1940 Supplement

To

Mason's Minnesota Statutes

1927

(1927 to 1940)
(Superseding Mason's 1931, 1934, 1936 and 1938 Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions, and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.

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change shall thereafter be made which shall cause to be diverted to any other purpose any item so determined upon, except by unanimous vote of the county board at a regular meeting after at least three weeks published notice of a hearing thereon; provided, however, that at least ten per cent of the total sum authorized for each such fund shall be allotted to and carried as a reserve for emergencies, and such reserve for emergencies may be expended by the county board by unanimous action without such hearing for any purpose specified in said budget when the sum authorized for such purpose has been expended. (Act Apr. 17, 1933, c. 296, §5.)

997-10. County auditor to keep record of allotments.—The county auditor shall keep a record showing accurately the amount allotted to each item of the budget for each year and the amounts incurred and expended from time to time on account of each of such items, which records shall be presented and examined in such form as shall be determined upon, except by unanimous vote of the county board at a regular meeting after at least three weeks published notice of a hearing thereon; and the information called for in subdivision (a) shall be ascertained and certified, upon the request of any such county by the railroad and warehouse commission; and the information called for in subdivision (b), (c) and (d) shall be certified by the county auditor of such county. (Apr. 22, 1937, c. 344, §2.)

997-22. Shall make application to State Auditor.—Any such county desiring to take advantage of this act shall apply in writing therefor to the State Auditor, and such application shall contain the following facts:

(a) The valuation of the property in said county not subject to local taxation because the same is subject to taxation under the gross earnings tax law. Railroad valuation shall cover all railroad property located in said county except rolling stock, main lines and fills or temporary structures.

(b) The value of all real and personal property, exclusive of moneys and credits, within any such county, subject to local taxation.

(c) The rate of taxation in mills for county purposes for the current fiscal year preceding the calendar year.

(d) The total amount spent for county purposes by any such county for the last preceding year, and an estimate of the expenses for the county for the current year.

The information called for in subdivision (a) shall be ascertained and certified, upon the request of any such county by the railroad and warehouse commission; and the information called for in subdivision (b), (c) and (d) shall be certified by the county auditor of such county. (Apr. 22, 1937, c. 344, §2.)

997-24. Limit of payments.—That not more than $30,000.00 in the aggregate shall be disbursed in any one calendar year to all the counties entitled to aid under the provisions of this act, and in the event that said amount of $30,000.00 shall be insufficient to pay the full amount to which said counties shall be entitled annually hereunder, the State Auditor shall apportion the said sums pro rata to each of said counties. (Apr. 22, 1937, c. 344, §4.)

997-25. Purposes for which money may be expended.—Moneys received by any county under this act shall be used only for the purpose of:

(a) Payment or providing for the payment of any bond or other indebtedness of such county outstanding January 1, 1937.

(b) Any such revenue not required to pay or provide for the payment of any such indebtedness shall be used to cover and pay current operating expenses to reduce and replace tax levies on real and personal property. (Apr. 22, 1937, c. 344, §5.)

997-26. Appropriation.—For the purposes of carrying out the provisions of this act there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of $30,000.00 to be available for the year ending June 30, 1938, and the sum of $30,000.00 to be available for the year ending June 30, 1939. (Apr. 22, 1937, c. 344, §5.)

CHAPTER 8
Towns and Town Officers

POWERS—DUTIES—LIABILITIES

999. Corporate powers.

(1) A corporation in the form of a township constitutes and maintains a town telephone system, under §5332 to 5336 and furnishes ordinary telephone service thereby to private residents of township, town is engaged in operating a public utility and is liable for negligence of its officers and agents, subject to liability. (Act Apr. 20, 1936, c. 492. See Dun. Dig. 6928.)

Fact that town owned telephone system is operated in part for governmental purposes, for protection from forest and prairie fires, promoting public welfare, public health, and public safety, and facilitating work of public improvements, does not exempt town from liability for negligence in operating a public utility. (Op. Att'y Gen., Sept. 11, 1933.)

Towns have no authority to expend public money to get expenses that shall be paid out for all county and state associations. (Op. Att'y Gen., Mar. 18, 1932.)

Liability of township for negligent damage to tile laid under road depends upon facts. (Op. Att'y Gen., Nov. 4, 1933.)

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Township may purchase stock in rural electric company if necessary or more advantageous for purpose of lighting town hall. Op. Atty. Gen. (414a-14), Nov. 19, 1939.


Where advertisement calling for bids for three lots stated in each parcel with property to be sold "to the highest bidder," a lump sum bid for all three lots could not be accepted even though it was in excess of combined bid on single lots. Op. Atty. Gen. (4765-9), Sept. 1, 1939.

(2).

Town board may not purchase building and land for use as township garage without having first received authority at annual township meeting.


(1).


Town board has power to enter into contract running for five years for lighting of public highways if such period is reasonable under all surrounding circumstances. Op. Atty. Gen. (700d-7), Apr. 19, 1933.

(4).


1900. Limitation of powers.

Power to sell real estate of town may not hire and pay a relief investigator, but if town comes under county assistance the town board may hire and pay for the furnishing of relief services. Op. Atty. Gen. (339a-1), Apr. 17, 1938.


(1).


1002. Powers of town meetings.


Zoning restrictions in towns within counties having populations of more than 400,000 and a valuation of more than $500,000,000. Op. Atty. Gen., June 26, 1938.


Town of Stuntz If desiring to construct new town garage must call a special election for purpose of authorizing construction of building and amount of money to be raised for that purpose, and there must be judges and clerks of election and voters by ballots. Op. Atty. Gen. (434b-13d), Feb. 25, 1937.


Special election may be called on same day as general election to vote on question of purchasing a site for a town hall. Op. Atty. Gen., Oct. 16, 1935.

A majority of two-thirds of the votes cast at a meeting are sufficient, and it is immaterial whether the vote is cast in the town hall, and not in the geographical center of the township. Id.

A majority of two-thirds of the votes present at a meeting is the quorum. Id.


1001-1. Townships may be dissolved, when.

Whenver the voters residing within a duly organized civil township in this state have failed to elect any township officials for more than ten years continuously immediately prior to the filing of a petition or said township has failed and omitted for a period of ten years to exercise any of the powers and functions of an organized civil township as provided by law, or for the assessment of any of said corporation's debts, such civil township drops to less than $10,000,000, or when the tax delinquency of any such township, exclusive of taxes that are delinquent or unpaid by reason of any liens being contested in proceedings for the enforcement of taxes, amounts to 50 per cent of its assessed valuation, or where the state or federal government has acquired title to 50 per cent of the real estate of such township, which facts or any of them may be determined by the resolution of the county board of the county in which said township is located, according to the official records in the office of the county auditor of said county, the county board by resolution may declare any such township, naming
the same day dissolved and no longer entitled to exercise any of the powers or functions of an organized township. Provided, however, that in counties having a population according to the 1930 Federal Census of not more than 16,000 nor less than 15,000 inhabitants and having not more than 77 nor less than 75 full or fractional Congressional Townships, and in counties having a population according to the 1930 Federal Census of not more than 28,000 nor less than 27,000 inhabitants and having not more than 91 nor less than 90 full or fractional Congressional Townships, and in counties having a population according to the 1930 Federal Census of not more than 210,000 nor less than 200,000 inhabitants and having not more than 202 nor less than 200 full or fractional Congressional Townships, before any such dissolution shall become effective the freeholders of such township may express their approval or disapproval of such dissolution. The township clerk of any such township shall upon the petition of ten legal voters of such township, filed with him at least fifteen days before any regular or special township election therefor, give notice thereof at the same time and in the same manner of such election that the question of dissolution of such township will be submitted for determination at such election. At such election, when so petitioned for, said question shall be voted upon by a separate ballot the terms of which shall be either "for dissolution" or "against dissolution," which ballot shall be deposited in a separate ballot box to be provided, and the result of such voting shall be duly canvassed, certified and returned in the same manner as the result of the same ballot as that used for the returns of said election. If a majority of the votes cast at said election shall be for dissolution, such township shall be dissolved; and, if a majority of the votes cast at said election shall be against dissolution, such township shall not be dissolved. (25, c. 46, §1; Apr. 24, 1937, c. 419, §1.)

Whenever a township is dissolved under the provisions of this act, the county shall acquire title to any telephone company or any other business being conducted by such township and such business shall be operated by the board of county commissioners until such time as a sale thereof can be made, provided that the subscribers or patrons of such businesses shall have the first opportunity of purchase. If it appears to the county auditor of the county wherein such dissolved township is located shall levy a tax against the property situated in the territory of which such township was dissolved for the purpose of paying such indebtedness as it becomes due. (25, c. 40, §1; Apr. 21, 1933, c. 377; Apr. 29, 1933, c. 342, §1; Apr. 24, 1937, c. 419, §1.)

Sec. 2. of Act 24, 1937, cited, provides that the Act shall take effect from its passage.

The section does not expressly provide for giving of notice to township board of intention to dissolve township, it would be advisable to give notice provided for in §1002-3. Op. Atty. Gen., (484a-4), Mar. 23, 1938.


Legislature by substituting words "may declare" for words "shall declare" by Laws 1937, c. 419, intended to consider. (Act Mar. 27, 1931, c. 96, § 1; Apr. 13, 1933, c. 342, §2.)

Determination of dissolution of township may be made by electors who may or may not be freeholders. Op. Atty. Gen., July 26, 1938.


Is mandatory on part of town board to take action in accordance with the mandate of the electors. Id.

Dissolution of township proposition must be adopted by a majority of the electors present and voting upon the question so submitted. Id.

