

CHAPTER 459

MUNICIPAL ACTIVITIES

Sec.		Sec.	
459.01	Employment bureaus.	459.15	Public rest rooms.
459.02	Bonds for municipal market.	459.16	Facilities for women and children.
459.03	Limitations not to apply.	459.17	Free use of; defiling, destroying; sanitary condition.
459.04	Use of proceeds.	459.18	Location in hotel or other public building.
459.05	Additional powers.	459.20	Authority over public waters.
459.06	Municipal and memorial forests.		
459.07	Cities may establish municipal forest.		
459.14	Automobile parking facilities.		

459.01 EMPLOYMENT BUREAUS. Any city of the first class may establish and conduct an employment bureau, and provide by ordinance or otherwise for its regulation and maintenance by the city.

[*RL s 760*] (1408)

459.02 BONDS FOR MUNICIPAL MARKET. The governing body of any city of the first class in this state, now or hereafter existing, which city owns, maintains, and operates its own municipal market, is hereby authorized and empowered, for the purposes herein designated, to issue from time to time as needed the negotiable bonds of their respective cities to an amount in the aggregate not exceeding \$200,000; these bonds to be in such denominations and payable at such places and at such times, not exceeding 30 years from the date thereof, as may be deemed best. The bonds shall be in serial form and bear interest at a rate not to exceed six percent per annum, payable semiannually, at such place or places as shall be designated therein, and such governing body is further authorized to negotiate and sell such bonds from time to time to the highest bidder or bidders therefor; and upon the best terms that can be obtained therefor; provided, that no such bonds shall be sold for a less amount than the par value thereof and accrued interest thereon.

[*1935 c 284 s 1*] (1630-2 1/2r)

459.03 LIMITATIONS NOT TO APPLY. The bonds authorized by section 459.02, or any portion thereof, may be issued and sold by any such city notwithstanding any limitation contained in the charter of such city or in any law of this state prescribing or fixing any limit upon the bonded indebtedness of such city. The governing body of any such city issuing these bonds shall set aside annually from the revenues of the operation of projects for which the bond issue herein is authorized, a sufficient amount to pay the interest on the bonds and the principal of any such bonds maturing in any such year; and in the event such revenue is insufficient for this purpose, the governing body of any such city issuing these bonds shall include in the tax levy a sufficient amount for the payment of such interest as it accrues and for the accumulation of a sinking fund for the redemption of such bonds at their maturity.

[*1935 c 284 s 2*] (1630-2 1/2s)

459.04 USE OF PROCEEDS. The proceeds of any and all bonds issued or sold under the authority of sections 459.02 to 459.05 shall be used for the purchase or condemnation of a site or sites for the expansion, improvement and equipment of such municipal market, owned, maintained, and operated by any such city; provided, that no bonds in excess of the sum of \$200,000 shall be issued for such purposes.

[*1935 c 284 s 3*] (1630-2 1/2t)

459.05 ADDITIONAL POWERS. The authority granted in sections 459.02 to 459.05 is in addition to all existing power and authority of any city operating under a home rule charter adopted in pursuance of the Constitution of the State of Minnesota, Article 4, Section 36.

[*1935 c 284 s 4*] (1630-2 1/2u)

459.06 MUNICIPAL AND MEMORIAL FORESTS. Subdivision 1. **Accept donations.** Any county, city, or town in this state, by resolution of the governing body thereof, may accept donations of land that such governing body may deem to be better adapted for the production of timber and wood than for any other purpose, for a

forest, and may manage the same on forestry principles. The donor of not less than 100 acres of any such land shall be entitled to have the same perpetually bear his or her name. The governing body of any city, or town in this state, when funds are available or have been levied therefor, may, when authorized by a majority vote by ballot of the voters voting at any general or special city election or town meeting where such question is properly submitted, purchase or obtain by condemnation proceedings, and preferably at the sources of streams, any tract of land for a forest which is better adapted for the production of timber and wood than for any other purpose, and which is conveniently located for the purpose, and manage the same on forestry principles; the selection of such lands and the plan of management thereof shall have the approval of the director of lands and forestry. Such city or town is authorized to levy and collect an annual tax of not exceeding one and two-thirds mills on the dollar of its assessed real estate valuation, in addition to all other taxes authorized or permitted by law, to procure and maintain such forests.

