



## Chart of Urban and Non-Urban Town Powers

When a Township elects to become an urban township, it has access to three different types of powers:

1. Powers the township had before it became an urban township;
2. Powers the township had before it became an urban township but they required elector approval;
3. New powers that are enjoyed only by urban township.

This document is divided into three sections. The first section examines the urban township's powers that overlap with the powers of a non-urban township. The second section describes powers an urban township enjoys without voter approval, but which require elector approval for non-urban towns to exercise. The third section describes powers an urban township has that a non-urban township does not have.

This list is not exhaustive. There is not attempt here to inventory all town powers, nor attempt to find powers that can be combined to create equivalents to powers expressly granted. This chart is intended as a quick reference for attorneys and town officers who are interested in determining the potential benefits of assuming urban town powers, or who wish to find if a certain urban town power is available in their town. Specific legal questions should be directed to your attorney or to the Association of Townships.

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**I. OVERLAPPING POWERS THAT URBAN TOWNS AND NON-URBAN TOWNSHIPS SHARE.<sup>1</sup>**

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Description	Urban Town Power	Non-Urban Town Power
Acquire Property	“A town that has special powers under this section may acquire private property within or without its limits by eminent domain for any purpose for which it is authorized by law to take or hold property by purchase or gift. It may also acquire by eminent domain a right-of-way for sewerage or drainage purposes and an outlet for sewerage or drainage within or without its limits. The procedure shall be that prescribed by chapter 117.” Minn. Stat. § 368.01, subd. 27.	“Any town may exercise the power of eminent domain to acquire private property within or without the limits of the town for the purpose of carrying out the authority provided in this chapter, including obtaining the right-of-way for sewerage or drainage purposes and an outlet for sewerage or drainage within or without the town limits. Chapter 117 applies to the exercise of eminent domain under this section.” Minn. Stat. § 444.26, subd. 2.
Animals	“The town board may by ordinance regulate the keeping of animals, restrain their running at large, authorize their impounding and sale or summary destruction, establish pounds, and license and regulate riding academies.” Minn. Stat. § 368.01, subd. 13.	A township board, by ordinance, may license and regulate the presence or keeping of dogs or domestic animal pets. Minn. Stat. § 366.01, subd. 2.

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<sup>1</sup> Please note that this section is not intended to be an exhaustive list of township powers. Rather, it only compares those powers expressly given to urban townships in Minn. Stat. § 368.01 with similar or identical authority given to all towns under other laws. A comprehensive listing of all authority of townships is well beyond the scope of this document.

Board of Health	<p>“The town board may establish a community health board under section 145A.07, subdivision 2, with all the powers of a community health board under the general laws.” Minn. Stat. § 368.01, subd. 14(5)(b).</p>	<p>“A community health board may authorize a city or county within its jurisdiction to carry out activities to fulfill community health board responsibilities. An agreement to delegate community health board powers and duties to a county or city must be approved by the commissioner.” Minn. Stat. § 145A.07, subd. 2.</p>
Bonds	<p>“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.” Minn. Stat. § 366.095, subd. 2.</p>	<p>“Any town may issue bonds for the acquisition and betterment of town halls, town roads and bridges, nursing homes and home for the aged, and for the acquisition of equipment for snow removal, road construction or maintenance, and firefighting for the acquisition of the development rights in the form of conservation easements under chapter 84C, and for the acquisition and betterment of any buildings to house and maintain town equipment.” Minn. Stat. § 475.52, subd. 4.</p>