1002-10. Copy of resolution to be filed with the Secretary of State.—A certified copy of the resolution of the county board declaring such town to be dissolved shall forthwith be forwarded by the county auditor to the Secretary of State who shall, in receipt thereof make appropriate entry in the records of his office of the dissolution of such town. (Act Mar. 27, 1931, c. 96, §2.)

1002-11. Disposition of funds.—Any funds belonging to said town remaining in or thereafter coming into the county treasury of the county in which such town was located shall be disposed of in the following manner:

Any road or bridge fund shall be expended by the county board of such county for road and bridge improvements wholly with the limits of such town; any other funds of such town shall be used to pay all outstanding bonds, warrants or judgments against said town. If the funds so remaining are not sufficient to pay such outstanding bonds, warrants or judgments then upon petition of the holders thereof, the county auditor shall spread successive annual levies in the maximum amount which the town would have been able to levy for the purpose of paying such outstanding bonds, warrants or judgments then upon petition of said holders thereof for the maximum amount which the town would have been able to levy for the purpose of paying such outstanding bonds, warrants or judgments. If such levy shall not be sufficient to pay off such bonds, warrants or judgments the county auditor shall spread successive annual levies in the maximum amount which the town would have been able to levy for the purpose of paying such outstanding bonds, warrants or judgments. Any such bonds and judgments so remaining are not sufficient to pay such outstanding bonds, warrants or judgments then upon petition of the holders thereof, the county auditor shall spread a tax levy against the taxable property of said town in an amount sufficient to pay the same, which levy, however, shall not exceed the maximum amount which the town would have been authorized to levy for the purpose of paying the same. If such levy shall not be sufficient to pay off such bonds, warrants or judgments the county auditor shall spread successive annual levies in the maximum amount which the town would have been able to levy for the purpose of paying such outstanding bonds, warrants or judgments. Any such bonds and judgments so remaining are not sufficient to pay such outstanding bonds, warrants or judgments then upon petition of the holders thereof, the county auditor shall spread a tax levy against the taxable property of said town in an amount sufficient to pay the same, which levy, however, shall not exceed the maximum amount which the town would have been authorized to levy for the purpose of paying the same. If such levy shall not be sufficient to pay off such bonds, warrants or judgments the county auditor shall spread successive annual levies in the maximum amount which the town would have been able to levy for the purpose of paying such outstanding bonds, warrants or judgments. If such levy shall not be sufficient to pay off such bonds, warrants or judgments the county auditor shall spread successive annual levies in the maximum amount which the town would have been able to levy for the purpose of paying such outstanding bonds, warrants or judgments. If such levy shall not be sufficient to pay off such bonds, warrants or judgments the county auditor shall spread successive annual levies in the maximum amount which the town would have been able to levy for the purpose of paying such outstanding bonds, warrants or judgments.

1002-12. Payment of indebtedness.—In the event that the outstanding bonds, warrants and judgments shall exceed the maximum amount which may be raised by one-year's levy as provided for herein, the county board may issue funding or refunding bonds in the manner provided by law for the issuance of county funding or refunding bonds to take up such warrants, judgments or bonds without first submitting the question of such issue to the electors residing in said territory or in said county. Provided, that any bonds so issued shall not be an obligation of the county but shall be an obligation of the territory formerly included in such town, and shall be payable out of levies made against the property in such territory as herein provided, and such restriction shall be printed upon the face of such bonds. Except as herein otherwise provided, such bonds shall be issued pursuant to the provisions of Laws 1927, Chapter 131, §§1938-3 to 1938-13 and the tax levy required by Laws 1927; Chapter 131, Section 5, §§1938-7 shall be made against the property of the territory formerly included in such town at the time of the issuance of such bonds. (Act Mar. 27, 1931, c. 96, §4; Apr. 15, 1935, c. 189.)

County board of Lake County could issue funding or refunding bonds to take up outstanding orders of town which had been dissolved. Op. Atty. Gen., Aug. 9, 1932.

1002-13. Property to revert to county.—Any property, real or personal, of such town which is needed for county purposes shall become the property of the county, but the reasonable value thereof, as determined by the county board, shall be credited to such town and used for the purpose of paying off outstanding bonds, warrants or judgments as herein provided. Any other property of such town shall become the property of the county without any allowance being made therefor. Any surplus funds of said town, after all obligations have been paid as herein provided, shall be credited to the general fund of the county. (Act Mar. 27, 1931, c. 96, §5.)

County board on dissolving township may continue to maintain township telephone line established by township under 16813, at sec. depending upon the utility there of, but it cannot levy special assessments for maintenance of such a line. Op. Atty. Gen. (98c-3), July 28, 1934.

1003. Certain towns to have certain powers of villages.

Sections 1003 and 1004 apply only to a town which has within its territorial limits a platted portion upon which is located at least 600 or more people when such platted portion is not incorporated in a city or a village. Op. Atty. Gen. (4469), May 10, 1935.


This section is a later act than §1004 and prevails in case of any inconsistency. Id. Subject to Laws 1935, c. 209, amending Mason's Stat. §2060-18, town of Minnetonka in Hennepin County through its board may levy special assessment in accordance with by-laws relating to streets and highways, vehicles thereon, parking, and traffic, and fines for violation should be paid into township treasury. Op. Atty. Gen. (589-B-4), July 13, 1939.

1004. Towns having powers of villages of fourth class.


In enacting Laws 1937, c. 379, amending §960(2), legislation did not intend to authorize board to pass, vote, or approve legislation which is in violation of §§2573, 2067 or 1006. Op. Atty. Gen. (5130), Nov. 1, 1937.


1007. Sale of realty.

Township may sell and convey lands to the United States but there must be a compliance with §§960(3), 960(9), 1927, but authorities may sell to private individuals without vote of special election. Op. Atty. Gen. (700-B-28), July 3, 1935.

Chairman of town board and town clerk may execute a conveyance of real estate, but only after being authorized to do so by electors at their annual meeting or special meeting. Op. Atty. Gen. (434a), July 5, 1935.

1011. Cemeteries.

Township supervisors may maintain cemeteries neglected for more than 10 years. Laws 1939, c. 227.

1012. Sale of lots—Proceeds.


1016. Same.—May accept gifts.

Fund held not to create trust for perpetual care of cemetery lot. 174M586, 212FN919.

1023-1. Neglected cemeteries—Duties of town supervisors.—The board of township supervisors shall have authority to maintain in a proper and decent manner and keep free of weeds, any cemetery which has been neglected for a period of 10 years or more. (Act Apr. 13, 1939, c. 227.)

1027-1. Fire protection and apparatus, etc.

The question of providing fire protection, purchasing fire apparatus, and determining the amount of money to be raised, may be considered only at an annual town meeting, and not at a special meeting. Op. Atty. Gen., Mar. 18, 1931.

Where question submitted was whether a city and four surrounding towns should purchase a fire truck, each town to bear one-fourth of the cost thereof, and only three of the towns submitted the question, the three towns were not authorized to purchase the truck with the assistance of the city, but if the fourth town shall vote favorably at the next annual meeting, the arrangement may be carried on. Op. Atty. Gen., July 11, 1932.

Where town board enters into contract with village for fire protection and spends money to defray cost of such town outside of town, then it is not providing for reimbursement of township by state. Op. Atty. Gen. Nov. 11, 1932.

Town in which assessed valuation of platted lands exceeds 50% of assessed valuation of all lands may vote establishment of high waterwork district. Op. Atty. Gen. (434a), May 10, 1935.

Board may not levy any fire wardens and pay their salaries out of general town funds, but fire protection...

Town board may purchase fire protection, purchasing fire apparatus and determining amount of money to be raised may be considered only at annual town meeting. Op. Atty. Gen. (350b), Feb. 21, 1936.

Question of providing fire protection, purchasing fire apparatus and determining amount of money to be raised may be considered only at annual town meeting. Op. Atty. Gen. (349b-13(a)), May 13, 1936.

Term of service of town officers may not exceed a fair return upon the fair value of the property used for such purpose, for a period of not more than 20 years. (17, c. 219, §1; Apr. 24, 1935, c. 249.)

Town board may purchase water from fire plugs and sell to inhabitants of town at a stipulated price per month, even if town does not come within classification of this section, if such purchase and sale is merely incidental to furnishing added protection to inhabitants. Op. Atty. Gen. (457c-5), Sept. 20, 1937.

Question of police protection may be voted on at annual meeting and special meeting is unnecessary. Op. Atty. Gen. (454b-13(a)), Jan. 17, 1939.


TOWN MEETINGS

1028 to 1048. [Repealed. Apr. 21, 1939, c. 345, P. L. 12, §1, note §901-12, effective Aug. 1, 1939.]

ANNOTATIONS UNDER REPEALED SECTIONS

1028 to 1048. [Repealed.]


Where town meeting was burned and rebuilt, the annual meeting might be held in the rebuilt building by petition under §1038. Op. Atty. Gen., Feb. 13, 1936. 1939. Notice of annual meeting need not contain list of offices to be filled nor names of candidates for such offices.

In absence of fraud, mistake, or other reason whereby will of electors was not fairly carried out, town meeting and election of officers was not invalid because only nine days' posted notice was given. Op. Atty. Gen., May 27, 1939.

Elections at annual meeting have no power to fix hours of election or rate of pay of common labor. Op. Atty. Gen. (474b-13(c)), May 3, 1934.


Where roads are so impassable that town meeting cannot be held, for instance, due to a subsequent meeting pursuant to §101-8, and if only old officers are present at the meeting, they shall be considered new officers. Op. Atty. Gen. (434b-13(a)), Mar. 4, 1936.

