

Subd. 2a. SNOWMOBILES; OPERATION PROHIBITED ON AIRPORTS. It is unlawful for any person to drive or operate any snowmobile on an airport defined in section 360.013, subdivision 5, or other applicable law.

Sec. 2. Minnesota Statutes 1971, Section 84.88, Subdivision 1, is amended to read:

84.88 **PENALTIES.** Subdivision 1. Any person who shall violate any provision of sections 84.81 to ~~84.88~~ 84.89 or any regulation of the commissioner of natural resources or of the commissioner of public safety promulgated pursuant to law shall be guilty of a misdemeanor.

Approved May 24, 1973.

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## CHAPTER 702—S.F.No.1029

[Coded in Part]

*An act relating to local water and related land resources management; granting counties authority to undertake water and related land resource management programs; granting counties authority to establish lake improvement districts to finance water and related land resource management programs; granting authority to county boards to construct sewage systems in unincorporated areas; requiring municipalities and counties to recover the local share of the cost of constructing, operating and maintaining sewage disposal systems through an equitable system of user charges; amending Minnesota Statutes 1971, Sections 116A.01, by adding a subdivision; 361.25; 361.26, Subdivision 1, and by adding a subdivision; Chapter 378, by adding sections; 429.011, Subdivision 2a; 444.075; and Chapter 459, by adding a section; repealing Minnesota Statutes 1971, Sections 110.121 to 110.126; 440.33 to 440.36; 443.02; 444.09 to 444.14; 456.24 to 456.28; 457.03 to 457.08; 457.085; and Chapter 445.*

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

Section 1. Minnesota Statutes 1971, Section 361.25, is amended to read:

**361.25 LOCAL WATER AND RELATED LAND RESOURCES MANAGEMENT; REGULATIONS.** The commissioner shall adopt, in the manner provided in sections 15.0411 to 15.0422, and shall publish in the manner prescribed in section 97.53, subdivi-

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sion 2, regulations relating to the application for, and form and numbering of watercraft licenses and the size, form, reflectorize material and display of watercraft license numbers which shall comply with the requirements of the federal watercraft numbering system, placement and regulation of docks, piers, buoys, mooring or marking devices and other structures in the waters of this state, rules of the road for watercraft navigation and standards for equipment used in the towing of persons on water skis, aqua planes, surfboards, saucers, and other devices, standards for lights, signals, fire extinguishers, bilge ventilation, and lifesaving equipment, standards of safe load and power capacity, accounting, procedural and reporting requirements for county sheriff, designation of and swimming or bathing areas, standards of safety for watercraft offered for rent, lease, or hire; and in accordance with section 361.26, subdivision 2(c), the commissioner shall by no later than January 1, 1975, adopt rules and regulations relating to the use of surface waters of this state by watercraft including but not limited to (1) standards and criteria for resolving conflicts in the use of water surfaces by watercraft, (2) procedures for dealing with problems involving more than one local governmental unit, (3) procedures for local enforcement and (4) procedures for carrying out the provisions of section 361.26, subdivision 2; and such other regulations as he deems necessary to carry out the provisions of chapter 361.

Sec. 2. Minnesota Statutes 1971, Section 361.26, Subdivision 1, is amended to read:

**361.26 APPLICATION OF STATE LAW; LOCAL REGULATIONS; SURFACE USE REGULATIONS OF THE COMMISSIONER.** Subdivision 1. The provisions of chapter 361, and of other applicable laws of this state shall govern the operation, equipment, numbering and all other matters relating thereto whenever any vessel shall be operated on the waters of this state, or when any activity regulated by chapter 361 shall take place thereon. Nothing in chapter 361 shall be construed as limiting the authority of any political subdivision of this state to adopt regulations, not inconsistent with chapter 361 and the regulations of the commissioner, relating to the use of waters ~~not included in the definition of waters set forth in section 361.02, subdivision 12, of this state which are wholly or partly within the territorial boundaries of the political subdivision, except that a county, or entirely within the boundaries of a city, village, or borough.~~ A city of the first class of over 200,000 or the park board thereof, may forbid the use of motorboats or boats with motors attached thereto on its lakes.

Sec. 3. Minnesota Statutes 1971, Section 361.26, is amended by adding a subdivision to read:

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Subd. 1a. On or before January 1, 1975, the commissioner shall develop and publish guidelines to assist counties when adopting water surface use ordinances for waters within their jurisdiction.

Sec. 4. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

**[378.31] WATER AND RELATED LAND RESOURCES MANAGEMENT.** Subdivision 1. In order to preserve and protect the lakes of the state of Minnesota and to increase and enhance the use and enjoyment of these lakes it is in the public interest that there is established a statewide lake improvement program to: preserve the natural character of lakes and their shoreland environment as feasible and practical; improve the quality of water in lakes; provide for reasonable assurance of water quantity in lakes, where feasible and practicable; and to assure protection of the lakes from the detrimental effects of man's activities and certain natural processes which are detrimental to protection of the lakes.

