

CHAPTER 471

PROVISIONS RELATING TO SEVERAL POLITICAL SUBDIVISIONS

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471.01 PUBLIC BUILDINGS OR WORKS IN COUNTIES, CITIES, VILLAGES, BOROUGH, SCHOOL DISTRICTS, OR OTHER POLITICAL SUBDIVISIONS; RECORDS AND ACCOUNTS OF WORK DONE; PUBLICATION. When a county, city, village, borough, school district, or other political subdivision of the state, or any public agency of such municipality or political subdivision, shall determine that any public work or construction is necessary to be done, either by contract or day labor or otherwise, an estimate of the cost thereof shall be made and if such estimate shall exceed the sum of \$1,500 the total amount of such estimate shall be published in the official newspaper of such county, municipality, or political subdivision. If there be no such official newspaper, the same shall be published in a legal newspaper of the county in which the work is to be done. If the estimated cost of such public work or construction exceeds the sum of \$1,500, such municipality, political subdivision, or public agency shall keep and preserve an accurate record and account of such work and construction and of the cost thereof, whether it be done by contract or by day labor or otherwise. Where such estimate is published as part of the official proceeding of the governing body of such municipality, public agency, or political subdivision no further publication shall be required under the provisions of sections 471.01 to 471.04.

[1921 c. 274 s. 1] (974-1)

471.02 CONTENTS OF RECORDS AND ACCOUNTS. The account shall show in accurately tabulated form, under appropriate heads, the totals of all classes, kinds, and descriptions of work performed and of materials entering into such public work or construction, and the cost to such municipality, political subdivision, or public agency of each, including the cost of all materials, supplies, and services furnished or paid for by the municipality, political subdivision, or public agency; and the cost of all labor, when the work or construction is done by day labor, when

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such public work or construction is done by contract the prices paid to the contractor for, and the amounts paid to him for, each class, kind, or description of work performed and materials furnished; and in all cases, the cost of all overhead, the cost of engineering, and all other expenses involved in the total cost of such public work or construction, which total shall be tabulated and distinctly shown.

[1921 c. 274 s. 2] (974-2)

471.03 TOTAL COSTS PUBLISHED. The total cost of such public work or construction, upon completion thereof, shall be published in a legal newspaper in the county, city, town, borough, or school district in which the work is done, if there be such newspaper published therein. If not, then in some legal newspaper published at the county-seat of the county in which the work or construction is performed.

[1921 c. 274 s. 3] (974-3)

471.04 RECORDS; INSPECTION; CERTIFIED COPIES. The records and accounts hereinabove required to be made and kept, shall be open to inspection by the public at all reasonable times. Certified copies thereof shall be furnished to any citizen of this state on demand, on payment of the legal fee for making and certifying the same.

[1921 c. 274 s. 4] (974-4)

471.05 PUBLIC DOCKS AND WHARVES IN CERTAIN VILLAGES AND ADJACENT TOWNS. In cases where any village in this state which is situated upon navigable waters and has no railroad connections but is dependent upon such navigable waters for transportation and towns in the vicinity of such village desire to combine and organize for the purpose of building, maintaining, and operating one or more docks or wharves on the shore of such navigable waters with warehouse connections for the use by the people in the territory affected, they may so combine and build; maintain, and operate such docks, wharves, and warehouses and raise funds for such enterprise by proceeding as herein directed. No such territory shall so organize unless the whole thereof, when taken together, will constitute one contiguous body of land.

[1923 c. 229 s. 1] (1918-44)

471.06 SUBMISSION TO VOTE; SPECIAL ELECTION; LIMITATION ON AMOUNT OF BOND ISSUE. Upon the filing with the council of such village or the supervisors of such town of a petition signed by one per cent or more of the legal voters of such town or village praying that the question of so combining with the other legal divisions of the territory for the purpose of building, maintaining, and operating docks, wharves, and warehouses, be submitted to a vote of the people of such village or town and praying that the bonds of such town or village be issued for the purpose of assisting in the building of such docks, wharves, and warehouses, the council of such village or the supervisors of such town shall call an election of the legal voters thereof to vote upon such proposition. Such petition shall name the village and towns or the towns alone, as the case may be, with which the combination is to be made and shall state the amount of bonds proposed to be issued by the village or town for the purpose of such enterprise, and the date of the same, the rate of interest they are to draw, the denominations thereof, when they are to mature and where to be made payable. In no case shall the bonds so to be issued be in an amount in excess of five per cent of the assessed value of the real and personal property of the town or village issuing the same.

