

period commencing on January 1st, 1918; after January 1st, 1919, the fee for the remaining two years of said triennial period shall be three dollars and fifty cents (\$3.50); on and after January 1st, 1920, the fee for the remaining one year of said triennial period shall be two dollars (\$2.00) for each motor vehicle; no license for registering a motor vehicle shall be issued for less than two dollars (\$2.00); and the fee for registering manufacturers and dealers referred to under section 2629, General Statutes for 1913, shall be twenty dollars (\$20.00) for each manufacturer or dealer for the full triennial period, extra tags to be furnished for one dollar (\$1.00) per set. For each triennial period commencing with January 1st, 1921, the above schedule of license fees shall be in effect.

Approved March 16, 1915.

CHAPTER 34—S. F. No. 132.

An Act authorizing any city of this state now or hereafter owning and operating an electric light and power plant, and having a population of ten thousand (10,000) inhabitants, or less, to dispose of surplus electricity to private consumers outside of the corporate limits of such city.

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

Section 1. Disposition of surplus electricity by cities of population of 10,000 or less.—Any city of this state now or hereafter owning and operating an electric light and power plant for the production and distribution of electricity, and now or hereafter having a population of ten thousand (10,000) inhabitants, or less, shall be authorized and empowered to dispose of any surplus electricity so produced to private consumers desiring the same residing outside the corporate limits of said city, at such rates and upon such terms as the city council, or other governing body of such city, may deem proper.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1915.

CHAPTER 35—S. F. No. 152.

An Act to amend Chapter 312 of the General Laws of 1903, as amended by Chapter 141 of the General Laws of 1907; Chapter 364 of the General Laws of 1909; Chapter 385 of the General Laws of 1909 and Chapter 396 of the General Laws of 1913, authorizing cities having a population of 10,000 or less and all villages and boroughs of this state, whether organized under the General Laws

or under a special law, to establish and maintain a general system of sewers, and to maintain, alter, relay, and extend any existing system of sewers and to provide for the cost thereof and to create sewer districts within the limits of such cities, villages or boroughs.

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

Section 1. Certain chapters of preceding session laws amended.—That Chapter 312 of the General Laws of 1903 as amended by Chapter 141 of the General Laws of 1907; Chapter 364 of the General Laws of 1909. Chapter 385 of the General Laws of 1909 and Chapter 396 of the General Laws of 1913 be and the same is hereby amended so as to read as follows :

Sec. 2. Cities, villages and boroughs given power to maintain and extend sewer systems.—In any city of this state having a population of ten thousand (10,000) or less, and in all villages and *boroughs* of this state, whether organized under the General Laws or a special law, the city, village or *borough* council shall have power to maintain and extend any existing sewer system, to relay, alter or extend any existing sewer system and to establish and maintain a general system of sewers, and to create sewer districts, and change, diminish or enlarge the boundaries thereof from time to time.

Sec. 3. Classification of general and district sewer systems.—The city, village or *borough* council may at any time establish a general sewer system, and may classify sewers as general, district, joint-district and lateral. General sewers shall be the designation of such large sewers as shall be common to the entire city, village or *borough* or used as outlets for district or joint-district sewers, and shall not include those which may or shall be constructed for the immediate draining of any particular district. District sewers shall be the designation of all main sewers laid for the immediate draining of a particular sewer district. Joint district sewers shall be the designation of such large sewers as may be laid through or be used jointly by two or more sewer districts between a district sewer and a general sewer or independently of general sewers, and for all purposes of construction, maintenance, repairing and taxation or providing for the cost therefor, shall be treated as though in a single district. Lateral sewers shall be the designation of all sewers of whatever size, capacity or length, which may be constructed to drain any portion of a sewer district directly into any district, joint district or general sewer. Sewer districts shall be wherever practicable laid out to include any particular portion of the city, village or *borough*, which may be drained entirely by itself, or which may be first drained by itself and then through connection with a general sewer.

Sec. 4. Location of sewers.—All general, district and joint-district sewers shall be laid when practicable, in public grounds, streets or alleys. Whenever it shall be necessary in the judgment of the city, village or *borough* council to lay and maintain any general, district, joint district, or lateral sewer in or through other than public lands, the city, village or *borough*, may acquire the right thereto by purchase, or by condemnation under the right of eminent domain.

