

CHAPTER 164

TOWN ROADS

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164.02 TOWN ROADS.

Subdivision 1. Establishment and supervision. Town roads shall be established, located, relocated, constructed, reconstructed, improved and maintained, or vacated by the several towns. The town boards shall have supervision over town roads, and they may employ such persons as they deem necessary to carry out their duties. They may appropriate and expend such sums of money from their respective town road and bridge funds as they deem necessary for the establishment, location, relocation, construction, reconstruction, improvement and maintenance, or vacation of such roads. Subject to sections 88.16, 88.17, and 88.22, maintenance may include town ordinances to regulate the burning of vegetation on town road rights-of-way. The ordinance shall set forth limits and conditions on burning to minimize the danger of fire escaping. A town adopting an ordinance pursuant to this section shall submit a copy of the ordinance to the department of natural resources.

[For text of subd 2, see M.S.1988]

History: 1989 c 180 s 1

164.04 TAXATION.

[For text of subds 1 and 2, see M.S.1988]

Subd. 3. Emergencies. In case of emergency after the town meeting, but not later than October 1 in the same year, the town board may levy a tax on the property in the town for road and bridge purposes, in addition to any tax voted at the annual town meeting for road and bridge purposes, in an amount not to exceed 0.04028 percent of taxable market value. Any tax so levied shall be certified to the county auditor for extension and collection. The town board may thereafter pledge the credit of the town by issuing town orders, not exceeding the amount of the additional tax so levied for road and bridge purposes, in payment for the emergency work done or material used on the roads within the town.

History: 1989 c 277 art 4 s 15

164.05 TOWN ROAD DRAINAGE TAX.

Subdivision 1. Powers. In any town in which the voters authorize the town board to do so as provided in this section, the town board may levy a tax not to exceed 0.08051 percent of taxable market value. The tax shall be known as the town road drainage tax.

[For text of subds 2 to 4, see M.S.1988]

History: 1989 c 277 art 4 s 16

164.07 ESTABLISHMENT, ALTERATION, OR VACATION.

[For text of subd 1, see M.S.1988]

Subd. 2. Hearing. The petition shall be filed with the town clerk, who shall forthwith present it to the town board. The town board within 30 days thereafter shall make an order describing as nearly as practicable the road proposed to be established, altered, or vacated and the several tracts of land through which it passes, and fixing a

time and place when and where it will meet an act upon the petition. The petitioners shall cause personal service of such order to be made upon each occupant of such land at least ten days before such meeting and cause ten days' posted notice thereof to be given. In addition, the petitioners shall serve notice of the order by certified mail upon the commissioner of natural resources at least 30 days before such meeting if the road to be vacated terminates at or abuts upon any public water. The notice under this subdivision is for notification purposes only and does not create a right of intervention by the commissioner of natural resources.

[For text of subs 3 to 12, see M.S.1988]

History: 1989 c 183 s 3

164.08 CARTWAYS.

[For text of subd 1, see M.S.1988]

Subd. 2. Shall be established in certain instances. Upon petition presented to the town board by the owner of a tract of land containing at least five acres, who has no access thereto except over the lands of others, or whose access thereto is less than two rods in width, the town board by resolution shall establish a cartway at least two rods wide connecting the petitioner's land with a public road. In an unorganized territory, the board of county commissioners of the county in which the tract is located shall act as the town board. The proceedings of the town board shall be in accordance with section 164.07. The amount of damages shall be paid by the petitioner to the town before such cartway is opened. For the purposes of this subdivision damages shall mean the compensation, if any, awarded to the owner of the land upon which the cartway is established together with the cost of professional and other services which the town may incur in connection with the proceedings for the establishment of the cartway. The town board may by resolution require the petitioner to post a bond or other security acceptable to the board for the total estimated damages before the board takes action on the petition.

Town road and bridge funds shall not be expended on the cartway unless the town board, or the county board acting as the town board in the case of a cartway established in an unorganized territory, by resolution determines that an expenditure is in the public interest. If no resolution is adopted to that effect, the grading or other construction work and the maintenance of the cartway is the responsibility of the petitioner, subject to the provisions of section 164.10. After the cartway has been constructed the town board, or the county board in the case of unorganized territory, may by resolution designate the cartway as a private driveway with the written consent of the affected landowner in which case from the effective date of the resolution no town road and bridge funds shall be expended for maintenance of the driveway; provided that the cartway shall not be vacated without following the vacation proceedings established under section 164.07.

[For text of subd 3, see M.S.1988]

History: 1989 c 16 s 1