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CHARTER

CHARTER
of the
CITY OF WAYZATA

Hennepin County, Minnesota

CHAPTER I
GENERAL PROVISIONS

Section 1. **Powers of the City.** The municipal corporation in the County of Hennepin, State of Minnesota, known as the Village of Wayzata with boundaries as now established, or as hereafter established in the manner provided by law, shall continue to be a municipal corporation under the name of the City of Wayzata; shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property of any kind or description, or any right, title or interest in the same within or without its boundaries for any municipal purpose by purchase, gift, devise, condemnation, or lease or otherwise, and may sell, convey, lease, hold, encumber, manage and control or otherwise dispose of such property as its interests require; and except as prohibited by the constitution or statutes of the State of Minnesota or the United States, the City of Wayzata shall have all other municipal powers, functions, rights, remedies, privileges, and immunities of every name and nature whatsoever. The enumeration of particular powers in other sections of this charter shall not be construed to limit the powers of the city to those thus enumerated. 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.

Section 2. **Powers, How Exercised.** All powers of the city, unless otherwise provided in this charter, shall be exercised by the city council or under its direction.

Section 3. **Boundaries.** Until altered as provided by law the City of Wayzata shall consist of the following described territory in the County of Hennepin, State of Minnesota, to-wit:

All of Section One (1) and Government Lots Three (3), Four (4) and Five (5), in Section Twelve (12), all in Township One Hundred Seventeen (117) North of Range Twenty-three (23) West of the 5th Principal Meridian, and all of Section Six (6), in Township One Hundred Seventeen (117) North of Range Twenty-two (22) West of the 5th Principal Meridian.

CHAPTER II

OFFICERS, NOMINATIONS AND ELECTIONS

Section 4. **Elective Officers.** There shall be elected at large in the City of Wayzata a mayor, three trustees, a city clerk, a treasurer, an assessor, two justices of the peace and two constables. The Mayor, trustees and city clerk shall together constitute the council of said City.

Section 5. **Elections.** The first regular municipal election held hereunder shall be held on the 11th day of December, 1928, and annually thereafter on the first Tuesday after the first Monday of December at such place or places as the City Council may designate. At least fifteen days public notice shall be given by the city clerk of the time and place of holding regular and special elections, and of the officers to be elected and the propositions to be voted upon, but failure to give such notice of a regular election shall not invalidate such election.

Section 6. **Nominations.** The manner of nomination of all elective officers provided for in this charter shall be by petition, except as further provided in this section. The name of any candidate for elective office in the city shall be printed on the ballot whenever a petition signed by ten electors of the city shall have been filed on his behalf with the city clerk at least ten days before the election. In the event that at the expiration of the time provided herein for the filing of such nomination petitions there are elective offices to be filled for which no candidate has been nominated, the City Council shall by resolution nominate one person for each such office. The clerk shall prepare the ballots in a manner to be provided by ordinance.

Section 7. **Nomination Petitions.** The form of the nomination petition shall be substantially as follows:

NOMINATION PETITION

We, the undersigned, electors of the City of Wayzata, Minnesota, hereby nominate....., whose residence is Wayzata, Minnesota, for the office ofto be voted upon at the election to be held on the.....day of.....19....; we individually certify that we are qualified electors, and that we have not signed more nomination petitions for candidates for this office than there are persons to be elected thereto.

The nominee shall indicate by an endorsement upon the petition that he will accept the office if elected thereto. Each such petition shall be verified by affidavit of the circular thereof that each person signing such petition is a qualified voter to the best of his knowledge and belief.

Section 8. **Judges and Clerks of Election.** The council shall, at least ten days before each regular or special election, appoint

such judges and clerks of the election as may be provided by ordinance.

Section 9. **Procedure at Election.** The conduct of elections shall be regulated by ordinance, subject to the provisions of this charter. The general election laws of the state shall govern in all matters not otherwise provided for in this charter or the ordinances passed hereunder.

Section 10. **Canvass of Election.** The council shall meet and canvass the election returns within twenty-four hours after the polls have closed at any regular or special election. The clerk shall present a certificate of election under the seal of the city to each person elected.

Section 11. **Calling Special Elections.** The council may by a resolution passed by a vote of four-fifths of its members call a special election for any purpose not forbidden by law and fix the time and place of holding the same.

Section 12. **Term of Office.** The term of office of the mayor, clerk and treasurer shall be one year. The term of office of the trustees shall be three years. The term of office of the assessor, justices of the peace and constables shall be two years.

