

Classification of Cities

Cities in Minnesota are classified by population for legislative purposes. This information brief explains the classifications and provides a breakdown of the number of cities and people within each class.

Contents

Statutory Basis for Classification of Cities by Population.....	2
Cities in Each Classification	2
Classification and Statutory or Home Rule Charter Cities	3
Reasons for Classifications	4
How Classification by Population is Used.....	5
The Law’s Applicability	6

Statutory Basis for Classification of Cities by Population

Cities are classified by population under [Minnesota Statutes, section 410.01](#). Cities are divided, for legislative purposes, into four classes.

First class: Cities with more than 100,000 inhabitants. Once a city is in the first class, it is not reclassified unless its population decreases by 25 percent from the census figures that last qualified the city as first class.

Second class: Cities with a population between 20,001 and 100,000

Third class: Cities with a population between 10,001 and 20,000

Fourth class: Cities with not more than 10,000 inhabitants

Changes in classification take effect upon the filing of certified copies of the federal decennial census in the office of the secretary of state.

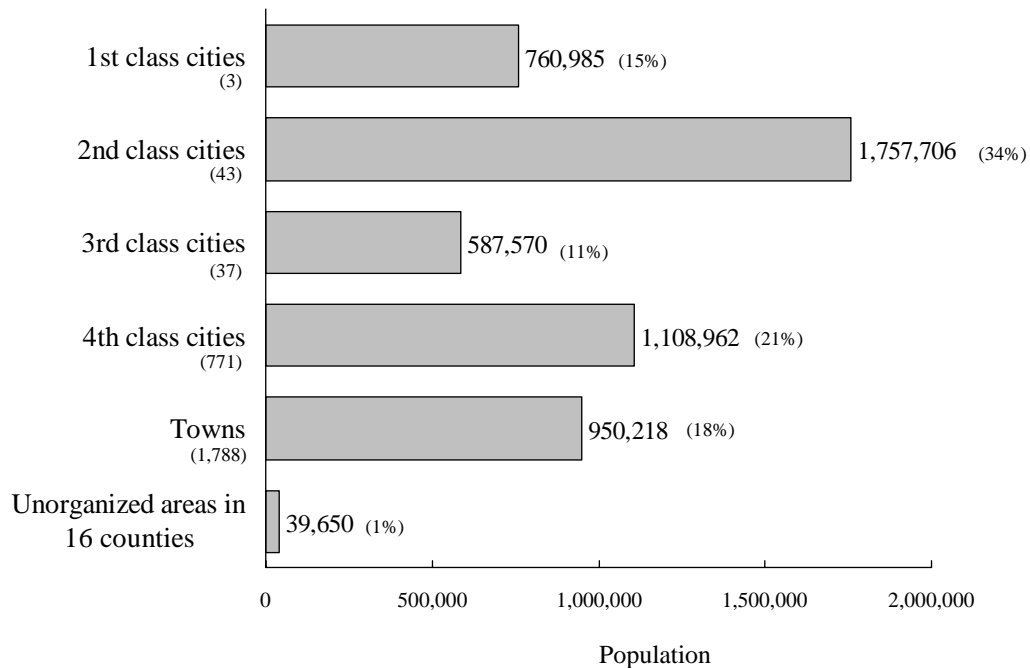
Cities in Each Classification

In Minnesota, there are three first-class cities (Minneapolis, St. Paul, and Duluth), 43 second-class cities, 37 third-class cities, and 771 fourth-class cities, for a total of 854 cities.

Despite having a population of less than 100,000, Duluth remains a first-class city because of the language in the statute, added in 1978, that provides that “once a city is defined to be of the first class, it shall not be reclassified unless its population decreases by 25 percent from the census figures which last qualified the city for inclusion in the class.” Duluth was last over 100,000 in the 1970s; the 1970 census for Duluth was 100,578. The state demographer’s 2005 population estimate for Duluth was 85,889.

Based on 2005 estimates, Rochester is the most populous second-class city at 97,191, with Bloomington close behind at 84,347.

The state's total population of 5,205,006 (2005 estimate) is distributed among these classifications of cities, and in towns or unorganized areas as follows:



Note: Based on 2005 population estimates on the state demographer's web site, adjusted to reflect the incorporation of two townships and the merger of two fourth-class cities since the estimates were made; city classification according to 2000 census.

There are 508 cities with populations of less than 1,000, and 713 cities with populations of less than 5,000. There are 222 townships with a population over 1,000.

The population ranges for classes of cities in the statute have been the same since 1959, when the constitutional provision for city classification by population was repealed and enacted as a statute instead. Prior to that, between 1896 and 1959, first-class cities were those with a population of 50,000 or more.

Classification and Statutory or Home Rule Charter Cities

Within each class, a city may be a statutory city, organized and operating under state statutes, or a home rule charter city, organized and operating as provided in the charter approved by the voters of the city. The following table shows the numbers and populations of statutory cities and home rule charter cities.

