

CHAPTER 459

MUNICIPAL ACTIVITIES

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459.01 EMPLOYMENT BUREAUS. Any city of the first class may establish and conduct an employment bureau, and provide by ordinance or otherwise for its regulation and maintenance by the city.

[*R L s 760*] (*1408*)

459.02 BONDS FOR MUNICIPAL MARKET. The governing body of any city of the first class in this state, now or hereafter existing, which city owns, maintains, and operates its own municipal market, is hereby authorized and empowered, for the purposes herein designated, to issue from time to time as needed the negotiable bonds of their respective cities to an amount in the aggregate not exceeding \$200,000; these bonds to be in such denominations and payable at such places and at such times, not exceeding 30 years from the date thereof, as may be deemed best. The bonds shall be in serial form and bear interest at a rate not to exceed six percent per annum, payable semiannually, at such place or places as shall be designated therein, and such governing body is further authorized to negotiate and sell such bonds from time to time to the highest bidder or bidders therefor; and upon the best terms that can be obtained therefor; provided, that no such bonds shall be sold for a less amount than the par value thereof and accrued interest thereon.

[*1935 c 284 s 1*] (*1630-2½r*)

459.03 LIMITATIONS NOT TO APPLY. The bonds authorized by section 459.02, or any portion thereof, may be issued and sold by any such city notwithstanding any limitation contained in the charter of such city or in any law of this state prescribing or fixing any limit upon the bonded indebtedness of such city. The governing body of any such city issuing these bonds shall set aside annually from the revenues of the operation of projects for which the bond issue herein is authorized, a sufficient amount to pay the interest on the bonds and the principal of any such bonds maturing in any such year; and in the event such revenue is insufficient for this purpose, the governing body of any such city issuing these bonds shall include in the tax levy a sufficient amount for the payment of such interest as it accrues and for the accumulation of a sinking fund for the redemption of such bonds at their maturity.

[*1935 c 284 s 2*] (*1630-2½s*)

459.04 USE OF PROCEEDS. The proceeds of any and all bonds issued or sold under the authority of sections 459.02 to 459.05 shall be used for the purchase or condemnation of a site or sites for the expansion, improvement and equipment of such municipal market, owned, maintained, and operated by any such city; provided, that no bonds in excess of the sum of \$200,000 shall be issued for such purposes.

[*1935 c 284 s 3*] (*1630-2½t*)

459.05 ADDITIONAL POWERS. The authority granted in sections 459.02 to 459.05 is in addition to all existing power and authority of any city operating under a home rule charter adopted in pursuance of the Constitution of the State of Minnesota, Article 4, Section 36.

[*1935 c 284 s 4*] (*1630-2½u*)

459.06 MUNICIPAL AND MEMORIAL FORESTS. Subdivision 1. **Accept donations.** Any county, city, village, or town in this state, by resolution of the governing body thereof, may accept donations of land that such governing body may deem

to be better adapted for the production of timber and wood than for any other purpose, for a forest, and may manage the same on forestry principles. The donor of not less than 100 acres of any such land shall be entitled to have the same perpetually bear his or her name. The governing body of any city, village, or town in this state, when funds are available or have been levied therefor, may, when authorized by a majority vote by ballot of the voters voting at any general or special city or village election or town meeting where such question is properly submitted, purchase or obtain by condemnation proceedings, and preferably at the sources of streams, any tract of land for a forest which is better adapted for the production of timber and wood than for any other purpose, and which is conveniently located for the purpose, and manage the same on forestry principles; the selection of such lands and the plan of management thereof shall have the approval of the director of forestry. Such city, village, or town is authorized to levy and collect an annual tax of not exceeding five mills on the dollar of its assessed real estate valuation, in addition to all other taxes authorized or permitted by law, to procure and maintain such forests.

Subd. 2. Tax forfeited lands. Any county may by resolution of the county board set aside tax forfeited land which is more suitable for forest purposes than for any other purpose and dedicate said lands as a memorial forest and manage the same on forestry principles. Any moneys received as income from the land so dedicated and set aside may be expended from the forfeited tax fund for the development and maintenance of the dedicated forest.

Subd. 3. Withdrawal of tax forfeited lands. Any tax forfeited land which has been included in a memorial forest established in any county under the provisions of subdivision 2, and which is found more suitable for other purposes may by resolution of the county board be withdrawn from the forest for disposal as tax forfeited land if the commissioner of conservation approves the sale of such land.

[1913 c 211 s 1; 1945 c 347 s 1; 1959 c 187 s 1] (1933)

NOTE: See section 90.125.