Section 13. **Vacancies.** An elective office shall be deemed vacant in case of the failure of the person elected to qualify within fifteen days after official canvass of the election at which he is elected, or by reason of death, resignation, removal from the city, conviction of a felony, or removal from office. If a vacancy occurs in an elective office, except that of justice of the peace, the council shall forthwith appoint an eligible person to fill the office until the next general municipal election, when the office shall be filled by election for the unexpired term, if any; if not, then for a full term. If a vacancy occurs in the office of justice of the peace, the council shall immediately notify the Governor of the State of Minnesota and request that the office be filled by said Governor by appointment for the unexpired term.

Section 14. **Salaries of Elective Officers.** The salary of the mayor and each trustee shall be \$1.50 for each meeting of the council attended by said officer, but not to exceed \$25.00 for any one year. The salary of the clerk shall be \$300.00 and of the treasurer \$100.00 for each official year.

Section 15. **Justices of the Peace.** The justices of the peace of the city shall possess all the authority, power and rights of justices of the peace of the county under the laws of this state and shall in general have all the rights, powers and duties of justices of the peace or city justices prescribed in Chapter 462 General Laws of Minnesota 1921 and acts amendatory thereof.

CHAPTER III

LEGISLATION AND ADMINISTRATION

Section 16. **Presiding Officer.** The mayor shall be the president of the council and shall preside at all its meetings. At the first regular meeting of the council which shall be held on the first

Tuesday in January after the municipal election, the council shall elect one of its members president pro-tem. Such president pro-tem shall preside at the meetings of the council in the absence of the mayor from the city and shall during the absence of the mayor from the city or during his disability be acting mayor with full power as mayor. The mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving processes, and by the governor for purposes of military law.

Section 17. Council Meetings. All meetings of the council shall be held at a time and place designated by resolution. The council shall keep a journal of its proceedings, which shall be a public record. It shall hold at least one regular meeting each month and may hold other meetings as provided by its rules. At any meeting of the council a majority of the members shall constitute a quorum, but a smaller 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. All meetings of the council shall be open to the public.

Section 18. Administration. The council may, by ordinance, create such offices, departments, and boards to advise the council or for the administration of the city's affairs as may seem necessary, and abolish the same, and from time to time alter the powers and organization of the same. It shall adopt a complete administrative code for the city in the form of an ordinance which may be amended only by a four-fifths vote of the council.

Section 19. Appointive Officers. The council shall appoint a board of health consisting of three members, one of whom shall be a registered physician, and may appoint such other officers, and employees as it may deem necessary. Such officers and employees shall serve until removed by the council. As removals are made and vacancies occur, the council shall appoint such officers and employees as may be necessary to fill such vacancies. The council may by resolution appoint a single officer to perform the duties of any two or more offices. Salaries of appointive officers shall be fixed by resolution of the council. Any appointive officer of the city may be removed from office by resolution passed by majority vote of the council.

Section 20. Disqualification for Appointive Office. No member of any council elected under this charter may be chosen to any appointive office for which a compensation is paid by the city either during his term of office or for one year after the expiration thereof.

Section 21. Ordinances and Resolutions. Except as otherwise provided in this charter, all legislation shall be by ordinance. All administrative business may be transacted by ordinary motion. Upon the final passage of all ordinances and resolutions the ayes and noes shall be recorded. A majority vote of all the members of the council shall be required for the passage of all ordinances and resolutions except as otherwise provided in this charter.

Section 22. **Enacting Clause.** The enacting clause of all ordinances shall be in the words: "The City of Wayzata ordains."

Section 23. **Filing and Reading Ordinances.** Every ordinance or resolution other than an emergency ordinance or resolution shall be presented in writing and read at two consecutive regular meetings of the council. The reading of a resolution may be dispensed with by the unanimous consent of the council. An emergency ordinance or resolution is one for the immediate preservation of the public peace, health, morals, safety, or welfare, in which the emergency is defined and declared in a preamble thereto, separately voted upon. Such preamble shall receive the affirmative vote of four-fifths of the members of the council. No grant of any franchise shall be construed to be an emergency ordinance. An emergency ordinance or resolution may be enacted without previous filing, and on the same day it is introduced.

Section 24. **Signature and Publication of Ordinances.** Every ordinance, except as otherwise provided in this charter, shall be signed by the mayor, or in his absence, by the president pro-tem of the council, attested by the city clerk, published within twenty days after its passage by the council and recorded by the city clerk in a properly indexed book kept by him for that purpose. Every ordinance not so published and recorded shall be void.

