

412.015 VILLAGES

CHAPTER 412. VILLAGES

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FORMATION, CHANGE IN TERRITORY, DISSOLUTION

412.015 Uniform code of municipal government

Subdivision 1. Legislative findings; policy. The legislature finds that the laws relating to villages, boroughs and cities without home rule charters are characterized by unnecessary duplication and inconsistency of treatment; that confusion as to the application of such laws exists because of the imprecision of the terms village, borough and city; and that it is desirable that all such municipalities be governed by a uniform code of statutes in order to provide them with a modern form of local government and to reduce the volume of special legislation relating to municipal government.

Subd. 2. Legislative intent. It is the intention of Laws 1973, Chapter 123 to simplify the statutes relating to municipal government by bringing the basic laws relating to all villages, boroughs and cities without home rule charters under a single code of statutes and to effect the transition with a maximum recognition of the desires of the citizens of such municipalities.

Subd. 3. Limitations upon uniform code. The legislature does not intend by Laws 1973, Chapter 123:

(1) to affect, alter, repeal or otherwise modify any law of special application other than special or general acts of incorporation and amendments thereto;

(2) to modify the application of other statutory codes relating to municipal government; or

(3) to impose new substantive powers and duties on cities, villages or boroughs.

Subd. 4. Liberal interpretation. Laws 1973, Chapter 123 shall be interpreted liberally to carry out the intention set forth in this subdivision.

[1973 c 123 art 1 s 1-4]

412.016 Application; statutory cities

Subdivision 1. Application and definition. This chapter applies to any city which has not adopted a home rule charter pursuant to the constitution and the laws of this state. Such a city is defined as a "statutory city," and the term includes every city which was a village on January 1, 1974.

Subd. 2. Use of the term village. Except as provided in Laws 1973, Chapter 123, Article IV, the term "village" shall not be applied to any municipal corporation operating under the authority of this chapter. In the next and subsequent editions of Minnesota Statutes the revisor of statutes shall delete

the term "village" from this chapter except where necessary to effect the provisions of Laws 1973, Chapter 123, Article IV.

[1973 c 123 art II s 1]

412.017 Application of laws relating to classes of cities to municipalities which were villages

Subdivision 1. Except as provided in subdivision 2, no general law in effect on December 31, 1973, which by its terms applies to second class cities, or to third class cities, or to both second and third class cities, applies to any statutory city which was a village on December 31, 1973.

Subd. 2. The provisions of section 415.11 shall apply to any statutory city which was a village on December 31, 1973.

[1973 c 123 art V s 1]

412.018 Cities under general or special incorporation acts

Subdivision 1. Termination of government under incorporation acts. On July 1, 1975, any city incorporated under and governed by General Statutes 1894, Sections 1045 to 1195, Laws of 1895, Chapter 8, or Minnesota Statutes 1971, Chapter 411; and the cities and borough of Belle Plaine, Special Laws 1868, Chapter 36; Chaska, Special Laws 1891, Chapter 2; Henderson, Special Laws 1891, Chapter 3; St. Peter, Special Laws 1891, Chapter 5; LeSueur, Special Laws 1891, Chapter 45; New Prague, Special Laws 1891, Chapter 46; Shakopee, Special Laws 1875, Chapter 6; and St. Charles, Special Laws 1879, Chapter 57, shall cease to be governed by the general or special incorporation acts specified in this subdivision and will thenceforth be governed and controlled and derive their corporate legislative and other powers from the laws applicable to statutory cities generally and from such other special laws as may be applicable to them.

Subd. 2. Option for early change. The governing body of any city or borough described in subdivision 1 may, at any time prior to July 1, 1975, choose to be no longer subject to its general or special incorporation act by an appropriate resolution enacted by a majority of its members and filed with the county and state auditor and the secretary of state. After the filing of the resolution the city or borough shall be governed by the laws applicable to statutory cities generally to the same degree as it will be after July 1, 1975.

Subd. 3. Fiscal year; former cities. In any city which was a statutory city or borough prior to 1973, and in which the fiscal year has not coincided with the calendar year, the calendar year shall become the fiscal year in 1976. The clerk, subject to the direction of the council, shall make such adjustments for accounts and reports during the transitional year as are necessary to provide the basis for accurate and comparable accounting and reporting.

