

use the toilet and lavatory facilities of such hotel. In such case there shall be placed on or near to the entrance of any such hotel in plain and conspicuous words a sign reading "PUBLIC REST ROOM" and the said premises, toilet and lavatories shall in such case be kept and maintained in a neat, clean and sanitary condition and the rest room shall be lighted and warmed as hereinbefore specified.

Sec. 5. **Effective June 1, 1921.**—This act shall take effect and be in force from and after June 1st, 1921.

Approved April 15, 1921.

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#### CHAPTER 295—H. F. No. 96.

*An act to amend Sections 2, 6, 7, 8, 13, 15, 21 of Chapter 35 of the General Laws of 1915 as amended by Chapter 261 of the General Laws of 1919, entitled "An act to amend Chapter 312, 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 ten thousand 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. **Cities, villages and boroughs given power to maintain and extend sewer systems.**—That Section 2 of Chapter 35 of the General Laws of 1915 be amended so as to read as follows :

Section 2. 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, to create sewer districts, and change, diminish or enlarge the boundaries thereof from time to time; *to establish and maintain sewage treatment plants when deemed necessary.*

Sec. 2. **To be paid out of sewer or general revenue fund.**—That Sec. 6 of Chapter 35 of the General Laws of 1915 be amended so as to read as follows :

Section 6. The cost of constructing a general sewer, *plant or plants for treating the sewage therein or the securing an outlet therefor* 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. 3. Spreading of assessments for payment of costs of construction.—That Sec. 7 of Chapter 35 of the General Laws of 1915 be amended so as to read as follows:

Section 7. The cost of constructing any district sewer, *plant or plants for treating the sewage therein and the securing of an outlet for such district sewer or treatment plant into any county or judicial ditch*, may be assessed against all the land in the sewer district subject to assessments for local improvements, *according to special benefits to each lot, piece or parcel of land in the district* without regard to cash valuation.

Sec. 4. Assessment may be spread in all sewer districts.—

That Sec. 8 of Chapter 35 of the General Laws of 1915 be and the same is amended so as to read as follows:

Section 8. The cost of constructing every joint district sewer, *plant or plants for treating the sewage therein and the securing of an outlet for such joint district sewer or treatment plant, into any county or judicial ditch*, 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 plant, method and means employed as in assessing for the cost of a district sewer, *treatment plant for same or outlet therefor*.

Sec. 5. Engineer to calculate amount for special assessment.—That Sec. 13 of Chapter 35 of the General Laws of 1915 be and the same is amended so as to read as follows:

Section 13. Whenever any work or improvement provided for by this act shall have been determined upon and a contract let therefor, *or outlet secured*, 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 later all sewers, *treatment plants or outlet* against every assessable lot, piece or parcel of land within 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 re-

laying such sewer in any public ground, street, or alley; and all catch basins, manholes, lamp holes and flushing valves and tanks and treatment plants 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 may be deemed just in the premises, and upon the adoption by resolution of such proposed as-

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 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, *provided in case such assessments are made to cover the cost of securing an outlet for a district or joint district sewer into a county or judicial ditch and in the order granting such outlet, the charge therefor is made payable in installments, then the assessment levied to cover same may be made in like installments payable at the same time and with interest at the same rate as may be necessary to meet such obligation*, and the certified statement of the clerk of 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, *but in case such assessments or installments thereof are to cover payments due for a district or joint district sewer outlet as herein provided, then such payments shall be applied on same.* 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 the 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. 6. Creation of fund for each proposed sewer.—That Section 15 of Chapter 35 of the General Laws of 1915 be and the same is amended so as to read as follows:

Section 15. All moneys collected on any such special assessments, *other than to pay for sewer or treatment plant outlets*, 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. 7. Prior assessments validated.**—That section 21 of Chapter 35 of the General Laws of 1915 be and the same is amended so as to read as follows:

**Sec. 21.** Nothing in this act shall effect 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, *provided, that the provisions hereof applying to the levying of assessments and collection thereof for sewer or sewage treatment plant outlets into county or judicial ditch, shall apply to such outlet heretofore obtained as well as those hereafter if the charges therefor were made due and payable at future day or dates and have not yet been paid, or provision made for the payment thereof.*

**Sec. 8. Inconsistent acts repealed.**—All acts and parts of acts inconsistent herewith are hereby repealed, but this act shall not be construed as in any way affecting any pending action in the courts of this state. This act shall not apply to or effect proceedings for establishing any sewer district or laying any sewer under said Chapter 35, General Laws of 1915, initiated prior to the passage of this act but any such proceeding shall be completed under the provision of law in force prior to the adoption of this amendment.

**Sec. 9.** This act shall take effect and be in force from and after its passage.

Approved April 15, 1921.