

Sec. 2. The aforesaid salary shall constitute the base salary and the auditor and treasurer shall be entitled to any cost of living increases hereafter granted under the provisions of Minnesota Statutes, Section 375.43, and acts amendatory thereof or supplementary thereto.

Sec. 3. Nothing contained in section 1 shall be construed as limiting the right of the auditor and treasurer to collect and retain fees, per diem payments, or any other payment which they are now authorized to collect in addition to the stated amount of their monthly salary.

Sec. 4. This act is effective upon its approval by the board of county commissioners of Carlton county and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 22, 1965.

CHAPTER 670—S. F. No. 826

[Coded]

An act relating to municipal planning and development and providing for zoning, official maps, subdivision regulations and other official controls; repealing Minnesota Statutes 1961, Sections 412.221, Subdivision 29; 462.01 to 462.11; 462.18 to 462.23; 465.21 to 465.25 and 471.26 to 471.33.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **[462.351] Municipal planning and development; statement of policy.** The legislature finds that municipalities are faced with mounting problems in providing means of guiding future development of land so as to insure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities and to promote the public health, safety, morals and general welfare. Municipalities can prepare for anticipated changes and by such preparations bring about significant savings in both private and public expenditures. Municipal planning, by providing public guides to future municipal action, enables other public and private agencies to plan their activities in harmony with the municipality's plans. Municipal planning will assist in developing lands more wisely to serve citizens more effectively, will make the provision of public services less costly, and will achieve a more secure tax base. It is the purpose of this act to pro-

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vide municipalities, in a single body of law, with the necessary powers and a uniform procedure for adequately conducting and implementing municipal planning.

Sec. 2. **[462.352] Definitions.** Subdivision 1. For the purposes of this act the terms defined in this section have the meanings given them.

Subd. 2. "Municipality" means any city, including a city operating under a home rule charter, and any village or borough and any town having the powers of villages pursuant to Minnesota Statutes, Section 368.01.

Subd. 3. "Planning agency" means the planning commission or the planning department of a municipality.

Subd. 4. "Platting authority" means the governing body or other agency responsible under statute or charter for the approval of plats of land within the municipality or within its area of platting control.

Subd. 5. "Comprehensive municipal plan" means a compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the municipality and its environs and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan, and recommendations for plan execution. A comprehensive plan represents the planning agency's recommendations for the future development of the community.

Subd. 6. "Land use plan" means a compilation of policy statements, goals, standards, and maps, and action programs for guiding the future development of private and public property. The term includes a plan designating types of uses for the entire municipality as well as a specialized plan showing specific areas or specific types of land uses, such as residential, commercial, industrial, public or semi-public uses or any combination of such uses.

Subd. 7. "Transportation plan" means a compilation of policy statements, goals, standards, maps and action programs for guiding the future development of the various modes of transportation of the municipality and its environs such as streets and highways, mass transit, railroads, air transportation, trucking and water transportation, and includes a major thoroughfare plan.

Subd. 8. "Community facilities plan" means a compilation of policy statements, goals, standards, maps and action programs for guiding the future development of the public or semi-public facili-

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ties of the municipality such as recreational, educational and cultural facilities.

Subd. 9. "Capital improvement program" means an itemized program setting forth the schedule and details of specific contemplated public improvements by fiscal year, together with their estimated cost, the justification for each improvement, the impact that such improvements will have on the current operating expense of the municipality, and such other information on capital improvements as may be pertinent.

Subd. 10. "Official map" means a map adopted in accordance with section 9 of this act showing existing streets, proposed future streets and the area needed for widening of existing streets of the municipality. An official map may also show the location of existing and future public land and facilities within the municipality.

Subd. 11. "Governing body" in the case of cities or villages means the council by whatever name known, and in the case of a town, means the town board.

Sec. 3. [462.353] **Authority to plan.** Subdivision 1. **General authority.** A municipality may carry on comprehensive municipal planning activities for guiding the future development and improvement of the municipality and may prepare, adopt and amend a comprehensive municipal plan and implement such plan by ordinance and other official actions in accordance with the provisions of this act.

Subd. 2. **Studies and reports.** In exercising its powers under subdivision 1, a municipality may collect and analyze data, prepare maps, charts, tables, and other illustrations and displays, and conduct necessary studies. A municipality may publicize its purposes, suggestions, and findings on planning matters, may distribute reports thereon, and may advise the public on the planning matters within the scope of its duties and objectives.