Section 25. **When Ordinances and Resolutions Take Effect.** All ordinances except emergency ordinances shall take effect upon their passage and publication, unless a later date is fixed therein in which event they shall take effect at such later date. The council may provide in any ordinance that the same shall not go into effect until approved by a majority of those voting upon the question of its approval at a regular election or at a special election called for that purpose in the manner provided in this charter. Such an ordinance, if so approved by the voters, shall go into effect upon the completion of the official canvass of the vote thereon by the council. Resolutions shall take effect upon their passage.

Section 26. **Revision and Codification of Ordinances.** The ordinances of the city may from time to time, by a single ordinance, be revised, re-arranged and codified and any new matter may be added which may be deemed necessary by the council. Such revision and codification may be published in book form and such publication shall be held to be a sufficient publication of all of the ordinances contained therein. Or such revision may be published by filing the same in typewritten form in the office of the city clerk for public inspection and by publishing in the manner prescribed by this charter a notice to the effect that such revision has been made and is on file for public inspection. When published in book form every such book shall contain a printed certificate of the mayor and city clerk that the publication is correct; and such book so published shall be received in evidence in any court for the purpose of proving the ordinances therein contained the same and for the same purpose as the original ordinances, books, minutes, or journals would be received.

CHAPTER IV

TAXATION AND FINANCE

Section 27. 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 revenue, the auditing and settlement of accounts, and the safe keeping and disbursement of public moneys.

Section 28. System of Taxation. Subject to the state constitution, and except as forbidden by it or by state law, the council shall have full power to provide by ordinance for a system of local taxation and to change the same from time to time. In so far as the city procures a revenue from taxes upon real estate and personal property on an ad valorem basis, it shall conform as fully as possible to the general laws of the state as to the assessment of such property and the collection of such taxes.

Section 29. Fiscal Period. The fiscal period of the city shall begin on the first day of January and end on the last day of December in each year.

Section 30. Preparation of the Annual Budget. The City Clerk shall prepare the estimates for the annual budget and submit the budget to the council for approval. The estimates of expenditures shall be arranged in such manner as to give the following information: (1) For each department and division of the city, (a) General operating expenses, subdivided into supplies, wages, repairs, and other similar expenditures with supporting details; (b) Capital outlays (for new construction, new equipment, and all improvements of a lasting character); and (2) Fixed charges. The estimates shall be in detail to show clearly the purposes for which the moneys to be expended in each department are to be used. In parallel columns shall be shown the amounts expended under similar heads for the past two completed fiscal years, and as far as possible for the completed portion of the current year. All increases and decreases as compared with preceding years shall be clearly shown. The estimates of revenue shall be arranged under the following headings or such others as may be desirable: Sums derived from (a) general property tax, (b) fines, (c) fees, (d) interest, (e) sales and rentals, (f) operation of public utilities, (g) special assessments, (h) sales of bonds or other obligations, and (i) miscellaneous, not included in any other item. In parallel columns shall be shown the actual revenues and uncollected balances receivable under similar headings for the last two fiscal years. The budget estimates shall also show the funds into which each item of receipts will be paid and the funds out of which each item of expenditure will be disbursed. Copies of the budget estimates shall be given to each member of the council and to the city treasurer.

Section 31. Passage of the Budget. The budget shall be the principal item of business at the first regular meeting of the city council in September of each year, and the council shall hold

adjourned meetings from time to time until all the estimates have been considered. The meetings shall be so conducted as to give interested citizens a reasonable amount of time in which to be heard, and an opportunity to ask such questions as may seem pertinent to them. The budget estimates shall be read in full and the City Clerk shall explain the various items thereof as fully as may be deemed necessary by the council. The annual budget finally agreed upon shall be a resolution setting forth in detail the complete financial project of the city for the ensuing budget year. It shall indicate the sums to be raised and from what sources, and the sums to be spent and for what purposes, and a reasonable amount, not to exceed ten per cent of the total amount of the budget, may be included, not allotted to any item of expenditure as a contingency fund which may be used for any lawful purpose upon a four-fifths vote of all the members of the council. The total sum appropriated shall be less than the total estimated revenue by a safe margin. The council shall adopt the budget resolution not later than the 8th day in October of each year.

Section 32. **Alterations in the Budget.** After the budget shall have been duly adopted, the council shall have no power to increase the amounts therein fixed (by the insertion of new items or otherwise) beyond the estimated revenue. The sums fixed in the budget shall be appropriated as of the first day of January for the purposes named therein. The council may, by resolution passed by a four-fifths vote of all its members, reduce salaries or the sums appropriated for any other purpose. Upon the written recommendation of the Mayor or the City Clerk, the council may at any time by a four-fifths vote transfer any portion of an unincumbered balance of an appropriation to any other purpose or object, but no such transfer shall be made in any other manner.

