property to remove snow, dirt, or rubbish from the sidewalks adjacent thereto, to cut and remove noxious weeds and in default thereof, after reasonable notice given in manner and form as the council may prescribe, to authorize such removal at the owner's expense, and by resolution to assess the cost of such removal against the property, any such assessment to become a lien on said abutting lots when certified to the county auditor, and collected as other taxes, provided, however, that the cost of such removal may be collected by a civil action brought by the village for that purpose.

(2) To establish parkways and walks, and enclose, improve and ornament the same; to provide for and regulate the setting out and protection of trees, shrubs and flowers upon village property, and levy a tax therefor, and to establish a park fund all as authorized and provided for in Section 1333 of the General Statutes of the State of Minnesota for the year 1913, and any amendments now or hereafter enacted.

(3) To grant permits for the improvement of public ways, streets, alleys, parkways and sidewalks by property owners, provided that such improvement shall conform to established or proposed grades and to specifications approved by the council.

(4) To vacate streets, alleys, parks, squares and public ways or grounds, and to discontinue sidewalks, paths and crosswalks, provided that no street, alley, public way or place shall be vacated except on petition of a majority of the owners of land abutting on said street, alley or public way, and then only if it shall appear for the interest of the public at large so to do, first giving two (2)

weeks' published notice in a newspaper published in the county, and posted notice in three (3) prominent places in said village of the application to vacate, and of the time and place of hearing thereof; no street, alley, public way or place to be in fact vacated until resolution vacating same, reciting the notice and hearing herein required, and the ground or reason for vacation thereof, has been filed for record in the office of the Register of Deeds of Hennepin County; provided further that no street, public way, place or ground having a water front shall be so vacated until the question of the vacation thereof has been submitted to a vote of the electors of the village at either a special election for that purpose held, or at any general election, and authorized or approved by a majority vote of the electors voting on the question yes or no of such vacation.

Section 5. Shall have power to exercise in aid and execution of the powers given and authorized by Section 3 above, the right of eminent domain in manner as authorized by the Statutes of the State of Minnesota, and in particular Chapter 41 of the Statutes of the State of Minnesota for the year 1913, and any amendments thereto now or hereafter adopted.

Section 6. **To Regulate Motor Vehicles, Locomotives, Aircraft, Animals at Large, etc.**—Shall have power to regulate the use of automobiles, motorcycles and vehicles of every kind used upon the streets or alleys of said village, to limit the speed thereof, to prescribe standing and parking places, and limit parking thereon; to prescribe rules as to automobile lights, open mufflers and horns; to limit the speed of engines and locomotives within said village, and the blowing of whistles and ringing of bells thereon; to limit the flying of aeroplanes over said village within a prescribed distance from the earth, and the landing thereof within said village; to authorize and regulate radio installations; to restrain the running at large of animals of every kind, and to authorize the restraining, impounding, sale or destruction thereof; to regulate, license and fix the charges and fares made by any person operating or controlling any vehicle of any kind used for passengers for hire, or the transportation of freight for hire on the public streets and alleys of the village; to grant permission to any individual, company or corporation to use, construct and operate a public utility in or upon the streets and public grounds of the village, provided, however, that no grant of any franchise, lease or right to perma-

nently or for a period of years, use the same shall be granted by the village council unless first submitted to the vote of the regularly qualified voters of said village, and until authority given by an affirmative vote of a majority of the electors voting at any such election.

Section 7. Regulation of Buildings.—Shall have power, in order to secure harmony and uniformity in the construction and location of buildings, to require permits to be issued therefor upon specifications of proposed construction and location, and may also require and provide for the taking down and the removal by the village or by the owner, and at the expense of the owner, of buildings, walls or structures of any kind that are or may become dangerous.

Section 8. Amusements, Shows, Peddlers, Beggars, Picnickers, etc.—Shall have power (1) to forbid or permit, license and regulate places of public amusement, refectories, shows or exhibitions of any kind, and to fix the price of any license; to restrain or permit, and license and regulate peddlers, solicitors, auctioneers, and to fix the license fee therefor.

(2) To restrain and punish vagrants, mendicants, and beggars; to suppress games of chance, gambling devices and any act or practice that tends to interfere with or subvert order, quiet, safety and good morals.

(3) To forbid picnics, picnickers, campers and trespassers within the village limits.

Section 9. Cesspools.—Shall have power (1) to regulate the location of cesspools on all premises within the village limits, and require permits therefor.

