CHAPTER 365

TOWN GENERAL LAW

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BOUNDARIES, POWERS, CONTRACTS, PROPERTY

365.01 1906 BOUNDARIES REMAIN UNLESS CHANGED BY COUNTY.

A town's boundaries on March 1, 1906, remain its boundaries unless the county board changes them according to law.

History: *(998) RL s 621; 1987 c 229 art 8 s 1*

365.02 TOWN CORPORATION MAY SUE, OWN PROPERTY, MAKE CONTRACTS.

(a) A town is a public corporation.

(b) A town may:

(1) sue and be sued in its corporate name;

(2) buy, take, and hold real and personal property for a public purpose, and convey and dispose of the property;

(3) enter into any contract that is necessary for the town to use any of its powers; and

(4) dispose of, control, and use town property as its residents consider expedient.

History: *(999) RL s 622; 1987 c 229 art 8 s 1*

365.025 CONTRACTS; TIME PAYMENTS; PETITION ON BIG BUYS.

Subdivision 1. **Board makes contracts.** Notwithstanding other law, a town board may enter into any contract it considers necessary or desirable to use any town power.

Subd. 2. **May buy over five years.** The town may buy personal property on a conditional sales contract and real property on a contract for deed. The town must pay for the property within five years.

Subd. 3. **Seller's remedy: recover property.** The seller's only remedy for nonpayment on a contract entered into under subdivision 2 is recovery of the property.

Subd. 4. **Major purchases: notice, petition, election.** Before buying anything under subdivision 2 that costs more than 0.24177 percent of the estimated market value of the town, the town must follow this subdivision.

The town must publish in its official newspaper the board's resolution to pay for the property over time. Then a petition for an election on the contract may be filed with the clerk. The petition must be filed within ten days after the resolution is published. To require the election the petition must be signed by a number

of voters equal to ten percent of the voters at the last regular town election. The contract then must be approved by a majority of those voting on the question. The question may be voted on at a regular or special election.

History: *1969 c 648 s 1; 1987 c 229 art 8 s 1; 1988 c 719 art 5 s 84; 1989 c 329 art 13 s 20; 1990 c 480 art 9 s 8; 2013 c 143 art 14 s 44*

365.03 MS 1987 Supp [Repealed, 1988 c 639 s 7]

365.04 PROPERTY TO OR FOR USE OF TOWN IS TOWN PROPERTY.

Real or personal property conveyed to a town or to its residents or any person for the use of the town or its residents is town property. The conveyance has the same effect as if made directly to the town by name.

History: *(1001) RL s 624; 1987 c 229 art 8 s 1*

365.05 DEED OF TOWN LAND; FORMALITIES; INTEREST GIVEN.

A deed conveying real estate owned by a town must be signed by the chair of the town board in an official capacity and attested by the clerk. The deed, witnessed and acknowledged, must give the grantee all of the town's interest in the real estate.

History: *(1007) RL s 626; 1986 c 444; 1987 c 229 art 8 s 1*

365.06 MS 1986 [Repealed, 1987 c 90 s 11]

TOWN CHARGES

365.07 TO PAY OFFICERS AND EXPENSES; TO RAISE MONEY.

It is a town charge:

(1) to pay town officers for services performed for the town;

(2) to pay contingent expenses necessarily incurred for the use and benefit of the town;

(3) to raise money authorized to be raised by the vote of the town meeting for general purposes; and

(4) to raise money directed by law to be raised for any town purpose.

History: *(1093) RL s 686; 1987 c 229 art 8 s 1*

365.08 TOWN DAMAGE TO PRIVATE ROAD IS A CHARGE IF VOTED.

If a court finds that a town's officers ordered work done on a private road believing that the road was public, the damage caused and necessary expenses and costs incurred in the suit are a claim against the town. Before the claim becomes a charge to be paid by the town, payment must be authorized by vote of a majority of electors present at a town meeting. First, there must be due notice that the question will be considered and voted on at the meeting.

History: *(1094) 1907 c 150 s 1; 1987 c 229 art 8 s 1*

365.09 CHARGES PAID BY TAXES LEVIED UNDER CHAPTER 275.

Taxes to pay for town charges must be levied under chapter 275 on the town's taxable property.

History: *(1097) RL s 689; 1987 c 229 art 8 s 1*

TOWN MEETING POWERS

365.10 ANNUAL TOWN MEETING; POWERS OF ELECTORS.

Subdivision 1. **Powers listed here.** The electors of a town, at their annual town meeting, may do what is in this section.

Subd. 1a. **Pounds, poundmasters.** The electors may (1) decide the locations of pounds, (2) set the number of poundmasters, and (3) discontinue a pound.

Subd. 2. MS 1998 [Repealed, 1999 c 132 s 46]

Subd. 3. **Animals at large.** The electors may make orders and bylaws on restraining horses, cattle, sheep, swine, and other domestic animals from going at large on roads. They may also make orders and bylaws on the impounding of domestic animals going at large and fix penalties for violations of the orders and bylaws.

Subd. 4. **Roads, bridges, other expenses.** The electors may vote money to repair and build roads and bridges. They may also vote as much money as they consider expedient for the good of the town for other town expenses, including the building and maintenance of docks and breakwaters.

Subd. 5. **Adjoining town's roads.** The electors may direct that a certain amount of the road tax be spent on the roads of an adjoining town. The spending must be for the good of the town and under the control of the town board.

Subd. 6. **Build town building.** The electors may let the town board buy or build a town hall or other building for the use of the town. The electors must decide the amount of money to be raised for that purpose. Once the town gets a site for a town hall the site must not be changed for another site, except by a vote choosing a new site. To get a new site two-thirds of those voting on the question must vote for it.

Subd. 7. **Buy town cemetery.** The electors may let the town board vote to buy grounds for a town cemetery. The electors may limit the price to be paid for the cemetery and may vote a tax to pay for it.

Subd. 8. **Buy, beautify park.** The electors may let the town board, by itself or with other towns, buy grounds for a public park and may limit the price to be paid for the grounds. The electors may let the town, alone or with the other towns, care for, improve, and beautify the parks. The electors may vote a tax to pay for what they allow under this subdivision.

Subd. 9. **Community halls.** The electors may vote money to help build community halls. The community halls may be built by farm bureaus, farmers clubs, or other like organizations.

Subd. 10. **Tax for dump.** The electors may vote a tax to buy and maintain a public dump.

Subd. 11. **Abandoned town roads.** The electors may let the town board, by resolution, determine whether to open or maintain town roads or town cartways under the jurisdiction of the town board upon which no maintenance or construction has been conducted for 25 years or more. For purposes of this

subdivision, section 163.16 does not apply to town roads described in this subdivision. This subdivision does not limit the right of town voters or land owners to petition to establish a cartway under section 164.08.

