

articles, such amendment in order to be adopted must receive the vote which was required to authorize such particular type of corporate action prior to such amendment.

Approved March 29, 1973.

CHAPTER 48—H.F.No.227

An act relating to towns; authorizing certain towns to have and possess certain powers; amending Minnesota Statutes 1971, Section 368.01.

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

Section 1. Minnesota Statutes 1971, Section 368.01, is amended to read:

368.01 TOWNS; POWERS OF CERTAIN METROPOLITAN AREA TOWNS. 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 same power and the same authority now possessed by villages in this state under the laws of this state insofar as such powers are enumerated in section 412.221, subdivisions 3, 6, 8, 9, 11, 14, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 28, and 32, also the powers enumerated in sections 412.111, 412.191, subdivision 4, 412.231, 412.301, 412.491, 412.851, 412.871, 465.01 and 471.62 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.

Subd. 2. BUILDINGS. The town board of supervisors shall have power to construct or acquire structures needed for town purposes, to control, protect, and insure the public buildings, property, and records.

Subd. 3. STREETS; SEWERS; SIDEWALKS; PUBLIC GROUNDS. The town board of supervisors shall have power to lay out, open, change, widen or extend streets, alleys, parks, squares, and other public ways and grounds and to grade, pave, repair, control, and maintain the same; to establish and maintain drains, canals, and sewers; to alter, widen or straighten water courses; to lay, repair, or otherwise improve or discontinue sidewalks, paths

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and crosswalks. It shall have power by ordinance to regulate the use of streets and other public grounds, to prevent encumbrances or obstructions, and to require the owners or occupants of buildings and the owners of vacant lots to remove any snow, ice, dirt, or rubbish from the sidewalks adjacent thereto and in default thereof to cause such encumbrances, obstructions, or substances to be removed and the cost to be assessed against the property as a special assessment.

Subd. 4. PARKS; TREES. The town board of supervisors shall have power to provide for, and by ordinance regulate, the setting out and protection of trees, shrubs, and flowers in the town or upon its property.

Subd. 5. CEMETERIES. The town board of supervisors shall have power to acquire by purchase, gift, devise, condemnation or otherwise, hold and manage cemetery grounds, to enclose, lay out and ornament such grounds and sell and convey lots therein. It may by ordinance regulate cemeteries and the disposal of dead bodies.

Subd. 6. WATERWORKS. The town board of supervisors shall have power to provide and by ordinance regulate the use of wells, cisterns, reservoirs, waterworks and other means of water supply.

Subd. 7. TOURIST CAMPS; PARKING FACILITIES. The town board of supervisors shall have power to acquire, improve and operate, and by ordinance regulate tourist camps and automobile parking facilities.

Subd. 8. HOSPITALS. The town board of supervisors shall have power to provide hospitals. The town board of any town operating a municipal hospital may by ordinance establish a hospital board with such powers and duties of hospital management and operation as the town board confers upon it; and the town board may, by vote of all its members, abolish any hospital board so established. The hospital board shall consist of five members, each appointed by the town board for a term of five years. Terms of the first members shall be so arranged that the term of one member expires each year. Any vacancy shall be filled for the unexpired portion of the term in which it occurs. Any member may be removed by the town board for cause after a hearing.

Subd. 9. FIRE PREVENTION. The town board of supervisors shall have power to establish a fire department, appoint its officers and members and prescribe their duties, and provide fire apparatus. It shall have power to adopt such ordinances as are reasonable and expedient to prevent, control or extinguish fires.

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Subd. 10. NAMING AND NUMBERING STREETS. The town board of supervisors shall have power by ordinance to name or rename the streets and public places of the town and to number or renumber the lots and blocks of the town, or any part thereof. It may make and record a consolidated plat of the town.

Subd. 11. TRANSIENT DEALERS. The town board of supervisors shall have power by ordinance to restrain or license and regulate auctioneers, transient merchants and dealers, hawkers, peddlers, solicitors, and canvassers.

Subd. 12. TAXICABS; BAGGAGE WAGONS. The town board of supervisors shall have power by ordinance to license and regulate baggage wagons, draymen, taxicabs, and automobile rental agencies and liveries.

Subd. 13. ANIMALS. The town board of supervisors shall have power by ordinance to regulate the keeping of animals, to restrain their running at large, to authorize their impounding and sale or summary destruction, and to establish pounds, and to license and regulate riding academies.

Subd. 14. HEALTH. The town board of supervisors shall have power by ordinance to prohibit or regulate slaughterhouses; to prevent the bringing, depositing, or leaving within the town of any unwholesome substance, to require the owners or occupants of lands to remove unwholesome substances therefrom and in default thereof to provide for its removal at the expense of the owner or occupant, which expense shall be a lien upon the property and may be collected as a special assessment; to provide for or regulate the disposal of sewage, garbage, and other refuse, to provide for the cleaning of, and removal of obstructions from, any waters in the town and to prevent their obstruction or pollution. The town board may establish a board of health with all the powers of such boards under the general laws.

Subd. 15. NUISANCES. The town board of supervisors shall have power by ordinance to define nuisances and provide for their prevention or abatement.

Subd. 16. AMUSEMENTS. The town board of supervisors shall have power by ordinance to prevent or license and regulate the exhibition of circuses, theatrical performances, amusements, or shows of any kind, and the keeping of billiard tables and bowling alleys, to prohibit gambling and gambling devices, and to license, regulate or prohibit devices commonly used for gambling purposes.

Subd. 17. VICE. The town board of supervisors shall have power by ordinance to restrain and punish vagrants, prostitutes, and persons guilty of lewd conduct and to punish drunkenness.