Statute is mandatory as to time and place of holding annual township meeting, and it is immaterial that roads are impassable on that day, but advantage may be taken of §1048 by calling of special meeting in place of annual meeting by proper posted notice by freeholders. Op. Atty. Gen. (434b-13(a)), Mar. 4, 1936.

It is not necessary to give two notices, one of annual meeting, and other for election of officers. Op. Atty. Gen. (434b-18), March 3, 1938.


Section has no application to change of polling place after it has been established. Op. Atty. Gen. (434b-18), Apr. 18, 1938.


Separation of township from village cannot be considered at a meeting called under this section, but must be done in accordance with §1027-2. Op. Atty. Gen., June 3, 1930.

There is no limit to the number of special meetings that may be called to consider a given proposition. Op. Atty. Gen. June 7, 1933.

There is no question of providing fire protection, purchasing fire apparatus, and determining the amount of money to be raised, may be considered only at an annual town meeting, and not at a special meeting. Op. Atty. Gen., May 18, 1939.

Where a village is organized and town supervisors residing within the proposed village resign, it is discretionary with the town board as to whether the vacancies.


1018. Failure to elect officers. Reenacted as §601-11(1)(f).

1019. How constituted—Duties. The supervisors of each town shall constitute a board to be designated "The Town Board of——", and any two
shall take effect from its passage.

shall belong to the town. (R.L. '05, §651; G.S.

clerk. The town treasurer shall not be liable for the

conditions upon which the depositors are made, be

be in writing, and shall set forth all the terms and

town moneys in such bank. Such designation shall

require the treasurer to deposit all or any part of the

bank as the depositary of town moneys for a time not

annual town meeting.] They may select and designate a

bank as the depository of town moneys for a time not

extending beyond their official term, on the execution

by such bank of a sufficient bond to the town, in double

the sum deposited, to be approved by the board and

filed in the office of the town clerk, and thereupon may

require the treasurer to deposit all or any part of the
town moneys in such bank. Such designation shall be

in writing, and in the same manner as is provided for
notice of annual town meeting. They may select and designate a

cashier of depositary bank as the depository of town moneys for a time not

exceeding one year shall not exceed the sum of $350, provided,

however, that such expenditures to pay actual and

necessary expenses of delegates and annual dues in the National Association of Town Officers can be met by the town.


Town board may pay for rent and timekeeper in connection with the employment of a purchasing agent. Id.

There is no statutory provision authorizing town board to employ recreational directors and pay for their services out of town funds. Id.

There is no statute authorizing town board to employ a milk inspector and pay salary out of town funds. Id.

Right of town to carry liability insurance on its cars depends on whether they are being used for proprietary purposes or are used in kind of equipment and price to be paid. Op. Atty. Gen. (733j), Mar. 3, 1937.


Municipal funds may not be deposited in excess of $2,000 in each such depositary without furnishing a bond or other security therefor. (Act Apr. 20, 1931, c. 216, §1; Mar. 27, 1934.

Municipal funds may not be deposited in excess of authorization given by annual town meeting and notice of such proposed appropriation has been given, at same time and in same manner as is provided for notice of annual town meeting. Op. Atty. Gen. (442a-19), May 9, 1939.

Laws 1939, c. 355, amending this section, does not change the right of board to designate or prohibit dance hall licenses. Op. Atty. Gen. (592a-20), August 16, 1939.

1904-1. Depositories of town fund. — Whenever any town or village treasurer shall fail to request in writing, it shall become the duty of the town board or village council to designate one or more state or national banks or trust companies as depositaries of town or village funds, and thereafter the treasurer shall deposit all town or village funds therein. Such designation shall be in writing and shall set forth the terms and conditions upon which the deposits are made, be signed by the chairman and clerk of the town board, and if such board be composed of more than five members, by a majority of the members of such board, and be filed with the clerk or recorder, as the case may be, and be filed with the clerk or recorder. Provided, that such depositary or depositaries, not exceeding four in number, shall be authorized to accept deposits of town or village funds in an amount not exceeding $2,000 in each such depository without furnishing a bond or other security therefor. (Act Apr. 20, 1931, c. 216, §1; Mar. 7, 1933, c. 1.)


Exemption provided by §1904-10 is not in addition to $1,000 provided in this section. Op. Atty. Gen. Mar. 27, 1934.

Municipal funds may not be deposited in excess of authorization given by annual town meeting and notice of such proposed appropriation has been given, at same time and in same manner as is provided for notice of annual town meeting. Op. Atty. Gen. (592a-20), August 16, 1939.

1904-2. Treasurer may select depository. — Whenever the town board or village council so requested shall fail to act as provided in section 1 hereof within 30 days after request is filed with the clerk or recorder, the treasurer may select one or more depositaries, not exceeding four in number, by his legal powers in such county, each such depository to accept deposits of town or village funds and deposit town or village funds therein to the extent of not more than $2,000 in each depository so selected, without requiring security therefor. (Act Apr. 20, 1931, c. 216, §2; Mar. 7, 1933, c. 62, §2.)

1904-9. Treasurer not liable — when. — The town or village treasurer, in the absence of negligence, shall not be liable for the loss of moneys while so depositied,
within the limits above specified, occasioned by the closing or insolvency of a designated entity, or
in the case of the town clerk and treasurer in lieu of the amounts
provided by law to be paid by the town.
Provided the compensation so fixed shall not in the
of town clerk exceed the sum of One Hundred Fifty ($150.00) Dollars per month, and in the
case of the treasurer shall not exceed the sum of One Hundred Fifty ($150.00) Dollars per month.
(b) Employ when necessary clerical help and/or
stenographers or assistants to the town clerk not to
exceed Five ($5.00) Dollars per day.
(c) Provide by resolution for the division of such
township's tax revenue between more than two voting districts fur
the purpose of electing town officers, and shall designate
by resolution at each election a polling place for
each voting district established. Such division shall be only for the purpose of electing candidates for
town office and shall not change the manner of
transacting any other business at town meetings. The
notice of the annual meeting in such case shall de-
scribe the different voting districts and the polling
places; and all such votes shall be counted by the
officials who have succeeded himself as such for one or
more terms and given different bonds assuring his fidelity
to his trust, the liability falls upon the bondsmen who
(d) Publish, if there be a legal newspaper within
town, the minutes and proceedings of the town board meetings and of the annual meeting, and all
other notices and publications which said town is re-
quired by law to publish.
(e) Repair and improve any street, sidewalk or
alley of any village included in the limits of such
township, except to such villages as have the power to
keep its streets, sidewalks and alleys in repair.
(f) Establish, maintain and regulate the location of a public market and/or potato warehouse and
market houses and to provide for the use thereof.

§1063. May transfer funds.
This section is not limited by §3194 except as to the
funds arising from transfer from county to town sys-
(a) Town board by unanimous vote may transfer any sur-
plus of the road and bridge fund to the poor fund, for the
(b) A town has authority to spend money from township road
and bridge fund for fire fighting where a road would
A township has authority to use money from general
Town board may not transfer money from fire fund to
Town may transfer moneys from one fund to another when not needed in fund from which transferred.
Town funds may be transferred from the road and
bridge funds to the poor funds when no tax is voted if
there is a surplus beyond the needs of the current year.
By unanimous vote the town board may transfer any sur-
plus in excess of an average of $1,000.00 per governmen-
tal section of the entire area of such town, accord-
ing to the government survey thereof. If any such
valuation, exclusive of money and credits, such
that a tax levy of 17 mills upon the dollar of such
assessed valuation, exclusive of money and credits, such
§3.)
62, §4.)
1931.
1933.
case of the treasurer shall not exceed the sum of
One Hundred Fifty ($150.00) Dollars per month, and in the
case of the town clerk exceed the sum of Seventy-five (?75.00) Dollars per month.
See §401-1 fixing hours of opening and closing of polls.
BOARDS OF AUDIT
§1056. Duties.
No claim against a town shall be considered or acted
§1057. Report posted and read.
No bond is required of state or officer with respect to
Audit cannot issue duplicate warrant under any cir-

TOWN CLERK
§1062. Bond and oath.

§1064. Duties.
Town clerk is not entitled to any fees for sweeping up the floor of the meeting room. Op. Atty. Gen., July 22, 1931.
Township clerk is entitled to no fee for writing town-
ship warrants but is entitled to ten cents per roll for
There is no authority for destruction of town records such as verified accounts. Op. Atty. Gen. (1425-1), March
1931.

TOWN TREASURER
§1067. Bond.
Where a defalcation occurs on the part of a public
official who has succeeded himself as such for one or
more terms and given different bonds assuring his fidelity
to his trust, the liability falls upon the bondsmen who

§233


1068, Duties.


1070, To pay audited accounts.

Assignee of a town order given in place of preceding order or any such preceding order. 181M510, 232NW236. See Dun. Dig. 7856, 9656.

Four town orders issued by clerk signing his own name and also signed by the clerk, purporting to be original, were valid. 181M110, 232NW236. See Dun. Dig. 7856.

Town officers held estopped from questioning validity of town orders executed by clerk, signing his own and chairman's name. 181M100, 232NW236.

Town orders were non-negotiable. 181M510, 232NW236. See Dun. Dig. 856, 9656.


Town treasurer is authorized to accept town order issued by order of the town board which is paid on time. Op. Atty. Gen., Aug. 20, 1930.


Where warrants have been issued for salaries of town officers in excess of a maximum salary authorized by law, they are to be paid in order of registration. Op. Atty. Gen., Mar. 18, 1931.