<p>Buildings and Building Codes</p>	<p>“The town board may by ordinance regulate the construction of buildings.” Minn. Stat. § 368.01, subd. 18</p>	<p>General zoning authority including “by ordinance regulated on the earth’s surface, in the air space above the surface, and in subsurface areas, the location, height, width, bulk, type of foundation, number of stories, size of buildings and other structures, the percentage of lots which may be occupied, the size of yards, and other open spaces ... The uses of buildings and structures for trades ...” Minn. Stat. § 462.357, subd. 1.</p> <p>Further, all Towns may adopt and administer state building code--Minn. Stat. § 326B.103.</p> <p>Hazardous buildings: Under Minn. Stat. § 463.151 "the governing body of any city or town may remove or raze any hazardous building or remove or correct any hazardous condition of real estate upon obtaining the consent in writing of all owners of record, occupying tenants, and all lien holders of record..."</p> <p>Under 463.16, the governing body of any city or town may order the owner of any hazardous building or property to correct or remove the hazardous condition of the building or property or to raze or remove the building.</p> <p>Under Minn. Stat. § 463.161, the town may correct or remove the hazardous condition or building and the cost of which shall be charged against the real estate as provided in 463.21—similar to special assessments.</p>
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Drains	Has the power to establish and maintain drains. Minn. Stat. § 368.01, subd. 3(2).	“The town board has the power of a drainage authority to repair a town drainage system located within the town.” Minn. Stat. § 103E.701, subd. 3.
Entertainment, Gambling	Has the power to, by ordinance, prevent license, and regulate circuses, theatrical performances, the keeping of billiard tables and bowling alleys. Minn. Stat. § 368.01, subd. 16(1). License, regulate, or prohibit gambling and gambling devices. Minn. Stat. § 368.01, subd. 16(2)-(3).	By ordinance, prohibit or license and regulate the keeping of billiard, pool and pigeonhole tables, games of amusement, games of skill,” in addition to “circuses, shows, theatrical performances.” Minn. Stat. § 366.01, subd. 2.
Hospital Board	Has the power to provide hospitals and create a hospital board to operate the hospital. Minn. Stat. § 368.01, subd. 8.	Any two or more townships may create a hospital. Minn. Stat. § 447.31, subd. 1. Each hospital district is governed by a hospital board. Minn. Stat. § 447.32, subd. 1.
Purchase Equipment	Has the power to issue certificates of indebtedness within debt limits to purchase fire, street construction and street maintenance equipment. Minn. Stat. § 368.01, subd. 23.	Issue bonds for the acquisition and betterment of town roads and bridges, and for the acquisition of equipment for road construction or maintenance and firefighting. Minn. Stat. § 475.52, subd. 4.
Sewage	Provide for and regulate the disposal of sewage. Minn. Stat. § 368.01, subd. 14(3) & (4)	To acquire, develop, construct, reconstruct, extend, and maintain storm and sanitary sewers and systems, including outlets, holding areas and ponds, treatment plants, pumps, lift stations, service connections, and other appurtenances of a sewer system, within and without the corporate limits. Minn. Stat. § 429.021, subd. (2).

Tourist Camps; Automobile Parking	Has the power to acquire, improve and operate tourist camps and automobile parking facilities. Minn. Stat. § 368.01, subd. 7.	“May establish and maintain public tourist camping grounds.” Minn. Stat. § 450.19.
Town Debt	The urban township board may issue certificates of indebtedness within debt limits to purchase police and ambulance equipment. Minn. Stat. § 368.01, subd. 23.	“Any town may issue bonds for the acquisition and betterment of town halls, town roads and bridges, nursing homes and home for the aged, and for acquisition of equipment for snow removal, road construction or maintenance, and fire fighting for the acquisition of the development rights in the form of conservation easements under Chapter 84C, and for the acquisition and betterment of any buildings to house and maintain town equipment.” Minn. Stat. § 475.52, subd. 4.  <i>Also See</i> Certificates of Indebtedness - Minn. Stat. § 366.095.
Violation of Ordinance	Has the power to declare that any violation of an ordinance is a penal offense and describe penalties for it, but these penalties may not exceed the penalties of a misdemeanor. Minn. Stat. § 368.01, subd. 22.	“Declare that a violation of an ordinance is a penal offense and prescribe penalties for violations.” <i>Also:</i> No penalty shall exceed that of a misdemeanor. Minn. Stat. § 366.01, subd. 10.