[1923 c. 229 s. 2] (1918-45)

471.07 NOTICE OF SPECIAL ELECTION. Notice of the time and place of holding such election shall be posted in three public places in such town or village for 15 days prior to the time of holding the same, and shall be published in the newspaper issued nearest the town or village giving such notice once in each week for two successive weeks prior to the time of the holding of such election. Such notice shall be in substantially the following form:

Notice of Special Election.

Notice is hereby given that a special election will be held in the.....
.....(village or town) of.....(name)
on the day of, 19..... for the purpose
of voting on the proposition of combining with the towns (or village) of,
..... (naming them) County, Minne-
sota, and organizing to build one or more docks, wharves and warehouses for public
use on the navigable waters of in the

village and upon the proposition of issuing the bonds of the (town or village) in the aggregate sum of \$..... bearing interest at the rate of per cent per annum, the proceeds thereof to be used for the purpose of acquiring a site for, and building, maintaining, and operating a dock or docks, wharf or wharves together with warehouse connections on the shore of in the village, such bonds to be numbered and to mature as set forth in the petition of legal voters of the (town or village) now on file in the office of the clerk (or other officer of the town or village).

Dated, 19.....

Such notice shall be signed by the clerk of the town or village issuing the same.

[1923 c. 229 s. 3] (1918-46)

471.08 CONDUCT OF ELECTION; BALLOTS. Such special election may be held on a day separate or on the day fixed for any other election in such town or village, in which latter event the judges and clerks acting as such for the election then to be held, shall act as judges and clerks for the special election but in either case a special ballot box shall be provided and the ballots cast on the proposition of organizing such town or village with the other towns or village in the vicinity for the purpose of constructing, maintaining, and operating docks and warehouses and the proposition of issuing bonds for such purpose shall be kept separate from all other ballots cast. If such election is to be held on a day different from that of some other election in the town or village, then, the supervisors of the town or council of the village, as the case may be, shall appoint judges and clerks to conduct such special election.

Such election shall be conducted in substantially the same manner as is required for the conduct of general state and county elections; such special elections shall be by ballot and the ballot to be used thereat shall be in the following form:

Organization and Bond Ballot.

Shall the (town or village) of (naming it) unite with the towns of and village of to build, maintain, and operate docks, wharves and warehouses and shall the (town or village) of issue its bonds in the sum of \$..... for the purpose of building, maintaining, and operating docks, wharves and warehouses, such bonds to be numbered, issued and to draw interest as provided in the petition therefor, now on file in the office of the clerk of the (town or village).

Yes.....

No

Electors desiring to vote in favor of such proposition shall make their cross "X" opposite the word "YES" and the electors desiring to vote against the proposition shall make their cross mark "X" opposite the word "NO."

[1923 c. 229 s. 4] (1918-47)

471.09 RETURN OF ELECTION. In case a majority of the voters of such village or town voting thereat shall vote favorably upon such proposition, the supervisors or village council, as the case may be, shall cause a return to be filed with the auditor of the county in which such town or village are situated of all of the proceedings had by the town or village, relative to the calling and conduct of such election, which returns the county auditor shall preserve in his office for the inspection of any person or persons who shall be interested therein.

[1923 c. 229 s. 5] (1918-48)

471.10 DOCK AND WAREHOUSE COMMISSION. In case the voters in the various towns and villages affected shall vote favorably upon the proposed proposition, there shall be organized in such territory a commission to be known as "Dock and Warehouse commission of the County of" (designating the county in which such territory is situated). In case more than one such organization shall be effected in any county, then, there shall be added to the name of such commission, as herein provided for, organized after the first one, the designation No. 2 or 3 or 4, as the case may be.

[1923 c. 229 s. 6] (1918-49)

471.11 ORGANIZATION OF COMMISSION; GENERAL POWERS. The commission so to be organized shall be composed of the president or other chief officer of the village in the territory affected and the chairman of each of the several town

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boards in such territory. The president or other chief officer of the village shall be chairman of such dock and warehouse commission. Within one month after a favorable vote upon such organization, such chairman shall call together the members of such commission and upon organization, the commission shall elect one of its members, other than the chairman, as secretary of the commission. The commission shall, at all times, keep records of all its proceedings and doings for that purpose. The commission shall have power to purchase a site for a dock, wharf, and warehouse or docks, wharves, and warehouses, and is authorized to build and maintain upon such site, one or more docks, wharves, and warehouses and for that purpose to use the moneys obtained as the proceeds of the bonds issued by the several divisions affected as provided in sections 471.05 to 471.14, and have power to direct the institution and defense of all action in which the organization is interested, to employ necessary counsels and attorneys for the prosecution or defense of the same, and is hereby authorized to acquire by condemnation such land or parcels of land as the commission shall determine to be necessary for the use for such docks, wharves, and warehouses, or either of the same, and to raise such sums of money for that purpose as may be deemed necessary.

