

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Laws 1939, Chapter 329, Section 1, is amended to read:

Section 1. **HIBBING; MAYOR'S CONTINGENT FUND.** The village Hibbing city council of any village now or hereafter having a population of more than 10,000 inhabitants may appropriate from the general fund of the village city from time to time, an amount not exceeding ~~\$2,500~~ \$5,000 in the aggregate in any one year to be known as the ~~Village President's~~ mayor's contingent fund, from which fund the ~~Village President~~ mayor may pay ~~such~~ sums as ~~he~~ the mayor may deem necessary in case of necessity, to secure information and evidence of crime, and to arrest convicts and to relieve distress in the event of public calamity in this state, and for ~~such other purpose~~ purposes for the welfare of the village city as ~~he~~ may deem advisable.

Sec. 2. **EFFECTIVE DATE; LOCAL APPROVAL.**

This act is effective the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3, by the governing body of the city of Hibbing.

Approved March 22, 1982

## CHAPTER 507 — S.F.No. 1522

*An act relating to local government; changing the filing of the bond of the town clerk and the town treasurer; permitting towns to self insure in the same way as other political subdivisions; authorizing certain towns to exercise special powers by affirmative vote of the town electors; requiring notice; authorizing towns to plan; providing for standards and criteria for conditional uses and variances; authorizing the establishment of a board for planning in certain areas; authorizing governmental units to provide services for other governmental units; permitting subordinate service districts; providing for the maintenance of St. Louis county historical societies; amending Minnesota Statutes 1980, Sections 275.50, by adding a subdivision; 367.10; 367.15; 368.01, Subdivisions 1, 30, and by adding subdivisions; 462.352, Subdivision 2; 462.357, Subdivision 6; 462.358, Subdivision 1a; 462.36, Subdivision 1; 471.59, by adding a subdivision; and 471.98, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 462; and proposing new law coded as Minnesota Statutes, Chapter 375B.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1980, Section 367.10, is amended to read:

**367.10 TOWN CLERK; BOND; OATH.**

Every person elected or appointed to the office of town clerk, before he enters upon the duties of his office, shall give bond to the town, with sureties approved by the town treasurer, in such penal sum as the town board directs,

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conditioned for the faithful discharge of his duties. The bond, with his oath of office, shall be filed with the ~~clerk of the district court~~ county auditor, and an action may be maintained thereon by the town or any person aggrieved.

Sec. 2. Minnesota Statutes 1980, Section 367.15, is amended to read:

**367.15 TOWN TREASURER; BOND.**

Every town treasurer, before he enters upon the duties of his office, shall give bond to the town in an amount to be determined by the board, conditioned for the faithful discharge of his duties as such treasurer. Within six days thereafter the chairman shall file such bond, with his approval endorsed thereon, for record with the county ~~recorder~~ auditor.

Sec. 3. Minnesota Statutes 1980, Section 368.01, Subdivision 1, is amended to read:

Subdivision 1. **TOWNS DESCRIBED.** Any town in this state having therein platted portions in which there reside 1,200 or more people or any towns having platted area within 20 miles of the city hall of a city of the first class having over 200,000 population shall have and possess the powers as are enumerated in this section. The town board thereof may adopt, amend, or repeal ~~such~~ ordinances, rules, and bylaws for any purposes ~~so~~ enumerated as it deems expedient.

Sec. 4. Minnesota Statutes 1980, Section 368.01, is amended by adding a subdivision to read:

**Subd. 1a. CERTAIN OTHER TOWNS.** Any town with a population of 1,000 or more according to the most recent federal decennial census that does not otherwise qualify pursuant to subdivision 1 to exercise the powers enumerated in this section, shall have and possess the enumerated powers upon an affirmative vote of the electors of the town at the annual town meeting.

