

CHAPTER 282—S. F. No. 1157

An act providing for the definition and construction of certain terms and provisions of Chapter 137, General Laws 1917, as amended by Chapter 517, General Laws 1919, relating to the so-called housing act for cities of the first class and providing for the method of serving orders and appealing therefrom, the hearing of such appeals and prohibiting and fixing liability for certain acts before the determination of such appeal.

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

Section 1. Definitions.—In all cities of the first class which have heretofore or may hereafter adopt by charter or ordinance "The Housing Act" as provided in Chapter 137, Session Laws of 1917, as amended by Chapter 517, Session Laws of 1919, which regulates the space which must be left between a building and the adjoining building or between a building and the boundary line of the lot or lots on which it stands, by the number of stories in such building. A basement is a story partly underground but having at least one half of its height above the curb level of the adjoining street and shall be counted as a story.

Sec. 2. Definitions—service of order.—In all such cities of the first class the term "issue an order" where same appears in said Housing Act to be issued by the commissioner of health, shall be construed to mean "serve an order in the manner provided for the service of a summons in a civil action in this state." The person upon whom any such order affecting real property shall be served shall be the owner of the real estate if known, or the agent of such owner when registered under the provisions of said Housing Act, or if the owner is not known and his identity cannot be determined the person whose name and address last appears upon a receipt for taxes paid upon such real estate in the office of the county auditor or county treasurer. No such order affecting real property shall be deemed to have been issued or served under the provisions of said Housing Act unless appended to such order is a notice to the owner that if he feels aggrieved thereby he shall appeal to the district court of the county in which the real estate is situated, within five days after the service of such order.

Sec. 3. Appeal to District Court.—Such owner may, within five days after the service of such order, appeal to the district court by the service of a notice so to do upon the commissioner of health or other chief health officer of said city and the filing of such notice with the clerk of the district court of the county where the real estate is situated.

Sec. 4. Court to try issues.—Upon such appeal the district court shall try de novo the entire question of whether or not the facts claimed by the commissioner and on which he seeks to base his order are true and whether or not such order constitutes a taking of said real estate or any right therein or part thereof without compensation and whether or not the changes or abatement ordered are reasonable in their nature and a reasonable time is allowed therefor and shall give judgment accordingly.

Sec. 5. Tenants not to be served.—Prior to the hearing and final determination of such appeal or the expiration of the time allowed therefor no order or notice shall be posted or served upon or delivered to the tenants of said real estate in any way and no other interference with the rights of the owner or lessees shall be allowed. Any person violating any of the provisions of this act shall be personally liable to the person injured or damaged thereby.

Sec. 6. Inconsistent acts repealed.—All laws or parts of laws and all charter provisions inconsistent herewith are hereby repealed.

Approved April 22, 1929.

CHAPTER 283—H. F. No. 66

An act relating to the apportionment and use of moneys accruing to the State Road and Bridge Fund from taxes imposed on the use of gasoline under authority of Section 5 of Article 9 of the constitution.

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

Section 1. Apportionment of gasoline tax funds.—All moneys accruing to the state road and bridge fund from taxes imposed on the use of gasoline under authority of Section 5 of Article 9 of the constitution shall be distributed and used in the manner and for the purposes hereinafter set forth.

Sec. 2. State Auditor, State Highway Commissioner to apportion funds.—On or before the first Tuesday in April of each year the commissioner of highways, the state treasurer and the state auditor shall estimate the probable sum of money that will accrue