459.07 CITIES MAY ESTABLISH MUNICIPAL FOREST. Any city of the first class operating under the Constitution of the State of Minnesota, Article 4, Section 36, by resolution of the governing body thereof, may purchase or obtain by condemnation proceedings, any tract or tracts of land bordering any lake, for a municipal forest and manage the same on forestry principles and may reserve any part of such land for use as a public bathing beach. The selection of such lands and the plans of management thereof, shall have the approval of the director of forestry.

[1935 c 203 s 1] (1630-2¾)

459.08 PUBLIC WAGON SCALES IN CERTAIN MUNICIPALITIES. Any city containing not to exceed 10,000 inhabitants, or any village or borough in this state, is hereby authorized and empowered to maintain public wagon scales therein as provided in sections 459.08 to 459.12.

[1905 c 286 s 1] (1921)

459.09 ACQUISITION AND MAINTENANCE. The council of any such municipality is hereby authorized and empowered to buy, establish, and maintain public wagon scales in such municipality, and the council is hereby authorized and empowered to hire, buy, and maintain scales already in use in the municipality, the same to be used and maintained as a public wagon scale in such municipality for the public use therein.

[1905 c 286 s 2] (1922)

459.10 RULES AND REGULATIONS; WEIGHMASTER; DUTIES; CHARGES. The council of such municipality wherein such public scales are maintained shall have control of such scales and shall make such rules or regulations in regard to the maintenance and use of the same as they shall deem proper, and the council shall annually appoint a public weighmaster, whose duty it shall be to have charge of such scales and properly weigh all articles and commodities thereon, and give a statement in writing of the weight of such articles or commodities weighed thereon to the person applying to have such article weighed, and such statement shall be prima facie the correct weight of these articles or commodities, and the council shall fix the compensation of the weighmaster, which compensation shall be paid out of the treasury of such municipality, and shall, from time to time, fix the price to be charged for weighing any article or commodity thereon, and the weighmaster shall collect such charge at the time of weighing such article or commodity, and

he shall at the end of each month pay all moneys collected by him for such charge into the treasury of the municipality and file with the recorder of such municipality a statement of the amount of such money collected.

[1905 c 286 s 3] (1923)

459.11 SCALES TESTED; WHO MAY USE. Such scales shall be tested, stamped, and sealed by the sealer of weights and measures, before being used, and as often thereafter as may be necessary. Any person either buying or selling any article or commodity by weight to be delivered in such municipality wherein such public scales are maintained may have the same weighed upon such public scales by paying the fee charged for weighing thereon.

[1905 c 286 s 4] (1924)

459.12 NOT TO APPLY TO CERTAIN CITIES. Sections 459.08 to 459.12 shall not apply to any city having a charter which provides for a city weighmaster.

[1905 c 286 s 5] (1925)

459.13 PUBLIC SCALES; WEIGHMASTER. Any city in this state is hereby authorized and empowered to establish and maintain public scales for the weighing of hay, grain, seed, pork, coal, and all other gross commodities offered and exposed for sale in the city, and to create the office of weighmaster, to take charge of and conduct the city scales, and inspector of coal and wood. Such scales shall be established and such office of weighmaster shall be created by ordinance duly passed by a majority of all the members of the council of the city. The powers and duties of the weighmaster and inspector of coal and wood shall be established and defined by such ordinance.

Upon the passage of such ordinance, and yearly thereafter, the council of the city shall without delay elect a weighmaster and inspector for the city who shall hold his office for one year from the date of his election and until his successor shall be elected and qualified.

[1895 c 240 s 1, 2]

459.14 AUTOMOBILE PARKING FACILITIES. Subdivision 1. **Acquisition of property.** Any city of the second, third, or fourth class, however organized, and any village or borough may acquire by gift, lease, purchase or condemnation proceedings any real property within or without the corporate limits, or any interest therein, deemed by its governing body to be needed for improving the municipality's regulation and control of traffic on its streets, alleys and public grounds by providing, regulating and operating on-street or off-street parking lanes or areas, and may acquire by purchase or lease parking meters or other parking or traffic control devices and may devote any property already owned by the municipality and devoted to other purposes to be used as a parking lane or area and may construct, or otherwise provide, equip, maintain and operate automobile parking facilities and may expend municipal funds for these purposes. Where all the bonds issued for a given project are wholly payable from the net revenue of all such operations, the proceeds of such bonds may be used for the acquisition, construction or improvement of automobile parking facilities by a resolution adopted by the governing body without an election notwithstanding any charter or statutory provision to the contrary. The term "automobile parking facilities" as used in this section includes lots, lanes, garages, ramps or other structures and accessories, including such meters and devices; such facilities may be surface facilities above or under the ground. Provided that no product or service other than the parking of vehicles and the delivery thereof shall be dispensed or furnished at or in connection with any such parking facility. Provided, further, that the municipality shall not convert to a parking facility any land conveyed to it on a condition restricting its use to some other purpose.