Sec. 5. Minnesota Statutes 1980, Section 368.01, Subdivision 30, is amended to read:

**Subd. 30. NOTICE TO COUNTY AUDITOR AND SECRETARY OF STATE.** The town clerk of each town exercising special powers pursuant to this section shall so notify in writing the county auditor of the county ~~wherein such in which the town is located and the secretary of state.~~ The written notice shall be filed by the county auditor and the secretary of state as a public record.

Sec. 6. Minnesota Statutes 1980, Section 368.01, is amended by adding a subdivision to read:

**Subd. 31. CONTINUING AUTHORITY TO EXERCISE POWERS.** If a town exercises a power pursuant to this section it may continue to exercise the power notwithstanding any subsequent change in population.

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**Sec. 7. NOTICE.**

A town exercising a power pursuant to Minnesota Statutes, Section 368.01 on or before the effective date of this act which has not notified the county auditor of the county in which the town is located shall do so and shall notify the secretary of state as provided in Minnesota Statutes, Section 368.01, Subdivision 30.

**Sec. 8. [375B.01] COUNTIES; SUBORDINATE GOVERNMENTAL SERVICE DISTRICTS; PURPOSE.**

It is the purpose of this act to provide a means by which a county as a unit of general local government can effectively provide and finance various governmental services for its residents.

**Sec. 9. [375B.02] DEFINITION.**

"Subordinate service district" means a compact and contiguous district within the county in which one or more governmental services or additions to countywide services are provided by the county and financed from revenues secured from within that district. The boundaries of a single subordinate service district may not embrace an entire county.

**Sec. 10. [375B.03] ESTABLISHMENT OF SERVICE DISTRICTS.**

Notwithstanding any provision of law requiring uniform property tax rates on real or personal property within the county, any county in this state, except a metropolitan county as defined in section 473.121, subdivision 4, and any other county containing a city of the first class, may establish subordinate service districts to provide and finance any governmental service or function which it is otherwise authorized to undertake. A function or service to be provided shall not include a function or service which the county generally provides throughout the county unless an increase in the level of the service is to be supplied in the service district.

**Sec. 11. [375B.04] CREATION BY COUNTY BOARD.**

The county board of commissioners of any county, except a metropolitan county as defined in section 473.121, subdivision 4, and any other county containing a city of the first class, may establish a subordinate service district in a portion of the county by adoption of an appropriate resolution. Before the adoption of the resolution, the county board shall hold a public hearing on the question of whether or not a subordinate service district shall be established. The resolution shall specify the service or services to be provided within the subordinate service district and shall specify the territorial boundaries of the district.

**Sec. 12. [375B.05] CREATION BY PETITION.**

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. PETITION. A petition signed by ten percent of the qualified voters within the portion of the county proposed for the subordinate service district may be submitted to the county board requesting the establishment of a subordinate county service district to provide any service or services which the county is otherwise authorized by law to provide. The petition shall include the territorial boundaries of the proposed district and shall specify the types of services to be provided within the district.

Subd. 2. PUBLIC HEARING. Upon receipt of the petition, and verification of the signatures by the county auditor, the county 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 following the holding of a public hearing, the county board, by resolution, shall approve or disapprove the establishment of the requested district. A resolution approving the creation of the district may contain amendments or modifications of the district's boundaries or functions as set forth in the petition.

**Sec. 13. [375B.06] PUBLICATION AND EFFECTIVE DATE.**

Upon passage of a resolution authorizing the creation of a subordinate service district, the county board shall cause the resolution to be published once in the official newspaper. The resolution shall include a general description of the territory to be included within the district, the type of service or services to be undertaken in the district, a statement of the means by which the service or services will be financed, and a designation of the county agency or officer who will be responsible for supervising the provision of the service or services. The district shall be deemed established 30 days after publication or at a later date as may be specified in the resolution:

**Sec. 14. [375B.07] REFERENDUM.**

Subdivision 1. PETITION. Upon receipt of a petition signed by five percent of the qualified voters within the territory of the proposed district prior to the effective date of its creation as specified in section 375B.06, the creation shall be held in abeyance pending referendum vote of all qualified electors residing within the boundaries of the proposed district.

