

MINNESOTA STATUTES 1979 SUPPLEMENT

BUILDING COMMISSIONS; PLANNING DEVELOPMENT, ZONING 394.27

393.13 Private insurance policies.

Subdivision 1. Upon providing services pursuant to sections 252.27, 260.251, subdivision 1a, 261.27 or 393.07, subdivision 1 or 2 to any person having private health care coverage, the county agency shall be subrogated, to the extent of the cost of services provided, to any rights the person may have under the terms of any private health care coverage. The right of subrogation does not attach to benefits paid or provided under private health care coverage prior to the receipt of written notice of the exercise of subrogation rights by the carrier issuing the health care coverage.

Subd. 2. To recover under this section, the county attorney may institute a civil action against the carrier of the private health care coverage.

Subd. 3. When any amount of money shall be recovered pursuant to this section the county shall pay to the state an amount of the recovery substantially in the proportion in which the state agency has contributed toward the services which were paid by the carrier issuing the health care coverage.

Subd. 4. For the purposes of this section, private health care coverage means any policy or plan regulated by chapter 62A, 62C, 62E or 64A. Private health care coverage also includes any self-insurance plan providing health care benefits.

[1979 c 174 s 5]

CHAPTER 394. BUILDING COMMISSIONS; PLANNING DEVELOPMENT, ZONING

Sec.	
394.25	Forms of control.
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394.25 Forms of control.

[For text of subs 1 and 2, see M.S.1978]

Subd. 3. Within each such district zoning ordinances or maps may also be adopted designating or limiting the location, height, bulk, number of stories, size of, and the specific uses for which dwellings, buildings, and structures may be erected or altered; the minimum and maximum size of yards, courts, or other open spaces; setback from existing roads and highways and roads and highways designated on an official map; protective measures necessary to protect the public interest including but not limited to controls relating to appearance, signs, lighting, hours of operation and other aesthetic performance characteristics including but not limited to noise, heat, glare, vibrations and smoke; the area required to provide for off street loading and parking facilities; heights of trees and structures near airports; and to avoid too great concentration or scattering of the population. All such provisions shall be uniform for each class of land or building throughout each district, but the provisions in one district may differ from those in other districts. No provision may prohibit earth sheltered construction as defined in section 116H.02, subdivision 3, that complies with all other zoning ordinances promulgated pursuant to this section.

[For text of subs 4 to 10, see M.S.1978]

[Ex1979 c 2 s 39]

394.27 Creation and duties of a board of adjustment.

[For text of subs 1 to 6, see M.S.1978]

Subd. 7. The board of adjustment shall have the exclusive power to order the issuance of variances from the terms of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official

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control, and when the terms of the variance are consistent with the comprehensive plan. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance. Variances shall be granted for earth sheltered construction as defined in section 116H.02, subdivision 3, when in harmony with the official controls. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest. The board of adjustment may consider the inability to use solar energy systems a "hardship" in the granting of variances.

[For text of subs 8 and 9, see M.S.1978]

[Ex1979 c 2 s 40]

CHAPTER 400. SOLID WASTE MANAGEMENT

Sec.
400.08 Service charges.

400.08 Service charges.

The county may establish by ordinance, revise when deemed advisable, and collect just and reasonable rates and charges for solid waste management services provided by the county or by others under contract with the county. The ordinance may obligate the owners, lessees, or occupants of property, or any or all of them, to pay charges for solid waste management services to their properties and may obligate the user of any facility to pay a reasonable charge for the use of the facility. Rates and charges may take into account the character, kind, and quality of the service and of the solid waste, the method of disposition, the number of people served at each place of collection, and all other factors that enter into the cost of the service, including but not limited to depreciation and payment of principal and interest on money borrowed by the county for the acquisition or betterment of facilities. The rates and charges may be billed and collected in a manner the board shall determine. On or before October 15 in each year, the county board shall certify to the county auditor all unpaid outstanding charges for services hereunder, and a statement of the description of the lands which were serviced and against which the charges arose. It shall be the duty of the county auditor, upon order of the county board, to extend the assessments with interest not to exceed six percent as provided for in the county ordinance upon the tax rolls of the county for the taxes of the year in which the assessment is filed. For each year ending October 15 the assessment with interest shall be carried into the tax becoming due and payable in January of the following year, and shall be enforced and collected in the manner provided for the enforcement and collection of real property taxes in accordance with the provisions of the laws of the state. The charges, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the state. All rates and charges shall be uniform in their application to use and service of the same character and quantity. A notice of intention to enact such an ordinance, published pursuant to section 375.51, subdivision 2, shall provide for a public hearing thereon to be held prior to the meeting at which the ordinance is to be considered.

[1979 c 164 s 1]