

CHAPTER 368

TOWNS; SPECIAL PROVISIONS

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NOTE: For special laws relating to specific towns, see Table 1, Vol. 10.

368.01 POWERS OF CERTAIN METROPOLITAN AREA TOWNS.

Subdivision 1. **Towns described.** Any town having therein platted portions in which there reside 1,200 or more people or any towns having platted area within 20 miles of the city hall of a city of the first class having over 200,000 population shall have and possess the powers enumerated in this section. The town board thereof may adopt, amend, or repeal ordinances and rules for any purposes enumerated as it deems expedient.

Subd. 1a. **Certain other towns.** Any town with a population of 1,000 or more that does not otherwise qualify pursuant to subdivision 1 to exercise the powers enumerated in this section, shall have and possess the enumerated powers upon an affirmative vote of the electors of the town at the annual town meeting. The population must be established by the most recent federal decennial census, special census as provided in section 368.015, or population estimate by the state demographer made according to section 116K.04, subdivision 4, whichever has the latest stated date of count or estimate.

Subd. 2. **Buildings.** The town board of supervisors shall have power to construct or acquire structures needed for town purposes, to control, protect, and insure the public buildings, property, and records.

Subd. 3. **Streets; sewers; sidewalks; public grounds.** The town board of supervisors shall have power to lay out, open, change, widen or extend streets, alleys, parks, squares, and other public ways and grounds and to grade, pave, repair, control, and maintain the same; to establish and maintain drains, canals, and sewers; to alter, widen or straighten water courses; to lay, repair, or otherwise improve or discontinue sidewalks, paths and crosswalks. It shall have power by ordinance to regulate the use of streets and other public grounds, to prevent encumbrances or obstructions, and to require the owners or occupants of buildings and the owners of vacant lots to remove any snow, ice, dirt, or rubbish from the sidewalks adjacent thereto and in default thereof to cause such encumbrances, obstructions, or substances to be removed and the cost to be assessed against the property as a special assessment.

Subd. 4. **Parks; trees.** The town board of supervisors shall have power to provide for, and by ordinance regulate, the setting out and protection of trees, shrubs, and flowers in the town or upon its property.

Subd. 5. **Cemeteries.** The town board of supervisors shall have power to acquire by purchase, gift, devise, condemnation or otherwise, hold and manage cemetery grounds, to enclose, lay out and ornament such grounds and sell and convey lots therein. It may by ordinance regulate cemeteries and the disposal of dead bodies.

Subd. 6. **Waterworks.** The town board of supervisors shall have power to provide and by ordinance regulate the use of wells, cisterns, reservoirs, waterworks and other means of water supply.

Subd. 7. **Tourist camps; parking facilities.** The town board of supervisors shall have power to acquire, improve and operate, and by ordinance regulate tourist camps and automobile parking facilities.

Subd. 8. **Hospitals.** The town board of supervisors shall have power to provide hospitals. The town board of any town operating a municipal hospital may by ordinance establish a hospital board with such powers and duties of hospital management and operation as the town board confers upon it; and the town board may, by vote of all its members, abolish any hospital board so established. The hospital board shall consist of five members, each appointed by the town board for a term of five years. Terms of the first members shall be so arranged that the term of one member expires each year. Any vacancy shall be filled for the unexpired portion of the term in which it occurs. Any member may be removed by the town board for cause after a hearing.

Subd. 9. **Fire prevention.** The town board of supervisors shall have power to establish a fire department, appoint its officers and members and prescribe their duties, and provide fire apparatus. It shall have power to adopt such ordinances as are reasonable and expedient to prevent, control or extinguish fires.

Subd. 10. **Naming and numbering streets.** The town board of supervisors shall have power by ordinance to name or rename the streets and public places of the town and to number or renumber the lots and blocks of the town, or any part thereof. It may make and record a consolidated plat of the town.

Subd. 11. **Transient dealers.** The town board of supervisors shall have power by ordinance to restrain or license and regulate auctioneers, transient merchants and dealers, hawkers, peddlers, solicitors, and canvassers.

Subd. 12. **Taxicabs; baggage wagons.** The town board of supervisors shall have power by ordinance to license and regulate baggage wagons, dray drivers, taxicabs, and automobile rental agencies and liveryes.