Subd. 12. **Fund town celebration, recognition of service.** The electors may set an amount of money and let the town board spend it to commemorate an event of historical significance to the town, to recognize volunteers, service efforts, and retiring town officers, or to host or support a community celebration.

Subd. 13. **Control dogs, cats.** The electors may let the town board pass an ordinance for licensing dogs and cats and regulating their presence, keeping, and running at large in the town.

Subd. 14. **Health, social, recreational services.** The electors may let the town board contract with nonprofit organizations for not more than $10,000 per year of health, social, and recreational services. To do so, the town board must consider the services to be in the public interest and good for the town.

Subd. 15. **Refuse, household waste.** The electors may let the town board find a way to collect and get rid of household waste and other refuse. The way must be consistent with other law.

Subd. 16. **Cemetery perpetual care.** The electors may let the town board set up a perpetual care program to administer and maintain a cemetery in the town. The town board must first decide that it has enough money available from burial plot sales, gifts, and private assistance to administer and maintain the cemetery. Cemetery administration may include the sale of burial plots and the supervision of burials. The town may accept gifts of money and other help from individuals to set up the perpetual care program.

Subd. 17. **Other activities.** (a) To grant the town board authority to provide for a specific activity that is within any of the following categories:

(1) the government and good order of the town,

(2) the suppression of vice and immorality,

(3) the prevention of crime,

(4) the protection of public and private property,

(5) the benefit of residence, trade, and commerce,

(6) the promotion of health, safety, order, and convenience, and

(7) the general welfare.

(b) Authority under this subdivision may be exercised by ordinances that the board deems expedient and that are consistent with the Constitution and laws of the United States and this state.

Subd. 18. **Capital reserve fund.** The electors may authorize creation of a capital reserve fund and designate its use for any lawful purpose.

History: *(1002) RL s 625; 1909 c 350 s 1; 1913 c 14 s 1; 1921 c 246 s 1; 1925 c 158 s 1; 1953 c 70 s 1; 1967 c 95 s 1; 1978 c 497 s 1; 1981 c 77 s 2; 1984 c 536 s 1; 1984 c 562 s 12; 1985 c 169 s 7; 1986 c 327 s 1; 1986 c 333 s 1; 1987 c 90 s 1; 1987 c 229 art 8 s 1; 1999 c 113 s 1; 2001 c 11 s 1; 2008 c 166 s 1,2*

365.105 MS 1982 [Repealed, 1984 c 562 s 48]

365.106 MS 1982 [Repealed, 1984 c 562 s 48]

ORDINANCES; BYLAWS

365.11 NOTICE OF BYLAW REQUIRED; BINDS ALL IN TOWN.

A town bylaw is not effective until posted notice of it is given. The bylaw is then binding on all town residents and on all others while in the town.

History: *(1008) RL s 627; 1987 c 229 art 8 s 1*

365.12 MS 1982 [Repealed, 1984 c 562 s 48]

365.125 ORDINANCE FORMALITIES; PUBLISH, POST, RECORD.

Subdivision 1. **Formalities; title, style.** An ordinance must be enacted by a majority vote of all the members of the town board unless a larger number is required by law. An ordinance must be signed by the chair of the town board and attested by the clerk. An ordinance must have a title and must begin with words like "The board of supervisors of the town of ..... ordains:".

Subd. 2. **Publication.** An ordinance must be published once in a qualified newspaper having general circulation in the town. The whole ordinance must be published unless the town board decides that publishing its title and a summary of it clearly tells the public of its intent and effect. The text of the ordinance, if published, must be in body type no smaller than brevier or 8-point type.

Subd. 3. **If summary published.** The town board must approve the words in the summary. The decision to publish only the title and a summary must be made by a two-thirds vote of a three-member board and a four-fifths vote of a five-member board. A notice must be published with the summary. The notice must say that a printed copy of the whole ordinance is available for inspection by any person during the clerk's regular office hours and at another named place. The publishing of the title and summary is legally the same as publishing the whole ordinance.

Subd. 4. **Posting.** A copy of the whole ordinance must be posted in the community library, if there is one. If there is no library, the whole ordinance must be posted in another public place that the town board names.

Subd. 5. **Recording.** An ordinance must be recorded in the town's ordinance book within 20 days after the ordinance, or its title and summary, is published. Proof of publication must be attached to the recorded ordinance.

History: *1984 c 562 s 13; 1986 c 444; 1987 c 229 art 8 s 1; 1995 c 186 s 75*

ANIMAL POUNDS

365.13 POUNDMASTER NEEDED IF ELECTORS WANT POUND.

A poundmaster must be chosen to run the pound if electors at an annual town meeting decide to have a pound.

History: *(1092) RL s 685; 1987 c 229 art 8 s 1*

TOWN BUILDINGS

365.14 BOARD TO TAX FOR, CONTRACT FOR, MANAGE TOWN HALL.

A town board may levy a tax for the amount allowed by the town's electors to buy or build a building for the town's use. The town board may enter into the contracts that are necessary to buy or build the building. The town board shall manage the building.

History: *(1009) RL s 628; 1987 c 229 art 8 s 1*

POLICE, FIRE, WATER SERVICE

365.15 POLICE, FIRE PROTECTION.

The electors at a town meeting may direct the town board to provide for police or fire protection and get, operate, and keep up police and fire apparatus. The board may act jointly with home rule charter or statutory cities and other towns in getting the apparatus. The electors can also set the amount of money to be raised in one or more years for these purposes. The amount can be changed at a later meeting.

History: *(1027-1) 1927 c 30 s 1; 1953 c 57 s 1; 1955 c 107 s 1; 1961 c 674 s 1; 1973 c 123 art 5 s 7; 1984 c 562 s 14; 1987 c 229 art 8 s 1*

365.16 POLICE AND FIRE APPARATUS.

A town board may annually levy the tax it decides is necessary for police and fire apparatus and to operate and keep up the apparatus. The tax must not be more than the amount that the electors allowed for the purpose. The board may enter into any contracts necessary to get, operate, and keep up the apparatus and shall control the apparatus. If the apparatus is shared under section 365.17 with home rule charter or statutory cities or other towns, the control must be shared with them.