Sec. 5. Council to adopt ordinance.—No action shall be taken for the extension of any existing sewer nor for the construction of an entire or partial system, except upon the adoption of an ordinance or resolution by a majority vote of all the members of the city, village or *borough* council. The creation of sewer districts and the alteration of the boundaries thereof shall be by ordinance, and the council may at all times cause inspections, surveys, plans and profiles to be made by the city, village or *borough* engineer, or other competent engineer to be selected by the city, village or *borough* council, and reported to the city, village or *borough* council for its guidance in determining the form and extent of any sewer district to be created, enlarged or diminished; and such sewer districts shall be consecutively numbered.

Sec. 6. To be paid out of sewer or general revenue fund.—The cost of constructing a general sewer shall be paid out of the sewer fund, if any, or, if there is no sufficient sewer fund, then out of the general revenue fund of the city, village or *borough*.

Sec. 7. Spreading of assessment for payment of costs of construction.—The cost of constructing every district sewer may be assessed against all the land in the sewer district subject to assessment for local improvements, without regard to cash valuation, and each lot, piece or parcel of land in the district so subjected to assessment shall be assessed in the ratio of the square feet area to the total assessable area of the whole sewer district.

Sec. 8. Assessment may be spread in all sewer districts.—The cost of constructing every joint district sewer may be assessed against all the land in the two or more sewer districts which it drains, and for that purpose all of the districts so drained by any joint district sewer shall be treated as one district, and the same plan, method and means employed as in assessing for the cost of a district sewer.

Sec. 9. Cost of construction, lateral sewers, may be assessed against land abutting thereon.—The entire cost of constructing all lateral sewers may be assessed against every lot, piece or parcel of land abutting thereon, subject to assessment for local improvement at an equal sum per front foot without regard to cash valuation.

Sec. 10. Estimate of cost to be furnished by competent engineer.—Whenever the city, village or *borough* council shall determine by ordinance or resolution to alter, repair, relay or extend any existing sewer, or to construct any new sewer, the cost thereof shall be estimated by the city, village or *borough* engineer or some other competent engineer to be selected by the city, village or *borough* council, who shall draw plans and specifications and tabulate the results of his estimate of the cost, and report the same to the city, village or *borough* council; and such plans and specifications shall be filed with the clerk or recorder of such city, village or *borough* before any proposals for bids for work thereunder shall be advertised, and shall remain on file, open to the inspection of all persons until after the contract for such work shall be let and copies of such plans and specifications shall be furnished by the engineer who shall prepare the originals, to any person applying therefor, at a cost of seventy-five cents per hour for the time necessarily employed in making such copies.

Sec. 11. Proposals for bids.—The city, village or *borough* council shall then cause proposals for bids for such work to be advertised in the official paper of the city, village or *borough*, and in a newspaper at the capital of the state, at least once in each week for three successive weeks, which advertisement shall specify the work to be done and shall call for bids upon a basis of cash payment for the work, and shall state the time within which bids will be received and the exact time at which the same will be opened for consideration by the city, village or *borough* council. No bid shall be considered unless the same shall be accompanied by a cash deposit or duly certified check payable to the order of the treasurer of the city, village or *borough* for at least fifteen per cent of the amount bid, and be directed to the clerk or recorder of the city, village or *borough*, securely sealed, so as to prevent its being opened without detection, and be indorsed upon the outside wrapper with a brief statement or summary as to the work for which the bid is made. In letting contracts for any such work it shall be the duty of the city, village or *borough* council to require the execution of a written contract and a bond in such sum as the city, village or *borough* council may require, conditioned for the faithful performance of the contract and for saving the city, village or *borough* harmless from any and all liability in the prosecution and completing of the work. The city, village or *borough* council, if a contract is awarded, shall award the same to the lowest responsible bidder. If any bidder to whom such contract is awarded shall fail to enter promptly into such written contract and to furnish such bond, then such defaulting bidder shall forfeit to the city, village or *borough* the amount of his cash deposit or certified check, and the city, village or *borough* council may thereupon award the contract to the next lowest

responsible bidder; provided the city, village or *borough* council shall have the right to reject all bids, and provided further, that whenever the estimates made for the city, village or *borough* council for the entire work projected shall be less than five hundred dollars, then the city, village or *borough* council, may directly purchase the materials therefor and cause the work to be done by day labor. Every contract awarded under this act shall be made between the city, village or *borough* as one party, in the name of the city, village or *borough*, and the successful bidder as the other party, and such contract shall be executed on the part of the city, village or *borough* by the mayor or executive officer thereof and countersigned by the clerk or recorder of said city, village or *borough*, with the corporate seal of the city, village or *borough* affixed, and an attested copy thereof shall be filed and remain in the office of the clerk or recorder of the city, village or *borough*.