Subd. 13. **Animals.** The town board of supervisors shall have power by ordinance to regulate the keeping of animals, to restrain their running at large, to authorize their impounding and sale or summary destruction, and to establish pounds, and to license and regulate riding academies.

Subd. 14. **Health.** The town board of supervisors shall have power by ordinance to prohibit or regulate slaughterhouses; to prevent the bringing, depositing, or leaving within the town of any unwholesome substance, to require the owners or occupants of lands to remove unwholesome substances therefrom and in default thereof to provide for its removal at the expense of the owner or occupant, which expense shall be a lien upon the property and may be collected as a special assessment; to provide for or regulate the disposal of sewage, garbage, and other refuse, to provide for the cleaning of, and removal of obstructions from, any waters in the town and to prevent their obstruction or pollution. The town board may establish a board of health with all the powers of such boards under the general laws.

Subd. 15. **Nuisances.** The town board of supervisors shall have power by ordinance to define nuisances and provide for their prevention or abatement.

Subd. 16. **Amusements.** The town board of supervisors shall have power by ordinance to prevent or license and regulate the exhibition of circuses, theatrical performances, amusements, or shows of any kind, and the keeping of billiard tables and bowling alleys, to prohibit gambling and gambling devices, and to license, regulate or prohibit devices commonly used for gambling purposes.

Subd. 17. [Repealed, 1984 c 562 s 48]

Subd. 18. **Regulation of buildings.** The town board of supervisors shall have power by ordinance to regulate the construction of buildings.

Subd. 19. **General welfare.** The town board of supervisors shall have power to provide for the government and good order of the town, the suppression of vice and immorality, the prevention of crime, the protection of public and private property, the benefit of residence, trade, and commerce, and the promotion of health, safety, order, convenience, and the general welfare by such ordinances not inconsistent with the constitution and laws of the United States or of this state as it shall deem expedient.

Subd. 20. **Departments; boards.** The town board of supervisors may create departments and advisory boards and appoint officers, employees, and agents for the

town as deemed necessary for the proper management and operation of town affairs. The town board may prescribe the duties and fix the compensation of all officers, both appointive and elective, employees, and agents, when not otherwise prescribed by law. The town board may require any officer or employee to furnish a bond conditioned for the faithful exercise of duties and the proper application of, and payment upon demand of, all moneys officially received by the officer or employee. Unless otherwise prescribed by law, the amount of the bonds shall be fixed by the town board. The bonds furnished by the clerk and treasurer shall be corporate surety bonds. The town board may provide for the payment from town funds of the premium on the official bond of any officer or employee of the town. The town board may, except as otherwise provided, remove any appointive officer or employee when in its judgment the public welfare will be promoted by the removal. This provision does not modify the laws relating to veterans preference or to members of a town police or fire civil service commission or public utilities commission.

Subd. 21. Enactment of ordinances. Every ordinance shall be enacted by a majority vote of all the members of the town board except where a larger number is required by law. It shall be signed by the chair of the town board, attested by the clerk and published once in a qualified newspaper having general circulation within the town. If the town board determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the town board may by a two-thirds vote of its members, or a four-fifths vote in a town having a five-member board direct that only the title of the ordinance and a summary be published with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours of the town clerk and any other location which the town board designates. A copy of the entire text of the ordinance shall be posted in the community library, if there is one, or if not, in any other public location which the town board designates. Before the publication of the title and summary the town board shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published. The text of the summary shall be published in a body type no smaller than brevier or eight-point type, as defined in section 331.07. Proof of the publication shall be attached to and filed with the ordinance. Every ordinance shall be recorded in the ordinance book within 20 days after publication of the ordinance or its title and summary. All ordinances shall be suitably entitled and shall be substantially in the style: "The Town Board of Supervisors ordains:".

Subd. 22. Penalties. The town board of supervisors shall have the power to declare that the violation of any ordinance shall be a penal offense and to prescribe penalties therefor. No penalty shall exceed that which is provided by law for a misdemeanor, but the costs of prosecution may be added.

