# CHAPTER 415

# VARIOUS MUNICIPAL POWERS


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## 415.01 TOWN LAWS, APPLICATION; USE OF POWERS BY CITY.

Subdivision 1. **General.** A town must not exercise the powers conferred in chapters 365 to 368 within the territory embraced within the limits of any city, but a city has and may exercise within its limits any of the powers conferred by these chapters upon towns.

Subd. 2. **Charges for emergency services.** A city may exercise the power under sections 366.011 and 366.012 relating to charges for emergency services only if the city adopts an ordinance authorizing the manner and amount of charging for those services.

**History:** *(1103) RL s 692; 1973 c 123 art 5 s 7; 2003 c 64 s 1*

## 415.02 CHARTER, ORDINANCES; CODIFICATION AS EVIDENCE.

Any city may cause its charter and all general and special laws, ordinances, resolutions, rules, and bylaws in force therein to be codified, printed, and published and may declare by ordinance such codification to be prima facie evidence of the law of such municipality. It shall thereupon be received in evidence by the courts.

**History:** *(1837) RL s 771; 1973 c 123 art 5 s 7*

## 415.021 CODIFICATION OF ORDINANCES; CITY OR TOWN.

A statutory or home rule charter city, or town, may revise and codify and print in book, pamphlet or newspaper form, any ordinances, resolutions, and rules of the city or town and may include therein for reference any applicable general or special laws. Such codification shall be a sufficient publication of any ordinance included in it and not previously published in a newspaper if a substantial quantity of the codification is printed for general distribution to the public. A copy of any ordinances adopted by the city or town must be furnished to the county law library or its designated depository. A city or town, upon request, shall be reimbursed a reasonable charge by the county law library for a copy furnished.

**History:** *1957 c 115 s 1; 1969 c 73 s 1; 1984 c 543 s 49; 1990 c 361 s 1; 1995 c 105 s 2*

**415.03** MS 1945 [Repealed, 1949 c 119 s 110]

**415.031** MS 1974 [Repealed, 1976 c 44 s 70]

**415.032** MS 1949 [Repealed, 1951 c 174 s 1]

**415.033** MS 1974 [Repealed, 1976 c 44 s 70]

**415.035** MS 1941 [Repealed, 1976 c 44 s 70]

**415.04** MS 1941 [Repealed, 1945 c 464 s 2]

**415.045** MS 1945 [Repealed, 1949 c 119 s 110]

**415.05** MS 1974 [Repealed, 1976 c 44 s 70]

**415.06** MS 1974 [Repealed, 1976 c 44 s 70]

**415.07** MS 1974 [Repealed, 1976 c 44 s 70]

**415.08** MS 1957 [Repealed, 1961 c 561 s 17]

### 415.10 CERTAIN CITIES; OFFICIALS; PER DIEM PAYMENTS.

The governing body of any city in which the net tax capacity consists in part of iron ore, taconite or semitaconite may pay the members of such governing body a per diem in an amount not to exceed $25 per day nor $250 per year for members of such governing body who are absent from the municipality in the performance of their duty as municipal officials.

**History:** *1957 c 246 s 1; 1963 c 158 s 1; 1973 c 57 s 1; 1973 c 123 art 5 s 7; 1988 c 719 art 5 s 84; 1989 c 329 art 13 s 20*

### 415.11 SECOND TO FOURTH CLASS CITIES; GOVERNING BODY SALARIES.

Subdivision 1. **Set by ordinance.** Notwithstanding the provisions of any general or special law, charter, or ordinance, the governing body of any statutory or home rule charter city of the second, third or fourth class may by ordinance fix their own salaries as members of such governing body, and the salary of the chief elected executive officer of such city, in such amount as they deem reasonable.

Subd. 2. **After next election.** No change in salary shall take effect until after the next succeeding municipal election.

Subd. 3. **Temporary reductions.** Notwithstanding subdivision 2 or a charter provision to the contrary, the governing body may enact an ordinance to take effect before the next succeeding municipal election that reduces the salaries of the members of the governing body. The ordinance shall be in effect for 12 months, unless another period of time is specified in the ordinance, after which the salary of the members reverts to the salary in effect immediately before the ordinance was enacted.

**History:** *Ex1967 c 42 s 1,2; 1976 c 44 s 34; 2009 c 152 s 17*

### 415.15 RESIGNING MEMBER CANNOT VOTE FOR SUCCESSOR.

No resigning member of a city council shall participate in a vote of the council to choose a person to replace the resigning member.

