

Subd. 19. **Separable provisions.** It is the intent of the legislature that the provisions of this act are separable and if any provision shall be held unconstitutional, such decision shall not affect the remainder of this act.

Approved April 23, 1953.

CHAPTER 674—H. F. No. 1197

[Coded]

An act relating to public health and providing for the inspection of cup vending machines and similar dispensing devices.

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

Section 1. [144.075] **Cup vending machines, inspection.** The state board of health shall provide for the inspection of cup vending machines, and similar dispensing devices where food or beverages are dispensed for sale to the public. The purpose of such inspection shall be protection of the public health, and the elimination of hazards to health resulting from dispensing devices that are operated in an unsanitary manner or designed so that the public health may be injured. Such inspection shall be made at such times and under circumstances as the board of health may determine.

Approved April 23, 1953.

CHAPTER 675—H. F. No. 1258

An act relating to municipal activities; amending Minnesota Statutes 1949, Section 459.14.

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

Section 1. Minnesota Statutes 1949, Section 459.14, is amended to read:

459.14 **Automobile parking facilities.** Subdivision 1. **Acquisition of property.** Any city of the second, third, or fourth class, however organized, and any village or borough may acquire by gift, lease, purchase or condemnation proceedings any real property within or without the corporate limits, or any interest therein, deemed by its governing body to be needed for improving the municipality's regulation and control of traffic on its streets, alleys and public grounds by providing,

regulating and operating on-street or off-street parking lanes or areas, and may acquire by purchase or lease parking meters or other parking or traffic control devices and may devote any property already owned by the municipality and devoted to other purposes to be used as a parking lane or area and may construct, or otherwise provide, equip, maintain and operate automobile parking facilities and may expend municipal funds for these purposes. The term "automobile parking facilities" as used in this section includes lots, lanes, garages, ramps or other structures and accessories, including such meters and devices; such facilities may be surface facilities above or under the ground. Provided that no product or service other than the parking of vehicles and the delivery thereof shall be dispensed or furnished at or in connection with any such parking facility. Provided, further, that the municipality shall not convert to a parking facility any land conveyed to it on a condition restricting its use to some other purpose.

Subd. 2. Financing. Any such municipality may pay for any portion of the cost of providing automobile parking facilities by:

(a) *Appropriating moneys therefor as authorized in subdivision 1;*

(b) *Levying a tax, not exceeding one half mill in any one year, on all taxable property in the municipality;*

(c) *Levying special assessments against benefited property;*

(d) *Appropriating any or all net revenues derived from the operation of its parking facilities;*

(e) *Classifying the users of such facilities as a subject for taxation, and imposing taxes thereon computed according to the extent of use of the facilities;*

(f) *Imposing reasonable rates, rents, fees and charges for the use of any on-street or off-street parking privilege or facility, which may be in excess of actual cost of operation, maintenance, regulation and supervision of parking at the particular location where the privilege is exercised;*

(g) *Leasing any off-street facilities at specified or determinable rents to be paid to the municipality under a lease made as hereinafter authorized and limited;*

(h) *Borrowing money and issuing bonds as authorized and limited by subdivision 3 hereof; or*

(i) *Any combination of all or any of the foregoing.*

Subd. 3. **Bonds; issuance, sale.** Any municipality to which this section applies may issue bonds for the acquisition, construction or improvement of automobile parking facilities. Any such bonds shall be authorized and issued and sold in the manner prescribed by the laws of this state or the charter of the municipality for the issuance and authorization of bonds thereof for public purposes generally, *except as in this subdivision otherwise provided.* The amount of all bonds issued by any municipality under this section shall not be included in the net indebtedness of the municipality or in any computation of the outstanding indebtedness of the municipality for the purpose of determining the limit of its net indebtedness. *Bonds so authorized and issued may be made payable wholly from general ad valorem taxes levied in sufficient amounts upon all taxable properties in the municipality, or wholly from special assessments levied upon properties within one or more parking benefit districts, or wholly from the net revenues of operations of on-street and off-street facilities, or such bonds may be made payable from any combination of such sources of income, as specified and defined in the resolution or ordinance authorizing their issuance; provided that if the faith and credit of the municipality is pledged for the payment of more than 50 percent of the principal and interest, the bonds shall not be issued without the prior approval of a majority of the voters of the municipality voting thereon at an election ordered by the governing body.*