Warrants must be paid in order in which they are registered, and the order of payment is paid. Op. Atty. Gen., July 16, 1932.


1071, Order of payment—Interest.

The proper method of paying interest on warrants of a village is to procure an additional order from the recorder representing the amount of accrued interest, which order is paid after the preceding order is paid. Op. Atty. Gen., Mar. 20, 1930.


There is no statutory procedure by publication or otherwise for stopping the interest on outstanding town orders owned by unknown holders, but statute of limitations, six years, runs against the town unless the village is a separate election district and the removal is permanent. Op. Atty. Gen., Mar. 6, 1935.

This section was repealed by Laws 1913, c. 225, §12, which was in turn repealed by Laws 1921, c. 223, §35 (§2576 herein), and the election of an overseer was without effect. Op. Atty. Gen., Mar. 18, 1930.


Constable of town may be dispensed with at election and judges have authority to appoint special peace officers to meet an emergency. Op. Apr. 4, 1931.


Section 1074 is a later enactment than §1081 and town supervisors do not hold over on failure of new member to qualify and vacancy created by his resignation as treasurer. Op. Atty. Gen., May 11, 1931.


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Section 1074 is a later enactment than §1081 and town supervisors do not hold over on failure of new member to qualify and vacancy created by his resignation as treasurer. Op. Atty. Gen., Mar. 22, 1933.

Town treasurer appointed assessor automatically vacated his position as treasurer by qualifying as assessor, and was immediately appointed by the board of audit to fill the vacancy. Op. Atty. Gen., Aug. 28, 1930.


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Town holding special election at same time and place as general election may provide different time for closing ballot boxes on special election. Id.

A township treasury elected at a legal election in an odd-numbered year would take office for two years as against a treasurer for two years in an even-numbered year. Op. Atty. Gen. (165h), Mar. 26, 1935.

1074-6. Application of act.—Every organized town in the State of Minnesota having a total population of more than 50,000 and a total assessed valuation of more than $60,000,000.00, including villages therein which are not separated from the town, for election and assessment purposes, may adopt the provisions of this Act as hereinafter set forth. Any such town which has not adopted the provisions of this Act may so do by a resolution of its Town Board, expressly accepting the provisions hereof, which resolution shall be adopted by a majority vote of its Board. The adoption of such resolution shall be a condition precedent to the exercise of any of the powers herein granted. After the adoption of such resolution, such town, its officers and electors, shall be subject to the powers, duties, and limitations as provided in this Act; provided, however, if within twenty days thereafter a petition be filed with the Town Clerk, signed by more than twenty-five per cent of the number of legally qualified or registered voters in said town voting at the last regular town election demanding that a special election be called of the electors thereof to review the action of the Town Board and to determine whether such resolution shall be rescinded, a special election shall be called, pursuant to the laws of this State, to be held within thirty days after the filing thereof, at which election the following proposition shall be submitted to the electors by a ballot:

"Shall the resolution of the Town Board of ... adopting the provisions of Chapter ... Laws of Minnesota for 1935 be rescinded?"

Yes

No

"Unless a majority of the electors voting on the proposition, vote in favor of rescinding the changes, powers and limitations of this Act shall henceforth control the town, its officers and electors." (Act Apr. 11, 1935, c. 127, §1.)

Not expressly repealed by new election law.


1074-7. Date of election changed.—In all such towns the time of election of all officers is hereby changed from the date of the annual meeting held on the second Tuesday of March of each year to the first Tuesday after the first Monday in November of each year commencing the first Tuesday after the first Monday in November, 1936, and no election shall be held in November, 1936, nor in March, 1936. Such election and the canvassing of votes shall be conducted as if held before provided by law. (Act Apr. 11, 1935, c. 127, §2.)

Not expressly repealed by new election law.

1074-8. Terms of certain officers extended.—The terms of office of all officers of such towns whose terms would expire in March, 1937, are hereby continued and extended to the end of December 31, 1938; the terms of office of all officers of such towns whose terms would expire in March, 1938, are hereby extended to the end of December 31, 1938. All officers so elected at the elections held on the first Tuesday after the first Monday in November, commencing in November, 1936, shall hold office on the first Tuesday after the first Monday in November, 1936, and the length of the terms of the various officers of such towns so elected shall be the same as is now provided by law. (Act Apr. 11, 1935, c. 137, §3.)

Not expressly repealed by new election law.


1074-9. Annual meeting not changed.—In such towns the annual meeting shall continue to be held on the second Tuesday in March of each year and all business conducted heretofore at such annual town meeting shall continue to be so conducted with the exception of the holding of the election of officers which shall take place as before provided by this act. (Act Apr. 11, 1935, c. 137, §4.)

Not expressly repealed by new election law.

Town of St. Ansgar if desiring to construct new town garage may petition the court for authorization for the purpose of authorizing the construction of a garage and amount of money to be raised for that purpose by a special election. Op. Atty. Gen. (439e), Apr. 29, 1936.

1074-10. Clerk to report to auditor.—Immediately after the election of such clerk the clerk of such town shall report to the auditor of his county the name and post office address of each town officer who was elected and the term for which he was elected. Supervisors elected after this act comes into force and effect shall hold office for three years and until their successors qualify, and the chairman of the board of supervisors shall be named at the first meeting of the board each year. (Act Apr. 11, 1935, c. 137, §5.)

Not expressly repealed by new election law.

1074-11. Vacancies.—Whenever a vacancy occurs in any town office, the town board shall fill the same by appointment. The person so appointed shall hold his office until the next town election and until his successor qualifies; provided, that vacancies in the office of supervisor shall be filled by the remaining supervisors and town clerk until the next annual town election, when his successor shall be elected to hold for the unexpired term. (Act Apr. 11, 1935, c. 137, §6.)

Not expressly repealed by new election law.


Person appointed to fill vacancy holds office only until next annual town meeting and person then elected takes office immediately for remainder of unexpired term. Op. Atty. Gen. (437a-21), Sept. 21, 1938.


1074-12. Fiscal year to be calendar year.—The fiscal year of all such townships of this State shall be the calendar year and when a town has once come under the operation of this act it shall continue under its provisions notwithstanding its total population may fall below 15,000 and its total assessed valuation may fall below $80,000,000, or until its town officers, including the town clerk, have once elected to report to the auditor of its county the number of legally qualified or registered voters in said town voting at the last regular town election declaring that a special election be called of the electors thereof to review the action of the Town Board and to determine whether such resolution shall be rescinded, a special election shall be called, pursuant to the laws of this State, to be held within thirty days after the filing thereof, at which election the following proposition shall be submitted to the electors by a ballot:

"Shall the resolution of the Town Board of ... adopting the provisions of Chapter ... Laws of Minnesota for 1935 be rescinded?"

Yes

No

"Unless a majority of the electors voting on the proposition, vote in favor of rescinding the changes, powers and limitations of this Act shall henceforth control the town, its officers and electors." (Act Apr. 11, 1935, c. 127, §1.)

Not expressly repealed by new election law.

1074-18. Invalidity of portion not to affect remainder of law.—The various provisions of this act shall be severable and if any part or provision of this act shall be held to be invalid it shall not be held to invalidate any other part or provision thereof. (Act Apr. 11, 1935, c. 137, §8.)

Not expressly repealed by new election law.

Sec. 1 of Act Apr. 11, 1935, cited, provides that the act shall take effect from its passage.
1081. Compensation; per diem, mileage; annual term of office. Where a village is organized and town supervisors residing within the proposed village resign, it is discretionary with the town board as to whether the vacancies should be filled by appointment or by calling a special town meeting. Op. Atty. Gen., May 11, 1931.


1086. Vacancies. Where two candidates at a town election received the same number of votes, and a drawing is had, and the unsuccessful candidate resigns, the resident of the district, the unsuccessful candidate is not entitled to the office, but the board may be filled by the town board. Op. Atty. Gen. Apr. 25, 1930.

Town board having appointed town treasurer as assessor had no right to reelect that appointment or to reconsider it. Op. Atty. Gen., May 11, 1931.


Where the vote for member of town board was a tie, candidates refused to decide election by lot, there existed a vacancy, to be filled by appointment pursuant to this section. Op. Atty. Gen., Mar. 29, 1933.

Appointment of town assessor should be until the next annual town meeting, at which time his successor shall be chosen. Where a town assessor was elected in March, 1935, and deputy took up duties of office, and there was no appointment of assessor either by the board or the county auditor following the death, there existed a vacancy, to be filled by appointment pursuant to §1086 and §1087, and one elected assessor in even-numbered year was not entitled to take office. Op. Atty. Gen. (12c-4), Feb. 28, 1936.


1087. Auditor to appoint assessor. Auditor to appoint assessor. Reenacted as §1087-1(l). The act enacted as §1087-1(l) with a village.
each day's service, necessarily rendered as follows, viz.: Assessors, four dollars, and mileage at the rate of five (5) cents per mile for each mile necessarily traveled by him in going and returning from the county seat of the county to attend any meeting of the county board of supervisors held by the county auditor, and also for each mile necessarily traveled by him in making his return of assessment to the county auditor, and for each mile necessarily traveled by him in going and returning from the county seat of the county to attend any meeting of the county governing board, or to attend any meeting of the governing board of any village called by the county auditor, and also for each mile necessarily traveled by him in making his return of assessment to the county auditor, and for each mile necessarily traveled by him in going and returning from the county seat of the county to attend any meeting of the county governing board, or to attend any meeting of the governing board of any village called by the county auditor, and also for each mile necessarily traveled by him in making his return of assessment to the county auditor, and also for each mile necessarily traveled by him in making his return of assessment to the county auditor.

