

CHAPTER 263

TOWN SYSTEM

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263.01 TOWN BOARDS AND COUNCILS TO BE SUPERINTENDENTS; RELIEF; CONTRACTS FOR COUNTY SERVICES. In counties having the town system, the town boards and city and village councils shall be superintendents of the poor. All applications for aid shall be made to such boards or councils, which shall grant such relief as they deem necessary, by paying for the board and care of the applicants, providing transportation to their homes, paying rent, making cash payments, furnishing provisions, clothing, fuel, and medical attendance, and burying the dead. They shall allow no bill for goods furnished or services rendered to a poor person, unless a member of such board or council shall certify in writing that the account is correct and just; that the goods or services were necessary for his relief, were actually delivered or rendered, and were of good quality; and that the prices charged are reasonable. Every such bill shall specify the name of the person for whom the goods or services were furnished or rendered and the amount charged for each person.

A city of the third or fourth class and a village, borough, or town may by resolution of its governing body contract for all or part of the above services with the county in which it is situated, with the approval of the county commissioners of the county. In a town the resolution shall be adopted by the board of supervisors and is effective upon approval of the electors at the annual town meeting, or at a special meeting of the town called for that purpose. No statutory referendum provision of any law shall apply to such a contract. The authority to enter into such a contract is in addition to that provided in Minnesota Statutes, Section 471.59. Any contract of a kind authorized by this paragraph entered into before April 25, 1963 is hereby declared legal and valid. All acts performed pursuant to such an agreement are hereby declared legal and valid.

[R. L. s. 1509; 1949 c. 420 s. 5; 1963 c. 310 s. 1] (3184)

263.02 LIMITATIONS APPLYING TO MEMBERS OF BOARD. No member of any town board or council shall be directly or indirectly interested in furnishing supplies for the benefit of poor persons or the erection or maintenance of any poorhouse or other place provided for the reception of the poor, and no such member shall be a physician for, or overseer of, the poor. Every person violating this section shall be guilty of a misdemeanor.

[R. L. s. 1510] (3185)

263.03 BOARD, COUNCIL; POWERS AND DUTIES. Each board and council shall have the following powers and duties:

(1) It may appoint a practicing physician to be physician of the poor, who shall hold office during its pleasure, and receive such compensation as it may from time to time determine. When directed by a member of the board or council, such physician shall attend upon and prescribe for any sick poor person entitled to support or relief from the town, city, or village;

(2) When any person not having a legal settlement therein shall be taken sick, lame, or otherwise disabled, or for any other cause shall be in need of relief as a poor person and make application for relief to any such board or council of such municipality, its chairman, mayor, or president shall warn him to depart; and if he is unable or refuses to do so within a reasonable time and is likely to become a public charge, such chairman, mayor, or president may in writing require any constable or marshal of the town, city, or village to convey him to the place of his settlement, if he have a settlement in this state. If such person is so sick or infirm as to render it unsafe or inhuman to remove him and is in need of im-

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mediate support or relief, the board or council shall provide such assistance as it deems necessary and, if he dies, give him decent burial. The expense so incurred shall be paid by the town, city, or village, and shall thereupon become a charge against the county, except in counties containing a city of the first class. Upon payment thereof, the county may recover the same from the county, town, city or village of such person's settlement, if he have any within this state. Except in counties containing a city of the first class, such board or council within five days after such person becomes a public charge, shall notify the county auditor, and thereupon the county board may take him in charge, or relieve him in such manner as it may seem fit;

(3) When any minor becomes a chargeable upon any town, city, or village for support, the board or council, or a member thereof, except in counties containing a city of the first class, shall apply to the county board to secure him a home with some respectable householder, if one can be found who will take him;

(4) No poor person removed or departing from any political subdivision to the political subdivision wherein he has a legal poor settlement, as provided for in clause (2), shall return or be returned to the political subdivision from which he has been removed or departed for a period of at least 90 days after such removal or departure. Any person who shall voluntarily return and applies for support or relief within the 90-day period, and any official of any county, city, or town who shall remove any poor person in violation of the order of any court of this state determining the poor person's settlement shall be guilty of a misdemeanor.

[R L s 1511; 1915 c 366 s 1; 1917 c 39 s 1; 1939 c 68 s 1; 1949 c 420 s 6; 1955 c 309 s 1] (3186)

263.04 POORHOUSE. The county board of any county having the town system may establish, maintain, and govern a county poorhouse in the same manner as in other counties. The cost thereof shall be paid by the county; but at its July meeting in each year the county board shall fix a weekly rate for each inmate, to be paid to the county by the town, city, or village from which he comes. The chairman of the town board or the president of the council may sign commitments to such poorhouse and designate some officer of his municipality to convey any poor person thereto; the expense thereof to be paid from the town, city, or village poor fund. The overseer of such poorhouse may discharge any inmate who in his judgment is capable of self-support or who is ordered discharged by the officer by whom he was committed; and when necessary he may furnish transportation to a discharged inmate at the expense of the county to the place from which he came.