Subd. 3. **Appropriation and contracts.** A municipality may appropriate monies from any fund not dedicated to other purposes in order to finance its planning activities. A municipality may receive and expend grants and gifts for planning purposes and may enter into contracts with the federal and state governments or with other public or private agencies in furtherance of the planning activities authorized by this act.

Sec. 4. [462.354] **Organization for planning.** Subdivision 1. **Planning agency.** A municipality may by charter or ordinance create a planning agency. A planning agency created by ordinance may be abolished by two-thirds vote of all the members of

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the governing body. The planning agency shall be advisory, except as other powers and duties are imposed on it by this act, by statute, by charter, or by ordinance consistent with the municipal charter. The planning agency may take the following alternative forms:

(1) It may consist of a planning commission, which may or may not include municipal officials among its members. The planning commission may be provided with staff which may be a division of the administrative structure of the municipal government. The commission shall be advisory directly to the governing body.

(2) It may consist of a planning department with a planning commission advisory to it and shall function as a department advisory to the governing body and the municipal administration. The planning department may be provided with an executive director and other staff as in the case of other municipal departments.

Subd. 2. **Board of adjustments and appeals.** The governing body of any municipality adopting or having in effect a zoning ordinance or an official map shall provide by ordinance for a board of appeals and adjustments. The board shall have the powers set forth in section 7, subdivision 5 and section 9, subdivision 4. Except as otherwise provided by charter, the governing body may provide alternatively that there be a separate board of appeals and adjustments or that the governing body or the planning commission or a committee of the planning commission serve as the board of appeals and adjustments, and it may provide an appropriate name for the board. The board may be given such other duties as the governing body may direct.

In any municipality where the council does not serve as the board, the governing body may, except as otherwise provided by charter, provide that the decisions of the board on matters within its jurisdiction are final subject to judicial review or are final subject to appeal to the council and the right of later judicial review or are advisory to the council. Hearings by the board of appeals and adjustments shall be held within such time and upon such notice to interested parties as is provided in the ordinance establishing the board. The board shall within a reasonable time make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney. Subject to such limitations as may be imposed by the governing body, the board may adopt rules for the conduct of proceedings before it. Such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The board shall provide for a record of its proceedings which shall include the minutes of its meetings, its find-

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ings, and the action taken on each matter heard by it, including the final order. In any municipality in which the planning agency does not act as the board of adjustments and appeals, the board shall make no decision on an appeal or petition until the planning agency, if there is one, or a representative authorized by it has had a reasonable opportunity, not to exceed 60 days, to review and report to the board of adjustment and appeals upon the appeal or petition.

Sec. 5. [462.355] Preparation, adoption, and amendment of comprehensive municipal plan. Subdivision 1. **Preparation and review.** The planning agency shall prepare the comprehensive municipal plan. In discharging this duty the planning agency shall consult with and coordinate the planning activities of other departments and agencies of the municipality to insure conformity with and to assist in the development of the comprehensive municipal plan. In its planning activities the planning agency shall take due cognizance of the planning activities of adjacent units of government and other affected public agencies. The planning agency shall periodically review the plan and recommend amendments whenever necessary.

Subd. 2. Procedure for plan adoption and amendment. The planning agency may, unless otherwise provided by charter or ordinance consistent with the municipal charter, adopt and amend from time to time a comprehensive municipal plan as its recommendation to the governing body. The plan may be prepared and adopted in sections, each of which relates to a major subject of the plan or to a major geographical section of the municipality. The governing body may propose amendments to the comprehensive municipal plan by resolution submitted to the planning agency. Before adopting the comprehensive municipal plan or any section or amendment of the plan, the planning agency shall hold at least one public hearing thereon. A notice of the time, place and purpose of the hearing shall be published once in the official newspaper of the municipality at least ten days before the day of the hearing. The proposed plan, section of the plan, or amendment shall be transmitted to the governing body prior to the publication of the notice of hearing. Adoption and amendment of the comprehensive municipal plan or of any section thereof shall be by resolution adopted by a majority of all the members of the planning commission. A copy of the plan or of any section or amendment thereof adopted by the planning agency shall be certified to the governing body of the municipality.