Subd. 2. Tax forfeited lands. Any county may by resolution of the county board set aside tax forfeited land which is more suitable for forest purposes than for any other purpose and dedicate said lands as a memorial forest and manage the same on forestry principles. Any moneys received as income from the land so dedicated and set aside may be expended from the forfeited tax fund for the development and maintenance of the dedicated forest.

Subd. 3. Withdrawal of tax forfeited lands. Any tax forfeited land which has been included in a memorial forest established in any county under the provisions of subdivision 2, and which is found more suitable for other purposes may by resolution of the county board be withdrawn from the forest for disposal as tax forfeited land if the commissioner of natural resources approves the sale of such land.

[1913 c 211 s 1; 1945 c 347 s 1; 1959 c 187 s 1; 1967 c 905 s 5; 1969 c 1129 art 10 s 2; 1973 c 123 art 5 s 7; 1973 c 773 s 1] (1933)

NOTE: See section 282.38.

459.07 CITIES MAY ESTABLISH MUNICIPAL FOREST. Any city of the first class operating under the Constitution of the State of Minnesota, Article 4, Section 36, by resolution of the governing body thereof, may purchase or obtain by condemnation proceedings, any tract or tracts of land bordering any lake, for a municipal forest and manage the same on forestry principles and may reserve any part of such land for use as a public bathing beach. The selection of such lands and the plans of management thereof, shall have the approval of the director of lands and forestry.

[1935 c 203 s 1; 1967 c 905 s 5] (1630-2 3/4)

459.08 [Repealed, 1976 c 44 s 70]

459.09 [Repealed, 1976 c 44 s 70]

459.10 [Repealed, 1976 c 44 s 70]

459.11 [Repealed, 1976 c 44 s 70]

459.12 [Repealed, 1976 c 44 s 70]

459.13 [Repealed, 1976 c 44 s 70]

459.14 AUTOMOBILE PARKING FACILITIES. Subdivision 1. **Acquisition of property.** Any city of the second, third, or fourth class, however organized, and any statutory city may acquire by gift, lease, purchase or condemnation proceedings any real property within or without the corporate limits, or any interest therein, deemed by its governing body to be needed for improving the municipality's regulation and control of traffic on its streets, alleys and public grounds by providing, regulating and operating on-street or off-street parking lanes or areas, and may acquire by purchase or lease parking meters or other parking or traffic control devices and may devote any property already owned by the municipality and devoted to other purposes to be used as a parking lane or area and may construct, or otherwise provide, equip, maintain and operate automobile parking facilities and may expend municipal funds for these purposes. Where all the bonds issued for a given project are wholly payable from the net revenue of all such operations, the proceeds of such bonds may be used for the acquisition, construction or improvement of automobile parking facilities by a resolution adopted by the governing body without an election notwithstanding any charter or statutory provision to the contrary. The term "automobile parking facilities" as used

in this section includes lots, lanes, garages, ramps or other structures and accessories, including such meters and devices; such facilities may be surface facilities above or under the ground. Provided that no product or service other than the parking of vehicles and the delivery thereof shall be dispensed or furnished at or in connection with any such parking facility. Provided, further, that the municipality shall not convert to a parking facility any land conveyed to it on a condition restricting its use to some other purpose.

Subd. 1a. **Minneapolis, application.** The provisions of this section shall apply in all respects to the city of Minneapolis, except that the authority granted thereby may be exercised by such a city only within its corporate limits.

Subd. 1b. **St. Paul, application.** The provisions of this section shall apply in all respects to the city of Saint Paul, except that the authority granted thereby may be exercised by such city only within its corporate limits.