History: *(1027-2) 1927 c 30 s 2; 1953 c 57 s 2; 1955 c 107 s 2; 1961 c 674 s 2; 1973 c 123 art 5 s 7; 1987 c 229 art 8 s 1*

365.17 JOINT FIRE EQUIPMENT WITH ADJACENT TOWNS.

The town boards of adjacent towns may pool the amounts raised by the towns and jointly get and keep up fire protection apparatus for the use of the towns in common. The town boards shall jointly agree on the terms, conditions, and rules for their joint action. The immediate control of the apparatus may be given to a committee made up of the chairs of the town boards. The joint agreement must not run for more than ten years.

History: *(1027-3) 1927 c 30 s 3; 1955 c 107 s 3; 1986 c 444; 1987 c 229 art 8 s 1*

365.18 MS 1986 [Renumbered in part 365.181]

365.18 BOARD LEVY FOR POLICE AND FIRE APPARATUS.

A town board may annually levy the tax it decides is necessary for police and fire protection and apparatus, and to operate and keep up the apparatus. The tax must not be more than the amount that the electors allowed for the purpose.

History: *(1027-4) 1927 c 30 s 4; 1943 c 389 s 1; 1947 c 435 s 1; 1953 c 57 s 3; 1955 c 107 s 4; 1961 c 674 s 3; 1969 c 243 s 1; 1971 c 72 s 1; 1973 c 123 art 5 s 7; 1987 c 229 art 8 s 1*

365.181 CONTRACTED FIRE SERVICE; COST DATA; ASSESSMENTS.

Subdivision 1. **From county, city, or volunteers.** A town board may enter into a contract for fire protection and operation and upkeep of fire apparatus with the town's county or a nearby home rule charter or statutory city. The town board may also enter into the same kind of contract with a volunteer fire department or association if the volunteer fire department or association is not, by charter or ordinance, an official part of a city government. The parties shall mutually agree on the terms and conditions of the contract but the contract must not run for more than ten years.

Subd. 2. **Provider cost data.** A town that has entered into a contract or is negotiating with a municipality for fire services under this section, may ask the municipality for cost data relating to fire protection. The town may also ask for a copy of each existing fire protection contract the municipality has with other political subdivisions. The municipality shall provide the requested data and contracts.

Subd. 3. **User assessments; notice; procedure.** If a tax is not levied under section 365.18 or if the tax does not raise enough to pay for a year's contracted fire service the town board may levy an assessment for fire service. The assessment must be levied on each real estate parcel that required fire service during the year. The assessment must not be more than the cost of service. The parcel owners must be given ten days' mailed notice of the time and place of the town board meeting that is called to consider the assessments. The county auditor's records must be used to determine ownership of the parcels.

Subd. 4. **Lien, penalty.** The assessment is a lien on the assessed parcel and is due and payable to the town treasurer 30 days after the assessment levy. A parcel's assessment that is not paid when due must be certified by the town treasurer to the county auditor. The auditor shall add the assessment plus a ten percent penalty to the real estate taxes on the parcel for the next year.

History: *1987 c 229 art 8 s 1*

365.19 RELATION OF LEVIES TO FORESTRY ACT, LEVY.

Subdivision 1. **Not limited by forestry levy.** A levy under sections 365.15 to 365.18 is in addition to the levy and the amount of tax authorized in any one year under section 88.04.

Subd. 2. **Forestry Act not affected.** Sections 365.15 to 365.18 do not affect Laws 1925, chapter 407, known in part as the Forestry Act and coded in Minnesota Statutes, chapters 88 and 89.

History: *(1027-5) 1927 c 30 s 5; 1953 c 57 s 4; 1953 c 156 s 1; 1971 c 271 s 1; 1975 c 67 s 1; 1987 c 229 art 8 s 1*

365.20 POLICE, FIRE, WATER IN CERTAIN PLATTED TOWNS.

Subdivision 1. **Opt at election or annual meeting.** If 50 percent or more of the total net tax capacity in a town is platted land, the electors may let the town board do what is described in this section. Mineral net tax capacity must be excluded in figuring the percentage. The electors must act at a special election called for the purpose or at the annual meeting.

Subd. 2. **Fire protection and equipment.** The electors may let the town board provide for fire protection and apparatus for the town.

Subd. 3. **Police protection.** The electors may let the town board provide for police protection.

Subd. 4. **Public layout for waterworks.** The electors may let the town board regulate the use of the town's roads, streets, and public grounds for water mains, and necessary pipe, hydrants, and other appliances and means.

Subd. 5. **Waterworks; control service, fair rates.** The electors may let the town board build water mains, and necessary pipe, hydrants, and other appliances to provide water to the residents of the town. The town board may set the terms and conditions of the water service. The water rates charged to the residents and the public must be just and reasonable. The rates must not exceed a fair return on the fair value of the property used for the purpose for a period of not more than 20 years.

History: *(1027-6) 1927 c 219 s 1; 1935 c 249; 1987 c 229 art 8 s 1; 1988 c 719 art 5 s 84; 1989 c 329 art 13 s 20*

365.21 SPECIAL ELECTION FOR POLICE, FIRE, WATER.

Subdivision 1. **By board or petition.** A special election may be called to vote on a question under section 365.20. The town board calls the election. It may call one on its own but it must call an election if 20 percent of the electors of the town petition for it. The percentage is of the number of electors on the poll list at the last election.

Subd. 2. **Notice.** The clerk shall post notice of the election in three of the most public places in the town. The notice shall list the questions the electors are to vote on.

Subd. 3. **Questions.** A special election under this section may answer one or more of the questions in this subdivision.

(a) Shall the town board be allowed to provide for fire protection and apparatus?

(b) Shall the town board be allowed to provide for police protection?

(c) Shall the town board be allowed to grant a franchise for waterworks to supply the residents of the town and the public with water?

History: *(1027-7) 1927 c 219 s 2; 1987 c 229 art 8 s 1*

365.22 CONDUCT OF ELECTION; BALLOTS, VOTING, HOURS.

Subdivision 1. **Like regular town election.** A special election under section 365.21 must be run in the same way that elections by ballot at the regular town election are run.

Subd. 2. **Questions, ballot details.** The questions to be voted on must be separately stated on the ballots, as worded in section 365.21. Two ovals or similar target shapes, one above the other, must be put just below each question with the word "yes" beside the upper target shape and the word "no" beside the lower target shape.

Subd. 3. **Voting.** An elector must vote separately on each question for the elector's vote to be counted on that question. To vote "yes" on a question, the elector shall fill in the oval or similar target shape beside the word "yes" just below the question. To vote "no" on a question, the elector shall fill in the oval or similar target shape beside the word "no" just below the question.

Subd. 4. **Hours.** The polls must be open from 9:00 a.m. to 7:00 p.m.