Subd. 3. Adoption by governing body. Unless otherwise provided by charter, the governing body may by resolution of a majority of its members adopt and amend the comprehensive plan or portion thereof so recommended as the official municipal plan upon

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such notice and hearing as may be prescribed by ordinance. Until so adopted by the governing body, the plan shall constitute only the recommendation of the planning agency.

Sec. 6. [462.356] Procedure for plan effectuation; general. Subdivision 1. **Recommendations for plan execution.** Upon the recommendation by the planning agency of the comprehensive municipal plan or sections thereof, the planning agency shall study and propose to the governing body reasonable and practicable means for putting the plan or section of the plan into effect. Subject to the limitations of the following sections, such means include, but are not limited to, zoning regulations, regulations for the subdivision of land, an official map, a program for coordination of the normal public improvements and services of the municipality, urban renewal and a capital improvements program.

Subd. 2. **Compliance with plan.** After a comprehensive municipal plan or section thereof has been recommended by the planning agency and a copy filed with the governing body, no publicly owned interest in real property within the municipality shall be acquired or disposed of, nor shall any capital improvement be authorized by the municipality or special district or agency thereof or any other political subdivision having jurisdiction within the municipality until after the planning agency has reviewed the proposed acquisition, disposal, or capital improvement and reported in writing to the governing body or other special district or agency or political subdivision concerned, its findings as to compliance of the proposed acquisition, disposal or improvement with the comprehensive municipal plan. Failure of the planning agency to report on the proposal within 45 days after such a reference, or such other period as may be designated by the governing body shall be deemed to have satisfied the requirements of this subdivision. The governing body may, by resolution adopted by two-thirds vote dispense with the requirements of this subdivision when in its judgment it finds that the proposed acquisition or disposal of real property or capital improvement has no relationship to the comprehensive municipal plan.

Sec. 7. [462.357] Procedures for plan effectuation; zoning. Subdivision 1. **Authority for zoning.** For the purpose of promoting the public health, safety, morals and general welfare, a municipality may by ordinance regulate the location, height, bulk, number of stories, size of buildings and other structures, the percentage of lot which may be occupied, the size of yards and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade,

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industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, flood control or other purposes, and may establish standards and procedures regulating such uses. The regulations may divide the municipality into districts or zones of suitable numbers, shape and area. The regulations shall be uniform for each class or kind of buildings, structures or land and for each class or kind of use throughout such district, but the regulations in one district may differ from those in other districts. The ordinance embodying these regulations shall be known as the Zoning Ordinance and shall consist of text and maps.

Subd. 2. General requirements. At any time after the adoption of a land use plan for the municipality, the planning agency, for the purpose of carrying out the policies and goals of the land use plan, may prepare a proposed zoning ordinance and submit it to the governing body with its recommendations for adoption. Subject to the requirements of subdivisions 3, 4 and 5, the governing body may adopt and amend a zoning ordinance by a two-thirds vote of all its members.

Subd. 3. Public hearings. No zoning ordinance or amendment thereto shall be adopted until a public hearing has been held thereon by the planning agency or by the governing body. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the municipality at least ten days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 200 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

Subd. 4. Amendments. An amendment to a zoning ordinance may be initiated by the governing body, the planning agency, or by petition of affected property owners as defined in the zoning ordinance. An amendment not initiated by the planning agency shall be referred to the planning agency, if there is one, for study and report and may not be acted upon by the governing body until it has received the recommendation of the planning agency on the

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proposed amendment or until 60 days have elapsed from the date of reference of the amendment without a report by the planning agency.

Subd. 5. Amendment; certain cities of the first class. The provisions of this subdivision apply to cities of the first class. In such cities amendments to a zoning ordinance shall be made in conformance with this section but only after there shall have been filed in the office of the city clerk a written consent of the owners of two-thirds of the several descriptions of real estate situate within 100 feet of the real estate affected, and after the affirmative vote in favor thereof by a majority of the members of the governing body of any such city. The governing body of such city may, by a two-thirds vote of its members, after hearing, adopt a new zoning ordinance without such written consent whenever the planning commission or planning board of such city shall have made a survey of the whole area of the city or of an area of not less than 40 acres, within which the new ordinance or the amendments or alterations of the existing ordinance would take effect when adopted, and shall have considered whether the number of descriptions of real estate affected by such changes and alterations renders the obtaining of such written consent impractical, and such planning commission or planning board shall report in writing as to whether in its opinion the proposals of the governing body in any case are reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use, and shall have conducted a public hearing on such proposed ordinance, changes or alterations, of which hearing published notice shall have been given in a daily newspaper of general circulation at least once each week for three successive weeks prior to such hearing, which notice shall state the time, place and purpose of such hearing, and shall have reported to the governing body of the city its findings and recommendations in writing.