[R. L. s. 1512] (3187)

263.05 TAXES, HOW LEVIED. In counties having the town system, the voters of each town, at their annual meeting, and the council of each city and village, annually, shall levy upon the property taxable therein a tax in such amount as shall seem necessary for the support and relief of the poor. Such tax shall not be less than one mill upon each dollar of the assessed valuation, unless there be in the poor fund at least \$50 above the amount of orders outstanding. The clerk shall certify to the county auditor such levy, or the fact that no tax is necessary. If a tax be levied, the county auditor shall calculate the rate, and extend the same; and, if no certificate be made, he shall levy and extend a tax of one mill on the dollar upon the property taxable in the town, city, or village in default. The proceeds of each tax shall be paid to the treasurers of the towns, cities, and villages.

[R. L. s. 1513] (3188)

263.06 ALLOWANCE TO TOWNS ON CHANGE FROM COUNTY SYSTEM. The county board of any county which has changed from the county system to the town system may appropriate out of the poor fund such sum as it may deem advisable to reimburse any town, city, or village in its county for money expended or indebtedness incurred for the care of the poor therein, if it shall have expended or incurred an indebtedness of not less than \$300 for that purpose within the year preceding its application for such allowance.

[R. L. s. 1514] (3189)

263.07 COUNTY SYSTEM CHANGED TO TOWN SYSTEM. Subdivision 1. **80 percent of tax paid to towns, villages, and cities.** When the system for relief of the poor in any county is changed from the county system to the town system and there has been levied or assessed for the year in which such change occurs a tax for the poor fund of such county under such county system, 80 percent of the

moneys received by such county for such tax shall be paid over to the treasurers of the various towns, villages, and cities of the county in the manner hereinafter provided.

Subd. 2. Auditor, duties as to taxes, warrants. On the 20th day of March, June, and November in such year, the auditor of the county shall compute the amount of taxes collected for such poor fund from the taxpayers of each town, village, or city in the county and which then remains in the treasury of such county and draw his warrant in favor of the treasurer of each of such towns, villages, and cities for 80 percent of the amount received from such town, village, or city, and the same shall be forthwith paid by the treasurer of the county.

Subd. 3. Moneys to become poor fund. The moneys so paid to the treasurers of such towns, villages, and cities shall constitute the poor fund for such towns, villages, and cities for the year in which the change is made.

[1907 c. 37 ss. 1, 2, 3] (3190, 3191, 3192)

263.08 TRANSFER OF SURPLUS IN COUNTY POOR FUND. When the system for relief of the poor in any county is changed from the county system to the town system and there remains in the county poor fund a surplus which has been levied or assessed as a tax for the poor fund of the county under such county system for the years prior to the year in which such change occurred and which then remains in the treasury of the county, the auditor of the county shall compute the amount of taxes collected for such poor fund from the taxpayers of each town, village, or city in the county and draw a warrant for the pro rata amount received from such town, village, or city, and the same shall be forthwith paid by the treasurer of the county to the treasurers of the respective towns, villages, or cities of the county.

The money so paid to the treasurers of such towns, villages, or cities shall become a part of the poor fund of such town, village, or city and used for no other purpose.

[1913 c. 39 ss. 1, 2] (3193, 3194)

263.09 [Superseded by 263.10]

263.10 LIABILITY OF COUNTIES FOR CARE OF POOR BY TOWNS; TAX LEVY. **Subdivision 1. Limitation.** In all counties of this state wherein the poor are cared for under the town system, if the expense incurred by any town, village, or city, however organized, for the care of the poor therein in any calendar year exceeds an amount in excess of one mill of the taxable value of real and personal property in such town, village, or city for that year, the county in which the town, village, or city is situated, shall be liable for 75 percent of the amount in excess of such one mill on the taxable value of real and personal property in such town, city, or village.

Subd. 2. Estimate. The county board, at its first meeting in January each year, shall estimate the amount which it deems necessary for such purpose and include in the tax levy a sufficient amount of taxes to pay the expense of such poor relief and same shall be extended against all property within the county.

[1937 c. 286 s. 1, 2; 1949 c. 26 s. 1] (3195-1, 3195-2)

263.11 MUNICIPAL AUTHORITIES TO CERTIFY LEVIES. In all towns, cities, and villages in counties wherein the poor are cared for under the town system, the chairman and clerk of the town, in case of towns, or the president and clerk of the village council, in case of villages, or the mayor and clerk of the city, in case of cities, as the case may be, shall certify to the county auditor a statement showing when, for what purpose, the amount, and to whom, expense was incurred by such town, village, or city in the care of each named poor person. The county auditor shall lay such statement before the county board at its meeting next following the receipt thereof. If this statement is deemed by the county board to be correct, the amount so certified shall be a claim against the county to the extent of the liability of the county as stated in section 263.10 and allowed and paid by the county to the treasurer of such town, village, or city, who shall credit the sum so paid to the poor fund of the town, city, or village.

[1937 c. 286 s. 3] (3195-3)

263.12 APPLICATION. Sections 263.10 and 263.11 shall not apply to any county in this state now or hereafter having a city of the first class in which city is located 65 percent or more in value of the taxable property of the county.

[1937 c. 286 s. 4; 1949 c. 232 s. 1; 1955 c. 246 s. 1] (3195-4)