In every contract executed under this act, whether or not so stated therein, there shall be reserved the right of the city, village or *borough* council to have the work supervised by the city, village or *borough* engineer or other person, and in case of improper construction or unreasonable delay in the prosecution of the work by the contractor, to order and cause suspension of the work at any time and to relet the contract therefor or to order a reconstruction of any portion of the work improperly done, or where the remaining work to be done or the work of reconstruction to be made shall call for an expenditure of less than five hundred dollars to complete the work or reconstruction by the employment of day labor.

Sec. 12. Allowance of estimates.—In case the contractor to whom any such contract may be let shall properly perform the work therein designated, the city, village or *borough* council may, from time to time, before the completion of the work, in its discretion, pay to such contractor eighty (80) per cent of the amount already earned thereunder upon the estimate of the city, village or *borough* engineer or other competent engineer selected by the city, village or *borough* council.

Sec. 13. Engineer to furnish amount for special assessment.—Whenever any work or improvement provided for by this act shall have been determined upon and a contract let therefore, the city, village or *borough* engineer, or other competent engineer selected by the city, village or *borough* council, shall forthwith calculate the proper amount to be specially assessed for such district, joint district and lateral sewers against every assessable lot, piece or parcel of land within the sewer district affected, without regard to cash valuation, in accordance with the provisions of sections seven, eight and nine of this act.

Provided, that no property shall be especially assessed for the cost of a sewer in excess of the cost of a sewer eighteen inches in diameter, and that whenever any district, joint district or lateral sewer of larger diameter than eighteen (18) inches shall be laid, or relaid, the cost thereof in excess of the estimated cost of a like sewer eighteen (18) inches in diameter shall be paid out of the sewer fund, if any, or in case there is no sufficient sewer fund, then out of the general revenue fund of the city, village or *borough*.

Provided further, that in calculating the special assessment for any district sewer or joint district sewer, the cost of laying or relaying such sewer in any public ground, street or alley; and all catch basins, manholes, lamp holes and flushing valves and tanks shall be taken as a part of such district sewer or joint district sewer and to be paid for by such special assessment.

And provided further, that private owners may lay, relay or extend any lateral sewer through any public ground, street or alley and connect the same with any general, district or joint district sewer, upon permission granted by a majority of the city, village or *borough* council, and that any private owner alone, or two or more owners jointly, may lay, relay or extend lateral sewers through private ground pursuant to rights acquired therefor by agreement or purchase from any private owner or owners. In the event that any private owner alone or jointly with others lay, relay or extend any such lateral sewer through public ground, the city, village or *borough* shall not be or become in any manner or in any respect liable for any act or negligence involved therein.

When such engineer shall have finished his calculation of the amount to be specially assessed, as aforesaid, against each lot, piece or parcel of land in the sewer district affected, he shall at once prepare and file with the clerk or recorder of the city, village or *borough* tabulated statements in duplicate, showing the proper description of each and every lot, piece or parcel of land to be specially assessed and the amount he has calculated against the same, and such statement shall be the basis of the assessment and be known as the proposed assessment to be made by the city, village or *borough* council, as hereinafter prescribed, and shall be laid before the city, village or *borough* council for its approval at its next regular meeting, to be held not less than ten (10) days thereafter. The clerk or recorder of the city, village or *borough* shall thereupon cause notice of the time and place when and where the city, village or *borough* council will meet in regular session, to pass upon such proposed amendment, to be published in the official paper of the city, village or *borough* at least ten (10) days prior to such meeting of the city, village or *borough* council.

During all the time between the filing of such proposed assessment with the clerk or recorder of the city, village or *borough* and such meeting of the city, village or *borough* council, such proposed assessment shall be open to inspection and copying by all persons interested.