Subd. 6. Appeals and adjustments. Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement

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would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not permitted under the ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

Sec. 8. [462.358] Procedure for plan effectuation; subdivision regulations. Subdivision 1. **Authority to regulate.** To provide for orderly, economic, and safe development of land and urban services and facilities, and to promote the public health, safety, morals and general welfare, a municipality may adopt subdivision regulations which include minimum physical standards and design requirements as to such urban services and facilities, and procedures for plat approval, including a procedure for appeals from actions of the platting authority. Subdivision regulations shall be adopted by ordinance when the governing body is the platting authority and by resolution when the platting authority is an agency other than the governing body. A municipality may by resolution extend the application of its subdivision regulations to unincorporated territory located within two miles of its limits in any direction but not in a town which has adopted subdivision regulations; provided that where two or more noncontiguous municipalities have boundaries less than four miles apart, each is authorized to control the subdivision of land equidistant from its boundaries within this area.

Subd. 2. Terms of regulations. Subdivision regulations shall require that a proposed subdivision plat shall be in conformity with the official map if such exist. In establishing requirements for the location and width of streets, the municipality shall take into consideration anticipated traffic needs and the prospective character of the development and make any reasonable requirements therefor. As a condition to the approval of any subdivision plat of lands to which the regulations apply, subdivision regulations may prescribe requirements concerning the extent and manner in which streets shall be graded and improved, and electric and gas distribution lines or piping, water, sewer, or other facilities shall be installed. The regulations may provide, or authorize the governing body or other platting authority to provide, that, in lieu of the completion of such work before the final approval of the plat, the governing body or platting authority may accept or require a contract secured by a cash deposit, certified check, or a bond in an

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amount and with surety and conditions satisfactory to it, to assure the municipality that such improvements and utilities will be actually constructed and installed according to the specifications approved by the governing body or platting authority as expressed in the contract; and the municipality may enforce such contracts by appropriate legal and equitable remedies. The subdivision regulations may require that in appropriate plots of subdivisions to be developed for residential uses that a reasonable portion of each proposed subdivision be dedicated to the public for public use as parks, and playgrounds, or that the subdivider at his option contribute an equivalent amount in cash as defined by the regulations, provided that cash payments received under such regulations shall be placed in a special fund by the municipality and used only for the acquisition of land for parks and playgrounds.

Subd. 3. Plat approval. After a municipality adopts subdivision regulations, copies of the regulations shall be filed with the county register of deeds as provided in this act. Thereafter, no subdivision plat for land within the area to which the regulations are applicable shall be filed or accepted for filing unless it is accompanied by a certified copy of the resolution approving it. Before a subdivision plat is approved, it shall be reviewed by the platting authority as to its conformity to subdivision regulations. The platting authority may provide that proposed plats and subdivision developments be referred to the planning agency for review and recommendation. Unless otherwise provided by law or charter, prior to the approval of a plat by the platting authority, a public hearing shall be held thereon after notice of the time and place thereof has been published once in the official newspaper at least ten days before the day of the hearing. At the hearing all persons interested in the plat shall be heard and the platting authority may thereafter approve or disapprove the plat but failure of the platting authority to act on the application within 60 days is deemed approval. The grounds for any refusal to approve a plat shall be set forth in the proceedings of the platting authority and reported to the applicant. After approval a plat may be filed or recorded as otherwise provided by law.

Subd. 4. Restrictions on filing and recording conveyances. In a municipality in which subdivision regulations are in force and have been filed or recorded as provided in this section, no conveyance of land to which the regulations are applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after the effective date of Laws 1961, Chapter 626 or to an unapproved plat made after such regulations become effec-

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tive. The foregoing provision does not apply to a conveyance if the land described:

(1) was a separate parcel of record April 1, 1945 or the date of adoption of subdivision regulations under Laws 1945, Chapter 287, whichever is the later, or of the adoption of subdivision regulations pursuant to a home rule charter, or

(2) was the subject of a written agreement to convey entered into prior to such time,

(3) was a separate parcel of not less than two and one-half acres in area and 150 feet in width on the effective date of this Act or is a single parcel of land of not less than five acres and having a width of not less than 300 feet.