Subd. 2. ELECTION. The county board shall make arrangements for the holding of a special election not less than 30 nor more than 90 days after receipt of the petition within the boundaries of the proposed district. The question to be submitted and voted upon by the qualified voters within the territory of the proposed district shall be phrased substantially as follows:

"Shall a subordinate service district be established in order to provide (service or services to be provided) financed by (revenue sources)?"

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If a majority of those voting on the question favor creation of the proposed district, the district shall be deemed created upon certification of the vote by the county auditor. The county auditor shall administer the election.

**Sec. 15. [375B.08] EXPANSION OF THE BOUNDARIES OF A SUBORDINATE SERVICE DISTRICT.**

The county board, on its own motion or pursuant to petition, may enlarge any existing subordinate service district pursuant to the procedures specified in sections 375B.04 to 375B.07. Only qualified voters residing in the district to be added shall be eligible to participate in the election, but if five percent of the qualified voters residing in the existing service district petition to participate in the election, all qualified voters residing in the proposed service district shall be eligible.

**Sec. 16. [375B.09] FINANCING.**

Upon adoption of the next annual budget following the creation of a subordinate service district the county board shall include in the budget appropriate provisions for the operation of the district including, as appropriate, either a property tax levied only on property within the boundaries of the district or a levy of a service charge against the users of the service within the district, or any combination of a property tax and a service charge. A tax or service charge or a combination thereof shall not be imposed to finance a function or service in the service district which the county generally provides throughout the county unless an increase in the level of the service is to be supplied in the service district in which case, in addition to the countywide tax levy, only an amount necessary to pay for the increased level of service may be imposed.

**Sec. 17. [375B.10] WITHDRAWAL; ELECTION.**

Upon receipt of a petition signed by ten percent of the qualified voters within the territory of the subordinate service district requesting the removal of the district, or pursuant to its own resolution, the county board shall make arrangements for the holding of a special election within the boundaries of the service district not less than 30 nor more than 90 days after the resolution or receipt of the petition. The question to be submitted and voted upon by the qualified voters within the territory of the district shall be phrased substantially as follows:

"Shall the subordinate service district presently established be removed and the service or services of the county 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 county auditor. The county auditor shall administer the election.

**Sec. 18. [375B.11] WITHDRAWAL; BY RESOLUTION OF COUNTY BOARD.**

The county board may by resolution withdraw a subordinate service district from the provisions of this chapter and discontinue the service provided within the service district. The county board shall cause notice of its intention to withdraw the service district to be published at least once in the official newspaper not more than six months or less than three months before the resolution is adopted. If a joint powers agreement is a part of the subordinate service district arrangement no withdrawal shall be effective under this section unless all parties to the joint powers agreement agree to the withdrawal.

**Sec. 19. [375B.12] LOCAL LAWS SUPERSEDED:**

A special law for a single county, except a metropolitan county as defined in section 473:121, subdivision 4, and any other county containing a city of the first class, which authorizes the county to establish subordinate service districts or areas is hereby superseded. Any service being provided pursuant to the special law on or before the effective date of sections 1 to 12 may continue to be provided pursuant to the special law.

Sec. 20. Minnesota Statutes 1980, Section 275.50, is amended by adding a subdivision to read:

Subd. 7. A tax or service charge levied by the county board within a subordinate service district pursuant to chapter 375B is a "special levy" and is not subject to tax levy limitations including those contained in sections 275.50 to 275.56 or any other law. Subsequent increases in the initial tax or service charge, or additional taxes or service charges imposed at a time later than the adoption of the initial tax or service charge shall be subject to levy limitation.

Sec. 21. Minnesota Statutes 1980, Section 462.352, Subdivision 2, is amended to read:

Subd. 2. "Municipality" means any city, including a city operating under a home rule charter, and any town having the powers of statutory cities pursuant to section 368.01.

