CHAPTER 459

MUNICIPAL ACTIVITIES

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459.01 MS 1986 [Repealed, 1987 c 291 s 244]

459.02 MS 1986 [Repealed, 1987 c 291 s 244]

459.03 MS 1986 [Repealed, 1987 c 291 s 244]

459.04 MS 1986 [Repealed, 1987 c 291 s 244]

459.05 MS 1986 [Repealed, 1987 c 291 s 244]

459.06 MUNICIPAL AND MEMORIAL FORESTS.

Subdivision 1. **Accept donations.** Any county, city, or town may by resolution of its governing body accept donations of land that the governing body deems to be better adapted for the production of timber and wood than for any other purpose, for a forest, and may manage it on forestry principles. The donor of not less than 100 acres of any such land shall be entitled to have the land perpetually bear the donor's name. The governing body of any city or town, when funds are available or have been levied therefor, may, when authorized by a majority vote by ballot of the voters voting at any general or special city election or town meeting where the question is properly submitted, purchase or obtain by condemnation proceedings, and preferably at the sources of streams, any tract of land for a forest which is better adapted for the production of timber and wood than for any other purpose, and which is conveniently located for the purpose, and manage it on forestry principles. The city or town may annually levy a tax on all taxable property within its boundaries to procure and maintain such forests.

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

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of subdivision 2, and which is found more suitable for other purposes may by resolution of the county board be withdrawn from the forest for disposal as tax-forfeited land if the commissioner of natural resources approves the sale of such land.

History: *(1933) 1913 c 211 s 1; 1945 c 347 s 1; 1959 c 187 s 1; 1967 c 905 s 9; 1969 c 1129 art 10 s 2; 1973 c 123 art 5 s 7; 1973 c 773 s 1; 1986 c 444; 1988 c 719 art 5 s 84; 1989 c 277 art 4 s 58; 1994 c 505 art 3 s 11; 2014 c 217 s 3*

459.07 CITIES MAY ESTABLISH MUNICIPAL FOREST.

Any city of the first class operating under the Constitution of the state of Minnesota, by resolution of the governing body thereof, may purchase or obtain by condemnation proceedings, any tract or tracts of land bordering any lake, for a municipal forest and manage the same on forestry principles and may reserve

any part of such land for use as a public bathing beach. The selection of such lands and the plans of management thereof, shall have the approval of the director of lands and forestry.

History: *(1630-2 3/4) 1935 c 203 s 1; 1967 c 905 s 9; 1990 c 426 art 1 s 48*

459.08 MS 1974 [Repealed, 1976 c 44 s 70]

459.09 MS 1974 [Repealed, 1976 c 44 s 70]

459.10 MS 1974 [Repealed, 1976 c 44 s 70]

459.11 MS 1974 [Repealed, 1976 c 44 s 70]

459.12 MS 1974 [Repealed, 1976 c 44 s 70]

459.13 MS 1974 [Repealed, 1976 c 44 s 70]

459.14 AUTOMOBILE PARKING FACILITIES.

Subdivision 1. **Acquisition of property.** Any city of the second, third, or fourth class, however organized, and any statutory city may acquire by gift, lease, purchase or condemnation proceedings any real property within or without the corporate limits, or any interest therein, deemed by its governing body to be needed for improving the municipality's regulation and control of traffic on its streets, alleys and public grounds by providing, regulating and operating on-street or off-street parking lanes or areas, and may acquire by purchase or lease parking meters or other parking or traffic-control devices and may devote any property already owned by the municipality and devoted to other purposes to be used as a parking lane or area and may construct, or otherwise provide, equip, maintain and operate automobile parking facilities and may expend municipal funds for these purposes. Where all the bonds issued for a given project are wholly payable from the net revenue of all such operations, the proceeds of such bonds may be used for the acquisition, construction or improvement of automobile parking facilities by a resolution adopted by the governing body without an election notwithstanding any charter or statutory provision to the contrary. The term "automobile parking facilities" as used in this section includes lots, lanes, garages, ramps or other structures and accessories, including such meters and devices; such facilities may be surface facilities above or under the ground. Provided that no product or service other than the parking of vehicles and the delivery thereof shall be dispensed or furnished at or in connection with any such parking facility. Provided, further, that the municipality shall not convert to a parking facility any land conveyed to it on a condition restricting its use to some other purpose.

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

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

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

(1) appropriating money as authorized in subdivision 1;

(2) levying a tax on the taxable property within the municipality;

(3) levying special assessments against benefited property;

(4) appropriating any or all net revenues derived from the operation of its parking facilities;

(5) classifying the users of the facilities as a subject for taxation, and imposing taxes thereon computed according to the extent of use of the facilities;

(6) imposing reasonable rates, rents, fees, and charges for the use of any on-street or off-street parking privilege or facility, which may be in excess of actual cost of operation, maintenance, regulation, and supervision of parking at the particular location where the privilege is exercised;

(7) leasing any off-street facilities at specified or determinable rents to be paid to the municipality under a lease made as provided in subdivision 4;

(8) borrowing money and issuing bonds as authorized and limited by subdivision 3; or

(9) any combination of the foregoing.