(2) To require toilets to be installed in all dwellings or buildings used for business purposes, and connection thereof to be made with the water and sewer in the street adjacent.

Section 10. Contaminating Matter.—Shall have power to forbid, restrain and punish the deposit, casting or throwing into the waters of Lake Minnetonka, bordering or abutting any premises within the village limits, any litter, refuse, liquid or substance of any kind in any way calculated or tending to contaminate or render impure the waters of said lake, or to encroach upon or obstruct same.

Section 11. Bathing.—Shall have power to regulate and determine the time and place of bathing and swimming in the waters

adjoining or within said village limits, and to prevent any unseemly exposure or conduct.

Section 12. Piers, Docks, etc.—Shall have power to construct piers, docks, wharves, and to charge for and fix rates of wharfage.

Section 13. Shall have power to establish fire regulations, to acquire engines and other equipment for the extinguishment of fires, and to provide or to require householders to provide equipment and apparatus for the extinguishment of fire, and to forbid and restrain the keeping and storage of combustible or explosive materials, and to regulate and restrain the use of fireworks, and as a protection against fire to require dead leaves or other litter on any premises, whether occupied or not, to be raked and removed and in default, after reasonable notice given in manner and form as the council may prescribe, to assess the cost, which assessment shall when certified to the county auditor, become a lien on the premises from which removed, enforceable as other taxes, provided that the cost of raking and removing may be collected in a civil action brought by the village for that purpose.

Section 14. Place for Confinement of Offenders.—Shall have power to purchase, lease or build, and to maintain a watchhouse or other place for confinement of offenders against the rules, ordinances and by-laws, and for the temporary detention of suspected persons.

Section 15. Shall have power to establish a board of health with all the powers of such a board under the general laws of the State of Minnesota.

Section 16. To Buy and Sell Gas, Electricity, etc.—Shall have power to authorize and empower the Village of Minnetonka Beach to buy gas, electricity, steam, water or any other kind of power, service or commodity needed for public use, and to re sell, by wholesale or retail, all such gas, electricity, steam or water power, service or commodity which it may not need for its own use, provided that before the village shall be bound by any contract sought to be made by the village council for the purchase or sale of gas, electricity, steam or other power, commodity or service for a longer period of time than five years, the proposition shall be submitted to a vote of the village, and no such contract shall be made unless a majority of the votes cast at such election is in favor of making such contract for a longer period than five years.

Section 17. To Own Waterworks, etc.—Shall have power to authorize and empower the Village of Minnetonka Beach to buy, construct, own, maintain or operate a system of water works, gas or electric lighting plants, sewers and drains, and to regulate, care for and dispose of sewerage, waste water, service water, offal and other refuse matter, and to make rules and regulations governing the same, and prescribe penalties for violation of said rules and regulations.

Section 18. Notes, Certificates of Indebtedness, Bonds, etc.—For the purchase, construction, extension, enlargement or improvement of the utility plants or constructions herein authorized, and for the acquisition of property needed in connection therewith, or for the purpose of anticipating the collection of general taxes in any year, the village council shall have power to issue notes or certificates of indebtedness in manner and form and at a rate of interest and for a period of time as it may decide, provided that the amount thereof outstanding shall not at any time exceed the sum of Five Thousand Dollars. No bonds shall be issued, and no bonded indebtedness contracted or created for any purpose unless a proposition to issue same, which proposition shall recite the purpose for which to be issued, the amount of the issue, when to mature, and all other terms and conditions to be contained therein, shall have first been submitted to the electors at a general or special election, and the same authorized by a majority vote of the electors voting at such election. Any bonds or bonded indebtedness so authorized shall be subject to all constitutional limitations granting home rule to cities and villages, and the enabling acts thereunder of the State of Minnesota.

Section 19. Taxes and Taxation.—Shall have power (1) to levy annually taxes for general municipal purposes, and for the purpose of paying the interest and providing a sinking fund on outstanding indebtedness, upon the subjects of taxation the same as for state, county and school purposes under the general law of the state; and shall on or before September 15th of each year determine by resolution the amount of corporation taxes to be assessed which shall not exceed three per cent of the assessed valuation of the property taxable in the village, provided that before levying a tax for any special purpose the council may submit the question of levying same to the voters at a general or special election, and shall be bound by the vote thereon. On or before Octo-

ber 10th of each year the recorder shall certify all such resolutions to the county recorder. All taxes to be collected as provided in and by the general laws of the state for the levy, assessment and collection of taxes.