Section 33. **Enforcement of the Budget.** It shall be the duty of the Mayor, the City Clerk, and the City Treasurer to enforce strictly the provisions of the budget. They shall not approve any expenditure or any contract involving an expenditure, except such as are to be paid by the issuance of certificates of indebtedness or bonds as authorized in this charter, unless an appropriation has been made for it in the budget, nor for an expenditure mentioned in the budget unless there is a sufficient unexpended balance left after deducting the total past expenditures and encumbrances against the item in question. No expenditure except for salaries previously fixed by resolution may be made except in pursuance of a signed requisition or contract. Such requisitions and contracts shall be deemed to be encumbrances upon the budget items from which they are to be paid to the same extent as though the expenditure therefor had actually been made.

Section 34. **Levy and Collection of Taxes.** On or before the eighth day of October of each year the council shall by resolution levy the taxes necessary to meet the requirements of the budget for the ensuing budget period, taking into account estimated revenues from sources other than taxation. The City Clerk shall

transmit to the County Auditor annually, not later than the tenth of October, a statement of all taxes and assessments levied, and such taxes and assessments shall be collected with and the payment thereof enforced in like manner as state taxes. No tax shall be invalid by reason of any informality in the manner of levying the same.

Section 35. Board of Equalization. A Board of Equalization made up of the mayor, two members of the council, chosen by the council, the city clerk, and the city assessor, shall meet at a place designated by resolution of the council on the last Monday in June annually to equalize assessments according to law.

Section 36. Receipts. All income of the city from any source shall be paid to the city clerk who shall receipt for it in duplicate and keep the original copy of the receipt as a permanent record. The city clerk shall deposit promptly with the city treasurer all money received by him in his official capacity, and the city treasurer shall deposit such money in such depositories as may be designated by the council, and then only after such depositories shall have furnished a surety bond or collateral, approved by the council, in an amount adequate to protect the city. The treasurer shall not deposit any money in any bank in excess of the bond or collateral so furnished.

Section 37. Disbursements. Disbursements other than those made to pay the principal or interest on bonds of the city shall be made only upon orders signed by the mayor or president pro-tem of the council, in the absence of the mayor, and by the city clerk. Every such order shall specify the purpose for which the disbursement is made, and indicate the fund out of which it is to be paid.

Section 38. Signatures to Contracts. Requisitions and contracts, bonds and other instruments to which the city shall be a party shall be signed by the mayor and city clerk on behalf of the city.

Section 39. Contracts. In all cases of work to be done by contract, or for the purchase of property of any kind, when the amount involved is more than five hundred dollars, unless the council by an emergency ordinance shall provide otherwise the council shall give not less than ten days public notice of the time and place of receiving bids therefor. The council may reject any and all bids. No contract requiring the payment of moneys by the city shall be valid unless adequate provision has been made for the payment. The council shall regulate by ordinance the making of bids and the letting of contracts.

Section 40. Funds. There shall be maintained in the city treasury the following funds: (a) A general fund for the payment of such expenses of the city as the council may deem proper. Into this fund shall be paid all money not herein provided to be paid into any other fund; (b) A permanent improvement fund into which shall be paid all moneys received from special assessments for local improvements and from the sale of bonds issued in anticipation of the collection of special assessments or bonds issued for

the city's share of the cost of any local improvement. Any other contribution by the city to the cost of an improvement shall be transferred from the general fund to this fund. There shall be paid out of this fund such amounts as may become due on account of the making of any public improvement in the city the cost of which has been specially assessed in whole or in part; (c) A bond and interest fund for the purchase or payment when due of the principal of and interest upon any bonds or debts of the city, other than public utility bonds. The council shall annually levy a tax sufficient to meet all obligations against this fund when due, unless otherwise provided for; (d) A public utility fund into which shall be paid all money derived from the sale of bonds issued on account of any municipally owned utility, all proceeds of any tax levy for the public utility fund, and all money derived from the sale of utility services, 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 principal of and interest upon obligations which have been or shall be issued on its account. Separate accounts shall be kept for all utilities which are operated separately.

Section 41. Accounts and Reports. The city clerk shall be the chief accounting officer of the city. The council may prescribe and enforce proper accounting methods, forms, blanks and other devices consistent with the law, this charter, and the ordinances passed under it. The clerk shall submit to the council a monthly statement showing the amount of money in the custody of the city treasurer, the status of all funds, the amounts spent or chargeable against each of the budget allowances and the balances left in each, and such other information relative to the finances of the city as the council may require. The accounts of all city officers who receive or have custody of public funds shall be audited annually by a competent public accountant or by the state comptroller, and an annual statement showing the receipts and disbursements of the city shall be published.