In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the platting authority may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded. Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this subdivision shall forfeit and pay to the municipality a penalty of not less than \$100 for each lot or parcel so conveyed. A municipality may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.

Subd. 5. Permits. Except as otherwise provided by this section all electric and gas distribution lines or piping, roadways, curbs, walks and other similar improvements shall be constructed only on a street, alley, or other public way or easement which is designated on an approved plat, or properly indicated on the official map of the municipality, or which has otherwise been approved by the governing body. When a municipality has adopted an official map, no permit for the erection of any building shall be issued unless the building is to be located upon a parcel of land abutting on a street or highway which has been designated upon an approved plat or on the official map or which has been otherwise approved by the governing body, and unless the buildings conform to the established building line. This limitation on issuing permits shall not apply to planned developments approved by the governing body pursuant to its zoning ordinance. No permit shall be issued for the construction of a building on any lot or parcel conveyed in violation of the provisions of this section.

Subd. 6. Variances. Subdivision regulations may provide for a procedure for varying the regulations as they apply to speci-

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fic properties where an unusual hardship on the land exists, but variances may be granted only upon the specific grounds set forth in the regulations.

Subd. 7. Vacation. The governing body of a municipality may vacate any publicly owned utility easement or boulevard reserve or any portion thereof, which are not being used for sewer, drainage, electric, telegraph, telephone, gas and steam purposes or for boulevard reserve purposes, in the same manner as vacation proceedings are conducted for streets, alleys and other public ways under a home rule charter or other provisions of law.

A boulevard reserve means an easement established adjacent to a dedicated street for the purpose of establishing open space adjacent to the street and which area is designated on the recorded plat as "boulevard reserve".

Subd. 8. Plat approval under other laws. Nothing in this section is to be construed as a limitation on the authority of municipalities which have not adopted subdivision regulations to approve plats under any other provision of law.

Sec. 9. [462.359] Procedure for plan effectuation; official maps. **Subdivision 1. Statement of purpose.** Land that is needed for future street purposes and as sites for other necessary public facilities and services is frequently diverted to non-public uses which could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained later only at prohibitive cost or at the expense of dislocating the owners and occupants of the land. Identification on an official map of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made which will make such adjustments difficult to accomplish.

Subd. 2. Adoption. After the planning agency has adopted a major thoroughfare plan and a community facilities plan, it may, for the purpose of carrying out the policies of the major thoroughfare plan and community facilities plan, prepare and recommend to the governing body a proposed official map covering the entire municipality or any portion thereof. The governing body may, after holding a public hearing, adopt and amend the official map by ordinance. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the municipality at least ten days prior to the date of the hearing. The official map or maps shall be prepared in sufficient detail to permit the establishment of the future acquisition lines on the ground. In unplatted areas a

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minimum of a centerline survey shall have been made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested to by a registered land surveyor. After adoption, a copy of the official map, or sections thereof with a copy of the adopting ordinance attached shall be filed with the register of deeds as provided in this act.

Subd. 3. Effect. After an official map has been adopted and filed, the issuance of building permits by the municipality shall be subject to the provisions of this section. Whenever any street or highway is widened or improved or any new street is opened, or interests in lands for other public purposes are acquired by the municipality, it is not required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit within the limits of the mapped street or outside of any building line that may have been established upon the existing street or within any area thus identified for public purposes. The adoption of an official map does not give the municipality any right, title, or interest in areas identified for public purposes thereon, but the adoption of the map does authorize the municipality to acquire such interests without paying compensation for buildings or structures erected in such areas without a permit or in violation of the conditions of a permit.