Subd. 2. **Financing.** Any such municipality may pay for any portion of the cost of providing automobile parking facilities by:

- (a) Appropriating moneys therefor as authorized in subdivision 1;
- (b) Levying a tax, not exceeding one-sixth of one mill in any one year, on all taxable property in the municipality;
- (c) Levying special assessments against benefited property;
- (d) Appropriating any or all net revenues derived from the operation of its parking facilities;
- (e) Classifying the users of such facilities as a subject for taxation, and imposing taxes thereon computed according to the extent of use of the facilities;
- (f) Imposing reasonable rates, rents, fees and charges for the use of any on-street or off-street parking privilege or facility, which may be in excess of actual cost of operation, maintenance, regulation and supervision of parking at the particular location where the privilege is exercised;
- (g) Leasing any off-street facilities at specified or determinable rents to be paid to the municipality under a lease made as hereinafter authorized and limited;
- (h) Borrowing money and issuing bonds as authorized and limited by subdivision 3; or
- (i) Any combination of all or any of the foregoing.

Subd. 3. **Bonds.** Any municipality to which this section applies may issue bonds for the acquisition, construction, or improvement of automobile parking facilities. Any such bonds shall be authorized and issued and sold in the manner prescribed by the laws of this state or the charter of the municipality for the issuance and authorization of bonds thereof for public purposes generally, except as in this section otherwise provided. The amount of all bonds issued by any such municipality under this section shall not be included in the net indebtedness of the municipality or in any computation of the outstanding indebtedness of the municipality for the purpose of determining the limit of its net indebtedness. Bonds so authorized and issued may be made payable wholly from general ad valorem taxes levied in sufficient amounts upon all taxable properties in the municipality, or wholly from special assessments levied upon properties within one or more parking, benefit districts, or wholly from the net revenues of operations of on-street and off-street facilities, not exceeding the portion of such net revenue available therefor under the charter of the municipality, or such bonds may be made payable from any combination of such sources of income, as specified and defined in the resolution or ordinance authorizing their issuance; provided that bonds may be issued pledging the faith and credit of the municipality for the payment without the prior approval of a majority of the voters of the municipality voting thereon at an election ordered by the governing body if special assessments have been or will be levied in an amount not less than 50 percent of the amount of such bonds; and provided further that where such bonds are payable wholly from the net revenues of all such operations, the bonds may be authorized, issued, and sold by a resolution adopted by the governing body without an election notwithstanding any charter or statutory provision to the contrary.

Subd. 4. **Lease, rental charges.** The governing body of any municipality providing automobile parking facilities under this section may make such other provisions for their operation and management as it may deem necessary, and it may lease and rent all or any off-street facilities to persons, firms or corporations to be used for pur-

poses of automobile parking and fix the rentals to be charged therefor, and when so leased to regulate the rates and charges to be exacted for the services so provided, and which lease shall prohibit the sale or offer for sale by the lessee of any merchandise or supplies, including gasoline or oil, or the cleaning, repair or furnishing of services other than parking and delivery of automobiles. Such lease may require the lessee to make improvements to become the property of the municipality upon expiration or termination of the lease. The governing body may, in the alternative, employ any person, firm or corporation as operating manager and agent for the municipality to operate and maintain any such facility or facilities in behalf of the municipality under a contract defining the terms of such employment.

Subd. 5. Licenses. In event of establishment of parking facilities at or near the municipality's boundaries, the governing body may provide and regulate by licensing or by its own operations, transportation between the same and business centers.

Subd. 6. Powers, how exercised. Except as otherwise specified in this section, any and all powers granted or confirmed by this section may be exercised by the governing body by ordinance or resolution. Any municipal action regulating or prohibiting parking or traffic on streets, alleys or other public highways, or which establishes rates, fees, charges or taxes for on-street parking, or penalties for violation of such regulations or prohibitions, shall be by ordinance. Any such ordinance may provide that the presence of a vehicle in or upon any public street, alley or highway in the municipality, stopped, standing or parked in violation of such ordinance, shall be prima facie evidence that the person in whose name such vehicle is registered as owner committed or authorized the commission of such violation.

Subd. 7. Special assessments, hearing. An automobile parking facility is a local improvement within the meaning of sections 429.01 to 429.091 and, except as otherwise provided in this section, may be financed in whole or in part by special assessments levied in accordance with those sections. In apportioning such special assessments, the governing body shall take into consideration the improvements on the land and the present and potential use of the respective lots, pieces or parcels during the anticipated period of usefulness of the facility providing the benefits. If the governing body in levying such assessments determines that all or part of the benefited property is benefited to a lesser extent than other property, it may establish separate benefit districts for an improvement each comprising property benefited to a like extent, whether or not contiguous, and may provide either a different rate of assessment or, in lieu thereof, a different number of installments payable at such times as the governing body shall determine, subject only to the condition that the assessments for such benefit districts be made payable at such times as will permit the use thereof for payment of principal of and interest on any bonds issued for the improvement with respect to which they are levied. Interest on the unpaid balance of assessments levied under this subdivision shall be payable semiannually with other taxes levied on such property.

