

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

Section 1. **School districts; insufficient funds to pay orders.** Minnesota Statutes 1961, Section 123.13, Subdivision 4, is amended to read:

Subd. 4. In the event that valid ~~warrants~~ *orders* are presented to the treasurer for payment, and he has insufficient funds on hand to pay them, he shall receive, endorse and process them in accordance with section 124.06.

Sec. 2. Minnesota Statutes 1961, Section 124.06, is amended to read:

124.06 **Insufficient funds to pay orders.** In the event that a district has insufficient funds to pay its usual lawful current obligations, subject to Minnesota Statutes, Section 471.69, the board may enter into agreements with banks or any person to take its orders at any rate of interest not to exceed five percent per annum. Any order drawn after having been presented to the treasurer for payment and not paid for want of funds shall be endorsed by the treasurer by putting on the back thereof the words "not paid for want of funds," giving the date of endorsement and signed by the treasurer. A record of such presentment, nonpayment and endorsement shall be made by the treasurer. Every such ~~warrant~~ *order* shall bear interest at the rate of five percent per annum from the date of such presentment. The treasurer shall serve a written notice upon the payee or his assignee, personally, or by mail, when he is prepared to pay such ~~warrants~~ *orders*; such notice may be directed to the payee or his assignee at the address given in writing by such payee or assignee to such treasurer, at any time prior to the service of such notice. No ~~warrant~~ *order* shall draw any interest if such address is not given when the same is unknown to the treasurer, and no ~~warrant~~ *order* shall draw any interest after the service of such notice.

Approved March 8, 1965.

CHAPTER 70—S. F. No. 547

[Not Coded]

An act authorizing the city of Fairmont to designate, regulate, maintain, and improve streets in the central business district as a mall for primarily pedestrian use and to levy special assessments and taxes and issue bonds for this purpose.

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

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

Section 1. Fairmont, city of; pedestrian mall. Subdivision 1. The city of Fairmont in Martin county may, by ordinance adopted by its council in accordance with the city charter and this section, designate one or more streets within its central business district as a mall for primarily pedestrian use and may thereafter establish, regulate, maintain, and improve the mall for such use and may levy special assessments and taxes and issue bonds for those purposes.

Subd. 2. The pedestrian mall ordinance may be adopted if the council determines upon hearing as provided in this section, and recites in the ordinance, that (a) increases in population and automobile usage have created conditions of traffic congestion in the central business district during part or all of normal business hours; (b) continued unlimited use of the designated street or streets may constitute a hazard to the safety of pedestrians and impede necessary movement of police and fire equipment, ambulances, and other emergency vehicles; (c) the designated streets are improved to their maximum width for sidewalk and roadway purposes and cannot be further widened without taking buildings and improvements of pedestrians using the facilities of the central business district; (d) limitation of the use of such streets by vehicles will be in the interest of the city and of benefit to adjoining properties, and is essential to the effective use of such streets for other street purposes, and pedestrian use is the highest and best use of such streets; (e) reasonably convenient alternate routes exist for vehicles going through the central business district to other parts of the city and state; and (f) properties abutting on the streets designated can reasonably and adequately receive and deliver merchandise and materials from other streets and alleys, or by reason of provision to be made for limited use of the streets by carriers of merchandise and materials. The ordinance shall specify the street or streets to be included within the mall and shall state that the council intends to begin proceedings to finance the cost of establishing the mall by special assessments as provided in subdivision 3 of this section.

Subd. 3. At any time after the adoption of a pedestrian mall ordinance the council may on its own motion begin proceedings to specially assess all or any portion of the cost of establishing or improving the pedestrian mall upon property benefited by the improvement whether or not the improvement abuts on the improvement. All proceedings for making and financing such improvements shall be governed by Minnesota Statutes, Chapter 429, in the same manner and to the same extent as if a pedestrian mall and improve-

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

ments thereto, as defined by this act, were specifically designated as authorized improvements in Minnesota Statutes, Section 429.021.