Subd. 2. The county board of every county shall have the powers set forth in this section with respect to any bodies of water situated wholly or partly within the boundaries of the county and not situated entirely within the boundaries of a single city, village, or borough. All programs undertaken pursuant to such powers shall be consistent with the statewide water and related land resources plan prepared under the direction of the commissioner of natural resources, and with regional water and related resources plans. No body of water shall be improved under this section unless the public has access to some portion of the shoreline thereof. The county boards shall have power:

Subd. 3. To acquire, in the name of the county, by gift or purchase or by condemnation under chapter 117, any existing dam or control works that may affect the level of such waters;

Subd. 4. To construct and operate water control structures when approved by the commissioner of natural resources pursuant to section 105.42;

Subd. 5. To undertake projects to change the course current or cross section of public waters when approved by the commissioner of natural resources pursuant to section 105.42;

Subd. 6. To contract with a board of managers of any watershed district within the county or the board of supervisors of any soil and water conservation district within the county for improvements under Minnesota Statutes, Chapters 40 and 112;

Subd. 7. To undertake research to determine the condition and development of the body of water and the water entering it and to

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transmit these studies to the pollution control agency and other interested authorities; to develop a comprehensive plan to eliminate water pollution; to conduct a program of water improvement and conservation; and to implement the comprehensive plan to eliminate water pollution, provided that construction of any water, sewer, or water and sewer system shall be undertaken in the manner provided by section 444.075 or other applicable laws and not pursuant to this section;

Subd. 8. To receive financial assistance from and join in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and demonstration programs related to them;

Subd. 9. To maintain public beaches, public docks and other public facilities for access to the body of water;

Subd. 10. To make cooperative agreements with the United States or state government or any other county or city, village or borough for the purpose of effecting the provisions of this section.

Subd. 11. To require that any projects to change the course, current or cross section of public waters within unincorporated areas be approved by the county before submitting an application for a permit to the commissioner as required by section 105.42.

Sec. 5. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.32] **WATER SURFACE USE REGULATION.**  
Subdivision 1. The county board of every county may by ordinance regulate the surface use of any bodies of water situated wholly or partly within the boundaries of the county and not situated entirely within the boundaries of a single city, village, or borough, except that where a body of water lies in more than one county no such ordinance shall be effective until adopted by the county boards of all the counties in which the body of water lies pursuant to section 471.59 or placed into effect by order of the commissioner of natural resources pursuant to section 361.26. The regulation by the county of the surface use of any portion of a body of water situated within the boundaries of a city, village, or borough, shall be consistent with any regulation existing on the effective date of this act of the surface use of that portion of the body of water, by the city, village, or borough. After January 1, 1975, any such ordinance shall be consistent with the provisions of chapter 361 and rules and regulations of the commissioner promulgated pursuant to section 1 of this act. Any surface use zoning ordinances adopted pursuant to this section by a local governmental unit subsequent to the effective date of this act is invalid unless it is approved by the commissioner. Proposed surface use zoning

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ordinances shall be submitted to the commissioner for his review and approval prior to adoption. The commissioner shall approve or disapprove the proposed ordinance within 120 days after receiving it. If the commissioner disapproves the proposed ordinance, he shall return it to the local governmental unit with a written statement of his reasons for disapproval. The county board shall have power:

Subd. 2. To regulate and police public beaches, public docks and other public facilities for access to the body of water, except that a county board may not regulate state accesses and a municipality may by ordinance forbid the exercise of this power within its jurisdiction;

Subd. 3. To regulate the construction, configuration, size, location and maintenance of commercial marinas and their related facilities including parking areas and sanitary facilities. The regulation shall be consistent with state law and the regulations of the department of natural resources, the pollution control agency, and the department of health, and with the applicable municipal building codes and zoning ordinances where the marinas are situated;

Subd. 4. To regulate the construction, installation and maintenance of permanent and temporary docks and moorings consistent with state and federal law and sections 105.42, 361.07 and 361.21;

Subd. 5. To regulate the construction and use of mechanical and chemical means of deicing the body of water and to regulate the mechanical and chemical means of removal of weeds and algae from the body of water consistent with the regulations of the department of natural resources;

Subd. 6. To regulate the type and size of watercraft, as defined in section 361.02, subdivision 7, permitted to use the body of water and set access fees;

Subd. 7. To limit the types and horsepower of motors used on the body of water;

Subd. 8. To limit the use of the body of water at various times and the use of various parts of the body of water;

Subd. 9. To regulate the speed of watercraft on the body of water and the conduct of other activities on the body of water to secure the safety of the public and the most general public use;

Subd. 10. To contract with other law enforcement agencies to police the body of water and its shore.