Subd. 5. **Municipal election law applies.** In all other matters the election must be run and the votes canvassed the way elections by ballot are run under sections 205.01 to 205.17.

History: *(1027-8) 1927 c 219 s 3; 1965 c 51 s 72; 1980 c 509 s 144; 1986 c 444; 1987 c 229 art 8 s 1; 2015 c 70 art 1 s 55,56*

365.23 MEETING FOR SECTION 365.20 SPENDING, PACTS, TAX.

After getting general authority to do something under section 365.20, a town board must not spend money, enter into a contract, or levy a tax for that purpose without specific authority from a town meeting. The specific authority is to be given at the annual town meeting if still possible in the year the general authority is voted in. Otherwise, a special meeting to decide whether to give the town board the specific authority may be called on ten days' notice.

History: *(1027-9) 1927 c 219 s 4; 1987 c 229 art 8 s 1*

365.24 ELECTION MAY REVOKE EARLIER GRANT OF POWER.

The electors of a town may revoke any authority under section 365.20 given by them to the town board. The revocation must be made in an election held under section 365.21.

History: *(1027-10) 1927 c 219 s 5; 1987 c 229 art 8 s 1*

365.243 COUNTY FIRE SERVICE TO UNORGANIZED TERRITORY.

Subdivision 1. **Permissive.** A county may provide fire protection to its unorganized territory and may levy taxes on the property in the unorganized territory for that purpose.

Subd. 2. **No election needed.** Under sections 365.15 to 365.18, and 365.20, a county board acts for its unorganized territory. The county board does not need to get authority from the electors of the territory to act. An act of a county board in providing fire protection and levying taxes for that protection in unorganized territory is as valid as a similar act of a town board acting on authority granted by its electors.

Subd. 3. **Levy for first responder association.** A county board may annually levy taxes on property located within the area of unorganized territory to which a first responder or fire protection association provides first responder services. By July 1 of the levy year, the association must certify to the county board the area of the unorganized township to which the association will provide first responder services during the following calendar year. The proceeds of the levy must be distributed to the association.

History: *1955 c 501 s 1,2; 1987 c 229 art 8 s 1; 2008 c 366 art 6 s 40*

365.25 MS 1969 [Repealed, 1971 c 845 s 20]

TOWN CEMETERIES

365.26 CEMETERY LAND; BOARD CONTROL; SALE OR LEASE; CITY AID.

Subdivision 1. **Vote for land.** A town's electors may vote to let the town buy, condemn or receive a gift of land within the town to be used as a cemetery.

Subd. 2. **Board may run, spend for.** The town board shall control, and may establish rules for, the cemetery and may spend town money to run and keep up the cemetery. The town board may lay out the

cemetery into lots, streets, and walks, and order that plats and maps of the cemetery be made and filed in the town clerk's office.

Subd. 3. **Whom to bury.** The town board may decide who may be buried in the cemetery.

Subd. 4. **Sale to city, if part of.** If a town cemetery becomes part of the territory of a statutory city, the cemetery may be sold and conveyed by the town board to the city.

Subd. 5. **Sale or lease to corporation.** A town's electors may vote to let the town sell or lease part of its cemetery to a charitable, religious, or cemetery corporation. The vote must be taken at a town meeting. The terms and conditions of the sale or lease must be included in the voted authorization. The part sold or leased must continue to be used for burials.

Subd. 6. **Aid, burials from city.** A town board may adopt a resolution asking for aid from a statutory city within the town's boundaries to maintain the town cemetery. The board shall send the resolution to the city. The city council may then pay the town from money not otherwise needed not more than $500 a year to maintain the cemetery. The town board must then allow burials of the city's dead. The board may set terms for, and limits on, the burials.

History: *(1011) RL s 629; 1943 c 464 s 1; 1949 c 249 s 1; 1951 c 493 s 1; 1973 c 123 art 5 s 7; 1981 c 26 s 1; 1987 c 229 art 8 s 1*

365.27 SALE AND REVERSION OF LOTS; USE OF FUNDS.

Subdivision 1. **For allowed burials only.** A town's board may sell a lot in its cemetery for burial of only those permitted by the board to be buried there. The lots must be conveyed as other real estate is conveyed.

Subd. 2. **Money to cemetery fund.** Money from the sale of town cemetery lots must be paid into the town treasury. The money makes up a fund to be used only to keep up, improve, and ornament the cemetery.

Subd. 3. **Reversion.** If a lot is sold but not used, ownership reverts to the town 40 years after the sale or 40 years after the most recent recording with the county recorder of a notice of the kind described in section 541.023 or another document that relates to the ownership, whichever is latest. The town may take legal action in the same way as any other person to clarify the ownership or assure the marketability of the lot.

History: *(1012) RL s 630; 1981 c 26 s 2; 1987 c 90 s 2; 1987 c 229 art 8 s 1*

365.28 PUBLIC BURIAL GROUND BECOMES TOWN PROPERTY AFTER TEN YEARS.

A tract of land in a town becomes town property after it has been used as a public burial ground for ten years if the tract is not owned by a cemetery association. The town board shall control the burial ground as it controls other town cemeteries. A town that has accepted responsibility for an abandoned cemetery may prohibit further burials in the abandoned cemetery, and may cease all acceptance of responsibility for new burials.

History: *(1013) RL s 631; 1987 c 229 art 8 s 1; 2009 c 152 s 7*

365.29 PART OF LOT PRICE TO CEMETERY FUND; USE OF FUNDS.

A town's board may require that part of the price paid for a lot in its cemetery goes into a permanent fund. The money in the fund must be deposited under section 365.32. Money from the fund in an amount

sufficient to care for and beautify the lot must be paid annually to the cemetery's directors. The directors shall spend the amount of money needed to care for and beautify the lot as directed by the town board. The amount spent on a lot must be in the same proportion that the part of the price put in the fund from the sale of that lot is of the total fund. Money from the fund must not be used for routine cemetery maintenance.

History: *(1014) 1911 c 224 s 1; 1917 c 161 s 1; 1987 c 229 art 8 s 1; 2008 c 187 s 1*

365.30 BOARD SETS LOT CARE SHARE; USE OF FUNDS.

A town's board shall decide the share of its cemetery lot price that is for caring for and beautifying the lot and the cemetery. The board may also require the cemetery directors to spend additional money from the permanent fund as set out in sections 365.29 to 365.36.

History: *(1015) 1911 c 224 s 2; 1917 c 161 s 2; 1987 c 229 art 8 s 1; 2008 c 187 s 2*

365.31 GIFT FOR CEMETERY OR LOT; USE OF FUNDS FOR CARE.

A town's board and the directors of its cemetery may accept a gift of money to the cemetery fund. They may require that the principal and interest from the deposit of the gift be used by the directors to care for and beautify the cemetery or its lots. If a donor gives a gift for use of a specific lot, the board or the directors may accept the gift and then shall use it and interest on it on that lot.

