

majority of the members of the board of county commissioners of said county and upon compliance with Minnesota Statutes, Section 645.021.

Approved April 26, 1963.

CHAPTER 377—S. F. No. 1511

[Not Coded]

An act relating to Chisago county; providing for the cancellation of interest on certain ditch liens.

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

Section 1. **Chisago county; ditch liens; cancellation of interest.** All interest on the sum of \$4,029, the assessed benefits from the repair of county ditch no. 7 in Chisago county in the year 1948, for the period from 1948 to 1962, inclusive, is hereby cancelled and the lien of Chisago county upon the lands benefited is discharged as to the payment of such interest only. The county auditor of Chisago county is empowered to make appropriate entries upon the records of his office.

Sec. 2. This act shall become effective only after its approval by a majority of the governing body of of Chisago county and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved April 26, 1963.

CHAPTER 378—S. F. No. 1531

[Not Coded]

An act authorizing the city of Faribault in Rice county 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.

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

Section 1. **Faribault, city of; pedestrian mall.** Subdivision 1. The city of Faribault in Rice county may, by ordinance adopted by its council in accordance with the City Charter and this section,

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

designate one or more streets within its central business district as a mall for primarily pedestrian use, and may thereafter regulate, maintain, and improve it for such use and levy special assessments and taxes and issue bonds for that purpose.

Subd. 2. Such an ordinance shall be adopted only 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 or substantially impeding the movements 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 the designated streets form no part of a state or county highway or, if one or more streets do form part of such a highway, such street or streets will not be improved or regulated as part of the mall until such highway has been relocated in the manner provided by law; 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.

Subd. 3. Before the final adoption of any such ordinance the council shall also cause a plat and survey to be prepared by the city engineer, including plans and specifications for the work necessary to adapt the street or streets designated in the ordinance for use as a mall, and showing the property to be benefited thereby, whether or not abutting thereon, the property, if any, to be injured or damaged in any way thereby, and the name of the owner or owners of each parcel of such property, as the same appears from the last assessment list in the office of the county auditor. The council shall provide for hearing upon the making of the improvement and the assessment of the benefits and damages, if any, therefrom, and all other provisions of the proposed ordinance, plat, and survey, upon the same notice and procedure as are provided in the city

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charter with reference to the assessment of benefits and damages in connection with the opening of streets. Any interested person shall be entitled to hearing and appeal as so provided; but no determination in the ordinance, plat, or survey of any matter other than the assessment of or failure to assess benefits or damages, or the amount thereof, shall be subject to appeal except on the ground that such determination unreasonably or arbitrarily obstructs the public use of and interest in the designated street or streets, or is contrary to or made in a manner contrary to this law.

Subd. 4. If upon such hearing the council determines that the recitals in the ordinance are correct and approves the plat and survey and confirms the assessment of benefits and damages, if any, with such amendments to any of these as it shall have directed to be made, it may adopt, record, and publish the ordinance in accordance with the charter. After the effective date of the ordinance, the council shall have jurisdiction to regulate, maintain, and improve the street or streets designated as a mall.

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

Subd. 2. Provision shall be made for the crossing of the mall by vehicles at all intersections except those of two streets each forming part of the mall.

Subd. 3. The owners or occupants of all properties abutting upon the mall which have access to no other street or alley for delivery or receipt of merchandise and materials shall be granted permits, under regulations established by the council, for the use of the mall during such hours and days, which need not be ordinary business hours or days, and in such manner and over such distance, as the council shall find to be reasonably adequate for such purpose and not to interfere with the use of the mall by pedestrians and by emergency and other vehicles for which use is permitted.

Subd. 4. Regulations 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 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. 5. 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,

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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. 6. 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 other streets under the city charter and state law. The council may also annually cause an estimate to be made of the probable cost of such maintenance during the following fiscal year, in excess of the cost of maintenance of streets of similar length, width, and location not used as a mall, and may consider, amend, and adopt such estimate after such notice and hearing as it deems necessary or expedient, and may assess such excess cost upon the properties determined to be benefited by such mall maintenance in the manner provided in the city charter for the assessment of the cost of street sprinkling.

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 assessed upon benefited property and otherwise paid, and bonds may be issued for this purpose, in the same manner as provided in the charter for the improvement of other streets and the assessment and other financing of the cost thereof. In addition it may be improved and the city may similarly pay the cost of improving it in any manner designed and to be used primarily for the free movement, safety, convenience, and enjoyment of pedestrians, whether or not part of the mall is set aside for emergency or other permitted vehicles. 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

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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 and the city council shall retain at all times their 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 the city and its 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 the mall by amendment of the ordinance referred to in section 1. A street or portion thereof may be added to the mall by adoption of an ordinance upon hearing as required in section 1.

Sec. 6. This act shall become effective upon its approval by resolution adopted by the vote of a majority of the members of the council of the city of Faribault, and upon compliance with Minnesota Statutes, Section 645.021.

Approved April 26, 1963.

CHAPTER 379—S. F. No. 1537

[Not Coded]

An act relating to Lake county; providing for the issue and sale of general obligation bonds of the county; providing for the expenditure of the proceeds thereof and providing for the payment thereof by a tax levy in excess of and over and above all taxing limitations.

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

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