[1919 c 281 s 1; 1947 c 621 s 1; 1953 c 675 s 1; 1955 c 259 s 1; 1955 c 873 s 1,2; 1965 c 877 s 6; 1967 c 288 s 1,2; 1967 c 669 s 1; 1973 c 123 art 5 s 7; 1973 c 292 s 1; 1973 c 773 s 1] (1933-3)

459.15 PUBLIC REST ROOMS. All statutory cities and cities of the fourth class in the state may, at the discretion of their respective governing bodies, provide and maintain in or near the business center of the city a public rest room; such rest room shall be furnished with a suitable number of chairs and tables; shall be heated and lighted between the hours of ten o'clock in the forenoon and six o'clock in the afternoon; the entrance thereto shall be from a public street and there shall be placed on or over the entrance thereto a sign bearing the words "PUBLIC REST ROOM."

[1921 c 294 s 1; 1933 c 169; 1973 c 123 art 5 s 7] (1933-5)

459.16 FACILITIES FOR WOMEN AND CHILDREN. There shall be provided and at all times maintained in connection with such rest room suitable toilet facilities for women and children.

[1921 c 294 s 2] (1933-6)

459.17 FREE USE OF; DEFILING, DESTROYING; SANITARY CONDITION. Such rest rooms, toilet, and lavatories shall be open to free use and enjoyment by the public subject to such reasonable rules and regulations as may be prescribed by the city council. The city council is hereby authorized to provide by ordinance for the pun-

ishment of any person wilfully defiling any such premises or injuring or destroying any property used in connection with such rest room. Such rest room and the toilets and lavatories and the accessories thereto shall at all times be kept and maintained in a clean, neat, and sanitary condition.

[1921 c 294 s 3; 1973 c 123 art 5 s 7] (1933-7)

459.18 LOCATION IN HOTEL OR OTHER PUBLIC BUILDING. It shall be deemed a compliance with the provisions of sections 459.15 to 459.18 for any city to make arrangements with the proprietor of any hotel or any other public building for the furnishing by the latter to the public without charge of the facilities hereinbefore specified by permitting the public to use the hotel lobby or other public room as a rest room and likewise permitting the public to use the toilet and lavatory facilities of such hotel. In such case there shall be placed on or near the entrance of any such hotel in plain and conspicuous words a sign reading "PUBLIC REST ROOM" and the premises, toilet, and lavatories shall in such case be kept and maintained in a neat, clean, and sanitary condition and the rest room shall be lighted and warmed as specified in section 459.17.

[1921 c 294 s 4; 1973 c 123 art 5 s 7] (1933-8)

459.20 AUTHORITY OVER PUBLIC WATERS. The governing body of any home rule charter or statutory city or town in the state has, with respect to any body of water situated wholly within its boundaries, all the powers to improve and regulate the use of such body of water as are conferred on county boards by sections 378.31 and 378.32, and to establish and administer lake improvement districts under sections 378.41 to 378.57. With respect to any body of water situated wholly within the contiguous boundaries of two or more home rule charter or statutory cities or towns or any combination thereof, the city councils and town boards may, under the provisions of section 471.59, jointly exercise such powers to improve and regulate the use of the body of water as are conferred on county boards by sections 378.31 and 378.32, and to establish and administer lake improvement districts as provided under sections 378.41 to 378.57, provided that, no home rule charter or statutory city or town may establish and administer a lake improvement district or exercise any of the powers granted in this section if a lake improvement district covering the same territory has been created by a county board under sections 378.41 to 378.57. References in sections 378.31 to 378.35 and 378.41 to 378.57 to the county board shall be construed to refer to the governing body of a home rule charter or statutory city or the board of supervisors of a town.

[1973 c 123 art 5 s 7; 1973 c 702 s 24; 1975 c 311 s 1; 1978 c 726 s 17]