Subd. 23. Financing purchase of certain equipment. The town board of supervisors may issue certificates of indebtedness within existing debt limits for the purpose of purchasing fire or police equipment or ambulance equipment or street construction or maintenance equipment. Such certificates shall be payable in not more than five years and shall be issued on such terms and in such manner as the board may determine. If the amount of the certificates to be issued to finance any such purchase exceeds one percent of the assessed valuation of the town, excluding money and credits, they shall not be issued for at least ten days after publication in the official newspaper of a town board resolution determining to issue them; and if before the end of that time, a petition asking for an election on the proposition signed by voters equal to ten percent of the number of voters at the last regular town election is filed with the clerk, such certificates shall not be issued until the proposition of their issuance has been approved by a majority of the votes cast on the question at a regular or special election. A tax levy shall be made for the payment of the principal and interest on such certificates as in the case of bonds.

Subd. 24. Parks; parkways; recreational facilities. Any town may establish,

improve, ornament, maintain and manage parks, parkways, and recreational facilities and by ordinance protect and regulate their use.

Subd. 25. Vacation of streets. The board of supervisors 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, 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 board of supervisors. 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 town, 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 the transfer records and note upon the instrument, over the auditor's official signature, the words "entered in the transfer record". The notice shall then be filed with the county recorder. Any failure to file the notice shall not invalidate any such vacation proceedings.

Subd. 26. Fines and penalties. All fines, forfeitures, and penalties recovered for the violation of any statute or ordinance to which the town is entitled by law shall be paid into the town treasury. Every court or officer receiving money for the violation, shall return it under oath in accordance with law, and be entitled to duplicate receipts for the amounts paid. One of the receipts shall be filed with the town clerk.

Subd. 27. Right of eminent domain. All towns possessing special powers under this section may exercise the right of eminent domain for the purpose of acquiring private property within or without the limits thereof for any purpose for which it is authorized by law to take or hold the same by purchase or gift and may exercise the right of eminent domain for the purpose of acquiring a right of way for sewerage or drainage purposes and an outlet for sewerage or drainage within or without the limits thereof. The procedure in the event of condemnation shall be that prescribed by chapter 117.

Subd. 28. [Repealed, 1984 c 562 s 48]

Subd. 29. Savings clause. This section shall not be construed to repeal or rescind the powers of any town provided for by other law.

Subd. 30. Notice to county auditor and secretary of state. The town clerk of each town exercising special powers pursuant to this section shall so notify in writing the county auditor of the county in which the town is located and the secretary of state. The written notice shall be filed by the county auditor and the secretary of state as a public record.

Subd. 31. Continuing authority to exercise powers. If a town exercises a power pursuant to this section it may continue to exercise the power notwithstanding any subsequent change in population.

History: (1003, 1004) 1907 c 193 s 1; 1907 c 397 s 1; 1949 c 722 s 1; 1953 c 462 s 1; 1959 c 686 s 14; Ex1959 c 75 s 1,2; 1961 c 46 s 1; 1963 c 257 s 1; 1965 c 574 s 1; 1971 c 24 s 46; 1973 c 48 s 1; 1973 c 123 art 5 s 7; 1976 c 181 s 2; 1976 c 239 s 112; 1981 c 219 s 2; 1982 c 507 s 3-6; 1983 c 359 s 53; 1984 c 562 s 39-43; 1985 c 65 s 2; 1986 c 444

368.015 TOWNS; CENSUS.

A town board may by resolution, in any year, request the United States Bureau of the Census to take a special census of the town for the purpose of being eligible to exercise the powers contained in section 368.01 as provided in section 368.01, subdivision 1a. A cost for the special census shall be borne by the town.

History: 1984 c 562 s 44; 1985 c 65 s 3

368.02 [Repealed, 1984 c 562 s 48]

368.03 [Repealed, 1984 c 562 s 48]

- 368.04 [Repealed, 1984 c 562 s 48]
- 368.05 [Repealed, 1984 c 562 s 48]
- 368.06 [Repealed, 1984 c 562 s 48]
- 368.07 MS 1967 [Repealed, 1984 c 562 s 48]
- 368.08 MS 1967 [Repealed, 1984 c 562 s 48]
- 368.09 [Repealed, 1984 c 562 s 48]
- 368.10 [Repealed, 1984 c 562 s 48]
- 368.11 [Repealed, 1984 c 562 s 48]

ATTORNEYS FOR TOWNS

- 368.12 [Repealed, 1976 c 44 s 70]

368.121 EMPLOYMENT OF ATTORNEY; FEES.

The town board of any town may employ an attorney and pay \$15,000 in attorney's fees annually without an affirmative vote of or approval by the electors of the town.