Sec. 2. Subdivision 1. Regulations for the use of the mall may be established and amended by ordinance. All regulations shall conform to the provisions of this section.

Subd. 2. If any property abutting upon such street or part thereof does not at the time such ordinance is adopted, have access to some other street or alley for delivery of or receiving merchandise and materials, the council shall provide in the ordinance for the issuance of a permit or permits to the owners or occupants of such property for the use of such street or part thereof for deliveries, or otherwise in the ordinance provide for deliveries, during such hours and days, which need not be ordinary business hours or days, as the council shall find to be reasonably adequate for such purposes and not to interfere with the use of the street or part thereof by pedestrians and other authorized vehicles.

Subd. 3. The council may permit the mall to be used for any purpose or activity which will enhance the freedom of movement, safety, convenience, or enjoyment of pedestrians, including, but not limited to, seating, sidewalk cafes, displays of merchandise, exhibits, advertising, telephones, transit, transit stops and shelters, newsstands, plantings, ornaments, protection from the elements, emergency vehicles, and police and fire equipment.

Subd. 4. The council may adopt a plan prepared by city officers or consultants employed for the purpose, providing for the location and distribution within the mall of furniture, sculpture, pedestrian traffic control devices, trees, flowers, lighting or heating facilities, and any other equipment or properties placed or installed in the mall, whether owned by the city or others, and may license and regulate the operation and maintenance thereof.

Subd. 5. Any furniture, structure, facility, or use located or permitted pursuant to such a plan shall not, by reason of such location or use, be deemed a nuisance or unlawful obstruction or condition, and neither the city nor any user acting under permit shall be liable for any injury to person or property unless such furniture, structure, facility, or use shall be negligently constructed, maintained, or operated.

Sec. 3. A mall established pursuant to this act may continue to be maintained and the cost of such maintenance paid by all means permitted for streets, sidewalks and public ways under the city charter or under Minnesota Statutes, Section 429.101.

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

Sec. 4. The mall may be improved, at the time of or after its adaptation from regular street use, and the cost of such improvements may be financed in the manner provided in section 1, subdivision 3 of this act. A mall improvement may provide for and include space for seating, cafe tables, shelters, trees, flower plantings, sculptures, newsstands, telephone booths, traffic signs, kiosks, fire hydrants, street lighting, ornamental signs, ornamental lights, trash receptacles, display cases, marquees, awnings, canopies, overhead or underground radiant heating devices, walls, barriers, and all such other fixtures, equipment, facilities, and appurtenances as will in the council's judgment enhance the free movement, safety, convenience, and enjoyment of pedestrians and benefit the adjoining properties and the central business district and the city. Sidewalks may be constructed of concrete, bricks, asphalt tiles, blocks, granite sets, or such other materials or combinations of materials as the council may approve. The council may in its discretion narrow any roadway to be kept and maintained in the mall, may cause any street vaults to be reconstructed or removed, may construct crosswalks at any point within or at the ends of blocks, and may cause any roadway to curve and meander within the limits of the street, if deemed desirable to enhance the usefulness or appearance of the mall, regardless of any non-uniformity of street widths or any curve or absence of curve in the center line of the street.

Sec. 5. Notwithstanding the establishment of a mall or the improvement of any street or any portion of a street as a part of such mall, or any limitation of the use thereof by private vehicles, the city council shall retain its police powers and other powers and rights pertaining to such street, and no such action shall be interpreted as a vacation, in whole or in part, of any portion of a city street. It is the intent of this act that the establishment of a mall is a matter of regulation only. Nothing herein shall prevent council, at any time, from abandoning the maintenance and regulation of a mall, or from reducing its extent, or from changing or repealing any limitations upon its use, or any plan, rules, or regulations governing such use. A street may be eliminated from or added to the mall by amendment of the pedestrian mall ordinance.

Sec. 6. This act is effective upon its approval by the members of the council of the city of Fairmont, and upon compliance with Minnesota Statutes, Section 645.021.

Approved March 8, 1965.

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