Number and Population of Cities by Type

	Statutory Cities		Home Rule Charter Cities		Totals
	Number	2005 population	Number	2005 population	
1st class	0	0	3	760,985	3
2nd class	22	833,622	21	924,084	43
3rd class	14	217,957	23	369,613	37
4th class	711	871,326	60	237,636	771
Total	747	1,922,905	107	2,292,318	854

Some powers given to statutory cities may be available to home rule charter cities whatever their classification.

Reasons for Classifications

Classification of cities by population was originally a way to avoid running afoul of the state constitutional prohibition against special legislation by enacting a general law that applied to specific cities.¹ From 1892 to 1958, the state constitution prohibited special legislation, including special legislation for local governments. Laws relating to local governments had to be general laws. However, as the courts explained, a law was not special just because it applied to a specific class of cities. Looking at challenged laws on a case-by-case basis, the courts said that a law that may look special could be general and vice versa. The courts also said that there may be a class of one.²

In order to determine if a classification is justified and constitutional, the court has applied a three-part rational-basis test. A classification is proper if:

- “the classification applies to and embraces all who are similarly situated with respect to conditions or wants justifying appropriate legislation;
- the distinctions are not manifestly arbitrary or fanciful but are genuine and substantial so as to provide a natural and reasonable basis justifying the distinction; and
- there is an evident connection between the distinctive needs peculiar to the class and the remedy or regulations therefor which the law purports to provide.” *In re Tveten*, 402 N.W.2d 551, 558-559 (Minn. 1987) (citations omitted)

Even though use of classification schemes helped, soon after adoption of the 1892 prohibition against local law, it was evident that it was too harsh of a restriction for local governments who desired specific authority that could not be met through enactment of general law. The state constitution was amended again in 1896 to classify cities by population. The classification

¹ Classification did not apply to villages or boroughs, which were made into statutory cities in the 1970s.

² For more information on special legislation, see House Research, *Special Legislation*, September 2006.

scheme was also enacted in statute in 1905. As the state supreme court described it, the constitutional classification by population gave the legislature the power to enact legislation relating to cities of a class, alleviating the harshness of the local law prohibition. The legislature was always free to use additional classification however, to further limit the application of a law as long as the additional classification was germane and reasonable. *Leighton v. City of Minneapolis*, 222 Minn. 516, 519 to 521, 25 N.W.2d 263 (1946) (accepting as general law legislation that related to a city of the first class with a population over 450,000, effectively limiting the application of the law to Minneapolis).

In 1958, the Minnesota Constitution was amended to allow special legislation relating to local government (and the constitutional classification of cities by population was repealed, leaving the statutory classification). Under the state constitution, however, “a special law, unless otherwise provided by general law, shall become effective only after its approval by the affected unit expressed through the voters or the governing body and by such majority as the legislature may direct.” [Minn. Const. art. XII, § 2.](#)

Today, classifications are primarily for legislative convenience. Classification may also be used on occasion to enact a general law that does not need local approval in order to impose a requirement or duty on a local government.

How Classification by Population is Used

There are several ways that classification by population is used. Here are a few examples:

To bring cities under a law as they reach the threshold population.

This would appear to be the most basic application of the classification scheme. Statutes written to apply to cities of a particular class are authorized or required to do something that is related to their ability or needs as they reach a certain population.

To limit the application of a law.

There are many laws (coded and uncoded) that were enacted referring to, for example, a city of the first class *with a population over a certain number*. As discussed above, this is the type of law that could be viewed as general but relates to just one or a very few cities. In this case, the intent is probably not to bring in other cities as they reached the threshold population.

To describe the area in which something must or may be done.

Unlike classifications that relate to a city’s powers or duties, this could affect a nongovernmental entity. For example, [section 65A.28](#) requires insurers writing homeowner’s policies for property in the metropolitan area or in a city of the first class to compile and file an annual report to the commissioner of commerce about the number of policies written, canceled, nonrenewed, and the number of applications declined. (The law goes on to allow the commissioner to make similar requirements for other parts of the state.) This has no direct bearing on the powers and duties of the city but, rather, affects a private entity in a city of a particular classification.

For descriptive or administrative uses.

Classifications are also used descriptively or administratively to provide information on different types of cities. An example of this is the state auditor's annual reports.

The Law's Applicability

A final caveat: there are some laws written to apply only to cities of one class but then there will be another law allowing the same, or substantially the same, thing for cities of another class. For example, under [Minnesota Statutes, section 374.01](#), in a county with a city of the first class, the county and city can together build and use a courthouse/city hall. [Section 374.25](#) allows any other city and county to do the same thing.

For more information about cities, visit the local and metropolitan government area of our web site, www.house.mn/hrd/issinfo/gv_local.htm.