History: 1971 c 751 s 1; 1973 c 49 s 1; 1979 c 6 s 1; 1984 c 562 s 45

368.13-368.38 [Omitted, applies to towns having not less than 1,500, and not more than 2,000 inhabitants, and having an assessed valuation of more than \$1,200,000, and less than \$1,750,000, and having an area of not less than 23,000, nor more than 26,000 acres.]

- 368.39 [Repealed, 1973 c 650 art 27 s 1]
- 368.40 [Repealed, 1973 c 650 art 27 s 1]
- 368.41 [Repealed, 1973 c 650 art 27 s 1]
- 368.42 [Repealed, 1973 c 650 art 27 s 1]
- 368.43 [Repealed, 1945 c 271 s 3]

DISSOLUTION

368.44 DISSOLUTION OF CERTAIN TOWNS; GROUNDS.

When the voters residing within a duly organized town in any county in this state having more than 85 congressional townships of land and having an assessed valuation of not less than \$5,000,000 nor more than \$12,000,000 have failed to elect any town officials for more than three years continuously, or the town has failed and omitted to exercise any of the powers and functions of a town, as provided by law, which facts, or any of them, may be found and determined by the resolution of the county board of the county in which the town is located, according to the official records in the office of the auditor of the county, the county board by resolution duly adopted may declare any such town, naming it, duly dissolved and no longer entitled to exercise any of the powers or functions of a town.

History: (1002-5) 1925 c 183 s 1

368.45 COPY OF DISSOLUTION RESOLUTION FOR SECRETARY OF STATE.

A certified copy of any such resolution shall forthwith, after the adoption of the same by the county board, be forwarded by the auditor of such county to the secretary of state, who shall, on receipt thereof, make an appropriate record of the dissolution of such town.

History: (1002-6) 1925 c 183 s 2; 1986 c 444

368.46 DISTRIBUTION OF FUNDS.

Any funds belonging to the town remaining in, or hereafter coming into, the treasury of the county in which such town shall be located, shall be disposed of in the following manner:

Any road or bridge funds shall be expended by the county board of any such county for road and bridge improvements wholly within the limits of such town; any other funds of such town shall, by the auditor of such county, be used to pay, and the auditor shall pay, all outstanding warrants or judgments against the town; and, if the funds so remaining are not enough to pay such outstanding warrants or judgments, upon petition of the holders thereof, the county auditor shall spread a levy against the taxable property of the town in an amount sufficient to pay the same; any other funds of such town shall, by the county auditor, be credited to the general fund of the county.

History: (1002-7) 1925 c 183 s 3; 1986 c 444

368.47 TOWNS MAY BE DISSOLVED.

When the voters residing within a town in this state have failed to elect any town officials for more than ten years continuously immediately prior to April 24, 1937, or the town has failed and omitted for a period of ten years to exercise any of the powers and functions of a town, as provided by law, or when the assessed valuation of any town drops to less than \$40,000, or when the tax delinquency of any such town, exclusive of taxes that are delinquent or unpaid by reason of taxes being contested in proceedings for the enforcement of taxes, amounts to 50 percent of its assessed valuation, or where the state or federal government has acquired title to 50 percent of the real estate of such town, which facts, or any of them, may be found and determined by the resolution of the county board of the county in which the town is located, according to the official records in the office of the county auditor, the county board by resolution may declare any such town, naming it, duly dissolved and no longer entitled to exercise any of the powers or functions of a town. In counties having a population according to the 1930 federal census of not more than 16,000 nor less than 15,000 and having not more than 77 nor less than 75 full or fractional congressional townships, and in counties having a population according to the 1930 federal census of not more than 28,000 nor less than 27,000 and having not more than 91 nor less than 90 full or fractional congressional townships, and in counties having a population according to the 1930 federal census of not more than 210,000 nor less than 200,000 and having not more than 202 nor less than 200 full or fractional congressional townships, before any such dissolution shall become effective the freeholders of the town may express their approval or disapproval of such dissolution. The clerk of the town shall, upon the petition of ten legal voters of such town, filed with the clerk at least 15 days before any regular or special town election thereof, give notice at the same time and in the same manner of such election that the question of dissolution of such town will be submitted for determination at such election. At such election when so petitioned for the question shall be voted upon by a separate ballot, the terms of which shall be either "for dissolution" or "against dissolution," which ballot shall be deposited in a separate ballot box to be provided and the result of such voting shall be duly canvassed, certified, and returned in the same manner and at the same time as other facts and returns of the election. If a majority of the votes cast at the election shall be for dissolution, such town shall be dissolved; and, if a majority of the votes cast at the election shall be against dissolution, the town shall not be dissolved.

