

two summary statements of the total votes cast for each person for any office, and for and against each proposition voted upon, and cause one of such statements to be filed with the auditor and cause the other of such statements to be filed with the city, village or town clerk, as the case may be, where they shall remain open to public inspection; *and the auditor's office shall remain open to receive and permit public inspection of the same and tabulate all votes until all have been tabulated and the results made known or until twenty-four hours have elapsed since the closing of the polls, whichever occurs first.*

Approved April 24, 1957.

CHAPTER 608—H. F. No. 1628

An act relating to water and sewer systems and sewage disposal plants in cities of the second, third and fourth class, villages, and boroughs; amending Minnesota Statutes 1953, Section 444.075 and repealing Sections 443.08, 443.09, 443.10, 443.11, 443.12, 443.13, and 444.08.

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

Section 1. Minnesota Statutes 1953, Section 444.075 is amended to read:

444.075 Main sewers, sewage disposal plants. Subdivision 1. **Authorization.** Any city, except cities of the first class operating under a home rule charter, or any village is hereby authorized and empowered to build, construct, reconstruct, repair, enlarge, improve, or in any other manner obtain sewers, sewage treatment plants, systems, and other facilities for disposing of sewage or industrial waste, all hereinafter called facilities, and to maintain and operate the same inside or outside the city or village limits. The authority hereby granted shall be in addition to all other powers with reference to such facilities otherwise granted by the laws of this state or by the charter of such city.

Subd. 2. **Financing.** For the purpose of paying the cost of building, constructing, reconstructing, repairing, enlarging, improving, or in other manner obtaining such facilities or any portion thereof, any such city or village *may* issue and sell its *general obligations, which may be made payable primarily from taxes or from special assessments to be levied to pay the cost of the facilities or from net revenues derived from sewer service charges or from any other non-tax revenues pledged for their payment under charter or other statu-*

tory authority, or from any two or more of both such sources; or it may issue special obligations, payable solely from such special assessments or from such revenues, or from both such sources. All such obligations shall be issued and sold in accordance with Chapter 475. When special assessments are pledged for the payment of such obligations, they shall be authorized and issued in accordance with the further provisions of Chapter 429, or of the municipality's charter if it authorizes such obligations and the governing body determines to proceed thereunder. When net sewer revenues are pledged to the payment of the obligations, together with or apart from taxes and special assessments, such pledge shall be made in accordance with the further provisions of Subdivision 3.

Subd. 3. Rates. For the purpose of paying for the construction, reconstruction, repair, enlargement, improvement, or other obtainment and the maintenance, operation and use of such facilities, the governing body of any such city or village shall have authority to impose just and equitable charges for the use and for the availability of such facilities and for connections therewith and to make contracts for such charges as hereinafter provided. *Such charges may be imposed with respect to facilities made available by agreement with other municipalities or private corporations or individuals, as well as those owned and operated by the city or village itself. Charges made for sewer service directly rendered shall be as nearly as possible proportionate to the cost of furnishing the same, and may be fixed on the basis of water consumed, or by reference to a reasonable classification of the types of premises to which service is furnished, or by reference to the quantity, pollution qualities and difficulty of disposal of sewage produced, or on any other equitable basis including, but without limitation, any combination of those referred to above. Minimum charges for the availability of sewer service may be imposed for all premises abutting on streets or other places where municipal sewers are located, whether or not connected thereto. Charges for connections to the facilities may in the discretion of the governing body be fixed by reference to the portion of the cost thereof which has been paid by assessment of the premises to be connected, in comparison with other premises, as well as the cost of making or supervising the connection. The governing body may make sewer charges a charge against the owner, lessee, occupant or all of them and may provide and covenant for certifying unpaid charges to the county auditor with taxes against the property served for collection as other taxes are collected. The governing body may fix and levy taxes for the payment of reasonable charges to the municipality itself for the use and availability of the*