[1923 c. 229 s. 7] (1918-50)

471.12 SUPERINTENDENT AND EMPLOYEES; RATES, CHARGES, SITES.

The dock commission provided for in sections 471.05 to 471.14, may hire one or more superintendents for the care and operation of such dock or docks and may charge all users of such docks and warehouses reasonable rates for the use of the same. The proceeds of the income derived from such charges shall be paid by the party collecting the same into the dock fund of such organization with the treasurer of the county in which such organization is situated. In case any person, village, or town shall offer to donate one or more sites for such dock, docks, or warehouses, the commission may accept such donation. The title to any site acquired by such commission for such docks or warehouses shall be taken in the name of the commission which body is hereby empowered to hold the title to such property and such dock site or sites and all wharves, docks, and warehouses connected therewith shall always be held and used for public dock purposes under the provisions of those sections.

[1923 c. 229 s. 8] (1918-51)

471.13 BONDS; ISSUE AND SALE. The bonds to be voted for at the election provided for in sections 471.05 to 471.14 and issued by the town or village, voting the same, shall be general obligations of such town or village; they shall run for a period not exceeding 20 years and shall draw a rate of interest not exceeding six per cent per annum, such bonds shall be issued by the supervisors of the town or the council of the village, as the case may be, and be signed and countersigned in the same manner as in other bond issues of villages or towns and provided for by law, and shall be sold and negotiated by the authorities of the town or village issuing the same and the proceeds thereof and all moneys pertaining to such organization for dock and warehouse purposes, shall be paid to the treasurer of the county in which such territory is situated and all such funds together with other funds of such dock commission organization shall be kept by such treasurer in a separate fund to be known as "Dock and Warehouse Funds of, (Designating the organization)."

All moneys in such fund shall be paid out by the county treasurer only upon orders drawn thereon and signed by the chairman and secretary of the board of dock commissioners to which such fund belong.

In case there shall be remaining in the dock and warehouse funds at any time a surplus of moneys after the properties purchased and constructed by the dock commission are completed and paid for, such dock commission may apportion such surplus to the several towns and villages comprising such organization in proportion to the amount of bonds issued, sold, and contributed by each town or village to the fund of such commission.

[1923 c. 229 s. 9] (1918-52)

471.14 COMPENSATION OF COMMISSIONERS; DUTIES. The several members of the board of dock commissioners provided for in sections 471.05 to 471.14 shall receive as compensation for their services in attending the meetings and conducting the business of such commission, a compensation of not to exceed \$4.00 per day with mileage at six cents per mile to and from the place of residence of the member of the commission receiving the same and the place where such meet-

ings are held, which compensation shall be paid out of the fund created for the purpose by sections 471.05 to 471.14 upon orders signed by the chairman and secretary of the commission. The chairman of the commission shall be the ex officio manager of the dock, docks, or warehouses under the control of the commission but shall at all times be subject to the direction of the commission itself.

[1923 c. 229 s. 10] (1918-53)

471.15 MUNICIPALITIES MAY ACQUIRE AND OPERATE RECREATIONAL FACILITIES. Any city, however organized, or any village, borough, town, county, school district, or any board thereof may operate a program of public recreation and playgrounds; acquire, equip, and maintain land, buildings, or other recreational facilities; and expend funds for the operation of such program pursuant to the provisions of sections 471.15 to 471.19, provided that the provisions of those sections shall not apply to any municipality coming within the provisions of sections 471.20 to 471.23.

[1937 c. 233 s. 1] (1933-9a)

471.16 MAY ACT INDEPENDENTLY OR COOPERATIVELY. Any city, however organized, or any village, borough, town, county, school district, or any board thereof may operate such a program independently, or they may cooperate in its conduct and in any manner in which they may mutually agree; or they may delegate the operation of the program to a recreation board created by one or more of them, and appropriate money voted for this purpose to such board. In the case of school districts the right to enter into such agreements with any other public corporation, board, or body, or the right to delegate power to a board for operating a program of recreation, shall be authorized only by a majority vote cast at an annual school election, provided that expenditures for this purpose shall not be included under maintenance cost in the computation of supplemental aid to the local school district as provided by section 128.11.

