

**CHAPTER 461****HEALTH REGULATIONS****461.01 LICENSING RESTAURANTS IN VILLAGES AND BOROUGHES.**

A village council by ordinance may limit the hours within which a restaurant may operate. OAG July 10, 1943 (477-B-5).

An attempt to compel a restaurant owner to open for the sale of meals at 7:00 A.M., is neither a reasonable exercise of the power to regulate the sale of non-intoxicating malt beverages under section 340.01, nor a reasonable exercise of the power to regulate restaurants in the interests of public health. OAG July 9, 1946 (217-F-2).

**461.03 INSPECTION OF MILK, DAIRIES.**

Under sections 461.03 and 471.59, two or more municipalities may provide for joint inspection of milk or cream and prorate the cost. 1944 OAG 15, Nov. 10, 1943 (292-B).

**461.06 SALE OF MILK WITHOUT CERTIFICATE; PENALTY.**

Power of a municipality to exclude sale of milk from outside plants under municipal health ordinance. 18 MLR 841.

**461.09 DENSE SMOKE; ABATEMENT.**

The smoke, noise, and disturbance which ordinarily attend the proper operation of a railroad at and between stations should not be held a private nuisance to adjacent property affected thereby; but as to such incidental railway facilities as shops, roundhouses, and switchyards, the location and operation of which is not determined by public convenience or necessity, the railroad is liable if thereby a nuisance is imposed upon an adjacent landowner, even though the location of the facility be proper and the operation careful. *Mátthias v Mpls. St. P. & S. S. M. Ry. Co.* 125 M 225, 146 NW 353.

**461.12 MUNICIPALITIES MAY ISSUE CIGARETTE LICENSES; FEES.**

Minneapolis ordinances prohibiting sale of cigarettes without a license is a valid exercise of the city's police powers and applicable to wholesalers as well as retailers of cigarettes. *State v Crabtree Co.* 218 M 36, 15 NW(2d) 98.

Municipalities under L. 1941, c. 405, are empowered to license sale of cigarettes at retail. There is no authority to issue wholesale licenses, unless that authority can be found in a city home rule charter. 1942 OAG 159, Feb. 20, 1942 (829-c-1).