When a town is dissolved under the provisions of sections 368.47 to 368.49 the county shall acquire title to any telephone company or any other business being conducted by such town and such business shall be operated by the board of county commissioners until such time as a sale thereof can be made; provided that the subscribers or patrons of such businesses shall have the first opportunity of purchase. If such dissolved town has any outstanding indebtedness chargeable to such business, the auditor of the county wherein such dissolved town is located shall levy a tax against the property situated in the dissolved town for the purpose of paying the indebtedness as it becomes due.

History: (1002-1) 1925 c 40 s 1; 1933 c 377; 1935 c 342 s 1; 1937 c 419 s 1; 1986 c 444

368.48 COPY OF RESOLUTION OF DISSOLUTION FOR SECRETARY OF STATE.

A certified copy of any such resolution shall forthwith, after the adoption of the same by the county board, be forwarded by the auditor of the county to the secretary of state, who shall on receipt thereof make an appropriate record of the dissolution of such town.

History: (1002-2) 1925 c 40 s 2; 1986 c 444

368.49 DISTRIBUTION OF FUNDS.

Subdivision 1. Any funds remaining in, or hereafter coming into, the treasury of the county in which such town shall be located, shall be disposed of in the following manner:

Any road or bridge funds shall be expended by the county board of any such county for road and bridge improvements wholly within the limits of such town; any other funds of such town shall, by the auditor of such county, be credited to the general fund of the county.

Subd. 2. Where any such dissolved township has any unexpended money in its bond and interest funds and there are no bonds or indebtedness outstanding, any such unexpended money shall be spent for road and bridge improvements or other legal expenditures within the said township.

History: (1002-3) 1925 c 40 s 3; 1949 c 326 s 1

- 368.50** [Repealed, 1976 c 44 s 70]
- 368.51** [Repealed, 1976 c 44 s 70]
- 368.52** [Repealed, 1976 c 44 s 70]
- 368.53** [Repealed, 1976 c 44 s 70]
- 368.54** [Repealed, 1955 c 500 s 5]
- 368.55** [Repealed, 1955 c 500 s 5]
- 368.56** [Repealed, 1976 c 44 s 70]
- 368.57** [Repealed, 1976 c 44 s 70]
- 368.58** [Repealed, 1976 c 44 s 70]
- 368.59** [Inoperative]
- 368.61** [Repealed, 1976 c 44 s 70]
- 368.62** [Repealed, 1976 c 44 s 70]
- 368.63** [Repealed, 1976 c 44 s 70]
- 368.64** [Repealed, 1976 c 44 s 70]
- 368.65** [Repealed, 1976 c 44 s 70]
- 368.66** [Repealed, 1976 c 44 s 70]
- 368.67** [Repealed, 1976 c 44 s 70]
- 368.68** [Repealed, 1976 c 44 s 70]
- 368.69** [Repealed, 1976 c 44 s 70]
- 368.70** [Repealed, 1976 c 44 s 70]
- 368.71** [Repealed, 1976 c 44 s 70]
- 368.72** [Repealed, 1976 c 44 s 70]
- 368.73** [Repealed, 1976 c 44 s 70]
- 368.74** [Repealed, 1976 c 44 s 70]
- 368.75** [Repealed, 1976 c 44 s 70]
- 368.76** [Repealed, 1976 c 44 s 70]
- 368.77** [Repealed, 1976 c 44 s 70]
- 368.78** [Repealed, 1976 c 44 s 70]

- 368.79** [Repealed, 1976 c 44 s 70]
- 368.80** [Repealed, 1976 c 44 s 70]
- 368.81** [Repealed, 1976 c 44 s 70]
- 368.82** [Repealed, 1976 c 44 s 70]
- 368.83** [Repealed, 1976 c 44 s 70]
- 368.84** [Repealed, 1976 c 44 s 70]

FIRE PROTECTION

368.85 FIRE PROTECTION.

Subdivision 1. Special fire protection district established. Any organized town may, by resolution adopted by the town board and approved by a majority of the electors residing within the territory affected, in the manner hereinafter provided, establish a special fire protection district within such town in the following manner: The town board shall adopt a resolution particularly describing the territory, district or area within such town which shall constitute a special fire protection district and which shall be entitled to receive fire protection to be paid for from the taxation of the property within such special fire protection district. Each special fire protection district shall consist of contiguous and compact territory and shall be so constituted that at least 25 percent of the total assessed value of taxable real property therein consists of property classified as homestead property and buildings or other structures.