[1937 c. 233 s. 2] (1933-9b)

471.17 LOCATION OF ACTIVITIES. Any corporation, board, or body hereinbefore designated given charge of the recreation program is authorized to conduct its activities on:

- (1) property under its custody and management;
- (2) other public property under the custody of any other public corporation, body, or board, with the consent of such corporations, bodies, or boards;
- (3) private property, with the consent of its owners; and
- (4) shall have authority to accept gifts and bequests for the benefit of the recreational service and employ directors and instructors of recreational work.

[1937 c. 233 s. 3] (1933-9c)

471.18 STATE BOARD OF EDUCATION TO ESTABLISH QUALIFICATIONS. In all cases where school funds or property are utilized, the state board of education shall:

- (1) Establish minimum qualifications of local recreational directors and instructors;
- (2) Prepare or cause to be prepared, published, and distributed adequate and appropriate manuals and other materials as it may deem necessary or suitable to carry out the provisions of sections 471.15 to 471.19.

[1937 c. 233 s. 4] (1933-9d)

471.19 RECREATION PROGRAM TO BE FOR EDUCATION PURPOSES. The facilities of any school district, operating a recreation program pursuant to the provisions of sections 471.15 to 471.19 shall be used primarily for the purpose of conducting the regular school curriculum and related activities and the use of school facilities for recreational purposes authorized by those sections shall be secondary.

[1937 c. 233 s. 5] (1933-9e)

471.20 COMBINED RECREATIONAL COUNCIL FOR VILLAGE AND SCHOOL DISTRICT. Any village to which sections 471.20 to 471.23 shall apply, which is now authorized by law to expend moneys for recreational purposes, which is located within the territorial limits of any independent school district, which district is also authorized by law to expend moneys for recreational purposes, may combine with such independent school district to form and create a combined recreational council with the powers and authority as therein provided.

[Ex. 1936 c. 29 s. 1] (1263-4)

471.21 CREATION; MEMBERSHIP; POWERS. The governing boards of such village and of such independent school district may, by resolution passed by a

majority vote of each governing body, create a recreational council consisting of two members of such village council and two members of the governing board of such independent school district, to be known as a combined recreational council. Such recreational council shall have authority to maintain recreational activities, but shall have no authority to incur any obligations in connection therewith except such as are expressly authorized by the governing bodies of both of such respective municipalities.

[*Ex. 1936 c. 29 s. 2*] (1263-5)

471.22 EXPENDITURES; BUDGET. The village shall not expend more money than it is authorized by law to expend for such purpose and such independent school district shall not expend more money for such purpose than it is authorized to expend, and such combined recreational council shall not be authorized to incur indebtedness in excess of such amounts nor in excess of the amounts as set aside for such purpose by the governing bodies of such village and such independent school district, which bodies are hereby authorized to create and set apart a budget for such combined expenditures and to designate the proportionate amount of such expenditures to be met by each respective municipality.

[*Ex. 1936 c. 29 s. 3*] (1263-6)

471.23 COMPENSATION; TENURE. The members of such combined recreational council shall serve without pay, and their respective terms of office shall expire at the end of the time for which they are appointed, not to exceed their term of office for which they have been elected to the respective governing bodies.

[*Ex. 1936 c. 29 s. 4*] (1263-7)

471.24 VILLAGES AND TOWNS MAY COOPERATE IN SUPPORT OF CEMETERIES. Where a village or town owns and maintains an established cemetery or burial ground, either within or without the municipal limits, the village or town may, by mutual agreement with contiguous villages and towns, each having an assessed valuation of not less than \$1,000,000, join together in the maintenance of such public cemetery or burial ground for the use of the inhabitants of each of such municipalities; and each such municipality is hereby authorized, by action of its council or governing body, to levy a tax or make an appropriation for the support and maintenance of such cemetery or burial ground; provided, the amount thus levied or appropriated by each municipality shall not exceed a total of \$1,000 in any one year.

[1931 c. 262 s. 1] (1933-64)

471.25 LIMIT TO APPROPRIATIONS. Such appropriation by each municipality shall not exceed the per capita amount paid by any other municipality sharing therein, based on the populations of the respective units; provided, that any arrangement under sections 471.24 and 471.25 shall not alter the management, control, or ownership of any cemetery.

