

dealer's true name or properly filed commercial assumed name as provided in Minnesota Statutes, chapter 333, is included, a classified advertisement in a print medium must also include the dealer's license number.

Presented to the governor May 20, 2003

Signed by the governor May 23, 2003, 3:45 p.m.

CHAPTER 95—S.F.No. 484

An act relating to counties; authorizing counties to require the dedication of land for public parks; providing certain terms and conditions for the dedication; amending Minnesota Statutes 2002, section 394.25, subdivision 7.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2002, section 394.25, subdivision 7, is amended to read:

Subd. 7. **SPECIFIC CONTROLS; OTHER SUBJECTS.** (a) Specific controls pertaining to other subjects incorporated in the comprehensive plan or establishing standards and procedures to be employed in land development including, but not limited to, subdividing of land and the approval of land plats and the preservation and dedication of streets and land for other public purposes and the general design of physical improvement.

(b) The controls may require that a portion of any proposed subdivision be dedicated to the public or preserved for public use as parks, recreational facilities, playgrounds, trails, wetlands, or open space. The requirement must be imposed by ordinance.

(c) If a county adopts the ordinance required by paragraph (b), the county must adopt a capital improvement program and adopt a parks and open space plan or have a parks, trails, and open space component in its comprehensive plan subject to the terms and conditions in this paragraph and in paragraphs (d) through (o).

(d) The county may choose to accept a per lot cash fee as set by ordinance from the applicant for some or all of the new lots created in the subdivision.

(e) In establishing the portion to be dedicated or preserved or the per lot cash fee, the controls must consider the open space, park, recreational, or common areas and facilities that the applicant proposes to reserve for the subdivision.

(f) The county must reasonably determine that it will need to acquire that portion of land for the purposes stated in this subdivision as a result of approval of the subdivision.

(g) The fees or dedication must be fair, reasonable, and proportionate to the need created.

New language is indicated by underline, deletions by ~~strikeout~~.

(h) Any cash payments received must be placed by the county in a special fund to be used only for the purposes for which the money was obtained.

(i) Any cash payments received must be used only for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space. Cash payments must not be used for ongoing operation, maintenance, or redevelopment of parks, recreational facilities, playgrounds, trails, wetlands, or open space.

(j) The county must not deny the approval of a subdivision based on an inadequate supply of parks, open spaces, trails, or recreational areas within the county.

(k) The county must not condition the approval of any proposed subdivision or development on an agreement to waive the right to challenge the validity of a fee or dedication.

(l) The county must use at least 75 percent of the funds collected under this subdivision according to the plan required in paragraph (c) in the township or city where the collection of funds occurs. However, the township board or city council may agree to allow the county to use these funds outside of the township or city in a manner consistent with the county parks, trails, and open space capital improvement plan or the county parks and open space component in its comprehensive plan. The remainder of the funds may be used by the county only for parks and trails connectivity and accessibility purposes. The county must annually report to cities and townships on where funds were collected and where funds were expended in the past year.

(m) Previously subdivided property from which a park dedication has been received, being resubdivided with the same number of lots, is exempt from park dedication requirements. If, as a result of resubdividing the property, the number of lots is increased, then the park dedication or per lot cash fee must apply only to the net increase of lots.

(n) A county must not require a dedication of a portion of a proposed subdivision or a payment in lieu of dedication in a town or city that has adopted a requirement to dedicate or a payment in place of dedication as a provision of the town or city's subdivision regulations under section 462.358, subdivision 2b, or chapter 366.

(o) A county may negotiate an agreement with a town or city to share the revenue generated by dedicating a portion of a proposed subdivision or a payment in place of dedication.

Presented to the governor May 23, 2003

Signed by the governor May 27, 2003, 1:56 p.m.

CHAPTER 96—S.F.No. 1158

An act relating to public safety; modifying provisions relating to DWI breath-testing

New language is indicated by underline, deletions by ~~strikeout~~.