History: *(1016) 1911 c 224 s 3; 1917 c 161 s 3; 1987 c 229 art 8 s 1; 2008 c 187 s 3*

365.32 DEPOSIT OF CEMETERY FUNDS.

A town's board may require its cemetery's directors to immediately deposit in the county treasury money from the sale of a cemetery lot or from a gift for the cemetery fund. The county treasurer shall immediately deposit the money in the county's depository as directed in section 365.33.

History: *(1017, 1018) 1911 c 224 s 4,5; 1917 c 161 s 4,5; 1987 c 229 art 8 s 1*

365.33 HOW COUNTY TO TREAT TOWN CEMETERY MONEY.

Subdivision 1. **Like other funds.** Deposits into the fund set up under section 365.29 must be treated the way other funds in the county treasury are treated. The deposit must not earn a lower rate of interest than is paid on county funds in the depository.

Subd. 2. **Time certificates.** The directors of a cemetery association may require money to be deposited in time certificates in the depository. The certificates must be in the name of the county treasurer and must be payable to the county treasurer or successors in office. The county treasurer shall get the highest rate of interest that the depository will pay on the time certificates. The interest rate must not be less than the current rate paid on time certificates by the depository. The county treasurer is just as liable on the county treasurer's bond for the principal and interest on the time certificates as for deposits of county money.

Subd. 3. **Separate secured account.** The town's cemetery fund money must be deposited in the depository in the name of the county. The bond or security given to the county by the depository is security for the fund money. The county treasurer shall keep an accurate and separate account of the fund money.

Subd. 4. **Withdrawal, use of money.** Annually the county treasurer shall withdraw money from the fund as directed by the town board and pay it to the directors of the cemetery. The directors may use the money only for purposes of sections 365.29 to 365.36.

History: *(1019, 1020) 1911 c 224 s 6,7; 1917 c 161 s 6,7; 1986 c 444; 1987 c 229 art 8 s 1; 2008 c 187 s 4*

365.34 IF DEPOSITORY CHANGED, FUND TO BE CHANGED.

When a county changes its depository, the county's treasurer shall deposit its towns' cemetery funds in the new depository.

History: *(1021) 1911 c 224 s 8; 1987 c 229 art 8 s 1*

365.35 FUND PRINCIPAL; INTEREST.

The principal of a town's cemetery fund must be used as directed by the town board. Interest earned by the fund that is not needed to care for or beautify the cemetery or its lots in any year must be added to the principal by the cemetery's directors.

History: *(1022) 1911 c 224 s 9; 1917 c 161 s 8; 1987 c 229 art 8 s 1; 2008 c 187 s 5*

365.36 INVESTMENT OF CEMETERY FUND.

Subdivision 1. **Like school fund.** A cemetery's directors or, if none, the town board shall invest the principal of the cemetery fund in the kind of securities that the permanent school fund may be invested in. This section controls the investment of the principal of the fund.

Subd. 2. **County treasurer's duties.** The town board and the cemetery directors may require the county treasurer to withdraw money from the depository for investment under this section. The securities invested in must remain with the county treasurer. The bond of the county treasurer is security for the proper care of the securities. The bond is also security for the payment to the cemetery directors of interest earned by the securities and received by the treasurer. On receiving payments on the securities the county treasurer shall deposit the payments in the county depository. The county treasurer also shall collect the interest on money loaned from the fund. The county treasurer shall then pay the money received and collected to the directors of the cemetery when they ask for it. Annually the county treasurer shall pay the cemetery directors all interest on money received or collected on money deposited or invested under sections 365.29 to 365.36, and principal as directed by the town board.

Subd. 3. **Treasurer's report and statements.** Before March 2 each year the county treasurer shall make a report to the town board. The report must have a statement of all money received by the treasurer under sections 365.29 to 365.36 during the last calendar year. The statement must include:

(1) the amount of money and the amount of securities in the permanent fund on the first day of the calendar year;

(2) the amount of money paid into the fund during the year;

(3) the amount of money invested in securities in the year;

(4) the amount of money and the amount of securities in the fund at the end of the calendar year;

(5) the amount of interest collected on the fund and turned over to the directors;

(6) the amount of excess interest returned by the directors, deposited in the treasury, and added to the permanent fund; and

(7) the amount of principal in the fund turned over to the directors at the direction of the town board.

History: *(1023) 1911 c 224 s 10; 1917 c 161 s 9; 1986 c 444; 1987 c 229 art 8 s 1; 2008 c 187 s 6,7*

BID REQUIREMENTS, CONFLICTS OF INTEREST

365.37 CONFLICTS, BIDS, EMERGENCIES, PENALTY, REMOVAL.

Subdivision 1. **No conflicts; exceptions.** Except as provided in sections 471.87 to 471.89, a supervisor or town board must not be a party to, or be directly or indirectly interested in, a contract made or payment voted by the town board.

Subd. 2. **To lowest responsible bidder.** A contract let on bid must be let to the lowest responsible bidder.

Subd. 2a. **Best value alternative.** As an alternative to the procurement method described in subdivision 2, a contract for construction, building, alteration, improvement, or repair work may be awarded to the vendor or contractor offering the best value under a request for proposals as described in section 16C.28, subdivision 1, paragraph (a), clause (2), and paragraph (c).

Subd. 3. **Notice.** Before a contract is let on bid, ten days' public notice of the time and place of receiving bids must be given. The notice must be posted in the three most public places in the town or published for two weeks in a newspaper generally circulated in the town.

Subd. 4. **Special emergency exception.** If a special emergency comes up, a contract may be let without notice or competitive bidding. A special emergency is a situation requiring immediate action essential to the health, safety, or welfare of the town.

Subd. 5. **Violation; misdemeanor and removal.** A contract made or payment voted or made contrary to this section is void. A town officer who violates this section is guilty of a misdemeanor and must leave office.

History: *(1096) RL s 688; 1913 c 164 s 1; 1951 c 74 s 1; 1951 c 379 s 4; 1957 c 76 s 1; 1984 c 562 s 15; 1985 c 169 s 8; 1Sp1985 c 16 art 2 s 11; 1987 c 90 s 3; 1987 c 229 art 8 s 1; 2007 c 148 art 3 s 20*

CLAIMS, LAWSUITS, JUDGMENTS

365.38 NOTIFY CLERK BEFORE SUIT; WAIT 30 DAYS ON ORDER.

Subdivision 1. **On most money claims; exceptions.** If an action on a claim can demand only a money judgment the action cannot be brought against a town until a statement of the claim is filed with the town clerk. Filing is not required for actions on a town order, bond, coupon, or written promise to pay money.