Section 42. Bonded Debt. No bonds shall ever be issued to pay current expenses or to refund certificates of indebtedness issued to provide for temporary deficiencies in the revenues for current expenses.

Section 43. Bond Limitations. No bonds shall be issued which would cause the bonded indebtedness of the city to exceed ten per cent of the last assessed valuation of taxable property therein, including money and credits. Certificates of indebtedness or bonds shall not be included in or counted as a part of such bonded indebtedness, (1) if held in a sinking fund of the city, or (2) if issued for the acquisition, equipment, purchase, construction, maintenance, extension, enlargement or improvement of any public convenience from which a revenue is or may be derived, owned and operated by the city, or for the acquisition of property needed in connection therewith, or for the construction of public

drainage ditches or the acquisition of lands for such drainage ditches or for any public improvement to the extent that they are payable from the proceeds of assessments levied upon property especially benefited by such ditches or improvements, or (3) if issued for the creation or maintenance of a public improvement revolving fund, or (4) for the purpose of anticipating the collection of general taxes for the year in which issued.

X Section 44. **Voters Approval of Bond Issues.** Except as otherwise provided in this charter, no bonds or other term obligations of the city may be issued except pursuant to a favorable vote of a majority of those voters who vote on the propositions of their issuance. The council may by a four-fifths vote of all its members, submit to the electors of the city propositions for the issuance of bonds for any public purpose not prohibited by law. Certificates of indebtedness or bonds may be issued by ordinance adopted by a four-fifths vote of all the members of the council, without a popular referendum for the following purposes: (1) for the creation or maintenance of a permanent improvement revolving fund, (2) for the purpose of anticipating the collection of general taxes for the year in which issued, (3) for the purpose of extending, enlarging or improving water and lighting and heat and power plants, or either, owned and operated by the city, or of acquiring property needed in connection therewith, (4) for the purpose of funding floating indebtedness incurred before the adoption of this charter, or (5) for the purpose of acquiring property, real or personal, for any municipal purpose, provided, however, that the indebtedness incurred under this subdivision shall at no time exceed Ten Thousand Dollars.

Section 45. **Manner of Issuing Bonds.** The procedure for the issuance of bonds, except as established herein, shall be prescribed by ordinance. Bonds may, in the discretion of the council, be issued under the provision of any general or special law applying to cities of the class to which this city belongs.

Section 46. **Form and Repayment of Bonds.** All bonds issued by the city shall be serial bonds, and as nearly as practicable, an equal amount of each series shall fall due each year. No bonds shall be issued to run for a longer period than the reasonable life of the property or improvement for which the bonds are to be issued as ascertained and set forth in the proposition submitted at the election or in the ordinance authorizing such bonds, and in no case shall bonds be issued to run for longer than thirty years. The purpose for which bonds are to be issued shall be set forth in the proposition submitted to the voters at the election or in the ordinance authorizing them, and the proceeds from such bonds shall not be diverted to any other purpose. No bonds shall be sold unless the sale has been advertised by ten days public notice, provided that the council may reject any and all bids and sell the bonds at private sale if a better price can be obtained.

Section 47. **Emergency Debt Certificates.** If in any year the receipts of the city shall from some unforeseen cause become in-

sufficient for the ordinary expenses of the city, or if any calamity or other public emergency should make necessary extraordinary expenditures, the council may by a resolution approved by four-fifths of all the members thereof authorize the sale of emergency debt certificates to run not to exceed one year, and to bear interest at a rate of not more than six per cent per annum. A tax sufficient to redeem all such certificates at maturity shall be levied as a part of the budget of the next year following the issuance of such certificate.

CHAPTER V

PUBLIC IMPROVEMENTS

Section 48. **City Plan.** The City Council shall, with such assistance as they shall deem necessary, prepare and adopt a complete plan for the future physical development of the city. Such plan may be altered from time to time. It may include provisions for the planning and development of new areas, for the planning and location of public buildings, parks, play-grounds, bridges, and other public facilities, and for the laying out, grading and improvement of streets and public places, as well as for all other matters which may seem essential to such plan.

Section 49. **Public Improvements and Special Assessments.** The City shall have power to make any and every type of public improvement not forbidden by the laws of this state, and to levy special assessments for all such as are of a local character. The amounts assessed to benefited property to pay for local improvements may equal the cost of the improvements with interest until paid, provided that not more than fifty per cent of the cost of the improvement with interest until paid shall be assessed to the benefited property unless the owners of at least fifty per cent of the property affected petition for said improvement or consent to such assessment.

