

MINNESOTA STATUTES 1975 SUPPLEMENT

HOUSING, REDEVELOPMENT 462.357

CHAPTER 430. LAND FOR STREETS AND PARKS; ELWELL LAW

Sec.
430.101 Pedestrian malls, how used; plan, regulation and permits; advisory boards.

430.101 Pedestrian malls, how used; plan, regulation and permits; advisory boards.

[For text of subs 1 and 2, see M.S.1974]

Subd. 3. Advisory board. In its discretion, the city council may create and appoint an advisory board or boards, of which a majority of the members of each board shall be owners or occupants of properties adjoining a pedestrian mall or malls or their representatives, to advise the city council and the city engineer in connection with the acquisition, construction and improvement of a pedestrian mall or malls, the making of a plan therefor and the operation and maintenance thereof and to meet and furnish recommendations on complaints and requests of members of the public and of owners and occupants of adjoining property. Each advisory board may elect an executive secretary, who need not be a member of the board, to keep its minutes, records and correspondence and to communicate with the city council, city engineer and other officials and with owners and occupants of adjoining properties and users of the pedestrian mall or malls.

[1975 c 28 s 1]

CHAPTER 459. MUNICIPAL ACTIVITIES

Sec.
459.20 Authority over public waters.

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The governing body of any city in the state has the following powers: (a) In respect to any body of water situated wholly within the municipal boundaries, all the powers to improve and regulate the use of such body of water as are conferred on county boards by sections 378.31 and 378.32, and to establish and administer lake improvement districts under sections 378.41 to 378.56; and (b) In respect to any body of water situated partly within the municipal boundaries, the powers conferred on county boards by section 378.31, but only to the extent such powers are necessary for the purpose of preventing or controlling floods within the boundaries of the municipality and only in conjunction with projects undertaken pursuant to or in anticipation of an agreement with the government of the United States or any agency thereof. References in sections 378.31 to 378.35 and 378.41 to 378.56 to the county board shall mean also the appropriate governing body of a city.

[1975 c 311 s 1]

CHAPTER 462. HOUSING, REDEVELOPMENT, PLANNING, ZONING

Sec.
462.357 Procedure for plan effectuation; zoning.
462.358 Procedure for plan effectuation; subdivision regulations.

Sec.
462.388 Commission membership.

462.357 Procedure for plan effectuation; zoning.

[For text of subs 1 to 6, see M.S.1974]

Subd. 7. Permitted single family use. In order to implement the policy of this state that mentally retarded and physically handicapped persons should not be excluded by municipal zoning ordinances from the benefits of normal residential surroundings, a state licensed group home or foster home serving six or fewer mentally retarded or physically handicapped persons shall be considered a permitted single family residential use of property for the purposes of zoning.

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Subd. 8. Permitted multi-family use. Unless otherwise provided in any town, municipal or county zoning regulation as authorized by this subdivision, a state licensed residential facility serving from 7 through 16 mentally retarded or physically handicapped persons shall be considered a permitted multi-family residential use of property for purposes of zoning. A township, municipal or county zoning authority may require a conditional use or special use permit in order to assure proper maintenance and operation of a facility, provided that no conditions shall be imposed on the homes which are more restrictive than those imposed on other conditional uses or special uses of residential property in the same zones, unless the additional conditions are necessary to protect the health and safety of the residents of the residential facility for the mentally retarded or the physically handicapped. Nothing herein shall be construed to exclude or prohibit residential homes for the mentally retarded or physically handicapped from single family zones if otherwise permitted by a local zoning regulation.

[1975 c 60 s 2]

462.358 Procedure for plan effectuation; subdivision regulations.

[For text of subs 1 to 3, see M.S.1974]

Subd. 4. Restrictions on filing and recording conveyances. In a municipality in which subdivision regulations are in force and have been filed or recorded as provided in this section, no conveyance of land to which the regulations are applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat made after such regulations become effective. The foregoing provision does not apply to a conveyance if the land described:

(1) was a separate parcel of record April 1, 1945 or the date of adoption of subdivision regulations under Laws 1945, Chapter 287, whichever is the later, or of the adoption of subdivision regulations pursuant to a home rule charter, or

(2) was the subject of a written agreement to convey entered into prior to such time,

(3) was a separate parcel of not less than two and one-half acres in area and 150 feet in width on January 1, 1966, or

(4) is a single parcel of land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width.

In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the platting authority may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded. Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this subdivision shall forfeit and pay to the municipality a penalty of not less than \$100 for each lot or parcel so conveyed. A municipality may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.

[1975 c 98 s 1]

[For text of subs 5 to 8, see M.S.1974]

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RIGHTS, POLITICAL SUBDIVISIONS 471.59

462.388 Commission membership.

[For text of subs 1 to 4, see M.S.1974]

Subd. 5. Members of the regional commission may receive a per diem of not over \$35, the amount to be determined by the commission, and shall be reimbursed for their reasonable expenses as determined by the commission. The commission shall provide for the election of a board of directors, who need not be commission members, and provide, at its discretion, for a per diem of not over \$35 a day for meetings of the board and expenses. A member of the board of directors who is a member of the commission shall receive only the per diem payable to board members when meetings of the board of directors and the commission are held on the same day.

[1975 c 176 s 1]

CHAPTER 471. RIGHTS, POWERS, DUTIES; SEVERAL POLITICAL SUBDIVISIONS

Sec.		Sec.	
471.35	Specifications of supplies or equipment.	471.96	Membership in state and national associations.
471.561	Counties, cities and school districts; investment of funds.	471.97	Authority to advance expense money. [New]
471.59	Joint exercise of powers.		
471.741	Repealed.		

471.35 Specifications of supplies or equipment.

When any county, city, town, or school district calls for bids for the purchase of supplies or equipment, specifications shall not be so prepared as to exclude all but one type or kind but shall include competitive supplies and equipment.

[1975 c 157 s 1]

471.561 Counties, cities and school districts; investment of funds.

In addition to other investments authorized by law, a city, county or school district may invest moneys in its treasury which are not currently needed, in securities issued by the United States government or agency or instrumentality thereof or the state of Minnesota or any agency, instrumentality, political subdivision or municipality therein, when such securities are accompanied by simultaneous repurchase agreements issued by a state or federally chartered banking institution under the terms of which the securities are to be repurchased by the particular banking institution on a specified date at a predetermined price.

[1975 c 96 s 1]

471.59 Joint exercise of powers.

Subdivision 1. Agreement. Two or more governmental units, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise any power common to the contracting parties or any similar powers, including those which are the same except for the territorial limits within which they may be exercised. The agreement may provide for the exercise of such powers by one or more of the participating governmental units on behalf of the other participating units. The term "governmental unit" as used in this section includes every city, county, town, school district, other political subdivision of this or any adjoining state, and any agency of the state of Minnesota or the United States, and includes any instrumentality of a governmental unit. For the purpose of this section, an instrumentality of a governmental unit means an instrumentality having independent policy making and appropriating authority.

[For text of subs 2 to 7, see M.S.1974]

Subd. 8. Services performed by county, commonality of powers. Notwithstanding the