

CHAPTER 459

MUNICIPAL ACTIVITIES

459.06 MUNICIPAL FORESTS

A re-enactment of Minnesota Statutes 1941, Section 459.06 by Laws 1945, Chapter 347, did not authorize the village of Buhl to levy a tax for a municipal forest in excess of the per capita tax limitation, 275.11 et seq., but the per capita tax limitation controls the same as it did prior to the re-enactment of section 459.06. *State ex rel v Borgen*, 231 M 317, 43 NW(2d) 95.

The village of Deer River, having received a donation of 2,200 acres of tax-forfeited land for a recreational park, game refuge, forest improvement area, and other outdoor recreational purposes, has authority through its village council. Its management of said lands for the purpose for which same was acquired to perform selective cutting of trees growing thereon, provided that such cutting does in fact improve the area for park and recreational purposes but, as no application has been made to the commissioner of conservation as required by law for a municipal forest, the village does not have authority to cut timber thereon for municipal forests or other purposes. OAG Dec. 23, 1948 (469-C-8).

459.14 AUTOMOBILE PARKING FACILITIES

HISTORY. 1919 c 281 s 1; 1947 c 621 s 1; 1953 c 675 s 1.

The general welfare clause of the Minneapolis city charter gives the city council power to license and make regulations governing open air motor vehicle parking lots; and unless a municipal ordinance is manifestly an arbitrary exercise of legislative power the courts will not declare a municipal ordinance void. A requirement that every licensee must post signs at each entrance and exit showing rates charged for automobile parking is a reasonable exercise of the police power of the city. *State v United Parking Stations*, 235 M 147, 50 NW(2d) 50.

An automobile which was parked on a street in the business area of Minneapolis, with doors and ignition switch unlocked and the key left in the switch, all contrary to an ordinance, was stolen. Several hours after the theft and about five miles from the scene of the theft, plaintiff was injured and her car damaged through the negligence of the thief. The court erred in overruling the demurrer to plaintiff's complaint because the injuries and damage sustained by the plaintiff were not a proximate result of the shopper's negligence. *Wannebo v Gates*, 227 M 194, 34 NW(2d) 695.

Section 459.14 authorizes any city of the second, third, or fourth class, however organized, to acquire automobile parking facilities in accordance with the provisions of that statute. The scope of this provision includes home rule charter cities, but where the city charter provides that upon the acquisition of private property for public use to the value of \$5,000 or more, there must be a submission to the vote of the people before the charter provision is properly controlling. OAG Aug. 15, 1949 (59-A-40).

Land dedicated as a public park cannot be used as an automobile parking place. OAG June 15, 1950 (59-A-40).

In fixing parking regulations in streets whether an ordinance setting aside space for a doctor's automobile is a reasonable one is a question of fact. The council has the power to enact reasonable parking ordinances. OAG Dec. 20, 1949 (59-A-53).

After amending its present ordinance the city of Faribault may transfer moneys from the parking meter fund to the general fund. OAG Feb. 6, 1950 (59-A-53).

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The city of Redwood Falls may transfer any surplus in the parking meter fund to the general fund. OAG July 11, 1950 (59-A-53).

A city may not install parking meters upon county property without first obtaining permission from the proper authorities. OAG July 17, 1951 (59-A-53).

459.15 PUBLIC REST ROOMS

The village has the right to install public rest room facilities in privately owned buildings, but must first enter into a lease with the owner of the private property covering that portion of the premises to be used for public purposes. OAG June 22, 1951 (469-C-9).

POLICE POWER

CHAPTER 460

HOUSING ACT

460.01-460.86 Omitted.

Except as incorporated into home rule charters there is now no city to which the provisions of chapter 460 apply.

CHAPTER 461

HEALTH REGULATIONS

461.01 LICENSING RESTAURANTS IN BOROUGHES

HISTORY. Amended, 1949 c 119 s 111.

461.12 MUNICIPAL CIGARETTE LICENSES

HISTORY. 1919 c 348 s 4-6; 1933 c 86; 1933 c 187; 1935 c 25; Ex1935 c 86; 1941 c 242 s 3; 1941 c 405 s 3; 1951 c 382 s 1.

An ordinance of the village of Falcon Heights relating to the sale of non-intoxicating malt beverages or cigarettes does not apply to the sale of such products on the state fair grounds. The village cannot require persons making such sales to secure village licenses. OAG Sept. 5, 1950 (4).

A village councilman may have a village license unless the ordinance requires the giving of a bond, which constitutes a contract. OAG Aug. 15, 1949 (90-E-4).

A cigarette license must be obtained in each town where it is proposed to make sales at retail. OAG Sept. 15, 1952 (829-C-1).

461.13 CIGARETTE LICENSE FEES, APPORTIONMENT

HISTORY. 1919 c 348 s 9; 1941 c 242 s 4; 1941 c 405 s 4; 1951 c 382 s 2.

461.14 PRIOR LICENSES NOT AFFECTED

HISTORY. 1919 c 348 s 7; 1941 c 242 s 5; 1941 c 405 s 5.