At such meeting of the city, village or *borough* council, all persons aggrieved by such proposed assessment may appear before the city, village or *borough* council and present their reasons why such proposed assessment or any particular item thereof should not be adopted, and the city, village or *borough* council shall hear and pass upon all objections thereto, if any, and may alter, or affirm and adopt such proposed assessment as shall be deemed just in the premises, and upon the adoption by resolution of such proposed assessment the same shall be certified by the clerk or recorder of the city, village or *borough* and filed in his office, and shall thereupon be and constitute the special assessment. The amounts assessed against each lot, piece or parcel of land by such special assessment shall bear interest from the date of the adoption of such special assessment until the same have been paid, the rate of interest to be designated by a resolution of the city, village or *borough* council at the time of the adoption of such special assessment but not to exceed six per cent (6%) per annum, and such special assessment, with the accruing interest thereon, shall be a paramount lien upon the property included therein from the time of the adoption of such assessment by the city, village or *borough* council, and shall remain such lien until fully paid, and shall have precedence over all other liens, except general taxes, and as to such shall be concurrent, and shall not be divested or impaired by any judicial sale, and no mistake in the description of the property or in the name of the owner shall invalidate the lien.

The city, village or *borough* council, may at any time by resolution direct the clerk or recorder of the city, village or *borough* to make up and file in the office of the County Auditor a certified statement of the amount of all such unpaid assessments and the amount of interest which will be due thereon on the first day of January of the following year, and the clerk or recorder of said city, village or *borough* shall within twenty (20) days thereafter make up and file such certified statement in the office of the auditor of the county, which statement shall also contain a description of the lands affected by the assessment. Such resolution may also direct that such special assessment shall be payable in equal annual installments, not exceeding ten, and payable on the first day of January of each year, each of said installments to bear interest at the rate hereinbefore provided until fully paid, and the certified statement of the clerk or recorder shall in this case show the amount of each of such installments, the date when

each installment becomes due and the amount of interest to be paid on each installment in each year. After said statement is filed in the office of the County Auditor it shall be the duty of such auditor to extend upon the tax roll of each year the amount of such assessment or installment thereof, as the case may be, and the amount of interest which will become due on the first day of January of the following year as shown by said certified statement against the different lots or parcels of land therein described, and such amounts when so extended each year shall be carried into the tax becoming due or payable in January of the following year, and enforced and collected in the manner provided for the enforcement and collection of state and county taxes and the assessments and interest paid to the County Treasurer shall be paid over by him to the treasurer of such city, village or *borough* upon the apportionment of general taxes. Provided that any person may at any time before the transmission of the certified statement of the clerk or recorder of such city, village or *borough* to the County Auditor pay such special assessment as to any lot, piece or parcel of land affected thereby, together with the interest accrued thereon at the date of such payment, to the city, village or *borough* treasurer, and receive the proper receipt therefor, and the clerk or recorder of said city, village or *borough* shall upon the presentation of such receipt from said city, village or *borough* treasurer cancel upon the special assessment roll the special assessments so paid.

Provided further, that any person may pay any such assessment with accrued interest thereon after the same has been so certified to the County Auditor, provided the tax roll containing such assessment has not in due course been delivered to the county treasurer for collection, and the receipt of such city, village or *borough* treasurer shall be sufficient authority upon presentation to the county auditor for him to mark such assessment "paid" upon his roll, but after the roll has been delivered to the county treasurer for collection, the said assessment must be paid to him, with the penalties allowed by law. The same penalties and interest shall attach and be collected by the county treasurer on assessment as upon general taxes, which penalties and interest shall belong to the city, village or *borough* and to be turned over by the county treasurer to the city, village or *borough* with the assessments.

Sec. 14. Supplemental assessment provided for in case of error.—In case of omission, errors or mistakes, in making such assessments in respect of the total cost of such improvement, or otherwise, it shall be competent for such city, village or *borough* council to provide for and make supplemental assessments to correct such omission, errors or mistakes; and such supplemental assessments shall be a lien as in case of the original assessment,

drawing interest at the same rate and be payable and enforceable in the same manner as is herein provided with respect to the original assessment.