**II. OVERLAPPING POWERS OF URBAN TOWNS THAT NON-URBAN TOWNS ALREADY HAVE, THAT MUST BE CONSENTED TO BY THE ELECTORS**

Description	Urban Town Power	Non-Urban Town Power
Acquire Structures	Has the power to construct or acquire structures for town purposes. Minn. Stat. § 368.01, subd. 2.	<p>“[t]he electors may let the town board buy or build a town hall or other buildings for the use of the town.” Minn. Stat. § 365.10, subd. 6.</p> <p>The township board may enter contracts that are necessary to buy the building. Minn. Stat. § 365.14.</p>
Cemetery	Has the power to acquire cemetery ground and sell lots. Minn. Stat. § 368.01, subd. 5.	<p>“[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.” Minn. Stat. § 365.26, subd. 1. Minn. Stat. § 365.10 subd. 16 –Perpetual care fund</p>
Crime	Has the power to suppress vice and immorality, prevent crime, protect the public and private property, benefit the residence, trade and commerce, and the promotion of health, safety, order, convenience and general welfare by ordinance that are consistent with the laws of the United States. Minn. Stat. § 368.01, subd. 19.	The electors may grant the town board the authority to provide for: “(b) the suppression of vice and immorality; (c) the prevention of crime; (d) the protection of public and private property; (e) the benefit of residence, trade, and commerce; (f) the promotion of health, safety, order, and convenience, and (g) the general welfare.” Minn. Stat. § 365.10, subd. 17.
Fire Department	Has the power to establish a fire department and provide fire apparatus. Minn. Stat. § 368.01, subd. 9.	The electors, at a town meeting, may direct the town board to provide for fire protection and to keep up fire apparatus. Minn. Stat. § 365.15. The board can enter into any contracts to get, operate, and keep up the fire apparatus. Minn. Stat. § 365.16.

<p>Garbage Disposal</p>	<p>Has the power to provide for and regulate the disposal of garbage and other refuse. Minn. Stat. § 368.01, subd. 14(4).</p> <p>Urban towns with populations over 1,000 have an obligation to provide solid waste collection services. Minn. Stat. § 115A.941.</p>	<p>“The electors may let the town board find a way to collect and get rid of household wastes and other refuse.” Minn. Stat. § 365.10, subd. 15.</p> <p>A township may issue license to collect solid waste. Minn. Stat. § 115A.93, subd. (2).</p> <p>Towns with populations over 5,000 have an obligation to provide solid waste collection services. Minn. Stat. § 115A.941.</p>
<p>Parks</p>	<p>Has the power to establish, improve, ornament, maintain and manage parks, parkways and recreational facilities. Minn. Stat. § 368.01, subd. 24.</p>	<p>The electors may let the town board buy grounds for a public park, and care for and beautify the parks. Minn. Stat. § 365.10, subd. 8</p>
<p>Restrain Animals</p>	<p>Has the power to restrain animals running at large. Minn. Stat. § 368.01, subd. 13.</p>	<p>The electors may make orders to restrain the running of horses, cattle, sheep, swine, and other domestic animals from running at large on town roads. Also, they may make orders on the impounding of animals that are running at large. Minn. Stat. § 365.10, subd. (3).</p> <p>In addition, the electors may let the town board pass an ordinance for licensing dogs and cats, keeping them from running at large. Minn. Stat. § 365.10, subd. (13).</p> <p>Finally, the electors may decide to establish a pound and where it will be located. Minn. Stat. § 365.10, subd. 1(a).</p>

<p>Roads</p>	<p>Has the power to open, pave, change, widen, grade, repair and maintain roads. Minn. Stat. § 368.01, subd. 3(1).</p>	<p>“[t]he electors may let the town board, by resolution, determine whether to open, or maintain town roads.” Minn. Stat. § 365.10, subd. 11.</p> <p>In addition, “[t]he electors may vote money to repair and build roads and bridges.” Minn. Stat. § 365.10, subd. 4.</p>
<p>Snow and Ice Removal</p>	<p>Has the power to require real estate owners to remove snow and ice. Minn. Stat. § 368.01, subd. 3.</p>	<p>At the annual township election, the board may submit to the electors a vote if they should require property owners to remove snow and ice off an adjacent town road or right of way. Minn. Stat. § 366.016, subd. (1).</p>
<p>Water Supply</p>	<p>Regulate, by ordinance, wells and other means of water supply. Minn. Stat. § 368.01, subd. 6.</p>	<p>“Any municipality may build, construct, reconstruct, repair, enlarge, improve, or in any other manner obtain facilities, and maintain and operate the facilities inside or outside its corporate limits, and acquire by gift, purchase, lease, condemnation, or otherwise any and all land and easements required for that purpose. The authority hereby granted is in addition to all other powers with reference to the facilities otherwise granted by the laws of this state ...” Minn. Stat. § 444.075 (also defining towns as municipalities). See also Minn. Stat. § 471.371.</p>

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### III. POWERS THAT ARE NEW TO A TOWNSHIP WHEN A TOWNSHIP ELECTS TO BECOME AN URBAN TOWN