Town clerk cannot charge to the town a specified sum for drawing and recording an order and filing the same and for services rendered to the town whether rendered at board meetings or not. Op. Atty. Gen., July 25, 1939.

Town assessor is entitled to $20.00 for services rendered to the town whether rendered at board meetings or not. Op. Atty. Gen., July 27, 1921.


There is no limitation on the total amount of fees which a town clerk may receive during the year. Op. Atty. Gen., July 22, 1921.

A town supervisor who was sued to compel him to repay money to the town, and who had judgment against him, but after such money judgment was entered, he resigned, was legally entitled to later become a candidate. Op. Atty. Gen., Feb. 28, 1931.

There is no limitation on the total amount of fees which a town clerk may receive during the year. Op. Atty. Gen., July 22, 1921.

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Filing fees which is paid to town clerk by candidate for office at time he files his application, or affidavit of candidacy, should be turned into town treasury and paid in full unless application is withdrawn. Op. Atty. Gen., Feb. 5, 1935.

Fact that an assessor is elected for a term of two years does not prohibit voter from increasing or decreasing his compensation for either the first or second year. Op. Atty. Gen., Mar. 28, 1933.

Where warrants for salaries are drawn in excess of maximum provided by statute, warrants issued up to and not exceeding the maximum allowed each supervisor shall not exceed the sum of amount provided for compensation of a town supervisor. Op. Atty. Gen., Apr. 11, 1907.


A vote to decrease compensation of assessor was only effective for one year, and compensation revert to statutory amount for following year in absence of vote thereon at next annual meeting. Op. Atty. Gen. (12c-11), July 10, 1936.

Member of town board may be paid for his services as member of election board though such payments will increase salary to more than maximum amount provided for compensation of a town supervisor. Op. Atty. Gen., June 27, 1937.


A town supervisor has no right to charge township for use of his automobile in official business or for his personal expenses of any kind in transacting the business of the town. Op. Atty. Gen. (442a-11), June 27, 1924.


A town supervisor may be lawfully employed by the town on the construction of a county aid road in his town, though the town board has appropriated to the county $60 of the cost thereof under Laws 1925, c. 283. Op. Atty. Gen., May 3, 1930.

Payments to minor sons of a supervisor for work on town roads is illegal where such sons have not been emancipated and are living with their parents. Op. Atty. Gen., July 22, 1930.


Whether township board members who are stockholders in a cooperative association may purchase township supplies from the association is a question of fact. Op. Atty. Gen., April 27, 1929.

A town board may not employ one of its members to act as timekeeper and foreman on emergency relief project. Op. Atty. Gen. (364), July 22, 1924.

Where county emergency relief administration has approved a township project upon condition that town supervisors at different times, or one of them at all times, act as foreman or supervisor, supervisor may receive compensation therefor in excess of that permitted by statute. Op. Atty. Gen. (442a-5), Mar. 29, 1934.

A town board may not employ one of its members to act as timekeeper and foreman on emergency relief project, and cannot do so indirectly by selling gravel pit to formers purchasing supplies. Op. Atty. Gen. (442a-11), Apr. 19, 1924.

No recovery could be had for $10 worth of work on the wings of a bridge for a township, where the work was never completed and the work was of no value so that a recovery might be had. Op. Atty. Gen., Aug. 22, 1929.

A town board may not employ one of its members to act as timekeeper and foreman on emergency relief project. Op. Atty. Gen. (364), July 22, 1924.


A town may construct a garage with day labor on a fixed price basis and need only provide for bids and materials, and for such specialized work as plumbing, heating, etc. Op. Atty. Gen. (707a-1), June 1, 1937.

It is not necessary for supervisors to act as a supervisor of road work and timekeeper on road work, and for such specialized work as plumbing, heating, etc. Op. Atty. Gen. (437a-19), July 5, 1937.

Emergency which will excuse advertising for bids must be unreasonable. Id., July 9, 1937.

Exception of contract to be paid from the road or poll tax is not now applicable to contract for construction of roads and bridges. Id., July 9, 1937.

There would be a violation of this section for town board to compensate a supervisor for use of his own automobile on town business. Op. Atty. Gen. (474a-9), April 15, 1939.

1097. Town taxes.


1098. Limit of debts, etc.


1099. Separation from village.

Separation of township from village must be determined at meeting called for said purpose, and repair of a town line road. Lindgren v. T., 244 NW 70, Sec Dun. Dig., 1932.


In disbursing town funds, supervisors are controlled only by statutory restrictions, and authority of electors to meet and adjourn comes when town is meeting adjourned. Op. Atty. Gen., Mar. 12, 1933.

A town board has no authority to enter into a contract for improvement of roads obligating it to spend a greater sum of money than is in township treasury. Id.


Where there has been no separation of township from village for election and assessment purposes as provided by §35C, there is no way in which township construction and repair of a town line road. Id., July 9, 1937.

Personal property taxes levied in 1939 and paid to a town in March, 1940, could not be recovered back by the village after the town voted to separate from the village at a special election held in March, 1931. Op. Atty. Gen., May 26, 1931.


Where there has been no separation of township from village for election and assessment purposes as provided by §35C, there is no way in which township construction and repair of a town line road. Id., July 9, 1937.


1108. Filing claims—Demand.

This section is later than §765 of Mason's Stat., 1927, and claim need not be itemized or verified. 178 Mis 411, 227 NW 348.


1108-4. Certain towns not to draw orders without funds for treasury.—That from and after January 1st, 1934, no organized town which in the last year or years has been a population (including the population of villages within such town not separated from the town for election and assessment purposes) exceeding 10,000, and not exceeding 10,000 inhabitants and any assessed valuation of taxable property, exclusive of money and credits, such that a tax levy of 7 mills upon the dollars of such assessed taxable valuation would produce a total levy in excess of $1,000 per government section of the entire area of such town, according to the government survey thereof, shall draw any order or warrant on any fund until there is sufficient money in said fund to pay the same together with all orders previously issued against said fund. (Act Apr. 17, 1933, c. 293, §1.)

Laws 1933, c. 368. Expenditures of towns and villages on such basis. (22 Ore L., 1933, Apr. 4, 1933).

There is a cut-off Jan. 1, 1934, thus leaving town board during year 1934 an entire year's tax levy available for obligations incurred during that year. Op. Atty. Gen., Nov. 28, 1933.

1108-5. Last preceding census to determine.—In determining the application of this law to any such town, the population thereof shall be determined by the last preceding state or federal census and the valuation shall be the valuation then made as a basis for computing the 1932 taxes of said town. (Act Apr. 17, 1933, c. 293, §2.)

1108-6. Indebtedness in excess of limit to be personal claim against officials creating same.—Whenever from and after January 1st, 1934, the expense and obligations incurred, chargeable to any particular fund of such town in any calendar year, are sufficient to absorb 85 per cent of the entire amount of the tax levy payable in that year, including such amount as may remain in the fund from the levy of the prior year or years, no officer or board of such town shall have the power, and no power shall exist, to create any additional indebtedness (as said was made, $15 per cent of said tax levy is collected) which shall be a charge against that particular fund or shall be in any manner a valid claim against such town, but such additional indebtedness (as said was made, $15 per cent of said tax levy is collected) which shall be a charge against that particular fund or shall be in any manner a valid claim against such town, but such additional indebtedness shall be a personal claim against officials creating same. (Act Apr. 17, 1933, c. 293, §3.)

1108-7. May issue certificates of indebtedness.—At any time after the annual tax levy has been certified to the county auditor, and not earlier than October 10th in any year, the governing body of such town may, for the purpose of meeting the obligations of the succeeding year, by resolution issue and sell as many certificates of indebtedness as may be needed in anticipation of the collection of said tax levy, provided such certificates are named in said tax levy for the purpose of raising money for any such fund, but no certificate shall be issued for any of said separate funds exceeding 50 per cent of the amount named in said tax levy as spread by the county auditor, to be collected for the use and benefit of said fund, and no certificate shall be issued to become due and payable later than December 31st of the year succeeding the year in which said tax levy, certified to the county auditor, was made. Such certificates shall not be sold for less than par and accrued interest and shall not bear a greater rate of interest than 6 per cent per annum. Each certificate shall state upon its face for which fund proceeds of such certificates are to be used, the total amount of such certificates so issued, the whole amount embraced in said tax levy for that particular purpose. They shall be numbered consecutively and be in the denominations of $100 or a multiple thereof and may have interest coupons attached thereto and shall be in such form and terms and be made payable at such place as will best aid in their negotiation. The proceeds of the tax assessed and collected, as aforesaid, on account of said fund, and the faith and credit of such town shall be irrevocably pledged for the redemption of the certificates so issued. Such certificates shall be paid from the moneys derived from the levy for the year against which such certificates were issued, or if they were sufficient for such purpose, from the moneys so derived from said tax levy in any year or years, no officer or board of such town shall have the power, and no power shall exist, to create any additional indebtedness from the proceeds of said tax levy. The money derived from the sale of said certificates shall be credited to such fund or funds for the calendar year immediately succeeding the making of such levy and shall not be used or spent until such succeeding year. No certificates for any year shall be issued until all certificates for prior years have been paid, nor shall any certificate be extended; provided that money derived from the sale of the certificates for any one year may be paid in any year or years to the extent of the full amount of the certificates so issued in a prior year. (Act Apr. 17, 1933, c. 293, §4.)