Subd. 2. **Town orders.** An action cannot be brought on a town order until the 31st day after payment of the order is demanded.

History: *(1106) RL s 695; 1987 c 229 art 8 s 1*

365.39 LAWSUIT WITH TOWN AS PARTY IS LIKE ANY LAWSUIT.

An action or proceeding with a town as a party must be handled as other actions and proceedings are handled. A judgment has the same effect as a judgment in a similar action or proceeding between individuals.

History: *(1104) RL s 693; 1987 c 229 art 8 s 1*

365.40 TOWN NAME IN SUIT; EXCEPTION; SERVICE; DEFENSE.

Subdivision 1. **Town or officers named.** In all actions or proceedings the town shall sue and be sued in its name, except that town officers may sue in their official names for the town's benefit.

Subd. 2. **Serve chair or clerk.** In an action against a town, process and papers must be served on the chair of the town board or on the town clerk.

Subd. 3. **Chair defends, tells board.** The chair shall see that the action is defended. The chair shall also give the town board a full statement of the facts about the action or proceeding so that the board can decide how to defend it. The statement must be given at the first board meeting after the town is served.

History: *(1105) RL s 694; 1974 c 394 s 4; 1978 c 497 s 2; 1986 c 444; 1987 c 229 art 8 s 1*

365.41 JUDGMENT AGAINST TOWN; PAYMENT; EXECUTION.

Subdivision 1. **Paid by town treasurer.** A judgment against a town, or a town officer in an official capacity, must be paid by the town treasurer on demand if there is enough unappropriated money on hand. The demand is made by giving the town treasurer a certified copy of the docket of the judgment. An execution of the judgment must not be issued at this time.

Subd. 2. **Unpaid if stayed, appealed.** If the judgment is reversed or stayed the town treasurer must not pay it.

Subd. 3. **Personally liable.** If a town has enough money but its treasurer does not pay the judgment, the treasurer is liable for the amount of the judgment. The personal liability is removed if the collection of the judgment is later stayed on appeal.

Subd. 4. **Tax levy; execution, if not paid.** If the town does not have enough money on hand to pay the judgment, the town shall levy to pay it. The town treasurer then must pay the judgment within 30 days after the county treasurer has to pay the levy money to the town treasurer. If the payment is not made by then, execution on the judgment may be made. Only town property is liable on the execution.

History: *(1107) RL s 696; 1986 c 444; 1987 c 229 art 8 s 1*

365.42 AMOUNT OF UNPAID JUDGMENT ADDED TO TAX LEVY.

A certified copy of the docket of an unsatisfied money judgment may be presented to the first annual town meeting after the judgment is rendered. If proceedings on the judgment are not stopped the town board shall then add the amount of the judgment to the tax levy for that year.

History: *(1108) RL s 697; 1987 c 229 art 8 s 1*

YEARLY TAX, SPENDING, DEBT LIMITS

365.43 NO DEBT, SPENDING BEYOND TAX LIMIT WITHOUT VOTE.

Subdivision 1. **Total revenue defined.** A town must not spend more money in a year than its total revenue without a favorable vote of a majority of the town's electors. In this section, "total revenue" means property taxes payable in that year as well as amounts received from all other sources and amounts carried forward from the last year.

Subd. 2. **Law limits levied amount.** A town must not levy more taxes in a year than are authorized by law.

History: *(1098) RL s 690; 1987 c 229 art 8 s 1; 2005 c 151 art 3 s 14*

365.431 AMOUNT VOTED AT MEETING IS TAX LIMIT.

Except as otherwise authorized by law, the tax for town purposes must not be more than the amount voted to be raised at the annual town meeting.

History: *1987 c 229 art 8 s 1; 2005 c 151 art 3 s 15*

SEPARATION FROM STATUTORY CITY

365.44 PETITION FOR SEPARATION; BALLOT AT TOWN MEETING.

The question of whether a town is to be separated for all purposes from a statutory city within the town may be voted on at the town's annual meeting. This section must be followed for the separation to take place. At least 50 of the town's electors must sign a notice stating that the question will be voted on at the next annual meeting. The signers may reside within or outside the city. The notice must be filed with the town clerk. The clerk shall include the question in the notice of the meeting. The question must then be voted on by ballot. If a majority of the votes on the question are in favor of the separation, the town is separated from the statutory city for all purposes. Only voters residing outside the statutory city may vote on the question.

History: *(1099) RL s 691; 1949 c 95 s 1; 1973 c 123 art 5 s 7; 1985 c 169 s 9; 1987 c 229 art 8 s 1*

DISSOLUTION OF TOWNS

365.45 PETITION FOR DISSOLUTION; BY COUNTY BOARD.

When a petition signed by a majority of the registered voters of the town calling for the dissolution of the town organization is filed with the town clerk at least 60 days before a regular or special town election, the question of whether to dissolve the town shall be submitted to the voters at the regular or special town election in the same manner provided in section 368.47. The result of the election, duly certified by the town clerk, shall be presented to the board of county commissioners of the county in which the town is located. The board of county commissioners shall, or whenever the tax delinquency in any town exceeds 70 percent in any one year, the board of county commissioners of the county wherein the town is situated, on its own initiative, may, by resolution, dissolve the town and attach the territory formerly embraced therein to an adjoining town or towns, or provide for the government of the territory as unorganized territory of the county. If the dissolved territory is added to an adjoining town, the proposal shall first have the approval of a five-eighths majority of the voting electors of the town to which the dissolved territory is added. Upon the adoption of the resolution by the county board, the town shall be dissolved and no longer entitled to exercise

any of the powers or functions of an organized town. The county auditor shall give ten days' notice, by one publication in the paper in which the proceedings of the county board are published, of the meeting of the county board at which the dissolution of the town will be considered.

History: *(1002-9) 1931 c 96 s 1; 1933 c 235; 1987 c 147 s 1; 1987 c 229 art 8 s 1; art 11 s 1*

365.46 NOTICE TO SECRETARY OF STATE, OTHERS; RECORDING.

Subdivision 1. **By county auditor.** The county auditor shall immediately send a certified copy of the county board's resolution dissolving a town to the secretary of state. The secretary of state shall then record the dissolution.

Subd. 2. **Copies.** The county auditor shall also send a copy of the notice of the dissolution to: (1) the state demographer, (2) the Minnesota Geospatial Information Office, (3) the chief administrative law judge of the state Office of Administrative Hearings, and (4) the commissioner of transportation.