Sec. 15. Creation of fund for each proposed sewer.—All moneys collected on any such special assessments shall constitute a fund for the payment of the cost of the improvement in the district for which such assessment was made, and the same shall be credited to the proper sewer district fund under the designation: "Fund of Sewer District No.," and in anticipation of the collection of such special assessment the city, village or *borough* may issue warrants on such fund, to be known as "sewer warrants," payable at such times and in such amounts as, in the judgment of the city, village or *borough* council, the collections of such special assessments will provide for, which warrants shall bear interest at a rate not to exceed six (6) per cent per annum, payable annually, and may have coupons attached representing each year's interest. Each warrant shall upon its face state for what purpose it is issued and specify the particular fund against which it is drawn, and shall be signed by the mayor or executive officer and countersigned by the clerk or recorder of the city, village or *borough*, and be in denominations of not less than fifty dollars nor more than five hundred dollars. Such warrants may be used in making payments on contracts for the improvements or may be sold by the city, village or *borough* for not less than par and the proceeds thereof used in paying for such improvement. It shall be the duty of the city, village or *borough* treasurer on presentation to pay such warrants and interest coupons, as they mature, out of the proper sewer district fund, and to cancel the same when paid. If any such warrants shall become due, or any interest shall become due on any such warrant, when there are no funds to pay the same, the city, village or *borough* council is hereby authorized to effect a temporary loan for the payment thereof.

Sec. 16. Payment of warrant or interest coupon.—Any matured sewer warrant or interest coupon may be used in payment of any such special assessment on any particular property situate within the district for which such warrant or coupon shall have been issued; and the warrants and coupons so used shall be cancelled and retired by the city, village or *borough* treasurer.

Sec. 17. Conveyance of land not to be recorded until assessment is paid.—No conveyance of any land upon which any such special assessment or portion thereof remains unpaid shall be recorded until all of such special assessment shall have been paid in full, any provision in this act to the contrary notwithstanding.

Sec. 18. Proceedings for denoting lots and parcels of land.—In all proceedings and records prepared or used in the making, levy or collection of such special assessments, letters, figures

and proper ditto marks may be used to denote lots, pieces and parcels of land, and blocks, sections, townships, ranges and parts thereof and dates.

Sec. 19. Assessment not to be invalidated by errors or omissions.—No error or omission which may be made in any of the proceedings of the city, village or *borough* council or any officer of such city, village or *borough*, in refusing to, reporting upon, ordering or otherwise acting, concerning any local improvement provided for in this act, or in making any such special assessment or in levying or collecting the same, shall invalidate such assessment; unless it shall appear that by reason of such error or omission substantial injury has been done to the party claiming to be aggrieved.

Sec. 20. Reassessment in case proceedings are set aside.—In all cases where any assessment, or any part thereof, as to any lot, lots or parcels of land assessed under any of the provisions of this act, or of any law of any city, village or *borough* prior to this act, for any cause whatever, whether jurisdictional or otherwise, shall be set aside, or declared void by any court, the city, village or *borough* council shall, without unnecessary delay, cause a reassessment or new assessment to defray the expenses of such improvement to be made, whether such improvement was made under this act or any laws of any city, village or *borough* prior to this act, and such reassessment or new assessment shall be made as nearly as may be, as herein provided for making the assessment therefor in the first instance; and when the same shall have been made and confirmed by the city, village or *borough* council, it shall be enforced and collected in the same manner that other assessments are enforced and collected under this act and in all cases where judgments shall hereafter be refused or denied by any court for the collection and enforcement of any special assessment, or where any court shall hereafter set aside or declare void any assessment upon any lot or parcel of land for any cause, the said lot or parcel may be reassessed or newly assessed from time to time, until each separate piece or parcel of land has paid its proportionate part of the costs and expenses of said improvement as near as may be.

Sec. 21. Prior assessments validated.—Nothing in this act shall affect any valid assessment made by any city, village or *borough* prior to the passage of this act, but all such prior assessments shall be collected in accordance with the provisions of law in respect of the same in force prior to the passage of this act.

