

## **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.

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## 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

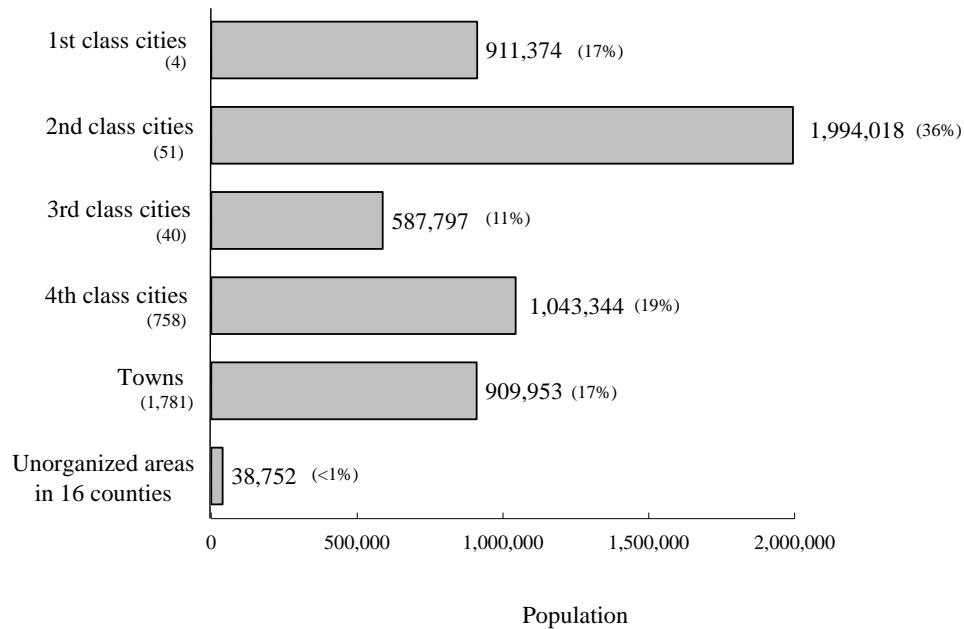
Changes in classification take effect upon the filing of certified copies of the federal decennial census in the Office of the Secretary of State.

## Cities in Each Classification

As of the 2010 federal decennial census, there were four first-class cities (Minneapolis, St. Paul, Rochester, and Duluth), 51 second-class cities, 40 third-class cities, and 759 fourth-class cities, for a total of 854 cities. As of 2016, there are 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.

As of the 2015 estimates, the state's total population is 5,485,238 and is distributed among these classifications of cities, and in towns or unorganized areas as follows:



Note: Based on 2010 census and 2015 estimates data from the state demographer's website, <http://mn.gov/admin/demography>

There are 495 cities with populations of less than 1,000, and 705 cities with populations of less than 5,000. There are 213 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 within each class.

### Number and Population of Cities by Type

	Statutory Cities				Home Rule Charter Cities		
	2010 Number	2010 Population	2015 Number	2015 Estimated Population	Number	2010 Population	2015 Estimated Population
<b>1st Class</b>					4	860,680	911,374
<b>2nd Class</b>	27	969,676	27	1,020,587	24	932,084	973,431
<b>3rd Class</b>	20	259,823	20	272,673	20	303,522	315,124
<b>4th Class</b>	700	786,227	699	814,877	59	226,845	228,467
<b>Total</b>	<b>747</b>	<b>2,015,726</b>	<b>746</b>	<b>2,108,137</b>	<b>107</b>	<b>2,323,131</b>	<b>2,428,396</b>

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

## Changes from 2000 to 2010

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.

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 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, resulting in one less city in total.

## 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>1</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>2</sup>

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 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 classification 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.

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

<sup>2</sup> For more information on special legislation, see House Research, [Special Legislation](#).

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.

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. 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.

### *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.

*For more information about cities, visit the local and metropolitan government area of our website, [www.house.mn/hrd/](http://www.house.mn/hrd/).*