Subd. 2. **Financing.** Any such municipality may pay for any portion of the cost of providing automobile parking facilities by:

- (a) Appropriating moneys therefor as authorized in subdivision 1;
- (b) Levying a tax, not exceeding one half mill in any one year, on all taxable property in the municipality;
- (c) Levying special assessments against benefited property;
- (d) Appropriating any or all net revenues derived from the operation of its parking facilities;
- (e) Classifying the users of such facilities as a subject for taxation, and imposing taxes thereon computed according to the extent of use of the facilities;

(f) Imposing reasonable rates, rents, fees and charges for the use of any on-street or off-street parking privilege or facility, which may be in excess of actual cost of operation, maintenance, regulation and supervision of parking at the particular location where the privilege is exercised;

(g) Leasing any off-street facilities at specified or determinable rents to be paid to the municipality under a lease made as hereinafter authorized and limited;

(h) Borrowing money and issuing bonds as authorized and limited by subdivision 3; or

(i) Any combination of all or any of the foregoing.

Subd. 3. **Bonds.** Any municipality to which this section applies may issue bonds for the acquisition, construction, or improvement of automobile parking facilities. Any such bonds shall be authorized and issued and sold in the manner prescribed by the laws of this state or the charter of the municipality for the issuance and authorization of bonds thereof for public purposes generally, except as in this section otherwise provided. The amount of all bonds issued by any such municipality under this section shall not be included in the net indebtedness of the municipality or in any computation of the outstanding indebtedness of the municipality for the purpose of determining the limit of its net indebtedness. Bonds so authorized and issued may be made payable wholly from general ad valorem taxes levied in sufficient amounts upon all taxable properties in the municipality, or wholly from special assessments levied upon properties within one or more parking, benefit districts, or wholly from the net revenues of operations of on-street and off-street facilities, not exceeding the portion of such net revenue available therefor under the charter of the municipality, or such bonds may be made payable from any combination of such sources of income, as specified and defined in the resolution or ordinance authorizing their issuance; provided that bonds may be issued pledging the faith and credit of the municipality for the payment without the prior approval of a majority of the voters of the municipality voting thereon at an election ordered by the governing body if special assessments have been levied in an amount not less than 50 percent of the amount of such bonds; and provided further that where such bonds are payable wholly from the net revenues of all such operations, the bonds may be authorized, issued, and sold by a resolution adopted by the governing body without an election notwithstanding any charter or statutory provision to the contrary.

Subd. 4. **Lease, rental charges.** The governing body of any municipality providing automobile parking facilities under this section may make such other provisions for their operation and management as it may deem necessary, and it may lease and rent all or any off-street facilities to persons, firms or corporations to be used for purposes of automobile parking and fix the rentals to be charged therefor, and when so leased to regulate the rates and charges to be exacted for the services so provided, and which lease shall prohibit the sale or offer for sale by the lessee of any merchandise or supplies, including gasoline or oil, or the cleaning, repair or furnishing of services other than parking and delivery of automobiles. Such lease may require the lessee to make improvements to become the property of the municipality upon expiration or termination of the lease. The governing body may, in the alternative, employ any person, firm or corporation as operating manager and agent for the municipality to operate and maintain any such facility or facilities in behalf of the municipality under a contract defining the terms of such employment.

Subd. 5. **Licenses.** In event of establishment of parking facilities at or near the municipality's boundaries, the governing body may provide and regulate by licensing or by its own operations, transportation between the same and business centers.

Subd. 6. **Powers, how exercised.** Except as otherwise specified in this section, any and all powers granted or confirmed by this section may be exercised by the governing body by ordinance or resolution. Any municipal action regulating or prohibiting parking or traffic on streets, alleys or other public highways, or which establishes rates, fees, charges or taxes for on-street parking, or penalties for violation of such regulations or prohibitions, shall be by ordinance. Any such ordinance may provide that the presence of a vehicle in or upon any public street, alley or highway in the municipality, stopped, standing or parked in violation of such ordinance, shall be prima facie evidence that the person in whose name such vehicle is registered as owner committed or authorized the commission of such violation.