If it becomes a question of whether municipal or town organization is to continue, the claim of indebtedness issued pursuant to act may be deposited by town treasurer and warrants issued against them without limitations provided in this section. Op. Atty. Gen., Nov. 28, 1933.
$1108-8

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Officer bound pursuant to this section, where there are insufficient funds to pay all of such certificates should be paid on a pro rata basis and the county auditor at the time of spreading the principal and interest become due. Such tax levy shall be within the limitations of such laws. (Act Apr. 17, 1933, c. 293, §6.)

1108-9. Bond issue to retire existing indebtedness.—If any such town prior to January 1st, 1933, has incurred by proper authority a valid indebtedness, excluding bonds, in excess of its cash on hand, such town may for the purpose only of paying and discharging such valid indebtedness (except bonds) and interest thereon, issue its bonds in the manner now provided by law, upon approval of the proposal of the issuance of said bonds by the electors of the town in the manner now provided by law; provided, that if any moneys received from taxes levied in 1932 and payable in 1933 have been used prior to the passage of this Act for the retirement of indebtedness existing January 1st, 1933, such bond issue may include the amount of such payments for the purpose of reimbursing the funds from which such moneys were so paid. (Act Apr. 17, 1933, c. 293, §6.)

1108-10. Tax levy to retire bonds.—The town board of any such town issue bonds pursuant to the authority of this Act shall at the time of the issuance thereof by resolution provide for a levy for each year until the principal and interest of said bonds are paid. (Act Apr. 17, 1933, c. 293, §6.)

1108-11. Violation a misdemeanor.—Any member of the town board of any town or any other town officer or employee knowingly participating in or authorizing any violation of this Act shall be guilty of a misdemeanor, punishable by a fine not exceeding $100, or by imprisonment in the county jail not exceeding three months, for each offense; and each contract attempted to be entered into or indebtedness or pecuniary liability attempted to be incurred in violation of the provisions of this Act shall be null and void in regard to any obligation thereof sought to be imposed upon the town, and no claim therefor shall be allowed by the town board of said town; nor shall the claim of said town or any other town officer or employees for the execution, nor shall the town treasurer, pay, any warrant or certificate of indebtedness issued on account thereof. Each member of the town board and each other town officer or employee participating in or authorizing any violation of this Act shall be individually liable to the town or to any other person for any damages caused thereby and for the purpose of enforcing such liability without impairing any other remedy, the salary of such officer or employee shall be withheld from him and applied towards reimbursing the town or any such other person for such damages until all claims by reason thereof have been fully paid. Every member of the town board guilty of the violation of this Act shall be deemed to have participated in and authorized the same, unless he shall have caused his dissent therefrom to be entered upon the minutes of the meeting. (Act Apr. 17, 1933, c. 293, §8.)

1108-12. Officers may be suspended from office for violation of act.—Any member of the town board knowingly participating in or authorizing the violation of this Act shall be liable to suspension from office. Any vacancy created thereby shall be filled according to law. (Act Apr. 17, 1933, c. 293, §9.)

1108-13. Shall continue under provisions of act.—When a town has once come under the provisions of this Act, it shall continue under the same until the purpose for which the bonds were issued have been fully paid. Every member of the town board of any town shall be individually liable to the town or any other person for any such damages until all claims by reason thereof have been fully paid. (Act Apr. 17, 1933, c. 293, §10.)

1108-14. Provisions separable.—If any section, part or provision hereof be found unconstitutional, such determination shall not affect the validity of the remaining provisions not clearly dependent thereupon. Any such town may by the purchase or condemnation and build on such land garages, warehouses, offices and other buildings for the use of such town provided, however, that the total expenditure for such land and buildings during any one year shall not exceed 5% of the total annual township levy, and provided further that all expenditures shall be within the present millage tax limitation. (Act Apr. 21, 1937, c. 319, §1.)

1108-15. Certain towns may employ attorneys.—The Board of Supervisors in all towns in the State of Minnesota having a population of more than 3,000 exclusive of incorporated villages or cities therein and an assessed valuation of taxable property exclusive of monies and credits of more than $10,000,000 shall have the power to employ an attorney or attorneys without a vote of the electorate and shall provide for the purpose to employ such attorneys without a vote of the electors to contract for the purchase or condemnation, and to construct on such land garages, warehouses, offices and other buildings for the use of such town, provided, however, that the total expenditure for such land and buildings during any one year shall not exceed 5% of the total annual township levy, and provided further that all expenditures shall be within the present millage tax limitation. (Act Apr. 21, 1937, c. 319, §1.)

1108-16. Certain towns to receive special state aid on account of shortage of tax revenues.—Whenever the value of the property within the boundaries of the corporate limits of any town in the State of Minnesota, which is exempt from local taxation because of federal project, and need only advertise for bids for materials, and for such specialized work as plumbing, heating, etc. Op. Atty. Gen. (707a-l). June 1, 1937.

1108-21. Certain towns to receive state aid on account of shortage of tax revenues.—Whenever the value of the property within the boundaries of the corporate limits of any town in the State of Minnesota, which is exempt from local taxation because of federal project, and need only advertise for bids for materials, and for such specialized work as plumbing, heating, etc. Op. Atty. Gen. (707a-l). June 1, 1937.

$1108-22. Same.—Shall make application to the state auditor. Any such town desiring to take advantage of this Act shall apply in writing therefor to the state auditor, and such application shall contain the following facts:
(a) The valuation of the property within such town but not within the corporate limits of any city or village therein subject to taxation under the provisions of said earnings tax law.

(b) The value of all real and personal property, exclusive of moneys and credits, within any such town subject to local taxation.

(c) The rate of taxation in mills for town purposes for the current and next preceding year.

(d) The total amount spent for all town purposes by such town for the last preceding year, and an estimate of the expenses for town purposes for the current year.

(e) The number of persons actually residing in such town but not within the corporate limits of any city or village located therein, who are members of an immediate family in which some member thereof is employed in or on the property on which the gross earnings tax is paid.

The information called for in paragraph (a) shall be ascertained and certified upon the request of any such town by the railroad and warehouse commission; and information called for in paragraphs (b) and (c) shall be certified by the county auditor of the county or counties in which any such town is situated, and the information called for in paragraphs (d) and (e) shall be certified by the clerk of any such town. (Apr. 22, 1937, c. 347, §2.)

1108-23. Same—Auditor to determine amount due.—The state auditor shall immediately consider said matter and determine whether or not any such town is entitled to aid under the provisions of this act, and find that any such town is entitled to aid he shall determine the amount to which it is entitled within the limitations of this act, and shall draw his warrant upon the state treasurer in favor of any such town, for the amount to which it is so entitled, and deliver the same thereto, taking proper vouchers and receipts therefor. (Apr. 22, 1937, c. 347, §3.)

1108-24. Same—Limitation of payments.—Not more than $5,000 in the aggregate shall be disbursed in any one calendar year to all the towns entitled to aid under the provisions of this act, and the said amount of $5,000 shall be insufficient to pay the full amount to which said township shall be entitled annually hereunder, the state auditor shall apportion the said sums pro rata to each of said towns. (July 14, 1937, Sp. Ses., c. 347, §4.)

1108-25. Same—Appropriation.—The sum of $1,000, or so much thereof as may be necessary, is hereby appropriated from any moneys in the state treasury not otherwise appropriated to be used to make the payments provided for in this act. (Apr. 22, 1937, c. 347, §5.)

1108-26. Same—Act in force for two years after passage.—This act shall be in force for two years from and after its passage. (Apr. 22, 1937, c. 347, §6.)

1108-31. Certain towns may establish sewage system, sewer districts, and sewage treatment plants.—In any town of this state having a population of not less than 1,500 nor more than 2,000 inhabitants, according to the last Federal census, and having an assessed valuation of more than $1,200,000 and less than $1,750,000 and having an area of not less than 23,000 acres nor more than 26,000 acres, the town board thereof shall have power to establish and maintain a general system of sewers, to create sewer districts and change, diminish or enlarge the boundaries thereof from time to time and to relax, all or any part thereof as may be necessary, to establish and maintain sewage treatment plants when deemed necessary. Any and all proceedings hereof, taken by any such town to establish and construct said system, shall be lawfully enacted, approved and confirmed and declared to be valid and effective, and the town board of any such town is hereby authorized to issue warrants to pay therefor and to levy assessments for the cost thereof in the same manner as though said proceedings had been commenced and said act had been approved after the effective date of this act. (Act July 14, 1937, Sp. Ses., c. 32, §1; Feb. 24, 1939, c. 28.)

Towns having more than 5,000 population exclusive of villages or cities and having an assessed valuation of $10,000,000 may construct sewage disposal plants. Laws 1939, c. 287.

1108-32. Same—Plan of system.—The town board of any town may at any time establish a general sewer system and may classify sewers as general, district, joint-district and lateral. General sewers may be the designation of such large sewers as shall be common to the entire area used as outlets for district or joint-district sewers, and shall not include those which may or shall be constructed for the immediate draining of any particular district. District sewers shall be the designation of all main sewers laid for the immediate draining of a particular sewer district. Joint-district sewers shall be the designation of such large sewers as may be laid through or be used jointly by two or more sewer districts between a district sewer and a general sewer or independently of general sewers, and for all purposes of construction, maintenance, repairing and taxation or providing for the cost therefor, shall be treated as a single sewer. Lateral sewers shall be the designation of all sewers of whatever size, capacity or length, which may be constructed to drain any portion of a sewer district directly into any district, joint-district or general sewer. (July 14, 1937, Sp. Ses., c. 32, §2.)