Subd. 2. Submission at annual meeting; notice. Such resolution shall provide for the submission of the question whether such special fire protection district shall be established to the voters residing within the limits of the special fire protection district so proposed to be established at the next ensuing annual town meeting or at any special town meeting which the town board is hereby authorized to call for that purpose. The notice of such annual meeting or of such special town meeting shall contain a notice that such question will be submitted to the electors residing in such proposed special fire protection district at such meeting and a statement that all cost of fire protection for the special district will be borne by a tax on the property therein. Such meeting shall be held at the usual place of holding town meetings within the town.

Subd. 3. Manner of voting. For such election the town board shall provide a separate ballot box where the electors residing within such proposed special fire protection district shall deposit their ballots. Only electors residing within the proposed special fire protection district will be entitled to vote at such meeting upon such question.

Subd. 4. Ballot. The town board shall provide ballots to be used at such town meeting, which ballots shall bear the words "Shall the territory described in the resolution adopted by the town board on the day of, 19...., constitute a special fire protection district?" The question shall be followed with a line with the word "Yes" and a square after it and another line with the word "No" and a square after it. The voters shall indicate their choice by placing a cross mark in one of said squares, and a direction to so indicate their choice shall be printed on the ballot.

Subd. 5. Counting and canvassing of votes. The votes cast at such special election in said special ballot box shall be counted and canvassed by the town board or by the judges presiding at such election; and, if such proposition shall receive a majority of the votes cast by the electors residing within such proposed special fire protection district, that result will be recorded in the minutes of such town meeting, and the territory described in said town board's resolution shall thereafter constitute and be a special fire protection district in said town.

Subd. 6. Tax levy. The town board shall annually thereafter levy a tax in an amount as necessary on the assessed valuation of all property located within the special fire protection district to provide fire protection for the district. The tax, with a certified copy of the resolution establishing the district, shall be certified by the town board to the county auditor who shall spread the tax against the property located within the district. The tax shall be collected as other taxes.

Subd. 7. **Disbursement of funds.** When such taxes are collected, the same shall be paid to the town and disbursed upon the order of the town board for the purpose of providing fire protection in such special fire protection district. The town board may order such moneys, or any part thereof, to be paid to any municipality or volunteer fire department which has its fire department headquarters so located as to be able to conveniently furnish and which shall agree to furnish fire protection to the property within such district.

Subd. 8. **Plural districts.** More than one special fire protection district may be established in any town. Such special fire protection district shall be designated by consecutive numbers in the order of their establishment.

Subd. 9. **Dissolution.** A special fire protection district may be dissolved in the manner following: The town board may submit the question of dissolution of any such special district at any annual town meeting and it shall submit that question at the next annual town meeting on the signed petition of electors residing in such district equal in number to at least one-half of the number of freeholders in such district according to the tax record in the county auditor's office filed with the town clerk not less than 45 days before such annual meeting. Notice that the question will be submitted shall be posted by the town clerk in three public places within the special district not less than two weeks before the annual meeting at which it will be submitted. Only voters residing in the special district shall vote on the question of dissolution and a separate ballot box shall be provided for votes on the question. The town board shall provide ballots for the question of dissolution which shall be in the same form as provided in subdivision 2 except that the question therein stated shall be "Shall Special Fire Protection District No. be dissolved?", and if a majority vote of those voting on the question vote in the affirmative, the district shall be dissolved, in which event the results of the election shall be certified by the chair of the town board to the county auditor, and thereafter there shall be no further special levy for fire protection in such district, but such dissolution shall not relieve the property in such special district so dissolved from any taxes theretofore levied for special fire protection under the provisions of this section.

History: 1949 c 204 s 1-9; 1965 c 18 s 1; 1971 c 271 s 2; 1973 c 773 s 1; 1985 c 301 s 2; 1986 c 444

368.86 [Repealed, 1984 c 562 s 48; 1984 c 593 s 46]