

ices he shall file a claim with the board of county commissioners of the county and have the same audited and allowed as are other claims against the county.

Approved March 29, 1945.

CHAPTER 185—H. F. No. 564

An act to authorize cities of the first class to provide and regulate rubbish disposal in such manner as the governing bodies thereof shall determine; authorizing such governing bodies to establish rates therefor to meet the cost thereof.

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

Section 1. Rates for rubbish disposal authorized in cities of first class. Any city of the first class in the State of Minnesota, in addition to the powers conferred upon it by its charter or any law of this state, is hereby authorized to establish rates for the removal, collection and disposal from public or private property of rubbish, and to collect the same in the manner hereinafter set forth.

Sec. 2. Definitions. For the purpose of this act, the word "rubbish" is hereby defined as any one or all of the following substances: offal, garbage, ashes, barnyard litter, manure, rubbish, barnyard cleanings, dead animals, or any other foul or unhealthy stuff or material. For the purpose of this act, all of said substances are hereinafter referred to as "rubbish".

The words "rubbish disposal" are hereby defined and shall mean the removal, collection and disposal of "rubbish" from public or private property within any such city.

Wherever the words "city council" are herein used, they are hereby declared to mean the chief governing body of any such city.

Where the word "facilities" is herein used, it is hereby defined to mean all mechanical apparatus, shop or office equipment, and public or private grounds purchased, leased, or otherwise permanently or temporarily acquired, for the disposal of rubbish, including tax forfeited lands which may be acquired and used for rubbish disposal, if the Board of County Commissioners in the county wherein any such city is located shall consider and determine that it is in the best interest of

the State that such tax forfeited lands will be enhanced in value by such use. Any such Board of County Commissioners may add to the appraised value of any such lands the benefit they determine has accrued to such lands by reason of the use thereof for such purpose.

Sec. 3. Powers of council. The city council of any such city is authorized to employ present facilities, and to provide additional facilities, for rubbish disposal. Rates for such rubbish disposal, together with regulations incident thereto, shall be established by ordinance. Such rates shall be as nearly as possible just and reasonable, taking into account the character, kind and quality of service, of rubbish and method of disposition, the number of people served at each place of collection, and all other factors that enter into cost of service, including interest on principal, investments, amortization of principal, depreciation and other overhead charges upon facilities now owned and operated by any such city, or hereafter acquired for such use. Said rates when fixed may be billed in such manner as the city council may determine, or added to and collected with water bills and bills for sewage disposal rendered to owners, lessees or occupants of property, or as herein otherwise provided.

Sec. 4. Rates a charge against premises. The rates for rubbish disposal shall be a charge against the premises from which rubbish is collected, and the owner, lessee, or occupant of the premises, or against any or all of them, and any claim for unpaid rates charged or rentals which have been properly billed to the occupant of the premises may be collected in a civil action in any court of competent jurisdiction, or, in the discretion of the city council of the city, may be certified to the County Auditor with the taxes against such property served, and shall be collected as other taxes are collected. Payment of delinquent rentals shall be credited to the fund as are current funds for that purpose.

Sec. 5. Publication of ordinance. The ordinance establishing rates for rubbish disposal shall be published in the official paper of the city, and shall set forth the rates for each type of service, and shall contain a notice to all persons or parties interested that the same will be considered at a public hearing not less than thirty days from the publication of said ordinance, upon which date a public hearing shall be conducted at which any person affected by any rate shall be given an opportunity to be heard as to the rate which he will be called upon to pay. Said ordinance and the rates established therein shall take effect at the conclusion of said hearing, or at such other date as shall be fixed by such ordinance.

Sec. 6. Regulations. The governing body in providing for rubbish disposal may by the ordinance, or any amendment thereto, provide in what districts or along which streets collection shall be made, and volume of rubbish to be collected, leaving certain amounts or types of rubbish to private disposal, but shall continue to have the authority to regulate the time and manner of private disposal, varied according to the nature of the rubbish accumulated and disposed of. Such regulation may provide for immediate abatement of any condition which is a menace to public health and safety. In such cases notice may be given to the owner or occupant of premises for the summary disposal of rubbish or unhealthy or unsafe condition by posting upon the premises notice of what is required. If the notice be not obeyed within the time fixed in said notice, the city shall have the right to remove such rubbish or such unhealthy or unsafe condition, charging such rates as are prescribed, or the cost thereof, and shall have the right to collect the same as rates and charges are herein authorized to be charged, made and collected. In lieu of such method, the city may, for adequate compensation, by contract with the owner of any premises, perform any service upon public or private property in the removal of rubbish, covering with proper filling material any foul, unhealthy or unsafe material, including low grounds, which are or may become foul, unhealthy or unsafe.

Sec. 7. Methods. The city council shall have the authority to direct the method of handling and storage of rubbish on public or private premises, to require the owner, lessee or occupant of the premises to place the same at the most convenient place upon the premises, and if convenience in the collection thereof requires containers on premises for the handling thereof, the city council may require the same.

Sec. 8. Rubbish disposal fund. Rates charged and collected, including compensation for work under contract, shall be deposited in a fund separate and distinct from any and all other city funds, to be designated "Rubbish Disposal Fund", which shall be a continuing fund to which shall be credited all receipts, and to which shall be charged all costs, principal or current, incident to such activity. Moneys may be temporarily advanced to said fund from any available unencumbered and unappropriated balance in any other fund or funds, and as receipts permit, reimbursement of moneys advanced from other funds shall be made.

Sec. 9. Powers additional. The provisions of this act shall be construed as an addition to existing charter or statutory powers of any city of the first class and not as an

amendment to or repeal thereof, the purpose of this act being to permit any city of the first class to engage in the activities hereinbefore authorized, to promote the public health, safety, welfare, convenience and prosperity of the city. The activity herein authorized shall be considered a public utility and such activity may be merged and operated with any other city operated utility, if deemed necessary and economical. Accounting for the activity herein authorized shall be separate as hereinbefore directed.

Sec. 10. Violations, penalties. Any such city of the first class is hereby authorized by ordinance to impose penalties and provide for punishment for violation of any ordinance or regulation relative to the accumulation of rubbish, its collection or disposition.

Approved March 29, 1945.

CHAPTER 186—H. F. No. 604

An act authorizing the renewal of the period of corporate existence of fraternal beneficiary associations or corporations and any domestic insurance company or corporation.

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

Section 1. Renewal of period of corporate existence. Any fraternal beneficiary association or corporation, and any domestic insurance company or corporation heretofore organized and existing under the laws of this state, whose period of duration has expired less than ten years prior to the passage of this Act and the same has not been renewed and such association or corporation has continued to transact its business, may renew its corporate existence from the date of its expiration for a further definite term from and after the term of its expired period of duration, with the same force and effect as if renewed prior to the expiration of its term of existence, by resolution adopted at any regular meeting or at any special meeting called for that purpose, and by taking such further proceedings as may now be provided by law for the renewal of the corporate existence of any such association or corporation in cases where such renewal is made before the end of its period of duration.