1108-33. Same—Use of public grounds: acquisition of lands in other lands: All general, district and joint-district sewers shall be laid when practicable, in public grounds, streets or alleys. Whenever it shall be necessary in the judgment of the town board to lay and maintain any general sewer, district, joint district, or lateral sewer in or through other than public lands, the town may acquire the right thereto by purchase, gift, or by condemnation under the right of eminent domain. (July 14, 1937, Sp. Ses., c. 32, §3.)

1108-34. Same—Motion of or petition to town board; determination by board; resolution; districts, surveys, and plans.—The town board of any such town may by resolution, on its own motion or by petition as hereinafter provided, determine that the public health and sanitation of an area in such town to be described in said resolution as a sewer district, sewer or sewers shall be constructed or it may be made on petition made by the owners of at least fifty-one per cent in area of real property within such proposed sewer district. Such petition may be in informal language and may pray that such improvement be made and sewer constructed. It shall be filed with the town clerk and the town board shall examine the same and be satisfied that the persons signing same are owners of real estate within such proposed sewer district. The town board may thereupon determine by resolution whether or not the petition has been signed by the required percentage of owners and its determination so made shall be final and conclusive unless set aside by any court having jurisdiction thereof.

No action shall be taken for the construction of an entire or partial system, or for the extension of an existing sewer, except upon the adoption of a resolution by a majority vote of all the members of the town board. The creation of sewer districts and the alteration of the boundaries thereof shall be by resolution and the town board may at all times cause in- vestigations, surveys, plans and specifications to be made by a competent engineer selected by said town board and reported to the town board for its guidance in determining the form and extent of any sewer district to be created, extended, reduced, abandoned or such sewer districts shall be consecutively numbered. (July 14, 1937, Sp. Ses., c. 32, §4.)
1108-35. Same—Fund available.—The cost of constructing a general sewer, plant or plants for treating the sewage therein or the securing an outlet therefor shall be paid out of the sewer fund. If any, or if there is no sufficient sewer fund then out of the general fund of the town. (July 14, 1937, Sp. Ses., c. 32, §5.)

1108-36. Same—District sewer; special assessments.—The cost of constructing any district sewer, plant or plants for treating the sewage therein and the securing of an outlet for such district sewer or treatment plant may be assessed against all the land in the sewer district subject to assessments for local improvements, according to special benefits to each lot, piece or parcel of land, in the district without regard to cash valuation. (July 14, 1937, Sp. Ses., c. 32, §6.)

1108-37. Same—Joint district sewer; special assessments.—The cost of constructing every joint district sewer, plant or plants for treating the sewage therein and the securing of an outlet for such joint district sewer or treatment plant may be assessed against all the land in the two or more sewer districts so drained by any joint district sewer shall be treated as one district, and the same plant, method and means employed as in assessing for the cost of a district sewer, treatment plant for same or outlet thereof. (July 14, 1937, Sp. Ses., c. 32, §7.)

1108-38. Same—Lateral sewers; special assessments.—The entire cost of constructing all lateral sewers may be assessed against every lot, piece or parcel of land abutting thereon, subject to assessment for local improvement at an equal sum per front foot without regard to cash valuation. (July 14, 1937, Sp. Ses., c. 32, §8.)

1108-39. Same—Estimates; plants and specifications; filing and public inspection; copies, cost.—Whenever the town board shall determine by resolution to establish, alter, repair, relax or extend any existing sewer or to construct any new sewer, the cost thereof shall be estimated by a competent engineer to be selected by the town board, who shall draw plans and specifications and tabulate the results of his estimate of the cost and report the same to the town board. Such plans and specifications shall be filed with the clerk of the town before any proposals for bids for work thereunder shall be advertised and shall remain on file open to the inspection of all persons until after the contract for such work shall be let. A copy of such plans and specifications shall be furnished by the engineer who shall prepare the originals, to any person applying therefor at a cost of seventy-five cents (75c) per hour for the time necessarily employed in making such copies. (July 14, 1937, Sp. Ses., c. 32, §9.)

1108-40. Same—Bids for construction; letting contract; bond; town may itself do work; supervision by engineer.—The town board shall then cause proposals for bids for such work to be advertised in the newspaper published in said county and in such trade paper published in a City of the first class in the State. Said publications to continue at least once in each week for two successive weeks, which advertisement shall specify the work to be done and shall call for bids upon a basis of cash payment for the work, and shall state the time within which bids shall be received and the time at which the same will be open for consideration by the town board. No bids shall be considered unless the same shall be accom- paied by a cash deposit or duly certified check payable to the order of the treasurer of the town for at least five per cent of the amount bid and be directed to the clerk of the town secured by a bond, conditioned for the faithful performance of the contract and for saving the town harmless from any and all liability in the prosecution and completing of the work. The town board, if a contract is awarded, shall award the same to the lowest responsible bidder. If any bidder to whom such contract is awarded shall fail to enter promptly into such written contract and to furnish such bond, then such defaulting bidder shall forfeit to the town the amount of his cash deposit or certified check and the town board may then offer the contract to the next lowest responsible bidder; provided the town board shall have the right to reject all bids, and providing further, that whenever the estimates made for the town board for the entire work projected, shall be less than $500.00, then the town board may directly purchase the materials therefor and cause the work to be done by day labor. Every contract awarded under this act shall be made between the town as one party in the name of the town and the successful bidder as the other party, and such contract shall be executed by the chairmain of the town board and countersigned by the clerk of said town and an attested copy thereof shall be filed and remain in the office of the clerk of said town.

In every contract executed under this act whether or not so stated therein, there shall be reserved the right of the town board to have the work supervised by an engineer or other person in behalf of the town and in case of improper construction, or unreasonable delay in the prosecution of the work by the contractor, to order and cause suspension of the work at any time and to re-let the contract therefor or to order a reconstruction of any portion of the work improperly done or where the remaining work to be done or the work of reconstruction to be made shall fall for an expenditure of less than Five Hundred Dollars to complete the work of reconstruction by the employment of day labor. (July 14, 1937, Sp. Ses., c. 32, §10.)

1108-41. Same—Advances to contractor.—In case the contractor to whom such contract may be let shall be unable to perform the work properly within the time specified, the town board may, from time to time, before the completion of the work, in its discretion, pay to such contractor Eighty (80%) per cent of the amount already earned thereunder upon the estimate of the engineer selected by the town board. (July 14, 1937, Sp. Ses., c. 32, §11.)

1108-42. Same—Estimate for assessment; landowners may install laterals; spreading assessment; notice; objections; hearing; approval; payment; interest; installment; examining on tax rolls; penalties.—Whenever any work or improvement provided for by this act shall have been determined upon and a contract let therefor, or outlet secured, the engineer selected by the town board, shall forthwith calculate the proper amount to be specifically assessed for such district, joint-district and lateral sewers, treatment plants or outlet against every assessable lot, piece or parcel of land within the limits of the district or joint district affected, without regard to cash valuation, in accordance with the provisions of sections 6, 7 and 8 of this act.

Provided that in calculating the special assessment for any district sewer or joint-district sewer, the cost of laying or repairing the sewer, the cost of laying or repairing the public highway; and all catch basins, manholes, lamp holes and flushing valves and tanks and treatment plants shall be taken as a part of such district sewer or joint-district sewer and to be paid for by special assessment.

Provided further, that private owners may lay, lay or extend any lateral sewer through any public
ground, street or alley and connect the same with any general, district or joint-district sewers, upon permission granted by a majority of the town board and that any private owner alone, or two or more owners jointly or jointly with others lay, extend or extend private ground pursuant to rights acquired therefor by agreement or purchase from any private owner or owners. In the event that any private owner alone or jointly with others lay, extend or extend such lateral sewer through public ground, the town shall not be or become in any manner or in any respect liable for any act or negligence involved therein.

When such engineer shall have finished his calculations, the amount to be specially assessed as foreseen against each tract, piece or parcel of land in the sewer district affected, he shall at once prepare and file with the clerk of the town tabulated statements in duplicate, showing the proper description of each and every tract, piece or parcel of land to be specially assessed, and the amount he has calculated against the same and such statements shall be the basis of the assessment and be known as the proposed assessment to be made by the town board, as hereinafter required, and shall be filed by the clerk of the town board for its approval at a meeting to be held not less than ten days thereafter. The clerk of the town shall thereupon cause notice of the time and place when and where the town board will meet in regular session to consider such proposed assessment to be published in a newspaper in said county once in each week for two successive weeks and by three posted notices thereof in said town at least one of which posted notices shall be within the sewer district to be affected.

During all the time between the filing of said proposed assessment with the clerk of the town and such meeting of the town board such proposed assessment shall be open to inspection and copying by all persons interested.

At such meeting of the town board all persons aggrieved by such proposed assessment may appear before the town board and present their reasons why such proposed assessment or any particular item thereof should not be adopted, and the town board shall hear and pass upon all objections thereto, if any, and may alter, or affirm and adopt such proposed assessment as may be deemed just in the premises, and such adoption by the town board shall constitute the special assessment the same shall be certified by the clerk of the town and filed in his office and shall thereupon be and constitute the special assessment. The amount assessed against each lot, tract, piece or parcel of land by such special assessment shall bear interest from the date of the adoption of such special assessment until the same have been paid, at the rate of interest to be designated by resolution of the town board at the time of the adoption of such special assessment but not to exceed six (6%) per cent per annum and such special assessment with the accruing interest thereon shall be a paramount lien upon the property included therein from the time of the adoption of such assessment by the town board and shall remain such lien until fully paid, and shall have precedence over all other liens, except general taxes and as to such shall be concurrent, and shall not be diverted or impaired by any judicial sale and notate against the property in the name of the owner shall invalidate the lien.