Subd. 4. Appeals. If a permit for a building in such location is denied, the board of appeals and adjustments shall have the power, upon appeal filed with it by the owner of the land, to grant a permit for building in such location in any case in which the board finds, upon the evidence and the arguments presented to it, (a) that the entire property of the appellant of which such area identified for public purposes forms a part cannot yield a reasonable return to the owner unless such a permit is granted, and (b) that balancing the interest of the municipality in preserving the integrity of the official map and of the comprehensive municipal plan and the interest of the owner of the property in the use of his property and in the benefits of ownership, the grant of such permit is required by considerations of justice and equity. In addition to the notice of hearing required by section 4, subdivision 2, a notice shall be published in the official newspaper once at least ten days before the day of the hearing. If the board of appeals and adjustments authorizes the issuance of a permit the governing body or other board or commission having jurisdiction shall have six months from the date of the decision of the board to institute proceedings to acquire such land or interest therein, and if no such proceedings are started within that time, the officer responsible for

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issuing building permits shall issue the permit if the application otherwise conforms to local ordinances. The board shall specify the exact location, ground area, height and other details as to the extent and character of the building for which the permit is granted.

Sec. 10. **[462.36] Certified copies filed with register of deeds.** Subdivision 1. **Required documents.** A certified copy of every ordinance, resolution, map, or regulation adopted under the provisions of sections 8 and 9 of this act and amendments thereto shall be filed with the register of deeds and of the county or counties in which the municipality adopting it is located. Ordinances, resolutions, maps or regulations filed with the register of deeds pursuant to this subdivision do not constitute encumbrances on real property.

Subd. 2. **Filing with contiguous planning authorities.** A copy of a comprehensive plan adopted by a planning agency under the provisions of this act shall be filed with the governing body of each contiguous municipality and with the regional planning agency, if any, established to serve the area in which the municipality is located.

Subd. 3. **Plat approval; filing.** Copies of resolutions approving subdivision plats of land within a municipality, but contiguous to another municipality shall be filed with the governing body of the contiguous municipality. Copies of resolutions approving subdivision plats of land outside a municipality but subject to its subdivision regulations shall be filed with the clerk of the town in which the land is situated.

Sec. 11. **[462.361] Judicial review.** Subdivision 1. **Review of action.** Any person aggrieved by an ordinance, rule, regulation, decision or order of a governing body or board of adjustments and appeals acting pursuant to this act may have such ordinance, rule, regulation, decision or order, reviewed by an appropriate remedy in the district court, subject to the provisions of this section.

Subd. 2. **Exhaustion of remedies.** In actions brought under this section, a municipality may raise as a defense the fact that the complaining party has not attempted to remedy his grievance by use of procedures available to him for that purpose under ordinance or charter, or under this act. If the court finds that such remedies have not been exhausted, it shall require the complaining party to pursue those remedies unless it finds that the use of such remedies would serve no useful purpose under the circumstances of the case.

Sec. 12. **[462.362] Enforcement and penalty.** A munic-

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ipality may by ordinance provide for the enforcement of ordinances or regulations adopted under this act and provide penalties for violation thereof. A municipality may also enforce any provision of this act or of any ordinance adopted thereunder by mandamus, injunction, or any other appropriate remedy in any court of competent jurisdiction.

Sec. 13. **[462.363] Present ordinances continued.** Except as otherwise provided in this act, valid ordinances and regulations now in effect shall continue in effect until amended or repealed.

Sec. 14. **[462.364] Repeal.** Minnesota Statutes 1961, Sections 412.221, Subdivision 29, 462.01 to 462.11, 462.18 to 462.23, 465.21 to 465.25 and 471.26 to 471.33 are repealed. Inconsistent special laws and general laws of special application are superseded by this act to the extent of inconsistency. Nothing in this act is to be construed to affect, alter or modify the provisions of Special Laws of 1887, Chapter 108, or Laws 1933, Chapter 93, or Laws 1963, Chapter 405.

Sec. 15. **Effective date.** This act is effective on January 1, 1966.

Approved May 22, 1965.

CHAPTER 671—S. F. No. 901

An act relating to firemen's relief associations; providing for distribution of the two percent fire insurance tax to certain nonprofit corporations; amending Minnesota Statutes 1961, Section 69.69.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1961, Section 69.69, is amended to read:

69.69 Firemen's relief associations; distribution of fire insurance; tax. Any nonprofit corporation *heretofore* organized *prior to the effective date of this act* and exclusively for fire fighting purposes, and having a retirement plan shall be considered to be a municipal fire department relief association for the purposes of receiving distributions of the fire insurance premium tax as provided in Minnesota Statutes, Chapter 69. Such nonprofit corporation shall

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