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

Subd. 4. **Lease, rental charges.** The governing body of any municipality providing automobile parking facilities under this section may make such other provisions for their operation and management as it may deem necessary, and it may lease and rent all or any off-street facilities to persons, firms or corporations to be used for purposes of automobile parking and fix the rentals to be charged therefor, and when so leased to regulate the rates and charges to be exacted for the services so provided, and which lease shall prohibit the sale or offer for sale by the lessee of any merchandise or supplies, including gasoline or oil, or the cleaning, repair or furnishing of services other than parking and delivery of automobiles. Such lease may require the lessee to make improvements to become the property of the municipality upon expiration or termination of the lease. The governing body may, in the alternative, employ any person, firm or corporation as operating manager and agent for the municipality to operate and maintain any such facility or facilities in behalf of the municipality under a contract defining the terms of such employment.

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

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

Subd. 7. **Special assessments, hearing.** An automobile parking facility is a local improvement within the meaning of sections 429.011 to 429.091 and, except as otherwise provided in this section, may be financed in whole or in part by special assessments levied in accordance with those sections. In apportioning such special assessments, the governing body shall take into consideration the improvements on the land and the present and potential use of the respective lots, pieces or parcels during the anticipated period of usefulness of the facility providing the benefits. If the governing body in levying such assessments determines that all or part of the benefited property is benefited to a lesser extent than other property, it may establish separate benefit districts for an improvement each comprising property benefited to a like extent, whether or not contiguous, and may provide either a different rate of assessment or, in lieu thereof, a different number of installments payable at such times as the governing body shall determine, subject only to the condition that the assessments for such benefit districts be made payable at such times as will permit the use thereof for payment of principal of and interest on any bonds issued for the improvement with respect to which they are levied. Interest on the unpaid balance of assessments levied under this subdivision shall be payable semiannually with other taxes levied on such property.

Subd. 8. **Property exempt from taxation.** Any real or personal property owned, leased, maintained, or operated as a municipal parking facility under this section is owned, leased, maintained, or operated for essential public and governmental purposes, and is exempt from all ad valorem taxes levied by the state or a political subdivision of the state.

History: *(1933-3) 1919 c 281 s 1; 1947 c 621 s 1; 1953 c 675 s 1; 1955 c 259 s 1; 1955 c 873 s 1,2; 1965 c 877 s 6; 1967 c 288 s 1,2; 1967 c 669 s 1; 1973 c 123 art 5 s 7; 1973 c 292 s 1; 1973 c 773 s 1; 1980 c 509 s 167; 1989 c 277 art 2, s 59; art 4 s 59; 1994 c 505 art 3 s 12*

459.15 MS 1986 [Repealed, 1988 c 429 s 1]

459.16 MS 1986 [Repealed, 1988 c 429 s 1]

459.17 MS 1986 [Repealed, 1988 c 429 s 1]

459.18 MS 1986 [Repealed, 1988 c 429 s 1]

459.20 AUTHORITY OVER PUBLIC WATERS.

The governing body of any home rule charter or statutory city or town in the state has, with respect to any body of water situated wholly within its boundaries, all the powers to improve and regulate the use of such body of water subject to section 86B.205, subdivision 6, as are conferred on county boards by sections 86B.205 and 103F.801, and to establish and administer lake improvement districts under sections 103B.501 to 103B.581. With respect to any body of water situated wholly within the contiguous boundaries of two or

more home rule charter or statutory cities or towns or any combination thereof, the city councils and town boards may, under the provisions of section 471.59, jointly exercise such powers to improve and regulate the use of the body of water subject to section 103F.751, as are conferred on county boards by sections 86B.205 and 103F.801, and to establish and administer lake improvement districts as provided under sections 103B.501 to 103B.581, provided that no home rule charter or statutory city or town may establish and administer a lake improvement district or exercise any of the powers granted in this section if a lake improvement district covering the same territory has been created by a county board under sections 103B.501 to 103B.581. References in sections 86B.205, 103B.501 to 103B.581, and 103F.801 to the county board shall be construed to refer to the governing body of a home rule charter or statutory city or the board of supervisors of a town.

History: *1973 c 123 art 5 s 7; 1973 c 702 s 24; 1975 c 311 s 1; 1978 c 726 s 17; 1986 c 439 s 5; 1986 c 443 s 16,17; 1990 c 391 art 8 s 46*

459.31 MS 1986 [Repealed, 1987 c 291 s 244]

459.32 MS 1986 [Repealed, 1987 c 291 s 244]

459.33 MS 1986 [Repealed, 1987 c 291 s 244]

459.34 MS 1986 [Repealed, 1987 c 291 s 244]

459.35 WHEN BOND ALLOCATION ACT APPLIES.

Sections 474A.01 to 474A.21 apply to any issuance of obligations under this chapter which are subject to limitation under a federal tax law as defined in section 474A.02, subdivision 8.

History: *1984 c 582 s 10,23; 1Sp1985 c 14 art 8 s 63; 1986 c 465 art 1 s 6; 2000 c 260 s 59*