CHAPTER 366

TOWN BOARD; POWERS

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TOWN BOARD

366.01 TOWN BOARD POWERS LISTED; FORMAL NAME.

Subdivision 1. **General powers, expenses, bonds.** The supervisors of each town constitute a board to be designated "The Town Board of ....." Unless provided otherwise, two supervisors shall be a quorum. In towns operating under option A, three shall be a quorum. The supervisors shall have charge of all town affairs not committed to other officers by law. They shall draw orders on the treasurer to disburse money to pay the town expenses, and to disburse money raised by the town for any other purpose. They may pay the premium upon the bond of a town officer if the surety is a corporation authorized by law to be a surety. In lieu of individual bonds, the town board may provide for a blanket position bond by a surety company if all the obligations required by law or ordinance to be assumed by the principals and the principals' sureties by individual bonds are included in the blanket position bond.

Subd. 2. **Amusements, performances; pets, firearms.** They may by ordinance prohibit or license and regulate the keeping of billiard, pool, and pigeonhole tables, games of amusement, games of skill, juke boxes, roller skating rinks, bowling alleys, circuses, shows, and theatrical performances. They may fix the price and duration of the license. When in their opinion the public interest requires it, they may revoke the license. Within any platted residential area of the town, they may license and regulate the presence or keeping of dogs or domestic animal pets and regulate or prohibit the discharge of firearms, when deemed to be in the public interest.

Subd. 3. **Association dues, meeting expense.** They may appropriate out of the general fund of the town and draw orders on the treasurer to disburse money to pay the annual dues in the Minnesota Association of Townships or a county unit that belongs to the association and to pay the actual and necessary expenses of town officers for meetings relating to town business including meetings of town associations.

Subd. 4. **Depository; terms; liability; interest.** (a) They may designate a bank as the depository of town money for a time not extending beyond their official term, after the execution by the bank of a sufficient bond to the town to be approved by the board and filed in the office of the town clerk. They may then require the treasurer to deposit all or part of the town money in that bank. The designation shall be in writing, and set forth all the terms upon which the deposits are made. It shall be signed by the chair and clerk and filed

with the clerk. The town treasurer shall not be liable for the loss of money while deposited in the bank. All interest on the money shall belong to the town.

(b) In addition to the authority for deposit of town money pursuant to paragraph (a) or other provisions of this chapter, the town treasurer may deposit town money in a designated depository in accordance with the following conditions:

(1) The designated depository is authorized by the town treasurer to (i) arrange for the redeposit of the money into deposit accounts in one or more banks, savings and loan associations, or credit unions that are located in the United States, and (ii) serve as custodian for the town with respect to the money redeposited into such accounts.

(2) The full amount of the redeposited town funds, plus accrued interest, if any, must be insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. Any entity serving as subcustodian for the designated depository shall have had at least five years of general custodial experience.

Subd. 5. **Dumping ground.** They may acquire by gift or purchase, in the name of the town, a tract of land, either within or outside the town for public dumping ground for the use of the inhabitants of the town. No land for public dumping ground may be acquired outside the town without the approval of the governmental unit where the land is located. They may maintain the dumping ground and, by resolution, adopt rules for its use.

Subd. 6. **Agreements about dumping ground.** They may make agreements with other counties, towns, statutory cities, governmental subdivisions, individuals or corporations as they deem necessary to locate, construct, or maintain the dumping ground.

Subd. 7. **Attorney.** They may employ an attorney for town business including the prosecution or defense of actions at law or other proceedings in which the town may be interested.

Subd. 8. **Public places for posted notices; waiver.** They shall designate one or more places in the town as public places where legal notices shall be posted and provide facilities for posting notices there. In a town located in the geographical limits of a city, one or more notices may be posted in the city. The town board may waive the posted notice requirements of any law but shall then provide for notice to be published once each week for two successive weeks in a newspaper of general circulation in the town.

Subd. 9. **Real property.** They may sell and convey or lease real or personal property belonging to the town, not required to be held by the town for a special purpose.

Subd. 10. **Penal offenses.** They may declare that a violation of an ordinance is a penal offense and prescribe penalties for violations, except as otherwise provided by law. No penalty shall exceed that provided by law for a misdemeanor, but the costs of prosecution may be added.

Subd. 11. **Open Meeting Law; exemption.** Chapter 13D does not apply to a gathering of town board members to perform on-site inspections, if the town has no employees or other staff able to perform the inspections and the town board is acting essentially in a staff capacity. The town board shall make good faith efforts to provide notice of the inspections to each news medium that has filed a written request for notice if the request includes the news medium's telephone number. The notice shall be given by telephone or by any other method used to notify the members of the public body.