History: *(1002-10) 1931 c 96 s 2; 1984 c 618 s 53; 1986 c 444; 1987 c 229 art 8 s 1; 2003 c 2 art 5 s 6; 2008 c 196 art 2 s 5; 2009 c 101 art 2 s 107*

365.47 COUNTY'S DISPOSAL OF TOWN'S FUNDS; DEBT LEVY.

Subdivision 1. **This section controls.** A dissolved town's money that remains in or comes into the county treasury must be disposed of under this section.

Subd. 2. **Road and bridge.** Money in the road and bridge fund must be spent by the county board for road and bridge improvements wholly within the town.

Subd. 3. **Remainder for debt.** The county auditor shall use all other town money to pay all outstanding bonds, warrants, and judgments against the town.

Subd. 4. **If short, levy, bond.** If the county does not have enough town money to pay the holders for the outstanding bonds, warrants, and judgments, then the holders may petition the county auditor for a levy. The county auditor shall spread enough of a tax levy against the taxable property of the town to pay the holders off. The levy must not be more than the maximum amount that the town could levy to pay those debts if it were not dissolved. If one levy does not raise enough money to pay off the bonds, warrants, and judgments, the county auditor shall spread annual levies to pay them off. The levies must be for the maximum amount that the town could levy for the purpose if it were not dissolved. The levy must be made until the warrants, bonds, and judgments are paid in full, unless bonds are issued for them under section 365.48.

History: *(1002-11) 1931 c 96 s 3; 1987 c 229 art 8 s 1*

365.48 COUNTY MAY BOND TO PAY DEBT OF DISSOLVED TOWN.

Subdivision 1. **If year's levy not enough.** A county board may issue funding or refunding bonds to pay off the outstanding bonds, warrants, and judgments of a dissolved town if they amount to more than one year's maximum levy under this section. The bonds must be issued as provided by law for the issuing of county funding or refunding bonds.

Subd. 2. **No election.** The bonds may be issued without first submitting the question of the issue to the electors residing in the town's territory or in the county.

Subd. 3. **Obligation of town territory only.** The bonds are not an obligation of the county but are an obligation of the territory that used to be in the town. The bonds are payable out of levies made against the

property in that territory under section 365.47. The restrictions in this subdivision must be printed on the face of the bonds.

Subd. 4. **Chapter 475 applies.** The bonds must be issued according to sections 475.51, 475.53, 475.54, 475.58, 475.62, 475.63, and 475.72 unless this section has a different procedure. The tax levy required by section 475.61 must be made against the property of the territory obligated on the bonds.

History: *(1002-12) 1931 c 96 s 4; 1935 c 189; 1987 c 229 art 8 s 1; 1996 c 399 art 2 s 12*

365.49 PROPERTY OF DISSOLVED TOWN BELONGS TO COUNTY.

Subdivision 1. **If needed by county: credit.** A dissolved town's real or personal property that is needed for county purposes becomes the property of the county. The reasonable value of the property, as determined by the county board must be credited to the town and used to pay off outstanding bonds, warrants, or judgments.

Subd. 2. **If unneeded: no credit.** Other property of the town becomes the property of the county without being credited to the town.

Subd. 3. **Surplus town money.** Surplus money of the town after all obligations are paid must be credited to the county's general fund.

History: *(1002-13) 1931 c 96 s 5; 1987 c 229 art 8 s 1*

TOWN MEETING

365.50 FIRST TOWN MEETING; NOTICE, OFFICERS, POWERS.

Subdivision 1. **When, where.** The first town meeting in a new town must be held within 20 days after the town is organized. The county board shall name the time and place of the meeting. The county auditor shall see that ten days' posted notice of the meeting is given in the town.

Subd. 2. **Meeting officers.** The voters present at the meeting shall choose one of their number as moderator, two others as judges of election, and one as clerk. Each of these meeting officers shall take and sign the oath required of a judge of a general election. The oath may be administered to the judges by the moderator and to the moderator by one of the judges. The meeting officers shall then run the meeting.

Subd. 3. **Electors' powers.** During the meeting, the electors have the powers they have at other town meetings.

History: *1959 c 675 art 6 s 18; 1987 c 229 art 8 s 1*

365.51 ANNUAL MEETING; NOTICE, BUSINESS, ELECTIONS.

Subdivision 1. **When; postponement for bad weather.** (a) A town's annual town meeting must be held on the second Tuesday of March at the place named by the last annual town meeting. If no place was named then, the meeting must be held at the place named by the town board. The place may be outside the town if the place is within five miles of a town boundary. If, on the day of the meeting and election in March, the National Weather Service or a law enforcement agency has issued storm warnings or travel advisories such that the clerk determines travel to a polling place would be difficult or hazardous for voters and election judges, the clerk may postpone the election and meeting. If the meeting and election are postponed, the meeting and election shall be held on the third Tuesday in March. Prior to providing notice of the election and meeting, the town board shall by resolution set another date for the meeting and election within 30 days

of the third Tuesday in March on which the meeting and election shall be held if bad weather forces postponement of the meeting and election on the third Tuesday in March. The decision to postpone the meeting and election must be made no later than three hours before the opening of the polling place or the convening of the meeting, whichever comes first. The clerk shall notify the election judges and local media offices of the decision to postpone the meeting and election. If the meeting and election are postponed, the notice requirements in subdivision 2 shall apply to the postponed meeting and election.

The balloting of the town election must be concluded on the same day the election is commenced.

(b) If any other political subdivision is conducting an election in conjunction with the township election, postponement of the election shall be subject to section 205.105, 205A.055, or 373.50. If an election is postponed under section 205.105, 205A.055, or 373.50, the town meeting shall also be postponed as if postponed under this section.

Subd. 2. **Notice.** The clerk shall give ten days' published notice of the time and place of the meeting in a qualified newspaper having general circulation in the town. An alternative to published notice is posted notice, as directed by the town board unless the electors at an earlier annual town meeting direct otherwise. The notice must include the date on which the election will be held if postponement due to bad weather is necessary.

Subd. 3. **Officers; ballot questions; other business.** An annual town election shall be held on the same day as the annual town meeting to elect all town officers required by law to be elected and to consider ballot questions, except as provided in section 205.075, subdivision 2. Other town business shall be conducted at the town meeting as provided by law.

Subd. 4. **Precincts; polling places.** The town board may, with respect to an election by ballot at the annual town meeting for the purpose of determining any matter of town business, provide for the casting of ballots in precincts and at polling places. Precincts and polling places shall be designated by the town board in the manner prescribed by sections 204B.14 and 204B.16.

