

## CHAPTER 366

### TOWN BOARD; BOARD OF AUDIT

366.01 Powers.  
366.10 Zoning regulations.

366.12 Regulations.  
366.16 Town zoning commissioner.

#### 366.01 POWERS.

*[For text of subs 1 to 11, see M.S.1994]*

**Subd. 12. Imprest fund.** The town board may establish an imprest fund for the payment in cash of any proper claim against the town which it is impractical to pay in any other manner, except that no claim for salary or personal expenses of an officer or employee shall be paid from the fund. The town board shall appoint a custodian of the fund who shall be responsible for its safekeeping and disbursement according to law. Money for the operation of the fund shall be secured by a transfer from the general fund. A claim itemizing all the various demands for which disbursements have been made from the fund shall be presented to the town board at the next town board meeting after the disbursements have been made. The town board shall act upon it as in the case of other claims and an order shall be issued to the custodian for the amount allowed. The custodian shall use the proceeds of the order to replenish the fund; and if the town board fails to approve the claim in full for any sufficient reason, the custodian shall be personally responsible for the difference.

**History:** 1995 c 15 s 1

#### 366.10 ZONING REGULATIONS.

The board of supervisors may submit to the legal voters of the town at an annual or special town meeting, the question whether the board shall adopt land use and zoning regulations and restrictions in the town. The board in a town which has within its borders a hospital established in accordance with Laws 1955, chapter 227, may submit to the voters at an annual or special town meeting, the question whether the board shall adopt land use and zoning regulations and restrictions in the town regulating the type of buildings that may be built or occupations carried on within a radius of one-half mile of the hospital.

**History:** 1995 c 254 art 3 s 1

#### 366.12 REGULATIONS.

If a majority of the voters voting on the question vote "Yes," the town board may regulate:

- (1) the location, height, bulk, number of stories, size of buildings and other structures,
- (2) the location of roads and schools,
- (3) the percentage of lot which may be occupied,
- (4) the sizes of yards and other open spaces,
- (5) the density and distribution of population,
- (6) the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and
- (7) the uses of lands for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, or other purposes.

To carry out this section it shall issue land use or zoning permits or approvals. It shall be unlawful to erect, establish, alter, enlarge, use, occupy, or maintain a building, structure, improvement, or premises without having a land use or zoning permit or approval.

Before adopting a regulation under this section the board shall hold a public hearing on the matter with notice as provided in section 366.15.

This section is subject to section 366.13.

**History:** 1995 c 254 art 3 s 2

#### 366.16 TOWN ZONING COMMISSIONER.

The town board may enforce the regulations by withholding land use or zoning permits or approvals, building permits issued under sections 16B.59 to 16B.75, or other permits or

approvals. For the purposes of sections 366.10 to 366.18, it may establish the position of town zoning commissioner and fix its compensation. If a building or structure is or is proposed to be erected, constructed, reconstructed, altered, or used or any land is or is proposed to be used in violation of sections 366.10 to 366.18 or a regulation or provision enacted or adopted by the board under sections 366.10 to 366.18, the board, the attorney of the county where the town is situated, the town attorney, the town zoning commissioner, or any adjacent or neighboring property owner may institute any appropriate action to prevent, enjoin, abate, or remove the unlawful erection, construction, reconstruction, alteration, maintenance, or use.

**History:** *1995 c 254 art 3 s 3*