Subd. 12. **Imprest fund.** The town board may establish an imprest fund for the payment in cash of any proper claim against the town which it is impractical to pay in any other manner, except that no claim for

salary or personal expenses of an officer or employee shall be paid from the fund. The town board shall appoint a custodian of the fund who shall be responsible for its safekeeping and disbursement according to law. Money for the operation of the fund shall be secured by a transfer from the general fund. A claim itemizing all the various demands for which disbursements have been made from the fund shall be presented to the town board at the next town board meeting after the disbursements have been made. The town board shall act upon it as in the case of other claims and an order shall be issued to the custodian for the amount allowed. The custodian shall use the proceeds of the order to replenish the fund; and if the town board fails to approve the claim in full for any sufficient reason, the custodian shall be personally responsible for the difference.

History: *(1049) RL s 651; 1919 c 343 s 1; 1921 c 478 s 1; 1929 c 143 s 1; 1935 c 120 s 1; 1939 c 255 s 1; 1941 c 247 s 1; 1949 c 14 s 1; 1951 c 627 s 1; 1953 c 459 s 1; 1955 c 518 s 1; 1957 c 254; 1963 c 152 s 1; 1967 c 95 s 2; 1973 c 92 s 1; 1973 c 123 art 5 s 7; 1973 c 188 s 1; 1975 c 274 s 8; 1978 c 497 s 3; 1984 c 503 s 5; 1984 c 562 s 18-24; 1986 c 327 s 2; 1986 c 444; 1987 c 90 s 5; 1989 c 9 s 1; 1989 c 197 art 7 s 1; 1994 c 455 s 1; 1995 c 15 s 1; 2012 c 209 s 2*

366.011 CHARGES FOR EMERGENCY SERVICES; COLLECTION.

A town may impose a reasonable service charge for emergency services, including fire, rescue, medical, and related services provided by the town or contracted for by the town. If the service charge remains unpaid 30 days after a notice of delinquency is sent to the recipient of the service or the recipient's representative or estate, the town or its contractor on behalf of the town may use any lawful means allowed to a private party for the collection of an unsecured delinquent debt. The town may also use the authority of section 366.012 to collect unpaid service charges of this kind from delinquent recipients of services who are owners of taxable real property in the state.

The powers conferred by this section are in addition and supplemental to the powers conferred by any other law for a town to impose a service charge or assessment for a service provided by the town or contracted for by the town.

History: *1997 c 16 s 1; 2005 c 151 art 3 s 16*

366.012 COLLECTION OF UNPAID SERVICE CHARGES.

If a town is authorized to impose a service charge for a governmental service provided by the town, the town board may certify to the county auditor of the county in which the recipient of the services owns real property, on or before October 15 for each year, any unpaid service charges which shall then be collected together with property taxes levied against the property. The county auditor shall remit to the town all service charges collected by the auditor on behalf of the town. A charge may be certified to the auditor only if, on or before September 15, the town has given written notice to the property owner of its intention to certify the charge to the auditor. The service charges shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes. This section is in addition to other law authorizing the collection of unpaid costs and service charges.

History: *1989 c 14 s 1; 2005 c 151 art 3 s 17*

366.015 VOTE REQUIRED ON WEED DESTRUCTION.

Subdivision 1. **Ballot, contents.** The town board at the annual town meeting may submit to a vote by ballot the following question: "Shall persons who own or occupy real estate that adjoins a town road and is not a part of an incorporated municipality be required to remove rocks larger than five inches in diameter

from and to cut, destroy or remove all weeds, grass and other plants up to three inches in diameter that grow upon the town road adjacent to their land?

Yes .....

No ....."

Subd. 2. **Cost, lien on land.** If a majority of the electors voting on the question vote "Yes," a person who owns or occupies real estate that adjoins a town road and is not a part of an incorporated municipality shall cut, destroy, or remove the material described on the ballot located upon the town road adjacent to the owner's land. A person who erects or maintains a mailbox on land not owned by the person shall cut, destroy, or remove the material within five feet of the mailbox. If a person fails to comply with this provision, the town board of the town in which the real estate is located may, after ten days' notice in writing, order the local weed inspector or other person to cut, destroy, or remove the weeds or grass. The expense incurred shall be a lien on the real estate. The town board shall certify to the county auditor an itemized statement of the amount of the expense paid by the town. The county auditor shall enter the amount on the tax books as a tax upon the land, which shall be collected in the same manner as other real estate taxes.

History: *1941 c 246 s 1; 1955 c 141 s 1; 1984 c 562 s 25; 1986 c 444; 1989 c 197 art 7 s 1*

366.016 VOTE REQUIRED ON SNOW AND ICE REMOVAL.

Subdivision 1. **Ballot; content.** The town board at the annual town election may submit to a vote by ballot the following question: "Shall persons who own or occupy real estate that adjoins a town road and is not a part of an incorporated municipality be required to remove snow or ice, or both, that has been caused to be deposited by the property owner or occupant upon the town road right-of-way adjacent to their land?

