

CHAPTER 493—S. F. No. 736

An act relating to an error in Minnesota Statutes; providing for the correction of erroneous statutory reference; amending Minnesota Statutes 1965, Section 462.354, Subdivision 2.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1965, Section 462.354, Subdivision 2, is amended to read:

462.354 Subdivision 2. **Municipal planning; correction bill; board of adjustments and appeals.** The governing body of any municipality adopting or having in effect a zoning ordinance or an official map shall provide by ordinance for a board of appeals and adjustments. The board shall have the powers set forth in section 462.357, subdivision 5 6 and section 462.359, subdivision 4. Except as otherwise provided by charter, the governing body may provide alternatively that there be a separate board of appeals and adjustments or that the governing body or the planning commission or a committee of the planning commission serve as the board of appeals and adjustments, and it may provide an appropriate name for the board. The board may be given such other duties as the governing body may direct.

In any municipality where the council does not serve as the board, the governing body may, except as otherwise provided by charter, provide that the decisions of the board on matters within its jurisdiction are final subject to judicial review or are final subject to appeal to the council and the right of later judicial review or are advisory to the council. Hearings by the board of appeals and adjustments shall be held within such time and upon such notice to interested parties as is provided in the ordinance establishing the board. The board shall within a reasonable time make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney. Subject to such limitations as may be imposed by the governing body, the board may adopt rules for the conduct of proceedings before it. Such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The board shall provide for a record of its proceedings which shall include the minutes of its meetings, its findings, and the action taken on each matter heard by it, including the final order. In any municipality in which the planning agency does not act as the board of adjustments and appeals, the board shall make no decision on an appeal or petition until the planning agency, if there is one, or a representative authorized by it has had reason-

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

able opportunity, not to exceed 60 days, to review and report to the board of adjustments and appeals upon the appeal or petition.

Approved May 16, 1967.

CHAPTER 494—S. F. No. 1058

An act relating to intoxicating liquors and the distance of licensed establishments from institutions of higher learning; amending Minnesota Statutes 1965, Section 340.72.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1965, Section 340.72, is amended to read:

340.72 Winona state college; intoxicating liquor; sales, where forbidden. The sale of intoxicating liquor in any quantity whatever is also forbidden in the following places:

(1) In any town or municipality in which a majority of votes at the last election at which the question of license was voted upon shall not have been in favor of license, or within one-half mile of any such municipality, except that any intoxicating liquor, manufactured within any such district, may be sold to be consumed outside of such district:

(2) Within the capitol, or upon the grounds thereof;

(3) Upon the state fair grounds, or within one-half mile thereof;

(4) At any place on the east side of the Mississippi river within one mile of the main building of the University of Minnesota; and within one mile of the Kirby student center building of the University of Minnesota, Duluth Branch;

(5) Within 1,500 feet of any state college, except as hereinafter provided, or, when the place of sale is not within a municipality, within 1,500 feet of any public school outside of a municipality; *at Winona state college, in determining the distance, the measurement shall be along the most direct line from the nearest corner of the administration building of the Winona state college to the main entrance of the licensed premises; as to the Valley campus*

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