

CHAPTER 366

TOWN BOARD AND BOARD OF AUDIT

366.01 HOW CONSTITUTED; DUTIES.

In the absence of a statute authorizing one member of a town board to act for the town the town can be bound only when the board acts at a meeting of its members; but if it is within the power of the board to bind the town and a single member assumed authority to do so, his acts may be ratified and the ratification will bind the town to the same extent as if there had been previous authorization by the board. *Reed v Town of Monticello*, 164 M 358, 205 NW 258.

The board may employ legal service to aid in establishment of a cartway. OAG Oct. 16, 1945 (434-a-1).

Space in a town hall may be leased to a veterans organization by the town board. OAG Nov. 29, 1945 (218-G-9).

Town board has been granted no authority under which it may by resolution license and regulate riding academies. OAG Aug. 8, 1946 (437-B-4).

The office of village clerk and town supervisor of the town in which the village is located are incompatible. OAG Feb. 19, 1947 (358-E-7).

366.015 TOWN MAY VOTE ON WEED CUTTING.

Property owners may be taxed for the cost of the actual cutting of weeds and grass, but cannot be taxed for the per diem and mileage of a weed inspector. OAG Jan. 8, 1944 (322-A-2).

366.02 POWERS AND DUTIES OF TOWN BOARD IN CERTAIN TOWNS.

Amended by L. 1947 c. 456 s. 1.

A town board may, upon recommendation of the planning commission, grant an application for reclassification or re-zoning after a public hearing thereon; but the duty is enjoined by law upon the town board to grant the application for reclassification and not upon property owners or citizens. OAG Feb. 11, 1947 (110).

366.021 ADDITIONAL POWERS AND DUTIES.

HISTORY. 1947 c. 232 s. 1.

366.022 ADDITIONAL POWERS.

HISTORY. 1947 c. 250 ss. 1, 2.

366.04 MAY TRANSFER FUNDS.

If the road and bridge fund is exhausted, by unanimous vote the board may transfer funds to it out of the general fund. OAG Sept. 24, 1945 (442-a-21).

By unanimous vote town board may transfer funds from one fund to another. OAG July 1, 1946 (442-A-23).

366.10 CERTAIN TOWN BOARDS MAY ADOPT ZONING REGULATIONS.

Amended by L. 1947 c. 236 s. 1; L. 1947 c. 500 s. 1.

Applies to Hennepin county only and is valid. OAG Dec. 4, 1945 (441-H).

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Permission to build in restricted area under a zoning ordinance requiring consent of adjoining owners, as a denial of due process. 13 MLR 507.

366.15 MAY AMEND DISTRICTS OR ZONES.

Amended by L. 1947 c. 231 s. 1.

366.181 VIOLATIONS; PENALTIES.

HISTORY. 1947 c. 186 s. 1.

366.19 LICENSES.

A drive-in moving picture show requires a license, but in determining the amount of the license it must be kept in mind that the purpose of the license is regulation and not revenue. OAG March 25, 1947 (850-E).

366.20 BOARD OF AUDIT; MEETING.

No justice of the peace being available, and if one member of the board is absent the other two members both being present constitute a legal board of audit. OAG March 1, 1943 (437-B-1).

366.23 ISSUANCE OF DUPLICATE WARRANT.

Where county warrants are lost when in transit by mail, the proper procedure is for the county board to pass a resolution directing the issuance of duplicates, and affidavits relating the facts should be executed by the county auditor and state treasurer and filed with the duplicate warrants when returned to the office of the county auditor. A bond by the state is not required. OAG Oct. 15, 1945 (107-A-8).

366.24 NOT TO BE ISSUED UNTIL AFFIDAVIT FILED.

Where the town board has by resolution authorized an expenditure for a legitimate town expense, the cost of a surety bond to indemnify the county on procuring a duplicate warrant is a town expense. OAG April 12, 1946 (455-C).