

## CHAPTER 365A

### SUBORDINATE SERVICE DISTRICTS

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#### 365A.01 TOWNS; SUBORDINATE SERVICE DISTRICTS; PURPOSE.

It is the purpose of sections 365A.01 to 365A.10 to provide a means by which a town as a unit of general local government can effectively provide and finance various governmental services for its residents.

*History:* 1989 c 277 art 2 s 48

#### 365A.02 DEFINITION.

“Subordinate service district” means a defined area within the town in which one or more governmental services or additions to townwide services are provided by the town specially for the area and financed from revenues from the area. The boundaries of a single subordinate service district may not embrace an entire town.

*History:* 1989 c 277 art 2 s 49

#### 365A.03 ESTABLISHMENT OF SERVICE DISTRICT.

Notwithstanding any provision of law requiring uniform property tax rates on real or personal property within the town, a town may establish subordinate service districts to provide and finance a governmental service or function that it is otherwise authorized to undertake. A function or service to be provided may include a function or service that the town ordinarily provides throughout the town only to the extent that there is an increase in the level of the function or service provided in the service district over that provided throughout the town.

*History:* 1989 c 277 art 2 s 50

#### 365A.04 CREATION BY PETITION.

**Subdivision 1. Petition.** A petition signed by at least 50 percent of the property owners in the part of the town proposed for the subordinate service district may be submitted to the town board requesting the establishment of a subordinate service district to provide a service that the town is otherwise authorized by law to provide. The petition must include the territorial boundaries of the proposed district and specify the kinds of services to be provided within the district.

**Subd. 2. Public hearing.** Upon receipt of the petition, and the verification of the signatures by the town clerk, the town board shall, within 30 days following verification, hold a public hearing on the question of whether or not the requested district shall be established.

**Subd. 3. Approval; disapproval.** Within 30 days after the public hearing, the town board by resolution shall approve or disapprove the establishment of the requested district. A resolution approving the establishment of the district may contain amendments or modifications of the district’s boundaries or functions as set forth in the petition.

*History:* 1989 c 277 art 2 s 51

#### 365A.05 PUBLICATION AND EFFECTIVE DATE.

Within 20 days after passage of a resolution authorizing the establishment of a subordinate service district, the town board shall have the resolution published once in a

qualified newspaper of general circulation within the town. The resolution must include a general description of the territory to be included within the district, the kind of service to be provided, and a statement of how the service will be financed. A notice must also be mailed to the owner of each parcel within the area proposed to be included in the district. The notice shall be sent to the same address as on the property tax statement. The district shall begin 60 days after publication or at a later date specified in the resolution.

*History: 1989 c 277 art 2 s 52*

#### **365A.06 REVERSE REFERENDUM.**

**Subdivision 1. Petition.** Upon receipt of a petition signed by at least 25 percent of the property owners within the territory of the proposed district, before the effective date of its establishment as specified in section 365A.05, the establishment shall be in abeyance pending referendum vote within the boundaries of the proposed district.

**Subd. 2. Election.** The town board shall hold a special election within the boundaries of the proposed district not less than 30 nor more than 90 days after receipt of the petition. The question submitted and voted upon by the property owners within the territory of the proposed district must be phrased substantially as follows:

“Shall a subordinate service district be established to provide (service or services to be provided) financed by (revenue sources)?”

If a majority of those voting on the question favor creation of the district, the district shall begin upon certification of the vote by the town clerk. The town clerk shall administer the election.

*History: 1989 c 277 art 2 s 53*

#### **365A.07 EXPANSION OF BOUNDARIES OF A DISTRICT.**

The town board, upon petition, may enlarge any existing subordinate service district under the procedures specified in sections 365A.03 to 365A.06. Only property owners residing in territory to be added to the district shall be eligible to participate in an election, unless at least 25 percent of the property owners residing in the existing district petition to participate, in which case all property owners residing in the proposed enlarged district shall be eligible.

*History: 1989 c 277 art 2 s 54*

#### **365A.08 FINANCING.**

Upon adoption of the next annual budget following the creation of a subordinate service district the town board shall include in the budget appropriate provisions for the operation of the district including either a property tax levied only on property of the users of the service within the boundaries of the district or a levy of a service charge against the users of the service within the district, or a combination of a property tax and a service charge on the users of the service.

A tax or service charge or a combination of them may be imposed to finance a function or service in the district that the town ordinarily provides throughout the town only to the extent that there is an increase in the level of the function or service provided in the service district over that provided throughout the town. In that case, in addition to the townwide tax levy, an amount necessary to pay for the increase in the level of the function or service may be imposed in the district.

*History: 1989 c 277 art 2 s 55*

#### **365A.09 WITHDRAWAL; ELECTION.**

Upon receipt of a petition signed by at least 50 percent of the property owners in the territory of the subordinate service district requesting the removal of the district, the town board shall hold a special election within the service district not less than 30 nor more than 90 days after the resolution or receipt of the petition. The question to

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be submitted and voted upon by the property owners in the district shall be phrased substantially as follows:

“Shall the subordinate service district presently established be removed and the service or services of the town as provided for the service district be discontinued?”

If a majority of those voting on the question favor the removal and discontinuance of the services, the service district shall be removed and the services shall be discontinued upon certification of the vote by the town clerk. The town clerk shall administer the election.

**History:** 1989 c 277 art 2 s 56

## 365A.10 COORDINATION OF DISTRICTS.

If a county establishes a subordinate service district in part of a town under enabling law for counties, a town may not establish a subordinate service district to provide the same service in the part of the town served by the county. If a town establishes a subordinate service district in part of the town under this chapter or other law, a county may not establish a subordinate service district to provide the same service in the part of the town served by the town.

**History:** 1989 c 277 art 2 s 57