Section 50. **Local Improvements.** After this charter takes effect all local improvements shall continue for the time being to be made under the laws previously applicable thereto as far as possible. The council shall adopt a comprehensive ordinance prescribing the procedure which shall be followed thereafter in making all local improvements and making assessments therefor, and such ordinance when adopted shall supplant all other provisions of the law on the same subject and may be amended only by a vote of four-fifths of all the members of the council. Such ordinance shall provide for such notice and hearing in the ordering of improvements and the making of assessments therefor as shall be necessary to meet constitutional requirements. All plans, specifications, maps, charts, and field notes prepared by order of the council shall be the property of the city.

Section 51. **Eminent Domain.** Condemnation proceedings by this city shall be carried out as provided in Chapter 41, General Statutes 1923, and acts amendatory thereof.

CHAPTER VI

FRANCHISES

Section 52. **Definition of Franchise.** The word "franchise" as used in this chapter shall be construed to include all privileges granted to any person, firm, association, or corporation in, over, upon, or under any of the highways or public places of the city, whether such privileges have been or shall hereafter be granted either by the city or by the State of Minnesota.

Section 53. **Franchise Ordinances.** The council may grant franchises by ordinance adopted by a four-fifths vote, but in no case shall a franchise be adopted by an emergency ordinance. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All corporations, co-partnerships, or persons desiring to make an especially burdensome use of the streets or public places, inconsistent with the public right in such places, or desiring the privilege of placing 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 for 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 54. **Term Limited.** The council in granting any franchise shall fix the term thereof. No franchise shall be granted for a longer term than twenty-five years.

Section 55. **Rates and Charges.** Every grantee of a franchise to operate a public utility shall give courteous, efficient and adequate service at reasonable rates.

Section 56. **Conditions of 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 all the terms in this chapter provided.

(b) That the grantee shall not issue any capital stock on account of the franchise or the value thereof, and 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 effective until the assignee or lessee 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) A provision for the acceptance of the franchise in writing by the grantee within thirty days after its passage.

Section 57. **Further Provisions in Franchises.** The enumeration in this charter of particular provisions which must be included in every franchise shall not be construed to impair the right of the city to insert in such franchise such other and further conditions and restrictions as the council may deem proper to protect the city's interests, nor shall anything contained in this charter limit any right or power possessed by the city over existing franchises.

Section 58. **Acceptance of Franchise.** Every ordinance granting any franchise shall contain all the terms and conditions of the franchise. A franchise shall be without any validity whatever until it has been unconditionally accepted in all its terms by the grantee and until a written statement of such acceptance signed by the proper officers of the grantee shall have been filed with the city clerk. The grantee shall bear the cost of publication of franchise ordinances and shall guarantee such payment in a manner satisfactory to the council before the ordinance is passed.

Section 59. **Renewals or Extensions.** Every extension, renewal or modification of any existing franchise or of any franchise granted hereunder shall be subject to the same limitations and granted in the same manner as a new franchise.

CHAPTER VII

MISCELLANEOUS AND TRANSITORY PROVISIONS

Section 60. **Charter a Public Act.** This charter shall be a public act and need not be pleaded nor proved in any case. It shall take effect thirty days from and after its adoption by the voters of the city.

Section 61. **Oath of Office.** Every elected or appointed officer of the city shall before assuming his official duties, appear before the city clerk and take and subscribe the oath of office prescribed by law and file the same with the city clerk. Every officer of the city shall hold over until his successor has been elected or appointed and has duly qualified. He shall deliver to his successor or to the city, all official books, papers, and records in his possession.

Section 62. **Official Bonds.** The city clerk and city treasurer shall furnish, before assuming the duties of their office, a good and sufficient surety bond, of a surety company authorized to do business in this state, for the faithful performance of their duties in a sum fixed by the council and sufficient amply to protect the city. Such official bonds shall be approved by the council. The council may require that bonds be furnished by other elective and appointive officers. The premium on such bonds shall be paid by the city. Bonds of justices of the peace shall be filed with the

Clerk of the District Court of Hennepin County or any other place as may be prescribed by law.

Section 63. Officers Not to Accept Favors. No officer or employee of the city shall solicit or receive any pay, commission, money or thing of value or derive any benefit, profit or advantage, directly or indirectly, from or by reason of any improvement, alteration or repair required by the city, or any contract to which the city shall be a party, except his lawful compensation or salary as such officer or employee, or except as his property may be benefited incidentally by the making of public improvements. No officer or employee of the city, except as otherwise provided by law, shall solicit, accept, or receive directly or indirectly from any public utility company or the grantee of any franchise any service upon terms more favorable than those granted to the public generally.