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When a town becomes and urban town, the board is given a set of powers that can be exercised without elector approval:

Description	Urban Town Powers	Non-Urban Town Powers
Canals, Sewers	Establish and maintain canals, and sewers. Minn. Stat. § 368.01, subd. 3(2).	Non-urban townships have power to create sewer systems under Minn. Stat. § 429.021, subd. 1(2).
Dead Bodies	Regulate by ordinance the disposal of dead bodies. Minn. Stat. § 368.01, subd. 5.	No such power exists for Non-urban towns.
Economic Development	Contributions to regional or local organizations. A home rule or statutory city or town described in section 368.01, subdivision 1 or 1a, may appropriate not more than \$50,000 annually out of the general revenue fund of the jurisdiction to be paid to any incorporated development society or organization of this state for promoting, advertising, improving, or developing the economic and agricultural resources of the city or town. Minn. Stat. § 469.191.  Urban Towns may also exercise other economic development authority under Minn. Stat. §469.152 et. seq.	No such power exists for non-urban towns.
Nuisances	Define nuisances and provide for their prevention or abatement. Minn. Stat. § 368.01, subd. 15.	No such power exists for non-urban towns.
Protect Foliage	Regulate by ordinance the protection of trees and shrubs in the town. Minn. Stat. § 368.01, subd. 4.	Similar authority may be granted to a non-urban town by the electors at the annual meeting Minn. Stat. §365.10, subd. 17.

Public Utilities and Improvements	Minn. Stat § 429.011, subd. 2 includes urban towns in the list of towns have full municipal powers.	Note that Minn. Stat. § 429.011 subd. 2b provides various powers to non-urban towns as well, and, by references to Minn. Stat. § 429.021, incorporates many of the traditional public works projects typically undertaken by towns.
Regulate Grounds	Regulate the street and public grounds by ordinance to prevent encumbrances. Minn. Stat. § 368.01, subd. 3.	Similar authority may be granted to a non-urban town by the electors at the annual meeting Minn. Stat. §365.10, subd. 17.
Restrain Merchants	Restrain or license and regulate auctioneers, transient merchants and dealers, hawkers, peddlers, solicitors, and canvassers. Minn. Stat. § 368.01, subd. 11.	Similar authority may be granted to a non-urban town by the electors at the annual meeting Minn. Stat. §365.10, subd. 17.
Riding Academies	License and regulate riding academies. Minn. Stat. § 368.01, subd. 13.	Similar authority may be granted to a non-urban town by the electors at the annual meeting Minn. Stat. §365.10, subds. 3 and 17.
Sidewalks	Lay, repair or improve sidewalks, paths, and cross walks. Minn. Stat. § 368.01, subd. 3(4).	
Slaughterhouses	By ordinance, regulate slaughterhouses and prevent unwholesome substances from being brought into the township. Minn. Stat. § 368.01, subds. 14(1) & (2).	Similar authority may be granted to a non-urban town by the electors at the annual meeting Minn. Stat. §365.10, subd. 17.
Taxicabs	Regulate taxicab drivers by ordinance. Minn. Stat. § 368.01, subd. 12.	Similar authority may be granted to a non-urban town by the electors at the annual meeting Minn. Stat. §365.10, subd. 17.

Town Streets	Rename or renumber the town streets by ordinance. Minn. Stat. § 368.01, subd. 10.	Although no clear statutory authority exists to do so, non-urban towns may change street names through resolution, rather than ordinance as required in urban towns.
Town Management	Create departments and advisory boards and appoint town officers, employees, and agents for the management of town affairs. Minn. Stat. § 368.01, subd. 20.	General powers to employ are found throughout the statutes. See, for example, Minn. Stat. Chap. 353.
Vacation	By resolution vacate all or part of any street, alley, public ground or way on its own motion or by motion by the majority of the owners of the land abutting the street alley, public grounds, public way, or part or be vacated. Minn. Stat. § 368.01, subd. 25.	Only upon petition (Minn. Stat. §164.07) or abandonment (Minn. Stat. §164.06).
Water Obstructions	Provide for the cleaning and removal of obstructions from waters. Minn. Stat. § 368.01, subd. 14(5).	No such power exists for non-urban towns.
Water Courses	Alter, widen, or straighten water courses. Minn. Stat. § 368.01, subd. 3(3).	No such power exists for non-urban towns.