**History:** *1974 c 36 s 1*

### 415.16 EMPLOYMENT; CITY OR COUNTY RESIDENCE REQUIREMENT.

Subdivision 1. **No exception for on-premises residence.** Notwithstanding any contrary provision of other law, home rule charter, ordinance or resolution, no statutory or home rule charter city or county shall require that a person be a resident of the city or county as a condition of employment by the city or county except for positions which by their duties require the employee to live on the premises of the person's place of employment.

Subd. 1a. **Residency incentives for peace officers.** A statutory or home rule charter city or county may offer incentives to encourage a person hired as a peace officer, as defined in section 626.84, subdivision 1, paragraph (c), to be a resident of the city or county.

Subd. 2. **Reasonable area or response time requirement.** A statutory or home rule charter city or county, except if it is located in the area defined in section 473F.02, subdivision 2, may impose a reasonable area or response time residency requirement if there is a demonstrated, job-related necessity.

Subd. 3. **Volunteer or nonprofit firefighters.** A statutory or home rule charter city or county may impose a reasonable residency requirement on persons employed as volunteers or as members of a nonprofit firefighting corporation if there is a demonstrated, job-related necessity. The residency requirement must be related to response time and established without regard to political subdivision boundaries.

**History:** *1981 c 181 s 1; 1984 c 585 s 1; 1985 c 197 s 1; 2Sp2020 c 1 s 6*

## 415.17 BUSINESSES THAT VIOLATE ORDINANCES.

The governing body of a home rule charter or statutory city may order that a place of business be closed if it determines that the business conducted at that place was in violation of a city zoning or licensing ordinance at the time the business was established at that location. The city must have in place a proper notification procedure and have followed the procedure prior to requesting the enforcement of this section.

**History:** *1996 c 430 s 1*

## 415.18 CITY UNIT MAY PAY FOR PERFORMANCE BONDS.

Subdivision 1. **If bond required.** When an officer or employee of any statutory or home rule charter city is required to furnish a fidelity or faithful performance bond, the governing body of the city, or the board or commission to whom the officer or employee is responsible, may provide for the payment of the premium on the bond from city funds.

Subd. 1a. **Blanket position bond; conditions.** In lieu of individual bonds, the governing body, board or commission may provide for blanket position bonds furnished by a surety company to cover any officer or employee required to furnish a bond if all of the obligations required by law, charter, or ordinance to be assumed by the principal and the principal's sureties by an individual bond are included in the blanket position bond.

Subd. 2. **Adds to, prevails over other law.** This section is supplementary to other statutory and charter provisions and supersedes such provisions only to the extent that they restrict or prohibit action authorized by this section.

**History:** *1959 c 198 s 1; 1984 c 384 s 2; 1986 c 444*

## 415.19 NOTICE OF PROPOSED ORDINANCES.

Subdivision 1. **Definitions.** For the purposes of this section:

(1) "city" means a statutory or home rule charter city;

(2) "electronic notification system" means an electronic notification system operated by the city that distributes general city information or notices through email; and

(3) "proposed ordinance" means a proposed new ordinance or a proposed amendment to an ordinance.

Subd. 2. **Posting.** (a) If a city posts ordinances on the city's website, the city must also post proposed ordinances on the website at least ten days before the city council meeting at which the proposed ordinance is scheduled for a final vote.

(b) If a city does not have an electronic notification system, the city must post notice of a proposed ordinance in the same location as other public notices are posted at least ten days before the city council meeting at which the proposed ordinance is scheduled for a final vote.

Subd. 3. **Individual notice by email.** (a) If a city has an electronic notification system, the city must notify any person that has signed up for email notification of proposed ordinances at least ten days before the city council meeting at which the proposed ordinance is scheduled for a final vote.

(b) If a city has an electronic notification system, the city must notify a person of the notification procedure at the time the person applies for a new business license or license renewal.

Subd. 4. **Failure to provide notice.** Failure to provide notice described in this section does not invalidate the ordinance or amendment to an ordinance adopted.

Subd. 5. **Minimum requirements.** The requirements in this section are minimum requirements. A city may provide more notice if it has the ability to do so.

Subd. 6. **Interim ordinances exempt.** The requirements in this section do not apply to interim ordinances adopted pursuant to section 462.355, subdivision 4.

**History:** *2017 c 77 s 1*