

CHAPTER 210—H. F. No. 1324

An act authorizing the creation of and relating to the operations of county planning commissions in certain counties.

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

Section 1. Planning board authorized in certain counties.—There is hereby authorized to be created in any county of this state now or hereafter containing a city of the first class, the area of which city comprises at least 25 per cent of the total area of the county, a county planning commission of not less than four and not more than 20 members.

Sec. 2. Town board may appoint and remove members.—The town board of any town desiring to be represented on said county planning commission may appoint, and at its pleasure may remove, two members of said commission. The governing body of each city and village, other than the city of the first class, desiring to be represented on said commission may appoint, and at its pleasure may remove, two members of said commission. When appointments to said commission are first made, the appointing authority shall appoint one member for a two year term and another member for a four year term, after which all subsequent appointments shall be for a four year term. Members shall hold office until their duly appointed successors have qualified. Appointments to fill vacancies shall be for the unexpired portion of the term. The county auditor and the county surveyor shall be members of said commission. Certified copies of the minutes of the meetings of the appointing bodies at which appointments under this act are made shall be filed with the county auditor.

Sec. 3. Meetings—officers.—The commission shall meet within 30 days after its appointment and elect a chairman and other necessary officers from its membership. The commission may adopt rules and by-laws not inconsistent with the provisions of this act. A majority of the members of such commission shall constitute a quorum. Members of the commission shall serve without compensation.

Sec. 4. Duties—powers.—The county planning commission shall have power and authority, except as otherwise provided by law;

(a) to propose a general comprehensive plan or plans for the future physical development of the county or parts thereof outside of the limits of the city of the first class. Such plan or plans may include, among other things, the loca-

tion, character, and extent of state highways, thoroughfares, viaducts, subways, bridges, water front blockades, by-ways, playgrounds, squares, parks, aviation fields, public ways, public forests, wild life sanctuaries, botanical garden grounds, public buildings, public utilities, building lines, and restricted building districts of all buildings, public or private.

(b) to propose a plan or plans which will divide the county into zones or districts and limit and regulate the construction, height, bulk, location and use of buildings and other structures and premises and lot areas in such zones or districts.

(c) to propose a plan or plans concerning the marking of historical landmarks, and location of statuary and other works of art which are or may become the property of the county and the removal or relocation of any such work belonging to the county.

(d) to propose a part of a plan covering one or more of the towns, cities, other than the city of the first class, villages, sections or divisions of the county and may from time to time propose alterations, amendments, or additions to any plan or plans; to cooperate with other planning boards and commissions of the county in the execution of its powers and authority.

Sec. 5. Shall prepare plans when requested by town board.—Whenever requested by the town board and/or the governing body of any city or village, other than a city of the first class, the county planning commission shall, at the expense of the town and/or city or village making such request, prepare a plan or alteration, amendment, extension or addition of any existing plan for the future growth and development of such town and/or city or village. It shall submit said plan together with all maps, drawings, and recommendations of the commission to the town board and/or governing body of the city or village affected. Such town board and/or governing body shall give due notice of and shall hold at least one public hearing before accepting or rejecting such plan, which acceptance or rejection shall be made within 90 days of the date of its submission to the town board and/or governing body of the city or village.

Sec. 6. Plans shall be filed with register of deeds.—If said plan or any part thereof, or any amendment, extension or addition thereto, shall be adopted by the town board and/or governing body of such city or village, the same, or a true and correct copy thereof, shall be filed with the register of

deeds. In case of disapproval, the town board and/or the governing body of such city or village, shall communicate to the commission the reason or reasons therefor.

Sec. 7. Plans shall be binding upon all property.—After the adoption of the plan by any town, city or village as hereinafore provided, its provisions shall be binding upon all persons and all property in relation to all matters and things contained therein so far as it affects said town, city or village. No highway, thoroughfare, viaduct, subway, bridge, street, square, park, or other public way, and no public or private building or structure, or public utility, either publicly or privately owned, shall be constructed, altered or changed until the location, character, and extent thereof shall have been first submitted to the county planning commission for comparison with the said plan or plans, and shall have been approved by the commission. Provided, that in the case of disapproval, the commission shall communicate its reasons to the local governing body or bodies which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds of its members.

Sec. 8. Platting and re-platting.—All matters concerning or relating to the platting of new areas or replatting of existing areas; the vacation or rearrangement of boulevards, streets, or alleys; the routing or re-routing of street cars and other means of transportation; the assignment of traffic to particular arteries of travel; the location and development of parks, playgrounds, parkways, or other public spaces; the location and design of all public buildings, bridges, monuments, and street fixtures; the establishment of building lines; the establishment of restricted building districts; the disposition of lands owned by the city and no longer required for public purposes; the location and installation of traffic signals; the plans for additional street lighting; the installation of public utility projects; street naming; and all other matters relating to the planning or replanning of the county shall be referred to the commission for its consideration and recommendation at such times as the local governing body or bodies of the areas affected may direct.

Sec. 9. Tax levy for expenses.—The electors of any town and the governing body of any city or village, other than the city of the first class, are hereby authorized to vote and levy a sum of money not in excess of \$1,000 per annum for the purpose of defraying their proportionate expense of the administration of this act.

Sec. 10. **May grant additional powers.**—The town boards of all towns within said county and the governing bodies of the said cities and villages, other than the city of the first class, may grant to such planning commission such further and additional powers as may be necessary to carry out the purposes of this act.

Sec. 11. **Violation a misdemeanor—penalty.**—It is hereby declared unlawful for any person to violate any of the terms and provisions of this act or the provisions of any plan or plans proposed by the said county planning commission and accepted by the town board and/or city or village council. Violation thereof shall be a misdemeanor, punishable by a fine of not more than \$100.00 or imprisonment in the county jail for not more than 90 days. Said fines shall be paid to the treasurer of the town, city, or village in which such violation takes place.

Sec. 12. **Limitations of act.**—None of the provisions of this act shall affect the powers and duties of the board of county commissioners of any such county.

Approved April 10, 1941.

CHAPTER 211—H. F. No. 1454

An act relating to ditch liens; amending Mason's Minnesota Statutes of 1927, Section 6840-56, Subsection (e), and Section 6840-60.

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

Section 1. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 6840-56, Subsection (e), is hereby amended to read as follows:

"(e). **County auditor to collect interest.**—It shall be the duty of the auditor, in all such cases, to include in such statement and provide for the collection for the benefit of the county when funds have been advanced as herein provided, interest upon the total sum so advanced at a rate to be fixed by the county board but not to exceed six per cent per annum. And it shall be the duty of the county auditor and the county treasurer to levy, assess and collect the amounts included in such lien statement in the same manner as provided in *Mason's Minnesota Statutes of 1927, Section 6840-51.*"