The town board may at any time by resolution direct the clerk of the town, to make up and file in the office of the county auditor a certified statement of the amount of all such special assessments and the amount of interest which will be due thereon on the first day of January of the following year, and the clerk of said town shall within twenty (20) days thereafter make up and file such certified statement in the office of the auditor of the county, which statement shall also contain a description of the lands affected by the assessment. Such resolution may also direct that such special assessment shall be payable in equal annual installments not exceeding five, and payable on the first day of January of each year, each of said installments to bear interest at the rate hereinafore provided until fully paid, and the certified statement of the clerk shall show the amount of each of such installments, the date when each installment becomes due and the amount of interest to be paid on each installment in each year. After said statement is filed in the office of the County Auditor it shall be the duty of such Auditor to extend upon the tax roll of each year the amount of such assessment installment as may be due and payable therefor, and such amount shall become a lien on the property upon which the same is imposed and shall be a lien as in case of the original assessment, accruing interest thereon shall be a paramount lien extending to the full amount of such assessment.

The amount assessed against each lot, tract, piece or parcel of land therein described, and such statement is filed in the office of the County Auditor shall constitute a fund for the payment of the cost of improvements for the district for which such assessment was made and the same shall be credited to the proper sewer district fund under the designation: "Sewer District No. ..., " and in anticipation of the collection of such special assessment, the
town may issue warrants on such funds to be known as "Sewer Warrants" payable at such times and in such amounts as, in the judgment of the town board, the necessities of any of the improvements under any of the provisions of this act, for any cause whatever whether jurisdictional or otherwise, shall be set aside or be declared void by any court, the town board shall without unnecessary delay cause a reassessment or new assessment to defray the expenses of such improvements and such improvements were made under this act or any other laws of this State, and such reassessment or new assessment shall be made as nearly as may be, as herein provided for making the assessment therefor in the first instance; and when the same shall have been made and confirmed by the town board, it shall be enforced and collected in the same manner that other assessments are enforced and collected under this act and in all cases where judgments shall hereafter be refused or denied by any Court for the collection and enforcement of any special assessment, or where any court shall hereafter set aside or declare void any assessment upon any lot, tract or parcel of land for any cause, the said lot, tract or parcel may be reassessed or newly assessed from time to time or each separate part thereof and assessed and its proportionate part of the costs and expenses of said improvements as near as may be. (July 14, 1937, Sp. Ses., c. 32, §19.)

1108-50. Same—Confirmation of assessment; notice and hearing; statement of objections.—The notice of the time and place when and where the town board will meet in regular session to adopt any proposed assessment under Section 12 of this act and to be prepared by the Clerk of the town to be published and posted as hereinbefore required shall specify the particular sewer district or districts in which the improvements is to be made and shall describe with reason-able certainty the location, extent and termini of the sewer or sewers to be laid, relayed or extended; provided that no omission or inaccuracy in such notice shall invalidate the notice or the assessment, unless substantial injury shall be shown by the person claiming to be aggrieved thereby.

When the town board shall meet for the purpose of adopting any proposed assessment under the provisions of this act, no grievance or objection thereto shall be heard if any item therein shall be heard by the town board unless the party objecting or his duly authorized agent or attorney shall on or before the date of such session file with the clerk of the town board a notice specifying the matters or items in question and to which objection is made. (July 14, 1937, Sp. Ses., c. 32, §20.)

1108-51. Same—Appeal; procedure; mode and scope of review.—Any person feeling himself aggrieved by such special assessment may, by notice in writing served upon the chairman of the town board and also upon the clerk of the town, a copy whereof, with proof of service shall be filed in the office of the clerk of the District Court of the county wherein such town is situated, within twenty days after the adoption of such special assessment, appeal from such special assessment to the District Court aforesaid and such appeal shall be disposed of in a summary manner by the court. At the trial of such appeal no pleading shall be required under the rules of any court but shall in his notice of appeal specify and enumerate the particular grounds of his objection to such special assessment and shall not be entitled to have consideration on such appeal any grounds of objection other than those specified in such notice and no question shall be tried on such appeal as to any fact which may have arisen or existed prior to the letting of the contract or contracts for the improvement and a copy of the assessment roll in question and of the resolution of the town board confirming or adopting the same certified by the clerk of the town or the origin-
als thereof shall be prima facie evidence of the facts therein stated or denoted and that such assessment was regular, just and made in conformity to law and the judgment of the court. The determination of such appeal shall be final. Such appeal shall be entered and brought on for hearing and be governed by the same rules as far as applicable as in appeals from justice of the peace in civil actions, and like bonds shall be given to the town by the person appealing as are required in appeals from justices of the peace in civil actions, but such bond shall, surrender such appeal affective shall be approved by the judge of such district court or court commissioner of the county in which such appeal is made, and if provided that an appeal to the District Court shall be made, heard or determined as to such special assessment or any item therein unless such objection shall have been as in this act specified, previously presented to and passed upon by the town board. (July 14, 1937, Sp. Ses., c. 32, §21.)

1108-52. Same—Repair of sewers.—Whenever any such sewer shall be laid, reaïd or extended, it shall be the duty of the town board to any engineer or other person selected by the town board to any engineer or other person selected by the town board. (July 14, 1937, Sp. Ses., c. 32, §22.)

1108-53. Same—Private connections with sewers; supervision.—All private connections shall be made with lateral sewers, unless some insurmountable obstacle of a practical nature shall prevent and no private connection with any sewer whatever shall in any event be made without permission therefore granted by the town board and the making of all private connections with any sewer shall be subject to supervision and control by the town board; provided that such supervision and control may be delegated by the town board to any engineer or other person selected by the town board at its discretion. (July 14, 1937, Sp. Ses., c. 32, §23.)

1108-54. Same—Eminent domain proceedings.—Whenever it shall become necessary for the town to exercise the right of eminent domain for the purpose included within this act all proceedings thereunder shall conform as near as may be to the provisions of Section 2620 to 2632, both inclusive, of the General Statutes of 1894 and amendments thereto. (July 14, 1937, Sp. Ses., c. 32, §24.)

1108-55. Same—Town to possess powers of village.—For the purpose of carrying out the provisions of this act, the town as defined in Section 1 heretofore enacted shall have and possess all the power and have the same authority now possessed by villages under the general laws of this State and the chairman of the town board shall be deemed the chief executive officer thereof and the town clerk shall be charged with the duty of performing all the clerical functions necessary therefor and the town board shall have and possess all the power and authority now possessed by a village. (July 14, 1937, Sp. Ses., c. 32, §25.)

1108-56. Same—Town may bear part of cost of sewer system.—The town may contribute to the cost of the construction of such sewer such proportionate share thereof, as shall be determined by the Town Board before making the assessments for such sewer and may pay the said share so determined, out of the general funds of the Town. (July 14, 1937, Sp. Ses., c. 32, §26.)

Act Apr. 10, 1938, c. 187, limited to Hennepin County, authorizes the boards of supervisors of towns in such county to regulate the construction of buildings and make zoning regulations. The act is constitutionally probably unconstitutional as a delegation of legislative power.

1108-57. Towns may construct sewers and sewage disposal plants.—The board of supervisors of all towns in the state of Minnesota having a population of more than 3,000 inhabitants exclusive of incorporated villages or cities therein and an assessed valuation of taxable property exclusive of moneys and credits of more than $10,000,000 shall have the power to erect, construct, maintain and operate a sewage disposal plant, and to lay and construct within the platted area thereof such sewers leading to said plant and such other equipment incidental and necessary to the operation thereof as such board deems necessary and advisable. (Act Apr. 17, 1939, c. 287, §1.)


1108-58. Payment of cost—Bonds—Interest.—The cost of such erection, construction, maintenance and operation may be paid from the general revenue funds of such towns, and in case such funds are insufficient for that purpose, said boards of supervisors are hereby authorized and empowered for the purposes herebefore designated, to issue the negotiable bonds of such towns to the amount authorized by such board; said bonds to be made in such denominations and payable in such places and at such times, not exceeding 30 years from the date thereof, as may be deemed best. Said bonds shall mature serially and bear interest at a rate of not to exceed five per cent per annum payable semi-annually. No such bonds shall be sold for less than the par value thereof and accrued interest thereon. Provided also that such bonds shall be issued, negotiated and sold in accordance with the provisions of Mason's Minnesota Statutes of 1927, Section 453. (Act Apr. 17, 1939, c. 287, §2.)


1108-59. Tax levy to retire bonds.—The full faith and credit of any such town shall at all times be pledged for the payment of any bonds issued under this act and for the payment of the current interest thereon, and said board of supervisors of such town shall each year include in the tax levy a sufficient amount for the payment of such interest as it accrues, and for the accumulation of a sinking fund for the redemption of such bonds at their maturity. (Act Apr. 17, 1939, c. 287, §3.)

1108-60. Form of bonds.—All bonds issued under the authority of this act shall be sealed with the seal of the town issuing the same and signed by the chairman and clerk thereof, except that the signatures to the coupons attached to such bonds, if any, may be lithographed thereon. The sale of such bonds shall be in such manner and in such proportions of the whole amount authorized by this act and at such times as may be determined by said board of supervisors of such town. (Act Apr. 17, 1939, c. 287, §4.)

1108-61. Proceedings to be used for purposes enumerated.—The proceeds of any and all bonds issued and sold under the authority of this act shall be used for the purposes hereinbefore enumerated. (Act Apr. 17, 1939, c. 287, §5.)

1108-62. Powers additional.—The powers granted by this act are in addition to all existing powers of such towns. (Act Apr. 17, 1939, c. 287, §6.)