

Subd. 7. **Deer; hunting with bow; arrowheads.** It shall be unlawful to hunt deer during the bow and arrow season while in possession of, or having under control, any firearm, or with any bow drawn, held, or released by a mechanical device, or to hunt deer with any poisoned arrow or arrow with explosive tip. Arrow heads for big game hunting must be made of all steel barbless design, the blade or blades of hiearbon steel not less than one inch wide for single two edge blade and not less than three inch circumference for three or more blades, minimum weight of all types of 110 grain. *Provided, that arrow heads with blades of mill tempered spring steel containing a plastic core or ferrule, conforming to the above dimensions, and with a minimum weight of 90 grain may be used.* All arrow heads used for big game hunting shall be kept sharp.

Approved May 18, 1965.

CHAPTER 450—H. F. No. 1542

[Not Coded]

An act relating to the town of Cottage Grove in Washington county, enabling the conversion thereof to a village.

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

Section 1. **Cottage Grove, town of (Washington county); conversion to village.** Subdivision 1. Within seven days after receiving copies of the certificate of approval of this chapter provided for in Minnesota Statutes, Section 645.021, the Minnesota Municipal Commission shall issue its order approving the town of Cottage Grove in Washington county for incorporation as a village.

Subd. 2. Said order shall further provide for an election, and the conduct thereof shall be as near as practical in accordance with Minnesota Statutes, Section 414.02, except as may be herein otherwise provided.

Subd. 3. In addition to the question of incorporation, the following question shall be submitted to the voters at such election: "Shall Optional Plan A, modifying the standard plan of village government by providing for the appointment by the council of the clerk and treasurer, be adopted for the government of the village?"

Subd. 4. If a majority vote for incorporation, the village of Cottage Grove shall become effective as of the date of completing the filings required by Minnesota Statutes, Section 414.02, Subdivi-

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sion 4. The validity of the creation of the village shall not be questioned directly or indirectly in any proceeding or action otherwise than by a contest instituted within ten days after completion of such filings, and in the manner prescribed by Minnesota Statutes, Chapter 209, and acts amendatory thereof. Service of the notice of contest shall be made on the clerk of the town of Cottage Grove.

Subd. 5. If the question of incorporation shall fail, the costs of the election shall be paid by the town of Cottage Grove. If the question shall carry, the costs shall be paid by the new village.

Sec. 2. Subdivision 1. The initial election of officers of the village shall be held on the seventh Tuesday following the effective date of incorporation.

Subd. 2. The clerk of the town of Cottage Grove shall post and publish notice of said election the same as for the incorporation election. The election judges for said election shall be the same as for the incorporation election. If any judge fails to qualify, the remaining judges shall appoint a substitute.

Subd. 3. Affidavits of candidacy for such election shall be filed with said clerk, but shall otherwise be as provided by law for regular village elections.

Subd. 4. Officers shall be elected at said election for terms as follows:

OFFICER	For a Term Ending on the First Business day of January in:
Mayor	1968
Clerk (if Plan A is not adopted)	1967
Treasurer (if Plan A is not adopted)	1968
Three trustees (if Plan A is not adopted)	One term in 1967 One term in 1968 One term in 1969
Four trustees (if Plan A is adopted)	One term in 1967 One term in 1968 Two term in 1969
Two constables	One term in 1967 One term in 1968
Two justices of the peace	One term in 1967 One term in 1968

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No candidate for trustee, constable, or justice of the peace shall run for a particular term, but the number of years of the term of each candidate who is elected shall be determined by his relative standing among the candidates for the office, the longest term going to the candidate receiving the highest number of votes. The officers who have been elected shall qualify within ten days after the election. The judges shall give to each official elected a certificate of his election, and each official, after qualifying according to law, shall forthwith assume his official duties.

Sec. 3. Subdivision 1. Notwithstanding incorporation of the new village, the town board and other officers of the town shall continue to exercise their powers and duties according to applicable town laws until the election and qualification of all new village officers.

Subd. 2. The new village council may continue or discontinue the employment of any person formerly employed by the town, subject only to existing contracts and agreements.

Subd. 3. The new village council may continue or discontinue any commissions or committees which may then exist in the town.

Sec. 4. Subdivision 1. All assets and liabilities of the town, including any rights, claims, or choses in action held by or against the town, shall become the assets and liabilities of the new village.

Subd. 2. All ordinances, rules, regulations, and resolutions of the town shall remain in full force and effect until repealed or superseded by new village ordinances, rules, regulations, or resolutions, as the case may be.

Sec. 5. The population of the new village for all purposes shall be as determined in 1965 by actual census taken, or in the alternative as estimated by the metropolitan planning commission, in the event no actual census is conducted.

Sec. 6. Subdivision 1. The village shall by ordinance divide its area into an urban service district and a rural service district, constituting separate taxing districts for the purpose of all municipal property taxes except those levied for the payment of bonds and judgments and interest thereon.