Yes .....

No ....."

Subd. 2. **Cost; lien on land.** If a majority of the electors voting on the question vote "Yes," a person who owns or occupies real estate that adjoins a town road and is not a part of an incorporated municipality shall remove the material described on the ballot located upon the town road right-of-way adjacent to the owner's land. If a person fails to comply with this provision, the town board of the town in which the real estate is located may, after ten days' mailed notice, accompanied by an affidavit of service, cause the removal of snow or ice, or both. The expense of the removal shall be a lien on the real estate. The town board shall certify to the county auditor an itemized statement of the amount of the expense incurred by the town. The county auditor shall enter the amount on the tax books a tax upon the land, which shall be collected in the same manner as other real estate taxes.

History: *1997 c 170 s 1*

366.017 LICENSES.

A person who exhibits a circus, theatrical performance, or show of any kind, or who keeps a billiard, pool, or pigeonhole table, or a bowling alley in a town, without first obtaining a license for it, as provided in section 366.01, is guilty of a misdemeanor.

History: *(1050) RL s 652; 1919 c 403; 1971 c 23 s 31; 1989 c 197 art 7 s 1*

366.02 MS 1957 [Repealed, 1959 c 686 s 14; Ex1959 c 75 s 1]

366.021 MS 1957 [Repealed, 1959 c 686 s 14; Ex1959 c 75 s 1]

366.022 MS 1957 [Repealed, 1959 c 686 s 14; Ex1959 c 75 s 1]

366.03 REPAIR STATUTORY CITY STREETS.

If a statutory city included in the limits of a town neglects to keep its streets in repair, the town board of the town may make repairs and improvements on a city street needed as a highway.

History: *(1052) RL s 654; 1973 c 123 art 5 s 7; 1989 c 197 art 7 s 1*

366.04 TRANSFER SURPLUS FUNDS.

A town board by unanimous vote may transfer a surplus beyond the needs of the current year in a town fund to any other town fund to supply a deficiency.

History: *(1053) 1913 c 13 s 1; 1989 c 197 art 7 s 1*

366.05 PROSECUTE BONDS, PENALTIES, AND FORFEITURES.

The town board shall prosecute, in the name of the town and for its benefit, all actions upon bonds given to the town or the board or its predecessors in office for its benefit. The board shall sue for and collect all penalties and forfeitures, for which no other provision is made, incurred by any officer or inhabitant of the town. The board shall prosecute for any trespass on town property. The money collected under this section shall be paid to the town treasurer.

History: *(1051) RL s 653; 1989 c 197 art 7 s 1*

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

366.07 TREASURER MAY SELECT DEPOSITORY.

If the town board fails to act, as provided in section 366.01, subdivision 4, within 30 days after the annual town meeting, the treasurer shall select a depository for town funds and deposit them in the name of the town, obtaining security as provided in section 366.01, subdivision 4.

History: *(1049-2) 1931 c 216 s 2; 1933 c 62 s 2; 1957 c 367 s 4; 1959 c 289 s 2; 1984 c 562 s 26; 1989 c 197 art 7 s 1*

366.08 TREASURER NOT LIABLE, WHEN.

The town treasurer, in the absence of negligence, shall not be liable for the loss of money deposited within the limits above specified occasioned by the closing or insolvency of a designated depository.

History: *(1049-3) 1931 c 216 s 3; 1933 c 62 s 3; 1989 c 197 art 7 s 1*

366.09 INTEREST ON FUNDS.

All interest on funds deposited under sections 366.01, subdivision 4, and 366.07 to 366.09 shall be credited to the respective town funds.

History: *(1049-4) 1931 c 216 s 4; 1933 c 62 s 4; 1989 c 197 art 7 s 1; 1990 c 426 art 2 s 1*

366.095 AUTHORITY TO ISSUE CERTIFICATES OF INDEBTEDNESS.

Subdivision 1. **Certificates of indebtedness.** The town board may issue certificates of indebtedness within the debt limits for a town purpose otherwise authorized by law, including projects that eliminate R-22, as defined in section 240A.09, paragraph (b), clause (2). The certificates shall be payable in not more than 20 years and be issued on the terms and in the manner determined by the board. If the amount of the certificates to be issued exceeds 0.25 percent of the estimated market value of the town, they shall not be issued for at least ten days after publication in a newspaper of general circulation in the town of the board's resolution determining to issue them. If within 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, the certificates shall not be issued until 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 to pay the principal and interest on the certificates as in the case of bonds.

Subd. 2. **Bonds; other obligations.** A town authorized to exercise powers under section 368.01 may issue bonds or other obligations to acquire or better warning systems. Bonds or other obligations authorized by this subdivision must be sold, issued, and secured as provided in chapter 475.