[1931 c. 262 s. 2] (1933-65)

471.26 MUNICIPALITIES MAY CARRY ON CITY PLANNING ACTIVITIES. Any municipality in the state is hereby authorized to carry on city planning activities and adopt a plan for the regulation of the future physical development of the municipality and to prepare and adopt an official map of all proposed alteration of existing lands and public spaces, and the future development of unplatted properties, and shall have power to approve subdivisions as hereinafter provided and require such approval prior to the filing of an official plat thereof. The term "municipality," as used in sections 471.26 to 471.33 shall include any city, village, town, or borough however organized.

[1937 c. 287 s. 1] (1933-68)

471.27 PLANNING CITY DEVELOPMENTS. Any municipality may by formal procedure make a study of future developments of the municipality, including proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds and other similar developments. Such plans may be incorporated in resolutions or ordinances, in reports of officers or agents of the municipality or may be shown on formal planning maps or by a use of these and other methods singly or in combination.

[1937 c. 287 s. 2] (1933-69)

471.28 MAY LAY OUT STREETS. The governing body of any such municipality may provide for the future laying out of streets outside of platted territory and extending across unplatted territory within the corporate limits of such municipality. When it is thus desired to extend or reserve any lands for streets

or other public use which are not yet dedicated to public use by platting or otherwise, or to provide for the future widening and improvement of an existing street or highway, the council shall direct the engineer of the municipality or other competent person to prepare a map of such platted or unplatted district indicating the proposed future extension or widening of existing streets of the municipality within such existing platted and developed territory or across such unplatted territory upon such map.

After such map has been prepared and filed with the governing body of the municipality, it shall be adopted and published as the official map of that portion of the municipality and thereafter whenever any such existing street or highway is widened or improved, or any such new street is opened, or lands for other public purposes are acquired by action of the municipality, it shall not be required in such proceedings to pay for any building or structure constructed upon such mapped street, or situated outside of any building line that may have been established upon the existing street, or within any area thus reserved for public purposes, placed there after the adoption and publication of the map.

No such map shall be adopted or have any effect until approved by resolution duly adopted by the governing body of the municipality after a public hearing held at least ten days after a public notice thereof is given in a legal newspaper published in that municipality. The adoption of the map shall not give the municipality any right or interest in such unplatted streets or other reserved areas except the right to secure the streets or lands indicated by the usual methods, but without the payment of compensation for any such improvement constructed upon the bed of the mapped street thereafter or outside of the established building line or within the reserved areas as herein provided.

[1937 c. 287 s. 3] (1933-70)

471.29 TO APPROVE PLATS. The governing body of any municipality is authorized by resolution to approve all plats of land hereafter proposed within that municipality or within two miles of its limit in any direction, provided that where two or more municipalities have contiguous territory or are situated with their boundaries less than four miles apart, each shall have control of the platting of land equidistant from its boundaries within this two-mile radius. After the adoption of planning regulations established under a city plan adopted pursuant to the provisions of sections 471.26 to 471.33, approval may be denied if the proposed plat fails to conform to the plan or with any reasonable regulation of the municipality applicable thereto. No plat shall be filed or accepted for filing unless it is accompanied by a certified copy of the resolution approving it or accepting it as being in accord and conformity with any plans or regulations as herein specified. A copy of this resolution shall be supplied to the applicant.

When a copy of any plat is filed with a municipality for approval, published notice shall be given of a public hearing to be held within 30 days thereafter, in a newspaper published in that municipality or in the county if there is no newspaper published in the municipality. At such hearing all persons interested therein may be heard and the council may thereafter approve or disapprove the plat. Such approval or disapproval shall be given not more than 60 days after the filing of any plat with a formal request for its approval. The grounds for any refusal to approve a plat shall be set forth in the proceedings of the council and reported to the person or persons applying for such approval. Plats after approval, may then be recorded as now provided by law.

[1937 c. 287 s. 4] (1933-71)

471.30 PLATS MUST BE CHECKED. Before the approval of a plat it shall be checked as to measurements of all lots, streets, and public lands. All proposed streets on such plat shall conform to the street plan of the municipality as adopted and laid out in the abutting territory and extended upon any official map of the adjacent district as authorized under sections 471.26 to 471.33. In considering requirements for the location and width of streets, the municipality shall take into consideration the prospective character of the development and make any reasonable requirements therefor.

As a condition precedent to the approval of the plat of lands located within the corporate limits of the municipality, the governing body may prescribe requirements of the extent to which and the manner in which streets shall be graded and improved, and water, sewer, and other utility mains, piping, connections, or other facilities shall be installed. The governing body may provide that, in lieu of the completion

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of such work before the final approval of a plat, the governing body may accept a bond, in an amount and with such surety and conditions satisfactory to it, providing for the securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the governing body and expressed in the bond; and the municipality is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies.

