

## Overview

Cities in Minnesota are classified by population for legislative purposes. This publication explains the classifications and provides a breakdown of the number of cities and people within each class. Classification is based on the federal decennial census. The population information for cities within classes is based on the most recent estimates. This publication also explains the legal rationale for and the purpose and history of classifying cities.

## 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 every ten years upon the filing of certified copies of the federal decennial census in the Office of the Secretary of State.

## Cities in Each Classification

Based on the 2010 federal decennial census, there are four first-class cities (Minneapolis, St. Paul, Rochester, and Duluth), 51 second-class cities, 40 third-class cities, and 758 fourth-class cities, for a total of 853 cities.

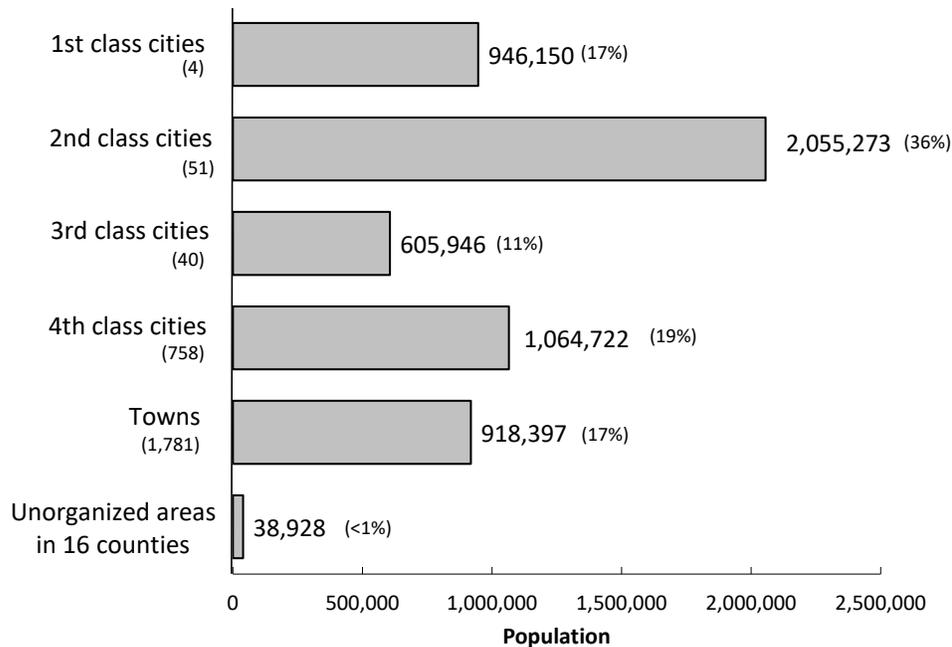
Despite having a population of less than 100,000, Duluth remains a first-class city because of the language in the statute, added in 1978, that provides that “once a city is defined to be of the first class, it shall not be reclassified unless its population decreases by 25 percent from the census figures 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 2010 census for Duluth is 86,265.

The population ranges for classes of cities in the statute have been the same since 1959, when the voters repealed the constitutional provision for city classification by population and the

legislature enacted classification as a statute instead. Prior to that, between 1896 and 1959, first-class cities were those with a population of 50,000 or more.

## Population by Type of Local Government and Class

As of the state demographer's 2018 estimates, the state's total population is 5,629,416 and is distributed among these classifications of cities, and in towns or unorganized areas as follows:



Note: Based on 2010 census and 2018 estimates data from the state demographer's website, <http://mn.gov/admin/demography>

There are 498 cities with populations of less than 1,000, and 705 cities with populations of less than 5,000. There are 219 towns with a population over 1,000.

## 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. Some powers given to statutory cities may be available to home rule charter cities whatever their classification.<sup>1</sup> The following table shows the number and population of statutory cities and home rule charter cities within each class.

<sup>1</sup> [Minn. Stat. § 410.33](#) "If a city charter is silent on a matter that is addressed for statutory cities by chapter 412 or other general law and general law does not prohibit a city charter from addressing the matter or expressly

### Number and Population of Cities by Type

Statutory Cities					Home Rule Charter Cities		
	2010 Number	2010 Population	2018 Number	2018 Estimated Population	Number	2010 Population	2018 Estimated Population
<b>1<sup>st</sup> Class</b>					4	860,680	946,150
<b>2<sup>nd</sup> Class</b>	27	969,676	27	1,055,193	24	932,084	1,000,080
<b>3<sup>rd</sup> Class</b>	20	259,823	20	284,174	20	303,522	321,772
<b>4<sup>th</sup> Class</b>	700	786,227	699	835,096	59	226,845	229,626
<b>Total</b>	747	2,015,726	746	2,174,463	107	2,323,131	2,497,628

## Changes Since 2000

Twenty-two cities changed classification from the 2000 census to the 2010 census. For these cities, there may be laws that no longer apply to them and other laws that now do apply to them.<sup>2</sup>

One second-class city became a first-class city—Rochester.

Nine cities changed from third-class cities to second-class cities.

Twelve cities changed from fourth-class cities to third-class cities.

Between the 2000 census and the 2010 census, three cities incorporated, two cities merged or consolidated with other cities, and one city dissolved, leaving the total number of cities the same.

Since the 2010 census, the city of Tenney in Wilkin County dissolved, Rice Lake in St. Louis County incorporated, and Thomson and Carlton in Carlton County consolidated (now named “Carlton”), resulting in one less fourth-class city.

Based on the 2018 estimates with the 2020 census, it is likely that four cities will go from third-class to second-class cities, and two cities will go from fourth-class to third-class cities.

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provide that a city charter prevails over general law on the matter, then the city may apply the general law on the matter.”

<sup>2</sup> See the last section of this publication for a few examples of the many laws that apply only to certain classes of city.

## 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.<sup>3</sup> 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.<sup>4</sup>

In order to determine if a classification is justified and constitutional, the Minnesota Supreme 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 therefore 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 legislature also enacted the classification scheme 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 at that time).

In 1958, the voters approved an amendment to the Minnesota Constitution 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

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<sup>3</sup> Classification did not apply to villages or boroughs, which were made into statutory cities in the 1970s.

<sup>4</sup> For more information on special legislation, see House Research, Special Legislation.

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](#).

## 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 authorize or require those cities to do something that is related to their ability or needs as they reach a certain population.

However, sometimes a law is 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.

### **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.

### **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 with 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.

### **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.



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