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Subd. 18. REGULATION OF BUILDINGS. The town board of supervisors shall have power by ordinance to regulate the construction of buildings.

Subd. 19. GENERAL WELFARE. The town board of supervisors shall have power to provide for the government and good order of the town, the suppression of vice and immorality, the prevention of crime, the protection of public and private property, the benefit of residence, trade, and commerce, and the promotion of health, safety, order, convenience, and the general welfare by such ordinances not inconsistent with the constitution and laws of the United States or of this state as it shall deem expedient.

Subd. 20. DEPARTMENTS; BOARDS. The town board of supervisors may create such departments and advisory boards and appoint such officers, employees, and agents for the town as may be deemed necessary for the proper management and operation of town affairs. The town board may prescribe the duties and fix the compensation of all officers, both appointive and elective, employees, and agents, when not otherwise prescribed by law. The town board may require any officer or employee to furnish a bond conditioned for the faithful exercise of his duties and the proper application of, and payment upon demand of, all moneys by him officially received. Unless otherwise prescribed by law the amount of such bonds shall be fixed by the town board. The bonds furnished by the clerk, treasurer, and justices of the peace shall be corporate surety bonds. The town board may provide for the payment from town funds of the premium on the official bond of the justices of the peace and any officer or employee of the town. The town board may, except as otherwise provided, remove any appointive officer or employee when in its judgment the public welfare will be promoted by the removal; but this provision does not modify the laws relating to veterans preference or to members of a town police or fire civil service commission or public utilities commission.

Subd. 21. ENACTMENT OF ORDINANCES. Every ordinance shall be enacted by a majority vote of all the members of the town board except where a larger number is required by law. It shall be signed by the chairman of the town board, attested by the clerk and published once in the official newspaper. Proof of the publication shall be attached to and filed with the ordinance. Every ordinance shall be recorded in the ordinance book within 20 days after its publication. All ordinances shall be suitably entitled and shall be substantially in the style: "The Town Board of Supervisors ordains:".

Subd. 22. PENALTIES. The town board of supervisors shall have the power to declare that the violation of any ordinance shall be a penal offense and to prescribe penalties therefor. No such

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penalty shall exceed a fine of \$300 or imprisonment in a village or county jail for a period of 90 days, or both, but in either case the costs of prosecution may be added.

Subd. 23. FINANCING PURCHASE OF CERTAIN EQUIPMENT. The town board of supervisors may issue certificates of indebtedness within existing debt limits for the purpose of purchasing fire or police equipment or ambulance equipment or street construction or maintenance equipment. Such certificates shall be payable in not more than five years and shall be issued on such terms and in such manner as the board may determine. If the amount of the certificates to be issued to finance any such purchase exceeds one percent of the assessed valuation of the town, excluding money and credits, they shall not be issued for at least ten days after publication in the official newspaper of a town board resolution determining to issue them; and if before the end of that time, a petition asking for an election on the proposition signed by voters equal to ten percent of the number of voters at the last regular town election is filed with the clerk, such certificates shall not be issued until the proposition of their issuance has been approved by a majority of the votes cast on the question at a regular or special election. A tax levy shall be made for the payment of the principal and interest on such certificates as in the case of bonds.

Subd. 24. PARKS; PARKWAYS; RECREATIONAL FACILITIES. Any town may establish, improve, ornament, maintain and manage parks, parkways, and recreational facilities and by ordinance protect and regulate their use.

Subd. 25. VACATION OF STREETS. The board of supervisors may by resolution vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting on the street, alley, public grounds, public way, or part thereof to be vacated. When there has been no petition, the resolution may be adopted only by a vote of four-fifths of all members of the board of supervisors. No such vacation shall be made unless it appears in the interest of the public to do so after a hearing preceded by two weeks' published and posted notice. After a resolution of vacation is adopted, the clerk shall prepare and present to the proper county officers a notice of completion of the proceedings in accordance with section 117.19.

Subd. 26. FINES AND PENALTIES. All fines, forfeitures, and penalties recovered for the violation of any ordinance shall be paid into the town treasury. Every court or officer receiving such moneys, shall make return thereof under oath on or before the tenth day after the last day of the month during which the moneys were received and be entitled to duplicate receipts for the amounts paid. One of the receipts shall be filed with the town clerk.

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Subd. 27. RIGHT OF EMINENT DOMAIN. All towns possessing special powers under this section may exercise the right of eminent domain for the purpose of acquiring private property within or without the limits thereof for any purpose for which it is authorized by law to take or hold the same by purchase or gift and may exercise the right of eminent domain for the purpose of acquiring a right of way for sewerage or drainage purposes and an outlet for sewerage or drainage within or without the limits thereof. The procedure in the event of condemnation shall be that prescribed by chapter 117.

Subd. 28. ADDITIONAL POWERS. All towns possessing special powers under this section shall have the same power and authority as now possessed by villages as enumerated in section 471.62.

Subd. 29. SAVINGS CLAUSE. This section shall not be construed to repeal or rescind the powers of any town provided for by other law.

Subd. 30. NOTICE TO COUNTY AUDITOR. 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 town is located. The written notice shall be filed by the county auditor as a public record.

Approved March 29, 1973.

CHAPTER 49—H.F.No.271

An act relating to towns; legal counsel; increasing allowable fees for legal services; amending Minnesota Statutes 1971, Section 368.121.

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

Section 1. Minnesota Statutes 1971, Section 368.121, is amended to read:

368.121 TOWNS; EMPLOYMENT OF ATTORNEY; FEES.
~~Notwithstanding any other provision of law or statute to the contrary,~~ The board of supervisors in any town may employ an attorney and pay up to ~~\$200~~ \$1,000 in attorney's fees annually

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