Section 64. Forfeiture of Office. Any wilful violation by any elected officer of any of the provisions of this charter or of the ordinances lawfully enacted under its authority or of his official oath, and any wilful omission to perform any of the duties imposed upon such officer by this charter, the city ordinances, or such official oath shall constitute malfeasance or nonfeasance in office. The District Court of Hennepin County is hereby given exclusive jurisdiction to try such cases of malfeasance or nonfeasance in a summary manner, upon complaint of any fifty legal voters, and a judgment of conviction by such court shall work an immediate forfeiture of office. Such cases shall be preferred cases and shall be tried within thirty days after said complaint is filed.

Section 65. Official Publication. The council shall designate as an official newspaper any newspaper of general circulation in this city, and shall designate by resolution three proper places in this city for the purpose of posting notices. Whenever any public notice or publication shall be required either by this charter or by any ordinance of the city, such notice or publication may be given either by publication once in such official newspaper or by posting for ten days in the three public places in said city designated for the purpose by the council, or by both such methods. The council may designate which method shall be used in each case, or require that both be used.

Section 66. Application of General Laws. All general laws of the state applicable to cities of the class to which the City of Wayzata belongs, not inconsistent with the provisions of this charter shall apply to the City of Wayzata and shall be construed as supplementary to the provisions of this charter. All acts and parts of acts giving the city authority and powers to be exercised outside of the corporate limits are hereby expressly retained.

Section 67. Vacation of Streets. The council shall have the exclusive power, by ordinance passed by a unanimous vote of all the members thereof, to vacate or discontinue highways, streets and alleys within the city. Such vacations may be made only after notice and hearing of affected property owners and upon such further terms and

by such procedure as the council may, by ordinance, prescribe. A record of each such vacation shall be filed in the office of the Register of Deeds of Hennepin County.

Section 68. Adverse Possession. No right, title, estate or easement of the city in any property shall be lost by adverse possession or occupancy, and no statute of limitations shall operate against the city in favor of any person occupying any public property or highway, whether such property or highway shall have been improved or not.

Section 69. Damage Suits. No action shall be maintained against the city on account of any injuries or damages to persons or property unless such action shall be commenced within one year from the occurrence of such injury or damage, nor unless notice shall have been given in writing to the city clerk within thirty days after the occurrence of such injury or damage, stating the time when and the specific place where, and the circumstances under which the same occurred and that the person injured or damaged will claim damages of the city therefor, and the amount of such claim.

Section 70. Recovery of Judgment. If any judgment shall be recovered in any action against the city for any injury or damage caused by any construction, excavation, opening or defect in any public place, caused or occasioned by the act or omission of any person, firm, association or corporation, the city shall have the right to recover the amount of such judgment from the person or persons responsible for such defect.

Section 71. Ordinances to Carry Out Charter. The council shall by ordinance make such rules and regulations as may be necessary to carry out and make effective the provisions of this charter.

Section 72. Existing Ordinances Continued. All ordinances not inconsistent with the provisions of this charter and in force when this charter takes effect are hereby continued in full force and effect until amended or repealed by the council.

Section 73. Pending Condemnation and Assessments. Any condemnation or assessment proceedings in progress when this charter takes effect shall be completed under the laws under which such proceedings were begun. All assessments made by the city prior to the time when this charter goes into effect shall be collected and the lien thereof enforced in the same manner as if this charter had not been adopted.

Section 74. When Officials Take Office. All elective and appointive officers shall take office upon their qualifications. All officers in office when this charter takes effect shall remain in office and shall continue to govern the city in the usual manner until their successors have qualified. At the first election under this charter one trustee shall be elected for a term of one year, one trustee for a term of two years and one trustee for a term of three years. All other officers shall be elected for the terms prescribed in this charter for such office. At all subsequent elections trustees shall be elected only for the office of the trustee whose term expires at that time, or for unexpired terms or vacancies in the offices of other trustees.

Section 75. Rights and Liabilities. The City of Wayzata shall remain vested with and continue to have, hold and enjoy all property, property rights, rights of action, and rights of every kind now belonging to or pertaining to the city, and shall be subject to all liabilities which now exist against said city.

CERTIFICATE OF COMMISSION

State of Minnesota, }
County of Hennepin } ss.

