

CHAPTER 394

COUNTY BUILDING AND PLANNING COMMISSIONS

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394.01 HOW CONSTITUTED; OFFICERS. In all counties in this state now having or which may hereafter have a population of over 100,000 and in which the building used for court-house purposes is not owned jointly or in common with any city for city hall purposes, there shall be and hereby is created a commission to be known and designated as the county building commission, which shall be constituted as follows: The chairman of the board of county commissioners, the auditor of the county, and the treasurer of the county. The chairman of the board of county commissioners shall be president of the commission, the county auditor shall be secretary of the commission, and the county treasurer shall be the treasurer of the commission. The secretary shall keep all of the records and accounts of the commission, and the treasurer shall keep a correct account of its receipts and expenditures.

[1909 c. 111 s. 1] (970)

394.02 POWERS; DUTIES. The county building commission shall have the entire care of all of the completed portions of the court-house and of the completed grounds surrounding the same and shall have power to assign unassigned rooms in any part of the building, with entire control of any room in the building not permanently assigned to any official use, and of all halls, corridors, and stairways, and of all boiler and machinery rooms. It shall have the care and control of all engines, boilers, machinery, elevators, and all mechanical and electrical appliances of every nature in the building and of the grounds surrounding the building or connected therewith. It shall cause all of the occupied portions of the building to be properly heated, lighted, cleaned, and kept in repair for public use, and it shall have full authority to appoint any and all employees necessary to properly perform the duties hereby devolved upon the commission, with authority to fix the compensation of such employees and remove any thereof at its pleasure. Nothing contained in sections 394.01 to 394.05 shall be construed to interfere in any manner with the powers and duties of any court-house commission that may be engaged in the completing and furnishing of such building as provided by Laws 1907, Chapter 223.

[1909 c. 111 s. 2] (971)

394.03 MONTHLY STATEMENTS OF EXPENSES; DUTIES OF AUDITOR AND TREASURER. The county building commission shall at the beginning of each calendar month render a detailed statement to the county auditor of all its expenses necessarily incurred for the purposes contemplated by sections 394.01 to 394.05 during the last preceding month, and it shall thereupon be the duty of the auditor to forthwith draw cash warrants upon the county treasurer for the amount of the account so rendered by the commission. It shall be the duty of the treasurer to forthwith pay to the parties properly entitled thereto the several amounts specified in the account so rendered. The monthly account, before presentation to the auditor, shall be certified by each member of the commission as being just, true, and necessarily incurred.

[1909 c. 111 s. 3] (972)

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394.04 COUNTY BOARD. The board of county commissioners of any such county having a county building commission shall have nothing to do with the care of any such court-house nor with the control of any portion of the building not specifically assigned for official use.

[1909 c. 111 s. 4] (973)

394.05 ANNUAL STATEMENT; TAX LEVY. It shall be the duty of the county building commission, on or before the first day of July each year, to prepare a detailed statement of the estimated expenses of the commission for the ensuing year and transmit the same to the board of county commissioners at its next regular meeting thereafter. It shall then be the duty of the board of county commissioners to levy a tax, at its proper meeting, sufficient to meet such estimated expenditures.

[1909 c. 111 s. 5] (974)

394.06 PLANNING BOARD AUTHORIZED. There is hereby authorized to be created in any county of this state now or hereafter containing a city of the first class, the area of which city comprises at least 25 per cent of the total area of the county, or city of the second class, a county planning commission of not less than four and not more than 20 members.

[1941 c. 210 s. 1; 1945 c. 551 s. 1]

394.07 TOWN BOARD MAY HAVE MEMBERS ON COMMISSION. The town board of any town desiring to be represented on said county planning commission may appoint, and at its pleasure may remove, two members of said commission. The governing body of each city and village, other than the city of the first or second class, desiring to be represented on said commission may appoint, and at its pleasure may remove, two members of said commission. When appointments to said commission are first made, the appointing authority shall appoint one member for a two year term and another member for a four year term, after which all subsequent appointments shall be for a four year term. Members shall hold office until their duly appointed successors have qualified. Appointments to fill vacancies shall be for the unexpired portion of the term. The county auditor and the county surveyor shall be members of said commission. Certified copies of the minutes of the meetings of the appointing bodies at which appointments under sections 394.06 to 394.17 are made shall be filed with the county auditor.

[1941 c. 210 s. 2; 1945 c. 551 s. 2]

394.08 MEETINGS; OFFICERS. The commission shall meet within 30 days after its appointment and elect a chairman and other necessary officers from its membership. The commission may adopt rules and by-laws not inconsistent with the provisions of sections 394.06 to 394.17. A majority of the members of the commission shall constitute a quorum. Members of the commission shall serve without compensation.

[1941 c. 210 s. 3]

394.09 DUTIES; POWERS. The county planning commission shall have power and authority; except as otherwise provided by law:

(1) To propose a general comprehensive plan or plans for the future physical development of the county or parts thereof outside of the limits of the city of the first or second class. Such plan or plans may include, among other things, the location, character, and extent of state highways, thoroughfares, viaducts, subways, bridges, water front blockades, by-ways, playgrounds, squares, parks, aviation fields, public ways, public forests, wild life sanctuaries, botanical garden grounds, public buildings, public utilities, building lines, and restricted building districts of all buildings, public or private;

(2) To propose a plan or plans which will divide the county into zones or districts and limit and regulate the construction, height, bulk, location, and use of buildings and other structures and premises and lot areas in such zones or districts;

(3) To propose a plan or plans concerning the marking of historical landmarks, and location of statuary and other works of art which are or may become the property of the county and the removal or relocation of any such work belonging to the county;

(4) To propose a part of a plan covering one or more of the towns, cities, other than the city of the first class, villages, sections, or divisions of the county and may from time to time propose alterations, amendments, or additions to any plan or plans;

(5) To cooperate with other planning boards and commissions of the county in the execution of its powers and authority.