Sec. 22. Minnesota Statutes 1980, Section 462.357, Subdivision 6, is amended to read:

Subd. 6. **APPEALS AND ADJUSTMENTS.** Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

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(2) To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. “Undue 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 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 an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 116H.02, subdivision 3, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not permitted under the ordinance for property in the zone where the affected person’s land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

Sec. 23. Minnesota Statutes 1980, Section 462.358, Subdivision 1a, is amended to read:

Subd. 1a. **AUTHORITY.** To protect and promote the public health, safety, and general welfare, to provide for the orderly, economic, and safe development of land, to preserve agricultural lands, to promote the availability of housing affordable to persons and families of all income levels, and to facilitate adequate provision for transportation, water, sewage, storm drainage, schools, parks, playgrounds, and other public services and facilities, a municipality may by ordinance adopt subdivision regulations establishing standards, requirements, and procedures for the review and approval or disapproval of subdivisions. The regulations may contain varied provisions respecting, and be made applicable only to, certain classes or kinds of subdivisions. The regulations shall be uniform for each class or kind of subdivision.

A municipality may by resolution extend the application of its subdivision regulations to unincorporated territory located within two miles of its limits in any direction but not in a town which has adopted subdivision regulations; provided that where two or more noncontiguous municipalities have boundaries less than four miles apart, each is authorized to control the subdivision of land equal distance from its boundaries within this area. ~~However, if a municipality extends the application of its subdivision or zoning regulations to unincorporated territory, upon the petition of any county board or town board affected by the~~

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subdivision or zoning regulations, a joint board shall be established consisting of a three member committee with one member appointed from each of the municipal, town and county governing bodies. This joint board shall adopt zoning and subdivision regulations under sections 462.351 to 462.364 for the entire area within two miles of the city located within a town, and designate one of the governing bodies to serve as the governing body and board of appeals and adjustment for purposes of sections 462.357 and 462.358 within the area. During the time before the joint board adopts subdivision regulations, the subdivision regulations which the municipality has extended shall apply.

**Sec. 24. [462.3585] JOINT PLANNING BOARD.**

Upon request of a home rule charter or statutory city council or county or town board by resolution presented to the county auditor of the county of the affected territory a board shall be established to exercise planning and land use control authority in the unincorporated area within two miles of the corporate limits of a city. The board shall have members in a number determined by the city, county, and town. Each governmental unit shall have an equal number of members. The members shall be appointed from the governing bodies of the city, county, and town. Upon request of more than one county or town board with respect to the unincorporated area within two miles of the corporate limits of a single city, the parties may create one board rather than a separate board for each county or town, with equal membership from each affected governmental unit. The board shall serve as the governing body and board of appeals and adjustments for purposes of sections 462.351 to 462.364 within the two-mile area. The board shall have all of the powers contained in sections 462.351 to 462.364 and shall have authority to adopt and enforce the uniform fire code promulgated pursuant to section 299F.011. The city shall provide staff for the preparation and administration of land use controls unless otherwise agreed by the governmental units. If a municipality extends the application of its subdivision regulations to unincorporated territory located within two miles of its limits pursuant to section 462.358, subdivision 1a, before the creation of a joint board, the subdivision regulations which the municipality has extended shall apply until the joint board adopts subdivision regulations.

**Sec. 25. [462.3595] CONDITIONAL USE PERMITS.**

Subdivision 1. AUTHORITY. The governing body may by ordinance designate certain types of developments, including planned unit developments, and certain land development activities as conditional uses under zoning regulations. Conditional uses may be approved by the governing body or other designated authority by a showing by the applicant that the standards and criteria stated in the ordinance will be satisfied. The standards and criteria shall include both general requirements for all conditional uses, and insofar as practicable, requirements specific to each designated conditional use.

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Subd. 2. PUBLIC HEARINGS. Public hearings on the granting of conditional use permits shall be held in the manner provided in section 462.357, subdivision 3.