WHEREAS, the Honorable Judges Horace D. Dickinson, E. F. Waite, W. C. Leary, W. W. Bardwell, Frank M. Nye, E. A. Montgomery, Mathias Baldwin, T. H. Salmon, P. W. Guilford, F. E. Reed and Gunnar Nordbye, Judges of the District Court in and for the Fourth Judicial District of Minnesota, did, on the 6th day of March, 1928, duly make and file their order entered pursuant to Article 4, Section 36, of the Constitution of the State of Minnesota, and laws enacted pursuant thereto, appointing a board of freeholders to frame and submit a charter for the Village of Wayzata, Hennepin County, Minnesota, for its government as a city, and

WHEREAS, said board of freeholders did, on the 5th day of April, 1928, qualify in the manner required by law, and

WHEREAS, said board of freeholders in obedience to said order did thereafter duly prepare and frame a proposed charter for the said Village of Wayzata, of which the foregoing documents composed of seventy-five (75) sections, numbered from one (1) to seventy-five (75), inclusive, are a draft.

NOW, THEREFORE, we, the undersigned, members of said board of freeholders, under and pursuant to the power conferred upon us as aforesaid, and acting in accordance with statute in such case made and provided, do hereby fix our signatures to said draft in testimony of our approval thereof, and do hereby deliver the same to the Honorable Rufus R. Rand, Jr., Mayor of Wayzata, for submission to the voters in the manner prescribed by law.

Dated at Wayzata, Minnesota, this 1st day of October, 1928.

ARTHUR H. QUAY,
Chairman

W. H. MILBERT,
Secretary

EBEN DILLMAN
ERNEST E. HOCKING, JR.
FRED MORITZ
M. LEE HUGHES
ALVIN C. FRICK
MRS. W. P. HALLOWELL
FRED M. PATCH

JEROME E. MANNING
R. L. SHREWSBURY
P. W. TIBBETTS
G. L. MULLANE
L. J. LAMB
GUY R. BICKFORD

C E R T I F I C A T E

STATE OF MINNESOTA(
COUNTY OF HENNEPIN)SS
VILLAGE OF WAYZATA(

I, RUFUS R. RAND, JR., the
President of the Village Council, Chief
Magistrate and Chief Executive Officer of
the Village of Wayzata, a municipal cor-
poration in the County of Hennepin and
State of Minnesota, do hereby certify:

1. That pursuant to a
petition filed with the Clerk of the District
Court in and for said Hennepin County in a
matter entitled "In the Matter of the Ap-
pointment of a Charter Commission for the
Village of Wayzata", the Judges of the Dis-
trict Court in and for said County did, on
the 6th day of March, 1928, appoint the fol-
lowing persons as a board of freeholders to
frame a Home Rule Charter for the government
of said municipality, to-wit:

Mrs. W. P. Hallowell
Arthur H. Quay
P. W. Tibbets
G. L. Mullane
Alvin C. Frick
Jerome E. Manning
Fred M. Patch
Lester J. Lamb
M. Lee Hughes
William H. Milbert
Eben Gilman DILLMAN
Fred Moritz MORITZ
Guy R. Bickford
R. L. Shrewsbury
Ernest Hocking Jr.

That each member of said board was a free-
holder and had been a qualified voter in
said municipality for the five (5) years just
preceding said appointment.

2. That on the 5th day of April, 1928, all of the members of said board of freeholders did qualify as such charter commission in the manner required by law.

3. That on the 2nd day of October, 1928, said board of freeholders delivered to the undersigned, President of the Council, Chief Magistrate and Chief Executive Officer of said Village of Wayzata, a draft of a proposed charter signed by all of the members of said board of freeholders.

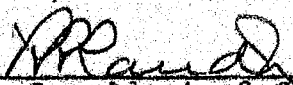
4. That by resolution duly passed and adopted by the Council of the Village of Wayzata on October 2nd, 1928, said proposed charter, signed by said board of freeholders as aforesaid, was submitted to the voters of said municipality for ratification at a special election called and held for that purpose only on the 6th day of November, 1928.

5. That the number of persons lawfully voting at said election was 458; that the number of votes cast in favor of the adoption of said proposed charter was 394; that the number of votes cast against the adoption of said charter was 64; that said election was duly and regularly held in the Village of Wayzata on Tuesday, the 6th day of November, 1928, and that said proposed charter was duly ratified and adopted by the voters of said Village at said time.

6. That the foregoing documents to which this certificate is attached, consisting of Sections numbered 1 to 75, inclusive, is a true and correct copy of the charter of the Village of Wayzata delivered to the undersigned, Chief Magis-

trate and Chief Executive Officer, by the board of freeholders appointed as aforesaid, submitted at said election as aforesaid and ratified by the voters as aforesaid, all in the manner prescribed by law.

Dated this 4th day of December, 1928.



Mayor, President of Council,
Chief Magistrate and Chief
Executive Officer of the
Village of Wayzata.