Subd. 7. **Special assessments, hearing.** Before any special assessments may be levied for the purposes herein authorized, the governing body shall hold a public hearing following publication, once each week for two successive weeks in a newspaper of general circulation in the municipality, of a notice describing the general nature and location of the facilities contemplated to be made and defining the boundaries of one or more districts believed benefited thereby and proposed to be assessed therefor, and stating the time and place of the hearing. At such hearing or at any adjournment thereof, all parties interested in said project or liable to be assessed therefor shall be given the opportunity to be heard, and at the conclusion thereof the governing body, if it determines to proceed, shall by resolution establish the boundaries of the district or districts benefited and to be assessed. The resolution may reduce, but not increase, the extent of the projected facilities and the area to be assessed as stated in the notice, and may not change the general nature of the project except to reduce it. When the cost of the facility has been determined or can with reasonable accuracy be estimated, the governing body may cause all or any part of such cost to be assessed upon the real property in the district or districts so determined to be benefited, and to be divided and spread against each lot, piece or parcel of land therein upon the basis of benefits thereto and without regard to valuation, frontage or area, but taking into consideration the improvements thereon and the present and potential use of the respective lots, pieces or parcels during the anticipated period of usefulness of the facility providing the benefits. A proposed assessment roll showing such lots, pieces, or parcels and the proposed assessment on each shall be filed in the office of the municipal clerk, or similar officer, and thereupon the governing body shall order a hearing on the proposed assessment and shall cause notice of such filing and of such hearing to be published once each week for two successive weeks in a newspaper of general circulation in the municipality. At or after such hearing the governing body may correct errors or otherwise amend the proposed assessments to make the same fair and equitable, and may thereupon adopt it as the final assessment. The governing body shall by ordinance or resolution fix the due date or dates for payment of assessments so levied, the interest rate to be paid on deferred instalments, and the time and manner in which the assessments and instalments shall be collected by the officers of the municipality or of the county in which it is located. Upon notice and hearing as above provided for the original assessment, the governing body may make supplemental assessments to correct omissions, errors or mistakes. If an assessment is for any reason set aside by a court of competent jurisdiction as to any lot, piece or parcel of land, the governing body may upon like notice and hearing make a new assessment or a re-assessment as to such lot, piece or parcel. Within 20 days after the adoption of the assessment, any person aggrieved may appeal to the district court by serving a notice upon the mayor or clerk of the municipality. The notice shall be filed with the clerk of the district court within 10 days after its service. The municipal clerk shall furnish a certified copy of objections filed in the assessment proceedings, the assessment roll or part complained of, and all papers necessary to present the appeal. The appeal shall be placed upon the calendar of the next general term commencing more than five days after the date of serving the notice, and shall be tried as other appeals in like cases. If the appellant does not prevail upon the appeal, the costs incurred shall be taxed by the court and judgment entered therefor. All objections to an assessment shall be deemed waived unless presented on such appeal.

[1919 c 281 s 1; 1947 c 621 s 1; 1953 c 675 s 1; 1955 c 259 s 1; 1955 c 873 s 1, 2] (1933-3)

459.15 PUBLIC REST ROOMS. All boroughs, villages, and cities of the fourth class in the state may, at the discretion of their respective governing bodies, provide and maintain in or near the business center of the village or city a public rest room; such rest room shall be furnished with a suitable number of chairs and tables; shall be heated and lighted between the hours of ten o'clock in the forenoon and six o'clock in the afternoon; the entrance thereto shall be from a public street and there shall be placed on or over the entrance thereto a sign bearing the words "PUBLIC REST ROOM."

[1921 c 294 s 1; 1933 c 169] (1933-5)

459.16 FACILITIES FOR WOMEN AND CHILDREN. There shall be provided and at all times maintained in connection with such rest room suitable toilet facilities for women and children.

[1921 c 294 s 2] (1933-6)

459.17 FREE USE OF; DEFLILING, DESTROYING; SANITARY CONDITION.

Such rest rooms, toilet, and lavatories shall be open to free use and enjoyment by the public subject to such reasonable rules and regulations as may be prescribed by the city or village council. The city or village council is hereby authorized to provide by ordinance for the punishment of any person wilfully defiling any such premises or injuring or destroying any property used in connection with such rest room. Such rest room and the toilets and lavatories and the accessories thereto shall at all times be kept and maintained in a clean, neat, and sanitary condition.

[1921 c 294 s 3] (1933-7)

459.18 LOCATION IN HOTEL OR OTHER PUBLIC BUILDING. It shall be deemed a compliance with the provisions of sections 459.15 to 459.18 for any city or village to make arrangements with the proprietor of any hotel or any other public building for the furnishing by the latter to the public without charge of the facilities hereinbefore specified by permitting the public to use the hotel lobby or other public room as a rest room and likewise permitting the public to use the toilet and lavatory facilities of such hotel. In such case there shall be placed on or near the entrance of any such hotel in plain and conspicuous words a sign reading "PUBLIC REST ROOM" and the premises, toilet, and lavatories shall in such case be kept and maintained in a neat, clean, and sanitary condition and the rest room shall be lighted and warmed as specified in section 459.17.

[1921 c 294 s 4] (1933-8)