[1973 c 123 art V s 3 subs 2, 3, 4]

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412.02 City elections; officers, terms, vacancies

Subdivision 1. Terms. The following officers shall be elected for the terms and in the years shown and in the cities described in the table.

Officer	Number of Years in Term	Year Elected	City in Which Elected
Mayor	Two	Every two years	Every statutory city
Clerk	Four	Every four years in year when treasurer is not elected	Every statutory city in which there is no clerk-treasurer
Treasurer	Four	Every four years in year in which clerk is not elected	Every statutory city in which there is no clerk-treasurer
Clerk-Treasurer	Four	Every four years in year in which one councilman is elected	Every standard plan city where such office exists pursuant to subdivision 3
Three Councilmen	Four	Two every four years and one in alternate year when mayor is elected	Every standard plan city
Four Councilmen	Four	Two each election	Every optional plan city
Two Constables	Four	One each election	Every city in which the office has not been abolished pursuant to subdivision 4
Municipal Judge (Number provided by law)	Six	Election year preceding expiration of term	Every city in which a municipal court has been established
Two Justices of the Peace	Two	At each election	Every statutory city without a municipal court or in which the office has not been abolished pursuant to subdivision 5

[1973 c 34 s 1; 1973 c 123 art II s 2]

[For text of subds. 2 and 3, see M.S.1971]

Subd. 4. [Repealed, 1973 c 34 s 7]

[For text of subd. 5, see M.S.1971]

412.021 Officers

[For text of subd. 1, see M.S.1971]

Subd. 2. Officers to be elected; optional plan. Unless such village has adopted an optional plan of government as provided in sections 412.541 to 412.751, there shall be elected a mayor, treasurer, constable and justice of the peace, each for a term expiring the first business day of January of the next even numbered year; a clerk, constable, and justice of the peace, each for a term expiring the first business day of January in the next odd-numbered year; and three councilmen, for terms so arranged that one term expires the first business day of January of each of the three years following. If the village has adopted an optional plan there shall be elected at such election a mayor and a justice of the peace, each for a term expiring the first business day of January of the next even-numbered year; a justice of the

peace, for a term expiring the first business day of January in the next odd-numbered year; and four councilmen, for terms so arranged that one expires the first business day of January of each of the three years following except that the terms of two councilmen shall expire the year following the year in which the term of the mayor expires. No candidate for councilman shall run for a particular term but the number of years in the term of each successful candidate shall be determined by his relative standing among the candidates for office, the longest term going to the candidate receiving the highest number of votes. If the election occurs in the last four months of the year, no election shall be held in the village on the annual village election day that year, and the next following year shall be disregarded in fixing the expiration of terms of officers chosen under this subdivision at the initial election.

[1973 c 34 s 2]

[For text of subds. 3 and 4, see M.S.1971]

412.022 Biennial elections

[For text of subd. 1, see M.S.1971]

Subd. 2. Terms. No more than three council members shall be elected at any biennial election. The term of every incumbent elective officer expiring in January following a year in which there is no village election shall be extended to the succeeding year unless such extension will cause more than three council members to be elected at any election, in which case the term of every such officer shall be shortened to the preceding year. Any village which has adopted a biennial election system under this section and which elects more than three council members at any such election shall by ordinance provide that one or more such officers be elected for a shorter term in order to comply with the requirement that no more than three council members be elected at each biennial election. No such ordinance need be submitted to the voters for approval. At each biennial village election, successors to incumbents whose terms will expire in the following January shall be chosen for four-year terms, except in the case of justices of the peace, if any, who shall serve for two-year terms.

[1973 c 34 s 3]

[For text of subd. 3, see M.S.1971]

412.023 Transition schedule

Subdivision 1. Former villages. In any city which was a village on January 1, 1974 and which has not, prior to that date, provided for biennial village elections under section 412.022, there shall be a municipal election on November 5, 1974, at which there shall be elected the officers who would be elected at that election under the election schedule previously in effect, but they shall be elected for the terms specified in section 412.02, subdivision 1. If, at the 1974 election three councilmen are to be elected in any statutory city, the two persons receiving the highest vote shall serve for terms of four years and the person receiving the third highest number of votes shall serve for a term of two years. In any former village which has provided for biennial elections under section 412.022, subdivision 1, prior to 1973, the election schedule shall not be changed by the adoption of Laws 1973, Chapter 123.