In appropriate plots of subdivisions to be developed for residential uses (where the plot or subdivision is acres or more in extent) the governing body of any municipality shall have the power to approve the same as herein provided, and may require that a portion of such land of sufficient size and character (and not less than per cent of the total in any case) be set aside and dedicated to the public for public use as parks and playgrounds.

[1937 c. 287 s. 5] (1933-72)

471.31 PUBLIC UTILITIES MUST HAVE PERMITS. No utility, municipal service, or improvement shall be constructed on any street, highway, alley, or other public way until the street, highway, alley, or other public way has been approved by being designated upon a plat duly approved and accepted or properly indicated upon an official map of the municipality as herein provided. No permit for the erection of any building shall be issued unless it shall be located upon a street or highway giving access thereto which has been duly approved and placed on the official map, and shall conform to the building line established upon a street of the municipality and as projected into this plat or to the lines therein established.

[1937 c. 287 s. 6] (1933-73)

471.32 GOVERNING BODY MAY CREATE AND DISSOLVE PLANNING COMMISSION. The governing body of any city or village may by ordinance or resolution create, and, by unanimous vote thereof dissolve a planning commission of resident citizens who may or may not be officials to be advisory to that body, which commission when established shall have the power to carry on the duties conveyed to the municipality hereunder under direction of the city or village council. The council shall adopt such penalties as it deems advisable and impose them upon the violation of any of the provisions of a municipal ordinance or resolution adopted pursuant hereto as a misdemeanor and may enjoin any such proposed or attempted law violation.

[1937 c. 287 s. 7] (1933-74)

471.33 APPLICATION. The powers conveyed under sections 471.26 to 471.33 shall be in addition to all powers now possessed by any municipality subject to the provisions thereof, but shall not apply to cities of the first class.

[1937 c. 287 s. 8] (1933-75)

471.34 BIDS FOR PURCHASE OF SUPPLIES. When any county, town, city, borough, village, or school district in this state calls for bids for the purchase of any supplies or equipment, no bid submitted shall be accepted unless competitive bids have also been submitted.

[1937 c. 416 s. 1] (1933-76)

471.35 BIDS SHALL NOT BE EXCLUSIVE. Specifications for supplies and equipment shall not be so prepared as to exclude all but one type or kind but shall include competitive supplies and equipment.

[1937 c. 416 s. 2] (1933-77)

471.36 APPLICATION. The provisions of sections 471.34 to 471.37 shall not apply to non-competitive types and kinds of supplies and equipment.

[1937 c. 416 s. 3] (1933-78)

471.37 VIOLATION A GROSS MISDEMEANOR. The violation of any of the provisions of sections 471.34 to 471.36 shall be a gross misdemeanor.

[1937 c. 416 s. 4] (1933-79)

471.38 CLAIMS ITEMIZED, VERIFIED. No account, claim, or demand against any municipality for any property or services shall be audited or allowed by the board or officer authorized by law to audit and allow the same until it is reduced to writing, in items, and verified by the person claiming the same, or his agent, to the effect that such account, claim, or demand is just and true; that the money therein charged was actually paid for the purposes therein stated; that the property therein charged was actually delivered or used for the purposes therein stated, and was of the value therein charged, and that the services therein charged were actually rendered, and either that the same were of the value therein charged, or, if official, for which fees are prescribed by law, then that the fees charged therefor are

such as are allowed by law; and in all cases that no part of such account, claim, or demand has been paid. The provisions of this section shall not apply to any claim or demand for an annual salary or fees of jurors or witnesses, fixed by law.

[R. L. s. 438] (766)

471.39 VERIFICATION. The verification required by section 471.38 may be made before any officer authorized by law to administer oaths, or before any member of the board to which the account, claim, or demand shall be presented for audit, who may administer the proper oath in such cases. In case any such account, claim, or demand shall be made or presented by an administrator or executor on behalf of the estate of a deceased person, he shall not be required to verify the same, but may prove it otherwise to the satisfaction of the board.

[R. L. s. 439] (767)

471.40 AUDITING CLAIMS. When any account, claim, or demand against any municipality shall have been verified in the manner prescribed in this chapter, the board or officer to whom it shall be presented may receive and consider it, and allow or disallow the same, in whole or in part, as shall appear just or lawful, saving to the claimant the right of appeal.