Sec. 22. Hearings on proposed assessments by council and filing of statements of objection thereto.—The notice of the time and place when and where the city, village or *borough* council will meet in regular session to adopt any proposed assessment under section 13 of this act, and to be prepared by the clerk or

recorder of such city, village or *borough* and published, shall specify the particular sewer district or districts in which the improvement is to be made and shall describe with all reasonable certainty the location, extent and termini of the sewer or sewers to be laid, relaid or extended; provided that no omission or inaccuracy in such notice shall invalidate the notice or the assessment, unless substantial injury shall be shown by the person claiming to be aggrieved thereby.

When the city, village or *borough* council shall meet for the purpose of adopting any proposed assessment under the provisions of section XIII of this act, no grievance or objection thereto, or to any item therein shall be heard by the city, village or *borough* council, unless the party objecting, or his duly authorized agent or attorney shall on or before the date of such session of the city, village or *borough* council file with the clerk or recorder of such city, village or *borough* for presentation to the city, village or *borough* council, a complete written statement of the objection with specific reference to the matter or items called in question and to which objection is made.

Sec. 23. Appeals from special assessment.—Any person feeling himself aggrieved by such special assessment may, by notice in writing served upon the mayor or executive officer, and also upon the clerk or recorder of the city, village or *borough*, a copy whereof, with proof of service shall be filed in the office of the clerk of the district court of the proper county, within twenty days after the adoption of such special assessment, appeal from such special assessment to the district court aforesaid, and such appeal shall be disposed of in a summary manner by the court. And at the trial of such appeal no pleadings shall be required, but the party appealing shall in his notice of appeal specify and enumerate the particular grounds of his objection to such special assessment, and shall not be entitled to have considered on such appeal any grounds of objections or items other than those specified in such notice, and no question shall be tried on such appeal as to any fact which may have arisen or existed prior to the letting of the contract or contracts for the improvement; and a copy of the assessment roll in question and of the resolution of the city, village or *borough* council confirming or adopting the same, certified by the clerk or recorder of the city, village or *borough*, or the originals thereof, shall be prima facie evidence of the facts therein stated or denoted, and that such assessment was regular, just and made in conformity to law, and the judgment of the court on the determination of such appeal shall be final. Such appeal shall be entered and brought on for hearing and be governed by the same rules as far as applicable as in appeals from justices of the peace in civil actions, and like bonds shall be given to the city, village or *borough* by the person appeal-

ing as are required in the appeals from justices of the peace in civil actions. but such bond shall, to render such appeal effective, be approved by the judge of such district court. Provided, that no appeal to the district court shall be made, heard or determined as to such special assessment, or any item therein, unless such objection shall have been, as in this act specified, previously presented to and passed upon by the city, village or *borough* council.

Sec. 24. Sewer to be kept in repair at expense of city.—Whenever any such sewer shall be laid, relaid or extended, it shall be the duty of the city, village or *borough* council to maintain and keep the same in repair, at the expense of the city, village or *borough*.

Sec. 25. Connections to be made only on permission of council.—All private connections shall be made with lateral sewers, unless some insurmountable obstacle of a practical or scientific nature shall prevent, and no private connection with any sewer whatever shall in any event be made without formal permission therefor granted by the city, village or *borough* council, and the making of all private connections with any sewer shall be subject to supervision and control by the city, village or *borough* council; provided that such supervision and control may be delegated by the city, village or *borough* council to the city, village or *borough* engineer or other person to be selected by the city, village or *borough* council at its discretion.

Sec. 26. Right of eminent domain granted to council.—Whenever it shall become necessary for the city, village or *borough* to exercise the right of eminent domain for the purposes included within this act all proceedings therein shall conform as near as may be to the provisions of Sections 2620 to 2632, both inclusive of the General Statutes of 1894 and amendments thereto.

Sec. 27. Act not to affect home rule charter cities or villages.—This act shall not be construed as in any manner superseding, repealing, amending or qualifying the provisions of any home rule charter heretofore or hereafter adopted by any city or village under existing laws; provided that any proceedings taken or commenced by any city or village under the provisions of this act before the time when such home rule charter shall take effect may be carried out and completed according to the terms and provisions of this act.

Sec. 28. Inconsistent acts repealed.—All acts and parts of acts inconsistent with this act, except as qualified in Section 27 hereof, are hereby in all things repealed.

Sec. 29. This act shall take effect and be in force from and after its passage.

Approved March 16, 1915.