Subd. 2. The rural service district shall include only such unplatted lands as in the judgment of the governing body at the time of the adoption of the ordinance are rural in character, and are not developed for commercial, industrial, or urban residential purposes, and for these reasons are not benefited to the same degree as other lands by municipal services financed by general taxation. The

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rural service district may include lands which are not contiguous to one another. The ordinance may designate lands outside the village which, if annexed, shall be included within the rural service district. The urban service district shall include all lands within the boundaries of the village which are not included in the rural service district. The ordinance shall determine the approximate ratio which in the judgment of the governing body exists between the benefits resulting from tax-supported municipal service to parcels of land of like full and true value, situated in the rural service district and in the urban service district, respectively. By amendment of the ordinance this benefit ratio may be changed, and lands may be added to or removed from the rural service district; but no amendment shall be required to remove lands by the procedure provided in subdivision 5.

Subd. 3. Every such ordinance or amendment, before adoption thereof, shall be published in the official newspaper of the village, with notice of the time and place of a hearing thereon which shall be held by the governing body not less than 30 days after the publication. At the hearing, which may be adjourned from time to time by public announcement to those present, the governing body shall give reasonable hearing and consideration to all objections to and comments on the ordinance or amendment, made by or on behalf of any resident or taxpayer of the village or of any outside area described in the ordinance or amendment whether presented orally or by written communication to the municipal clerk. Objections may be addressed to the establishment or extension of the rural service district as a whole, or to the inclusion or exclusion of any specified lands, or to the benefit ratio proposed to be established by the ordinance. They may be based on the character of the lands included or excluded or on the relative nature and extent of tax-supported municipal service and benefit to lands of rural and urban character.

Subd. 4. At or after the hearing the governing body shall modify the ordinance in any respect and to any extent which it considers equitable, and shall cause it to be published in the form in which it is finally adopted, and a copy mailed to each person entitled to appear at the hearing who has requested a copy at the hearing or by written notice to the clerk. Within 30 days after the publication of the ordinance or amendment, any person entitled to appear at the hearing may appeal to the district court by serving a notice upon the clerk of the village, stating the grounds for such appeal, specifying the provisions of the ordinance or amendment which are claimed to be unreasonable, and alleging the facts on the basis of which such claim is made. The notice shall be filed with the clerk of the district court within ten days after its service. It may be filed by the appellant not only for himself but also on behalf of all others of the class to which the appellant belongs, as described in the notice of appeal.

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The clerk of the village shall furnish to the appellant certified copies of all proceedings and records in his custody which are reasonably required to present the appeal. The appeal shall be placed upon the calendar of the next general term commencing more than ten days after the date of serving the notice and shall be tried in accordance with the provisions of the district court rules of civil procedure. 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 the ordinance or amendment shall be deemed waived unless presented on such appeal; except that any person having any estate, right, title, or interest in or lien upon any parcel of land, who claims that any provision of the ordinance is unreasonable and that, by reason of such provision, any tax upon such parcel exceeds the amount which would be taxable thereon but for such provision, may have the validity of his claim determined by the district court in the manner provided in Minnesota Statutes, Chapter 278, if he alleges and proves to the satisfaction of the court that he had no actual notice of the hearing held thereon pursuant to this section, and his rights were not adequately protected as a member of any class of persons for whom an appeal was taken pursuant to this section.

Subd. 5. Whenever any parcel of land, owned by one person or by two or more persons jointly or in common at the time of its inclusion in the rural service district, is platted, in whole or in part, and application is made for a permit for the construction of a commercial, industrial, or urban residential development or improvement to be situated on such parcel or any part thereof, the board or officer approving such plat or building permit shall report the application to the governing body, which shall make and enter an order transferring such parcel from the rural service district to the urban service district.

Subd. 6. A certified copy of every ordinance, amendment, and order adopted or entered pursuant to this section shall be filed with the county auditor before it becomes effective. The amount of taxes levied each year by the village shall be certified to the county auditor in the manner now or hereafter provided by law. Taxes levied for payment of bonds and judgments and interest thereon shall continue to be spread upon all taxable property within the boundaries of the village in proportion to the assessed valuation thereof. The remaining amount of the taxes levied each year shall be allocated by the county auditor to the urban service district and the rural service district in amounts proportionate to the current benefit ratio times the current ratio between the full and true values of all taxable property within the urban service district and all taxable property within the rural service district. Within each district, the amounts so

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allocated shall be spread upon all taxable property in proportion to the assessed valuation thereof.

Subd. 7. This section does not affect the classification of individual parcels of land for purposes of taxation under the provisions of Minnesota Statutes, Section 273.13. No law limiting the incurring of indebtedness or the levy of taxes by the village by reference to its population or the valuations of taxable property therein is amended by this section in its application to the village.

Subd. 8. This section shall apply to taxes levied in 1966 and payable in 1967, and thereafter.

Sec. 7. If any provision of this act or its application to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 8. This act shall become effective when approved by resolution adopted by a majority of the members of the board of supervisors of the town of Cottage Grove, and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 18, 1965.

CHAPTER 451—S. F. No. 1070

[Not Coded]

An act relating to the towns of Beatty, Owens, and Field, and to the village of Cook in St. Louis county; authorizing the establishment of a joint cemetery commission; providing for tax levies.

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

Section 1. **Cook, village of; village-town cemetery.** The towns of Beatty, Owens, and Field, and the village of Cook in St. Louis county are hereby authorized to establish by vote of each of their respective governing bodies a joint cemetery commission, to be composed of two members for each participating municipality appointed by the governing bodies of the participating municipalities for a period of three years with the power in each participating municipality to stagger the length of office of the commission members so that the first commission members may serve less than three years during their first term of office.

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