[R. L. s. 440] (768)

471.41 AUDITING ACCOUNTS NOT ITEMIZED A GROSS MISDEMEANOR. Every member of such board who shall audit and allow any claim required to be itemized, without the same having been first duly itemized and verified, shall be guilty of a gross misdemeanor.

[R. L. s. 441] (769)

471.42 CERTAIN TOWNS AND SCHOOL DISTRICTS MAY CARRY INSURANCE. All towns, school districts having an assessed valuation of over \$2,000,000, and cities, villages, and boroughs in this state are hereby authorized to carry insurance against liability of employees of any departments thereof by reason of claims for bodily injuries, death, or property damage made upon any such employee by reason of his operation of a motor vehicle while in the performance of his duties and to defend, in the name and on behalf of such employee, any suit brought against him to enforce a claim, whether groundless or not, arising out of the operation of a motor vehicle by him while in the performance of his duties.

[1929 c. 81 s. 1; 1935 c. 338 s. 1] (1920-1)

471.43 GOVERNING BODIES MAY PAY PREMIUM. Such governing body may in its discretion pay the premiums on insurance policies insuring individuals or groups of the employees referred to in section 471.42 against liability for injury to person or property, within the limitations of section 471.42 and such payment of insurance premiums shall in no way impose upon any municipality any liability.

[1929 c. 81 s. 2; 1935 c. 338 s. 2] (1920-2)

471.44 MUNICIPALITIES TO FURNISH COUNSEL TO DEFEND PUBLIC OFFICIALS. On and after the passage of sections 471.44 and 471.45, every city, village, borough, town, or county of this state employing sheriffs, police officers, or peace officers shall be required to furnish competent legal counsel to defend any sheriff, deputy sheriff, police officer, or peace officer employed by any such governmental subdivision in all actions brought against such officer to recover damages for alleged false arrest when such alleged false arrest was made by such officer in good faith and in the performance of his official duties and pay the reasonable costs and expenses of defending such suit, including witness fees and counsel fees, notwithstanding any contrary provisions in the laws of this state or in the charter of any such governmental subdivision.

[1937 c. 442 s. 1] (1933-81)

471.45 COSTS AND DISBURSEMENTS TO BE ASSIGNED TO MUNICIPALITIES. If, at the termination of such suit, judgment is rendered in favor of the defendant and against the plaintiff, such judgment for costs and disbursements shall be assigned to such governmental subdivision by such officer, and all moneys collected thereon shall be paid to such governmental subdivision. If judgment be rendered in such action against such officer, such governmental subdivision so employing such officer is hereby authorized to appropriate moneys from any funds available to pay such judgment, if, in the discretion of the governing body of such governmental subdivision, it seems fitting and proper to do so.

[1937 c. 442 s. 2] (1933-82)

471.46 CERTAIN PERSONS INELIGIBLE TO APPOINTMENT TO OFFICE. When a vacancy shall occur in any elective county, municipal, or school district

office, which vacancy is filled by appointment, any person who has the power of appointment, either individually or acting on any commission or board shall be ineligible for appointment to fill such vacancy, whether or not he resigns from his office, by reason of which he has the power of appointment, before the appointment is made.

[1939 c. 249] (254-49)

471.47 CONTRACTS BY VILLAGES OR TOWNS WITH PRIVATE HOSPITALS FOR CARE OF INDIGENT SICK. The governing body of any village or town lying within a distance of 15 miles of not more than one private hospital is hereby authorized and empowered to enter into a contract with such hospital for a specified term of years not exceeding five years whereby the municipality becomes obligated to appropriate to such hospital not to exceed \$100.00 annually in the case of towns, and \$200.00 annually in the case of villages, and such hospital in consideration thereof becomes obligated to care for and treat the indigent sick of such municipality at reduced rates, which shall not exceed three-fourths of the customary rates and charges made by such hospital, and after such contract has been duly executed it shall be lawful for such municipality to appropriate its funds to such hospital in accordance with the terms of such contract.

[1925 c. 311; 1927 c. 38] (1933-16)

471.48 SOCIETIES FOR THE PREVENTION OF CRUELTY; APPROPRIATION AUTHORIZED. When there exists in any county, city, or village in the state a society for the prevention of cruelty, incorporated under Laws 1889, Chapter 224, and acts amendatory thereof, the board of county commissioners of such county and the council of the city or village in which such society is located may, at their discretion, appropriate for the maintenance and support of such society in the prosecution of the work for which they are organized, any moneys not otherwise appropriated, not exceeding the sum of \$1,200 in any one year. No part of such appropriation shall be expended for the payment of the salary of any officer of such society.