Subd. 4. **Lease, rental charges.** The governing body of any municipality providing automobile parking facilities under this section may make such other provisions for their operation and management as it may deem necessary, *and it may lease and rent all or any off-street facilities to persons, firms or corporations to be used for purposes of automobile parking and fix the rentals to be charged therefor, and when so leased to regulate the rates and charges to be exacted for the services so provided, and which lease shall prohibit the sale or offer for sale by the lessee of any merchandise or supplies, including gasoline or oil, or the cleaning, repair or furnishing of services other than parking and delivery of automobiles. Such lease may require the lessee to make improvements to become the property of the municipality upon expiration or termination of the lease. The governing body may, in the alternative, employ any person, firm or corporation as operating manager and agent for the municipality to operate and maintain any such facility or facilities in behalf of the municipality under a contract defining the terms of such employment.*

Subd. 5. Licenses. In event of establishment of parking facilities at or near the municipality's boundaries, the governing body may provide and regulate by licensing or by its own operations, transportation between the same and business centers.

Subd. 6. Powers, how exercised. Except as otherwise specified in this section, any and all powers granted or confirmed by this section may be exercised by the governing body by ordinance or resolution. Any municipal action regulating or prohibiting parking or traffic on streets, alleys or other public highways, or which establishes rates, fees, charges or taxes for on-street parking, or penalties for violation of such regulations or prohibitions, shall be by ordinance. Any such ordinance may provide that the presence of a vehicle in or upon any public street, alley or highway in the municipality, stopped, standing or parked in violation of such ordinance, shall be prima facie evidence that the person in whose name such vehicle is registered as owner committed or authorized the commission of such violation.

Subd. 7. Special assessments, hearing. Before any special assessments may be levied for the purposes herein authorized, the governing body shall hold a public hearing following publication, once each week for two successive weeks in a newspaper of general circulation in the municipality, of a notice describing the general nature and location of the facilities contemplated to be made and defining the boundaries of one or more districts believed benefited thereby and proposed to be assessed therefor, and stating the time and place of the hearing. At such hearing or at any adjournment thereof, all parties interested in said project or liable to be assessed therefor shall be given the opportunity to be heard, and at the conclusion thereof the governing body, if it determines to proceed, shall by resolution establish the boundaries of the district or districts benefited and to be assessed. The resolution may reduce, but not increase, the extent of the projected facilities and the area to be assessed as stated in the notice, and may not change the general nature of the project except to reduce it. When the cost of the facility has been determined or can with reasonable accuracy be estimated, the governing body may cause all or any part of such cost to be assessed upon the real property in the district or districts so determined to be benefited, and to be divided and spread against each lot, piece or parcel of land therein upon the basis of benefits thereto and without regard to valuation, frontage or area, but taking into consideration the improvements thereon and the present and potential use of the respective lots, pieces or parcels during

the anticipated period of usefulness of the facility providing the benefits. A proposed assessment roll showing such lots, pieces, or parcels and the proposed assessment on each shall be filed in the office of the municipal clerk, or similar officer, and thereupon the governing body shall order a hearing on the proposed assessment and shall cause notice of such filing and of such hearing to be published once each week for two successive weeks in a newspaper of general circulation in the municipality. At or after such hearing the governing body may correct errors or otherwise amend the proposed assessments to make the same fair and equitable, and may thereupon adopt it as the final assessment. The governing body shall by ordinance or resolution fix the due date or dates for payment of assessments so levied, the interest rate to be paid on deferred installments, and the time and manner in which the assessments and installments shall be collected by the officers of the municipality or of the county in which it is located. Upon notice and hearing as above provided for the original assessment, the governing body may make supplemental assessments to correct omissions, errors or mistakes. If an assessment is for any reason set aside by a court of competent jurisdiction as to any lot, piece or parcel of land, the governing body may upon like notice and hearing make a new assessment or a re-assessment as to such lot, piece or parcel. Within twenty days after the adoption of the assessment, any person aggrieved may appeal to the District Court by serving a notice upon the mayor or clerk of the municipality. The notice shall be filed with the clerk of the District Court within ten days after its service. The municipal clerk shall furnish a certified copy of objections filed in the assessment proceedings, the assessment roll or part complained of, and all papers necessary to present the appeal. The appeal shall be placed upon the calendar of the next general term commencing more than five days after the date of serving the notice, and shall be tried as other appeals in like cases. If the appellant does not prevail upon the appeal, the costs incurred shall be taxed by the court and judgment entered therefor. All objections to an assessment shall be deemed waived unless presented on such appeal.

Approved April 23, 1953.

CHAPTER 676—H. F. No. 1286

[Coded]

An act providing that the state shall pay the premiums for liability insurance for state employees operating state owned motor vehicles.