History: *1984 c 562 s 27; 1985 c 169 s 10; 1986 c 314 s 1; 1987 c 384 art 1 s 35; 1988 c 719 art 5 s 84; 1989 c 1 s 3; 1989 c 197 art 7 s 1; 2009 c 88 art 6 s 6; 2013 c 143 art 14 s 45; 1Sp2017 c 1 art 7 s 1; 2023 c 64 art 12 s 3*

PLANNING AND ZONING

366.10 MS 2020 [Repealed, 2022 c 38 s 2]

366.11 MS 2020 [Repealed, 2022 c 38 s 2]

366.12 MS 2020 [Repealed, 2022 c 38 s 2]

366.125 MS 2020 [Repealed, 2022 c 38 s 2]

366.13 MS 2020 [Repealed, 2022 c 38 s 2]

366.14 MS 2020 [Repealed, 2022 c 38 s 2]

366.15 MS 2020 [Repealed, 2022 c 38 s 2]

366.151 MS 2020 [Repealed, 2022 c 38 s 2]

366.152 MS 2020 [Repealed, 2022 c 38 s 2]

366.16 MS 2020 [Repealed, 2022 c 38 s 2]

366.17 MS 2020 [Repealed, 2022 c 38 s 2]

366.18 MS 2020 [Repealed, 2022 c 38 s 2]

366.181 MS 2020 [Repealed, 2022 c 38 s 2]

366.182 MS 1974 [Repealed, 1976 c 239 s 111]

366.183 AUTHORITY UNDER CHAPTER 462.

Subject to any applicable general or special law or local ordinance, a town board that has adopted land use, zoning, and restrictions in a town under chapter 366 before March 19, 2022, shall have the same authority under chapter 462.

History: *2022 c 38 s 1*

366.19 MS 2012 [Renumbered 366.017]

BOARD OF AUDIT

366.20 MEETINGS.

The town board shall be a board of audit and meet each year, on a date fixed by the town board, to audit and settle all charges against the town. All unpaid accounts of town officers for services rendered since the last annual meeting of the board shall be presented at the meeting. It may also meet at other times to audit and settle charges against the town. No allowance of an account shall be made which does not specifically itemize the account. A quorum for the board of audit shall be the same as for the board of supervisors.

History: *(1055) RL s 655; 1969 c 125 s 1; 1983 c 359 s 50; 1984 c 562 s 28; 1989 c 197 art 7 s 1*

366.21 DUTIES.

(a) It shall be the duty of the board of audit:

(1) to examine and audit the accounts separately of each town officer authorized by law to receive or disburse money;

(2) to examine and audit every account presented against the town, and to endorse and state on it the amount allowed and disallowed. No allowance shall be made on any account which does not specifically give each item, with its date, amount, and nature. The statement shall be verified by the claimant, the claimant's agent or attorney, and filed with the town clerk. No claim shall be considered or acted upon unless the statement is made and filed;

(3) to examine the character and circumstances of every other demand presented against the town which it is not authorized to audit, and in its report give a summary of it, with its recommendations in regard to it;

(4) to report in detail the items of accounts audited and allowed or disallowed, the nature of each, and the person to whom allowed or disallowed.

(b) The report shall contain a statement of the fiscal affairs of the town, with an estimate of the sum necessary to be raised for the current expenses or other authorized purpose for the ensuing year, and other recommendations as it may deem advisable.

History: *(1056) RL s 656; 1986 c 444; 1989 c 197 art 7 s 1*

366.22 POSTING AND READING REPORT; FEE.

The clerk shall post a copy of the report at the place of the annual meeting at least half an hour before the time for the annual meeting to convene. The report shall also be publicly read by the clerk to the meeting. The whole report or any part of it may be referred by the meeting to a committee, which shall examine and

report to the meeting on it. For making the report the clerk shall receive one-half of the fees allowed by law for making the original report.

History: *(1057) RL s 657; 1976 c 4 s 1; 1977 c 73 s 1; 1983 c 3 s 1; 1989 c 197 art 7 s 1*

366.23 [Renumbered 471.415, subdivision 1]

366.24 [Renumbered 471.415, subd 2]

366.25 [Renumbered 471.415, subd 3]

366.26 MS 1957 [Repealed, 1959 c 500 art 6 s 13]

LEVY FOR FIREFIGHTERS' RELIEF ASSOCIATION

366.27 FIREFIGHTERS' RELIEF; TAX LEVY.

The town board of any town in this state having therein a platted portion on which resides 1,200 or more people, and wherein a duly incorporated firefighters' relief association is located may each year levy a tax not to exceed 0.00806 percent of estimated market value for the benefit of the relief association.

History: *1951 c 151 s 1; 1973 c 773 s 1; 1977 c 429 s 63; 1989 c 197 art 7 s 1; 1989 c 277 art 4 s 29; 2013 c 143 art 14 s 46*