[1897 c. 182 s. 1]

471.49 DEFINITIONS. Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of this chapter, shall be given the meanings hereinafter subjoined to them.

Subdivision 2. **Agreement.** "Agreement" means "contract" and includes renewals and alterations of a contract.

Subdivision 3. **Political subdivision.** "Political subdivision" means any agency or unit of this state which now is, or hereafter shall be, authorized to levy taxes or empowered to cause taxes to be levied.

Subdivision 4. **Services.** "Services" means such public and municipal functions as are performed for property in and persons residing within a political subdivision.

Subdivision 5. **United States.** "United States" means the United States of America.

Subdivision 6. **County board.** "County board" means the county board of any county in this state.

Subdivision 7. **Project.** "Project" means any resettlement project or rural rehabilitation project for resettlement purposes of the United States located within a political subdivision and includes the persons inhabiting such a project.

Subdivision 8. **Governing body.** "Governing body" means the council, board, body, or persons in which the powers of a subdivision as a body corporate, or otherwise, are vested.

Subdivision 9. **Fund.** "Fund" means, unless otherwise expressed, the "government project fund" to be established pursuant to section 471.54.

[1941 c. 480 s. 1]

471.50 COUNTY BOARD MAY MAKE AGREEMENTS IN REGARD TO TAXES. The county board of any county in this state is hereby authorized and empowered to make requests of the United States for and on behalf of the county and the political subdivisions whose jurisdictional limits are within or coextensive with the limits of the county, for the payment of such sums in lieu of taxes as the United States may agree to pay, and to enter into agreements with the United States, in the name of the county, for the performance of services by the county and such political subdivisions for the benefit of the project and for the payment by the United States to the county, in one or more instalments, of such sums in

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lieu of taxes; provided, that at least ten days' notice, in writing, of the meeting of the county board at which such proposed agreement will be considered and acted upon shall be given by the county auditor to the clerk of each political subdivision affected.

[1941 c. 480 s. 2]

471.51 AGREEMENTS MUST STATE TIME FOR WHICH PAYMENTS ARE TO BE MADE. Every such agreement shall state the year or years for which the payments are to be made in lieu of the taxes that would have been levied upon the premises concerned for such year or years if the same has been subject to taxation. All payments made by the United States under any such agreement shall be received by the county treasurer and shall be distributed in the same manner and in the same proportions as such taxes for each year or years would have been distributed.

[1941 c. 480 s. 3]

471.52 APPORTIONMENT OF PAYMENTS. Each agreement entered into pursuant to section 471.50 shall contain the names of the political subdivisions with respect to which it is consummated, and a statement of the proportionate share of the payment by the United States to which each subdivision shall be entitled.

[1941 c. 480 s. 4]

471.53 WHO MAY MAKE REQUESTS. If the United States declines to deal with a county board with respect to any political subdivision whose jurisdictional limits are within or coextensive with the limits of the county, or in the event the jurisdictional limits of a political subdivision lie in more than one county, that subdivision is hereby authorized to make request of the United States for payment of such sums in lieu of taxes as the United States may agree to pay, and is hereby empowered to enter into agreements with the United States for the performance by the subdivision of services for the benefit of a project and for the payment by the United States to the subdivision, in one or more instalments of such sums in lieu of taxes. The amount of such payment may be based upon the cost of performing such services during the period of the agreement, after taking into consideration the benefits to be derived by the subdivision from the project, but shall not be in excess of the taxes which would result to the political subdivision during such period if the real property of the project within the political subdivision were taxable. When any payment is received by a subdivision under an agreement entered into pursuant to this section, the governing body of such subdivision shall issue a receipt for such payment.

[1941 c. 480 s. 5]

471.54 USE OF MONEYS. All money received by a political subdivision hereunder shall be used in like manner as the proceeds of taxes upon the premises concerned.

[1941 c. 480 s. 6]

471.55 CONSTRUCTION OF SECTIONS 471.49 TO 471.55. No provision of sections 471.49 to 471.55 shall be construed to relieve any political subdivision of this state, in the absence of an agreement for payment of sums in lieu of taxes by the United States as provided therein, of the duty of furnishing, for the benefit of a project, all services which the subdivision usually furnishes for property in and persons residing within the subdivision without a payment of sums in lieu of taxes.

[1941 c. 480 s. 7]