facilities for maintaining sanitary conditions in public buildings, parks, streets, and other public places. In determining the reasonableness of the charges to be imposed, the governing body may give consideration to all costs of the establishment, operation, maintenance, depreciation and necessary replacements of the system, and of improvements, enlargements and extensions necessary to serve adequately the territory of the city or village, including the principal and interest to become due on obligations issued or to be issued therefor. When net revenues have been appropriated to the payment of the cost of the establishment, or of any specified replacement, improvement, enlargement or extension thereof, or to pay the principal and interest due on obligations to be issued for such purpose, no charges imposed to produce net revenues adequate for such purpose shall be deemed unreasonable by virtue of the fact that the project to be financed has not been commenced or completed, if proceedings therefor are taken with reasonable dispatch and the project, when completed, may be expected to produce benefits to the premises charged which are reasonably commensurate with such charges. All sewer charges, when collected, and all moneys received from the sale of any sewer facilities or equipment or any by-products of sewage treatment or disposal, shall be placed in a separate fund, except as otherwise provided in Subdivision 6, and shall be used first to pay the normal, reasonable and current costs of operating and maintaining the facilities. The net revenues from time to time received in excess of such costs may be pledged by resolutions of the governing body, or may be used though not so pledged, for the payment of principal and interest on obligations issued as provided in Subdivision 2, or to pay such portion of said principal and interest as may be directed in such resolutions. In resolutions authorizing the issuance of either general or special obligations and pledging net revenues thereto, the governing body may make such covenants for the protection of holders of the obligations and taxpayers of the municipality as it deems necessary, including, but without limitation, a covenant that the municipality will impose and collect charges of the nature herein authorized at the times and in the amounts required to produce, together with any taxes or special assessments designated as a primary source of payment of the obligations, net revenues adequate to pay all principal and interest when due on the obligations and to create and maintain such reserves securing said payments as may be provided in said resolutions.

Subd. 4. Levy assessments. The governing body of any such city or village may also levy assessments against property within the city or village limits benefited by such

facilities under the procedure authorized by law or charter with reference to other assessments for benefits of local improvements, may transfer and use for the purposes hereof surplus funds of the city or village not specifically dedicated to any other purpose, and may levy taxes on property within the city or village limits for such purposes within the limitations of Section 275.11; *except that of the taxes so levied, including taxes initially levied under Section 475.61 for the payment of bonds issued therefor and interest thereon, an amount equal to 35 percent of the total cost of the construction, reconstruction, repair, enlargement, improvement, or other obtaining of any such facilities shall not be included in computing the levies subject to the limitations of said Section 275.11.* Any such city or village may contract with any person, company or corporation for the purposes and under the restrictions set forth in subdivision 5. Any such contract shall be binding upon the parties thereto for the full term agreed upon but in no event more than 30 years, and shall not be changed by either party without the consent of the other party.

Subd. 5. Connections with facilities; charges. Any such city or village is hereby authorized to permit any person, company or corporation located and doing business inside or outside of the city or village limits to connect with such facilities and make use of the same upon such terms and upon the payment of such fees and charges therefor as may be prescribed or contracted for by the city or village, and to contract with any such person, company or corporation for the payment by such person, company or corporation of a part of the cost of construction, maintenance or use of such facilities and to receive from such person, company or corporation doing business inside or outside of the city or village limits payment in cash or installments of such portion of the cost of the construction, maintenance or use thereof as may be agreed upon or contracted for with the city or village and devote the money so received to the purpose of such construction, maintenance or use. The proportionate cost of construction, maintenance or use of such facilities to be paid by such person, company, or corporation may be made payable in installments due at not greater than annual intervals for a period not to exceed 30 years. Any such person, company or corporation which may pay any part of the cost of construction, maintenance or use of such facilities in the manner aforesaid, shall thereafter have the right to use such facilities for the disposal or treatment of his, their or its sewage or industrial waste by the city or village upon the payment of reasonable charges for the use of such facilities or the charges contracted for in case there is a contract as herein provided. *Any such*

city or village may contract with any other city or village for the joint or cooperative obtainment or use of such facilities without limitation of time.

Subd. 6. Merger of funds for joint system. In any municipality in which both sewerage and waterworks systems are operated by the same governing body or independent board, such body or board may, except as prohibited by home rule charter, combine the operations of the two systems, and provide for a single fund for both systems and for the use of charges derived from either system for the authorized purposes of both systems, including payment of the principal and interest on obligations issued as provided in Subdivision 2 to finance capital costs of either or both systems. All obligations issued, taxes and special assessment levied, charges imposed and covenants made with respect to a combined sewerage and waterworks system shall be deemed authorized and limited by the provisions of this section in the same manner as if such system furnished sewer service only.

Sec. 2. Repealer. Minnesota Statutes 1953, Sections 443.08, 443.09, 443.10, 443.11, 433.12, 443.13 and 444.08 are repealed.

Approved April 24, 1957.

CHAPTER 609—H. F. No. 1636

[Not Coded]

An act relating to the salary of probate judge in certain counties.

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

Section 1. Salary, probate judge certain counties. In any county having an assessed valuation over \$34,000,000 and less than \$38,000,000 as of the passage of this act, and having over 45,000 and less than 50,000 inhabitants according to the 1950 census, the salary of the probate judge shall be \$10,000 per annum. This salary is in lieu of all other salary now provided by law for such office including compensation received for duties as a juvenile court.

Sec 2. Fees. All fees collected by the probate court for certified copies of instruments, letters and orders shall be turned over to the general revenue fund of the county.

Approved April 24, 1957.