Subd. 2. Former cities and boroughs. In each municipality now operating under a general or special law, providing for a biennial election, the city election shall continue to be held in the year in which the election would have been held if this law had not been enacted, but terms of officers elected after Laws 1973, Chapter 123 takes effect in the city shall conform to the provisions of section 412.02, subdivision 1. In any such city heretofore holding annual elections, a city election for all officers referred to under section 412.02, subdivision 1 shall be held at the time previously prescribed in each of the two years following the application of Laws 1973, Chapter 123 to the city; but terms of officers chosen at those elections shall be those specified in section 412.02, subdivision 1. In any such municipality previously holding the

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biennial elections, the city elections held after January 1, 1974 shall be held in the same year as previously, unless election in a different year is provided hereafter in accordance with section 205.07, subdivision 1.

Subd. 3. Transition intent. Whenever the establishment of the biennial system provided by Laws 1973, Chapter 123 results in the expiration of any current term of office at a time when no city election is held in the months immediately prior thereto, each term is extended until the date for taking of office following the next scheduled city election. It is the intent of Laws 1973, Chapter 123 to put into effect as soon as practicable a state-wide system of biennial elections in statutory cities and to do so without shortening terms of incumbents or lengthening those terms for more than one year plus the number of months required in any statutory city to move its election date from spring to November. To the extent necessary to provide for an orderly transition to the biennial election plan and schedule provided for in this section, the council may adopt supplementary ordinances regulating initial elections, officers to be chosen at such elections, and the terms of incumbents and those so elected.

Subd. 4. Officers to be elected in former statutory cities. In any statutory city previously operating as a city or borough under a general or special law providing for the election of a clerk and a treasurer, or a clerk-treasurer, the city shall be deemed to be operating under optional plan A after the expiration of the term of the incumbent clerk or at such earlier time as a vacancy occurs in that office. Notwithstanding any other provision of Laws 1973, Chapter 123 or the statutory city code, any statutory city previously operating under a law providing for a council of more than five members or for the election of some or all of the councilmen by wards may continue to have a council of the same size as formerly and to elect councilmen by wards to the extent formerly authorized, but the mayor shall serve as a member of the council and act as its chairman as in other statutory cities, and the mayor and councilmen shall serve four-year terms as in statutory cities generally. The council of any such city may by ordinance adopted prior to September 1 and effective no earlier than the following January, abolish the ward system and provide for a council constituted as in statutory cities generally.

Subd. 5. Other officers. Any statutory city previously operating as a city or borough under a general or special law which did not require the election of a justice of the peace or constable or in which such officers did not exist, is not required by Laws 1973, Chapter 123 to appoint such officers. Any such city which has established the office of city administrator by ordinance may continue such office in existence notwithstanding the provisions of Laws 1973, Chapter 123.

[1973 c 123 art II s 3]

412.031 [Repealed, 1973 c 123 art II s 4]

OFFICERS, EMPLOYEES

412.101 Peace officers

Except in a village operating under Optional Plan B the mayor and other members of the council shall be peace officers and may suppress in a summary manner any riotous or disorderly conduct in the streets or other public places of the village and command the assistance of all persons under such penalties as may be prescribed by ordinance. The council may designate one or more of its police officers or members as a process officer, who shall have all the powers and duties of town constable. The council may require process officers to pay into the village treasury all fees received by them for performing the duties of constables.

[1973 c 34 s 4]

412.161 [Repealed, 1973 c 34 s 7]

412.181 [Repealed, 1973 c 123 art II s 4]

COUNCIL, POWERS

412.221 Specific powers of the council

[For text of subds. 1 to 25, see M.S.1971]

Subd. 26. Vice. The village council shall have power by ordinance to restrain and punish vagrants, prostitutes, and persons guilty of lewd conduct.

[1973 c 35 s 69]

[For text of subds. 27 to 33, see M.S.1971]

TAXATION, FINANCE

412.251 Annual tax levy

The council shall make its annual tax levy by resolution within the per capita limits established by statute. The amount of taxes levied for general village purposes shall not exceed 35 mills on each dollar of the assessed valuation of the property taxable in the village in villages having an assessed valuation of less than \$500,000 and 30 mills on each dollar in villages having an assessed valuation of more than \$500,000. In calculating such limit property used for homestead purposes shall be figured as provided in section 273.13, subdivision 7a. The following taxes may be levied in addition to the levies above authorized:

(1) A tax for the payment of principal and interest on outstanding obligations of the village as provided by sections 475.61, 475.73 and 475.74.