[1941 c. 210 s. 4; 1945 c. 551 s. 3]

394.10 PLANS PREPARED UPON REQUEST OF TOWN BOARD. Whenever requested by the town board or the governing body of any city or village, other than a city of the first or second class, the county planning commission shall, at the expense of the town or city or village making such request, prepare a plan or alteration, amendment, extension, or addition of any existing plan for the future growth and development of such town or city or village making such request, prepare a plan or alteration, amendment, extension, or addition of any existing plan for the future growth and development of such town or city or village. It shall submit said plan together with all maps, drawings, and recommendations of the commission to the town board or governing body of the city or village affected. Such town board or governing body shall give due notice of and shall hold at least one public hearing before accepting or rejecting such plan, which acceptance or rejection shall be made within 90 days of the date of its submission to the town board or governing body of the city or village.

[1941 c. 210 s. 5; 1945 c. 551 s. 4]

394.11 PLANS FILED WITH REGISTER OF DEEDS. If this plan, or any part thereof, or any amendment, extension, or addition thereto, shall be adopted by the town board or governing body of such city or village, the same, or a true and correct copy thereof, shall be filed with the register of deeds. In case of disapproval, the town board or the governing body of such city or village, shall communicate to the commission the reasons therefor.

[1941 c. 210 s. 6]

394.12 PLANS BINDING UPON ALL PROPERTY. After the adoption of the plan by any town, city, or village, its provisions shall be binding upon all persons and all property in relation to all matters and things contained therein so far as it affects the town, city, or village. No highway, thoroughfare, viaduct, subway, bridge, street, square, park, or other public way, and no public or private building or structure, or public utility, either publicly or privately owned, shall be constructed, altered, or changed until the location, character, and extent thereof have been first submitted to the county planning commission for comparison with the plan or plans, and approved by the commission. In the case of disapproval, the commission shall communicate its reasons to the local governing body which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds of its members.

[1941 c. 210 s. 7]

394.13 PLATTING AND RE-PLATTING. All matters concerning or relating to the platting of new areas or re-platting of existing areas; the vacation or rearrangement of boulevards, streets, or alleys; the routing or re-routing of street cars and other means of transportation; the assignment of traffic to particular arteries of travel; the location and development of parks, playgrounds, parkways, or other public spaces; the location and design of all public buildings, bridges, monuments, and street fixtures; the establishment of building lines; the establishment of restricted building districts; the disposition of lands owned by the city and no longer required for public purposes; the location and installation of traffic signals; the plans for additional street lighting; the installation of public utility projects; street naming; and all other matters relating to the planning or replanning of the county shall be referred to the commission for its consideration and recommendation at such times as the local governing body or bodies of the areas affected may direct.

[1941 c. 210 s. 8]

394.14 TAX LEVY FOR EXPENSES. The electors of any town and the governing body of any city or village, other than the city of the first or second class, are hereby authorized to vote and levy a sum of money not in excess of \$1,000 per annum for the purpose of defraying their proportionate expense of the administration of sections 394.06 to 394.17.

[1941 c. 210 s. 9; 1945 c. 551 s. 5]

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394.15 ADDITIONAL POWERS TO COMMISSION. The town boards of all towns within said county and the governing bodies of the said cities and villages, other than the city of the first or second class, may grant to such planning commission such further and additional powers as may be necessary to carry out the purposes of sections 394.06 to 394.17.

[1941 c. 210 s. 10; 1945 c. 551 s. 6]

394.16 VIOLATION A MISDEMEANOR. Subdivision 1. **Prohibition; penalty.** It is hereby declared unlawful for any person to violate any of the terms and provisions of sections 394.06 to 394.17, or the provisions of any plan or plans proposed by the county planning commission and accepted by the town board or the city or village council. Violation thereof shall be a misdemeanor, punishable by a fine of not more than \$100 or by imprisonment in the county jail for not more than 90 days. These fines shall be paid to the county and shall be credited to the general revenue fund.

Subd. 2. **Establishment of department of investigation in the office of county engineer.** In order to permit more effective regulation and enforcement of this act or the regulations adopted pursuant thereto any such town, city or village may by resolution, duly adopted, apply to the board of county commissioners to establish in the office of the county engineer, and under his supervision, a department, the duty of which shall be to make all investigations and to perform all acts necessary for the application or enforcement of this act or the regulations relating to zoning. Upon the receipt of a certified copy of such resolution, the board of county commissioners may establish such department and thereupon, the county engineer shall exercise all of the authority and duties imposed upon or vested in any officer of any such municipality under this act or the regulations adopted pursuant thereto, relating to investigations and the enforcement of the provisions of this act and such regulations.

The authority of the county engineer should not extend to any city, village or township unless the governing body of such municipality shall by resolution request or authorize the exercise of such authority.

The county board shall provide the county engineer with such technical and clerical assistance and such equipment as may be required.

[1941 c 210 s 11; 1947 c 361 s 1]

394.17 LIMITATIONS OF SECTIONS 394.06 to 394.16. None of the provisions of sections 394.06 to 394.16 shall affect the powers and duties of the board of county commissioners of any such county.

[1941 c. 210 s. 12]