Subd. 3. DURATION. A conditional use permit shall remain in effect as long as the conditions agreed upon are observed, but nothing in this section shall prevent the municipality from enacting or amending official controls to change the status of conditional uses.

Subd. 4. FILING OF PERMIT. A certified copy of any conditional use permit shall be filed with the county recorder or registrar of titles of the county or counties in which the municipality is located for record. The conditional use permit shall include the legal description of the property included.

Sec. 26. Minnesota Statutes 1980, Section 462.36, Subdivision 1, is amended to read:

Subdivision 1. REQUIRED DOCUMENTS. A certified copy of every ordinance, resolution, map, or regulation adopted, or variance granted under the provisions of sections 462.358 and 462.357 to 462.359 and amendments thereto sections 3 and 4 of this act shall be filed with the county recorder of the county or counties in which the municipality adopting it is located. Ordinances, resolutions, maps or regulations filed with the county recorder pursuant to this subdivision do not constitute encumbrances on real property. The order issued by the governing body or board of appeals and adjustments as the case may be, shall include the legal description of the property involved.

Sec. 27. Minnesota Statutes 1980, Section 471.59, is amended by adding a subdivision to read:

Subd. 10. SERVICES PERFORMED BY GOVERNMENTAL UNITS; COMMONALITY OF POWERS. Notwithstanding the provisions of subdivision 1 requiring commonality of powers between parties to any agreement, the governing body of any governmental unit as defined in subdivision 1 may enter into agreements with any other governmental unit to perform on behalf of that unit any service or function which the governmental unit providing the service or function is authorized to provide for itself.

Sec. 28. Minnesota Statutes 1980, Section 471.98, Subdivision 2, is amended to read:

Subd. 2. "Political subdivision" includes a statutory or home rule charter city or a county or a town or an instrumentality thereof having independent policy making and appropriating authority. For the purposes of sections 471.98 and 471.981, the governing body of a town is the town board.

Sec. 29. **ST. LOUIS COUNTY HISTORICAL SOCIETIES.**

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St. Louis county may provide funds and facilities for more than one historical society of which shall be subject to the provisions of Minnesota Statutes, Sections 138.051, 138.052, and 138.053 and other laws governing the conduct of county historical societies.

**Sec. 30. EFFECTIVE DATE.**

Sections 1 to 7, 23, 24, and 28 are effective the day following final enactment. Sections 22, 25, and 26 are effective January 1, 1983. Section 29 is effective the day after compliance with section 645.021, subdivision 3 by the St. Louis county board.

Approved March 22, 1982

**CHAPTER 508 — S.F.No. 1962**

*An act relating to agriculture; providing for the regulation of grain storage warehouse operators; changing certain fee provisions; providing penalties; appropriating money; amending Minnesota Statutes 1980, Section 236.02; Minnesota Statutes 1981 Supplement, Sections 231.16; and 233.08; proposing new law coded in Minnesota Statutes, Chapter 232; repealing Minnesota Statutes 1980, Sections 232.06, Subdivisions 2, 3, 4, 6 and 7; 232.07 to 232.19; Minnesota Statutes 1981 Supplement, Section 232.06, Subdivision 1.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

**Section 1. [232.20] CITATION.**

Sections 1 to 6 may be cited as the grain storage act.

**Sec. 2. [232.21] DEFINITIONS.**

Subdivision 1. APPLICABILITY. For the purpose of sections 1 to 6, the terms defined in this section have the meanings given them.

Subd. 2. BOND. "Bond" means an acceptable obligation, running to the state as obligee, for the purpose of indemnifying depositors and producers of grain against breach of contract by a public grain warehouse or grain bank operator.

Subd. 3. COMMISSIONER. "Commissioner" means the commissioner of agriculture.

Subd. 4. CONDITION ONE BOND. "Condition one bond" means a bond for a public grain warehouse operator when grain belonging to persons other than the warehouse operator is accepted for storage.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.