(2) A tax for the payment of judgments as authorized by section 465.14.

(3) A tax for the support and relief of the poor, as authorized by section 261.064.

(4) A maximum of one mill but not to exceed \$500 to provide musical entertainment to the public in public buildings or on public grounds.

(5) A tax for band purposes as authorized by section 449.09.

(6) A tax for the support of a municipal forest, as authorized by section 459.06.

(7) A tax for advertising purposes, as authorized by sections 465.56 and 465.57.

(8) A tax for forest fire protection in any village in a forest area, as authorized by section 88.04.

(9) A maximum of five mills for the utilities fund in any village whose utilities are under the jurisdiction of a public utilities commission. Such tax shall be levied for the purpose of paying the cost of the utility service or other services supplied to the village.

(10) A tax for the support of a public library, as authorized by section 134.07.

(11) A tax for firemen's relief association purposes as authorized by section 424.30, or other statutes.

(12) Such other special taxes as may be authorized by law.

Nothing in this section shall be construed to reduce levies of any municipality below the per capita levy spread in 1970.

[1973 c 389 s 2]

GENERAL AND MISCELLANEOUS

412.851 Vacation of streets

The council may by resolution vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting on the street, alley, public grounds,

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public way, or part thereof to be vacated. When there has been no petition, the resolution may be adopted only by a vote of four-fifths of all members of the council. No such vacation shall be made unless it appears in the interest of the public to do so after a hearing preceded by two weeks' published and posted notice. After a resolution of vacation is adopted, the clerk shall prepare a notice of completion of the proceedings which shall contain the name of the village, an identification of the vacation, a statement of the time of completion thereof and a description of the real estate and lands affected thereby. The notice shall be presented to the county auditor who shall enter the same in his transfer records and note upon the instrument, over his official signature, the words "entered in the transfer record." The notice shall then be filed with the register of deeds. Any failure to file the notice shall not invalidate any such vacation proceedings.

[1973 c 494 s 11]

412.861 Prosecutions, violations of ordinances

Subdivision 1. Complaint. All prosecutions for violation of ordinances shall be brought in the name of the village upon complaint and warrant as in other criminal cases. If the accused be arrested without a warrant, a written complaint shall thereafter be made, to which he shall be required to plead, and a warrant shall issue thereon. The warrant and all other process in such cases shall be directed for service to any police officer, marshal, process officer, court officer, if there is a municipal court in the village, or constable of any town or city in the county, to the sheriff of the county, or all of them.

[1973 c 34 s 5]

[For text of subs. 2 and 3, see M.S.1971]

CHAPTER 413. CHANGE OF NAME

Sec.
413.02 Change of name.

413.02 Change of name

Subdivision 1. Statutory city; procedure. When 20 percent of the legal voters of a statutory city shall petition the governing body thereof for a change of its name, the question of such change of name may be submitted to the voters of the municipality at any general or special election; and, if a majority of all the votes cast upon the question are in favor of such change, the governing body of the municipality may by ordinance, by a four-fifths vote of all members thereof, change the name of the municipality.

Subd. 2. Filing; effect. Upon the filing of a certified copy of the ordinance with the auditor of the county in which the city is located and with the state auditor and the secretary of state, the name of such city shall be changed as in such ordinance provided. Such change in name shall in no way affect any liability, obligation, power, duty, law, or ordinance, or other matter or thing in any way relating to such city, excepting that the new name of such city shall thereafter be substituted for and used in the place of its old name.

Subd. 3. City to postoffice; procedure. The name of any statutory city in this state may be changed to the same name as the postoffice therein, by an ordinance of the statutory city so declaring, duly and legally adopted by the council thereof, when the name of the statutory city is different from the name of the postoffice therein as designated by the United States postal authorities.

Subd. 4. When effective. Upon the filing of a certified copy of such ordinance with the auditor of the county in which the city is located, and with the state auditor and the secretary of state, the name of the city shall be changed as in such ordinance provided. Such change in name shall in no way