History: *1959 c 675 art 6 s 19; 1967 c 31 s 1; 1969 c 793 s 1; 1973 c 123 art 5 s 7; 1975 c 5 s 131; 1980 c 359 s 1; 1981 c 29 art 7 s 32; 1985 c 307 s 2; 1987 c 90 s 4; 1987 c 229 art 8 s 1; art 11 s 1; 1990 c 471 s 1; 1993 c 223 s 27; 1994 c 646 s 23,24; 2004 c 293 art 2 s 45; 2010 c 201 s 78*

365.52 SPECIAL MEETING; FOR ANY LAWFUL PURPOSE.

Subdivision 1. **How called; statement; petition.** A special town meeting may be held to conduct any lawful business. To call a special meeting, the supervisors and town clerk, or any two of them together with at least 12 other town landowners, shall file a statement in the town clerk's office. The statement must tell why the meeting is called, the particular business to be transacted, and that the interests of the town require the meeting. A special town meeting may also be called on petition of 20 percent of the electors of the town. The percentage is of the number of voters at the last general election.

Subd. 2. **Precincts; polling places.** The town board may choose to use precincts and polling places to elect town officers or to decide any matter of town business requiring a ballot election. Precincts and polling places, if used, must be set up by the town board under sections 204B.14 and 204B.16.

History: *1959 c 675 art 6 s 20; 1967 c 31 s 2; 1971 c 843 s 1; 1975 c 5 s 132; 1981 c 29 art 7 s 33; 1983 c 359 s 49; 1984 c 562 s 16; 1987 c 229 art 8 s 1; 2003 c 56 s 1; 2004 c 228 art 2 s 11*

365.53 CLERK TO RECORD NEED TO MEET; GIVE NOTICE.

Subdivision 1. **Clerk's duties.** The clerk shall record the statement of need for a special town meeting after it is filed. The clerk shall also give ten days' published notice of the time, place, and purpose of the meeting.

Subd. 2. **Published or posted notice.** The notice must be published in a qualified newspaper having general circulation in the town. An alternative to published notice is posted notice as directed by the town board unless the electors at an annual town meeting direct otherwise.

Subd. 3. **Vacancy details in notice.** If a vacancy in an office is to be filled, the notice must name the office and tell how the vacancy occurred, who was the last incumbent, and when the term of the office expires.

History: *1959 c 675 art 6 s 21; 1984 c 562 s 17; 1987 c 229 art 8 s 1*

365.54 ANNUAL MEETING TIME; CONVENER; MODERATOR; PAY.

Subdivision 1. **Convening.** An annual town meeting must convene at 9:00 a.m. unless the electors at the last annual meeting set a later time.

Subd. 2. **Clerk's call to order.** The clerk shall call the meeting to order at a time set by the town board or by the electors at the last annual meeting. If the town board sets the time, it must do so on the day of the annual, or a special, town meeting. If no time is set, the clerk shall call the meeting to order between 9:00 a.m. and 10:00 a.m.

Subd. 3. **Chair, if clerk absent.** If the clerk is not there, the voters present may elect a chair by acclamation.

Subd. 4. **Moderator; pay.** The voters shall then choose a moderator for the meeting in the same way. The town board shall decide how much to pay the moderator.

History: *1959 c 675 art 6 s 22; 1975 c 20 s 1; 1986 c 444; 1987 c 229 art 8 s 1*

365.55 TOWN CLERK IS MEETING CLERK; MINUTES TO BE FILED.

The town clerk is clerk of the town meeting and shall keep full minutes of its proceedings. The minutes must contain the full text of every order, direction, and rule made by the meeting. If the town clerk is absent, the voters present shall elect a clerk of the meeting. The minutes of the meeting must be signed by the clerk and the moderator of the meeting. If the town clerk is elected as moderator, the minutes must also be signed by a supervisor in attendance at the meeting. The minutes must be filed in the office of the town clerk within two days after the meeting.

History: *1959 c 675 art 6 s 23; 1986 c 444; 1987 c 229 art 8 s 1; 2010 c 195 s 1*

365.56 ORDER OF BUSINESS; PARLIAMENTARY PROCEDURE.

Subdivision 1. **Moderator states order first.** At the beginning of a town meeting, the moderator shall state the order of business.

Subd. 2. **Special meeting; only noticed business.** At a special town meeting, business is limited to the business listed in the meeting notice.

Subd. 3. **Tax voted on in order.** A proposition to vote a tax must not be acted on out of the order of business stated by the moderator.

Subd. 4. **Motion to reconsider.** A motion to reconsider a vote must be made within one-half hour of the vote. To pass, a motion to reconsider must be favored by a majority of the electors entered on the election register when the motion is made.

Subd. 5. **Voting majority wins.** All questions on motions except a motion to reconsider are decided by a majority of the electors voting on the question.

Subd. 6. **Moderator decides, declares vote.** The moderator shall decide and declare the vote on each question.

History: *1959 c 675 art 6 s 24; 1987 c 229 art 8 s 1*

365.57 WHO MAY VOTE; CHALLENGES; OATH.

A town resident who is qualified to vote at a general election may vote at the town's meetings. If a voter is challenged, the judges shall act as in the case of a challenge at a general election. The oath must be changed to fit the circumstances of the case.

History: *1959 c 675 art 6 s 25; 1986 c 444; 1987 c 229 art 8 s 1*

365.58 MAY ADJOURN MEETING.

A town meeting may be adjourned to any other day, or later the same day, to transact any business of the town.

History: *1959 c 675 art 6 s 26; 1987 c 229 art 8 s 1; 1990 c 471 s 2*

365.59 COUNTY TO APPOINT OFFICERS IF NONE ELECTED.

Subdivision 1. **Second meeting try.** If a town fails to organize or fails to elect officers at the annual town meeting, 12 landowners of the town may call a town meeting for these purposes. The meeting is called by giving ten days' posted notice of it. The notice must include the time, place, and purpose of the meeting.

Subd. 2. **30-day wait; affidavit.** If the notice under subdivision 1 is not posted within 30 days after the date for the annual town meeting, the county board shall appoint officers for the town. The officers shall hold their offices until their successors qualify. The county board shall act only after an affidavit of a landowner of the town is filed with the county auditor. The affidavit must state the facts that require the county board to act.

History: *1959 c 675 art 6 s 27; 1987 c 229 art 8 s 1; 2004 c 228 art 2 s 12*

365.60 MS 1976 [Repealed, 1978 c 572 s 8]

365.61 MS 1978 [Repealed, 1980 c 487 s 23]