(2) Any and all rights, privileges and franchises hereafter granted to or held by any person, firm or corporation in the streets, alleys, highways or public grounds or places in said village, shall be subject to taxes by said village separately from and in addition to the other assets of such person, firm or corporation.

Section 20. **General and Primary Elections.**—Shall provide, give notice of, hold and conduct all general elections and primary elections in manner and form as provided in and by the election laws of the State of Minnesota applicable to villages as now contained in Sections 403 to 421, incl., of the General Statutes of the State of Minnesota for the year 1913, and any other statutes or enactments of the State of Minnesota elsewhere found relative thereto that now exist or may hereafter be enacted, including all statutory provisions relating to corrupt practices.

Section 21. **Extending Boundaries.**—Shall have power to extend the boundaries of the village whenever the owner or owners, or a majority of the owners of platted or unplatted land abutting or adjacent to the boundaries of said village as now established, not exceeding two hundred (200) acres, shall petition the council to have such land included within the village, but only after the question of such extension has been submitted to a vote of the electors at a general or at a special election held for that purpose, and the proposed extension approved and authorized by a four-sevenths vote of the electors voting thereon. Any ordinance for the admission of additional lands and extension of the village limits shall not take effect until a certified copy thereof shall have been filed with the county auditor and the secretary of state.

ARTICLE V.

NOTICE OF CLAIM FOR DAMAGES.

Section 1. Before the Village of Minnetonka Beach shall be liable for damages for personal injuries of any kind, or for injuries to or destruction of property of any kind, the person injured, or the owner of the property injured or destroyed, or someone in his behalf, shall give the mayor and village council notice in writing of such injury or destruction within ninety days after the same has been sustained, stating in such written notice, when, where and why the injury or destruction occurred, and the apparent extent thereof, the amount of damage sustained, the amount for which claimant will settle, the actual residence of the claimant by street and number at the date the claim is presented, and the actual residence of such claimant for six months preceding the occurrence of such injuries or destruction, and a failure to so notify the mayor and village council within the time and manner specified herein, shall exonerate, excuse and exempt the village from any liability whatsoever.

CERTIFICATE.

The foregoing constitutes the draft of a Home Rule Charter for the Village of Minnetonka Beach, Hennepin County, Minnesota, and has been prepared and is herewith submitted by us as members of a board of free holders, appointed by the judges of the District Court in and for the said county and state for that purpose, under and pursuant to the constitution and statutes of said State of Minnesota.

Dated September 25, 1922.

J. O. P. Wheelwright
Fred B. Dodge
C. A. Vandever
T. E. Spinski
N. P. Jaspersen
Charles T. Jackson
T. W. Marshall
J. B. Van Every

S. G. Tuthill
C. A. Ekstrum
H. L. Moore
H. E. Gipson
W. L. Bigelow
D. C. Warden
J. E. Berglund

To the Hon. J. O. P. Wheelwright, President of the Village Council of the Village of Minnetonka Beach, Minnesota:

As provided in Section 1345 of the General Statutes of Minnesota for the year 1913, at the request of the board of free holders appointed to frame a Home Rule Charter for the Village of Minnetonka Beach, I herewith submit and deliver to you as chief executive of said village, a draft of a proposed Home Rule Charter, and request that action be taken by the village council to the end that the same may be submitted to the electors of said village at an election to be for that purpose held for their action thereon.

Respectfully,

FRED B. DODGE,
President of the Board.

Dated September 25, 1922.

Duplicate Certificate.

State of Minnesota } ss
County of Hennepin }

The undersigned hereby certify that the foregoing is a Home Rule Charter prepared by a Board of Freeholders duly appointed for that purpose by the Judges of the District Court of the Fourth Judicial District of the State of Minnesota, and by said Board proposed to the Electors of the Village of Minnetonka Beach in Hennepin County, Minnesota, and thereafter to wit:

On the 10th day of October, 1922 ratified by the Electors of said Village at a special election for that purpose duly called, at which election the total vote cast was eighty one (81) of which number to the question propounded by ballot, viz: "Shall the proposed new Charter be adopted" fifty nine (59) of said electors voted "Yes" and twenty two (22) voted "No."

In witness whereof I have hereunto set my hand and Seal of the Village of Minnetonka Beach, this 11th Day of October, 1922.

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J. O. ? Whiting

2866

President of the Village Council

M. Anderson

Recorder

attest.

2866

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 14 1922

Will Holm
Secretary of State