Sec. 6. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

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[378.33] ADVISORY ASSISTANCE. The county board, in connection with water use regulation and improvement, may invite any municipal council or town board or the soil and water conservation district board of supervisors or watershed district board of managers to designate a representative to advise and consult with the county board.

Sec. 7. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.34] TAX LEVIES. The county board may levy taxes in order to implement the powers granted under this act upon all taxable property within the county, which may be in addition to any amounts levied within a lake improvement district.

Sec. 8. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.35] APPROPRIATIONS; GRANTS. Subdivision 1. The county board is authorized to appropriate money from the general revenue fund of the county for the purpose of carrying out the provisions of sections 4 to 21.

Subd. 2. The county board may apply for, receive, and disburse federal funds made available to the county by federal law or rules promulgated thereunder for any purpose related to the powers and duties of the county board. The county board shall comply with any and all requirements of federal law or rules and regulations promulgated thereunder in order to apply for, receive, and disburse the funds. The county board is authorized to accept any donations or grants from any public or private concern. All such moneys received by the county board shall be deposited in the county treasury and shall be appropriated for the purposes for which they are received.

Sec. 9. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.41] ESTABLISHMENT OF LAKE IMPROVEMENT DISTRICTS. Subdivision 1. In furtherance of the policy declared in section 4 of this act, the commissioner of natural resources shall coordinate and supervise a local-state program for the establishment of lake improvement districts by counties, cities and villages for lakes located within their boundaries based on state guidelines and regulations and compatible with all state, regional, and local plans where such plans exist.

In administration of this program the commissioner of natural resources shall consult with and obtain advice from other state agencies on those aspects of the program for which the agencies have specific legislative authority including but not limited to the department of health and the pollution control agency.

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Subd. 2. The commissioner of natural resources, on or before July 1, 1974, shall promulgate in the manner provided by chapter 15, rules and regulations which provide guidelines, criteria and standards for establishment of lake improvement districts by counties, cities and villages.

Subd. 3. In order to finance the development and implementation of programs for water and related land resources management pursuant to sections 4 and 5 of this act, the county board of any county may designate areas within the county, including bodies of water and related land areas, as lake improvement districts.

Sec. 10. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

**[378.42] CREATION BY COUNTY BOARD.** Subdivision 1. The county board may establish a lake improvement district in a portion of the county by adoption of an appropriate resolution. The resolution shall specify the territorial boundaries of the area, which shall be consistent with natural hydrologic boundaries, the type or types of water and related land resource management programs to be undertaken in the area, a statement of the means by which the programs will be financed, and a designation of the county officer or agency who will be responsible for supervising the programs. Nothing in this act shall be construed to prohibit any county from establishing a lake improvement district after the effective date of this act, provided that after July 1, 1974, any established lake improvement district shall be consistent with the rules and regulations promulgated under section 9.

Subd. 2. Before the adoption of such a resolution, the county board shall hold a public hearing on the question of whether or not a lake improvement district shall be established.

Sec. 11. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

**[378.43] PETITION FOR CREATION.** Subdivision 1. A petition signed by five percent of the qualified voters within any portion of the proposed lake improvement district as specified in the petition may be submitted to the county board requesting the establishment of a lake improvement district to develop and provide a program of water and related land resources management. The petition shall specify the territorial boundaries of the area, which shall be consistent with natural hydrologic boundaries, the type or types of water and related land resource management programs to be undertaken in the area, a statement of the means by which the programs will be financed, and a designation of the county officer or agency who will be responsible for supervising the programs.

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Subd. 2. Upon receipt of the petition, and verification of the signatures thereon by the county auditor, the county board shall, within 30 days following verification, hold a public hearing on the question of whether or not the requested lake improvement district shall be established.

Subd. 3. Within 30 days following the holding of a public hearing the county board by resolution shall approve or disapprove the establishment of the requested lake improvement district. A resolution approving the creation of the lake improvement district may contain modifications of the area's boundaries, functions, financing, or organization from what was set forth in the petition.

Sec. 12. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.44] JOINT ACTION. Where the natural hydrologic boundaries of an area extend into more than one county, the county boards of the counties affected may establish and maintain a lake improvement district jointly or cooperatively as provided in Minnesota Statutes, Section 471.59, either on their own motion or pursuant to petition.

Sec. 13. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.45] CREATION BY COMMISSIONER OF NATURAL RESOURCES. Subdivision 1. Where the county board of one or more of the counties affected has disapproved a petition for creation of a lake improvement district for the area, a petition for creation of a lake improvement district containing information of the kind required by section 11 may be submitted to the commissioner of natural resources.

Subd. 2. Upon receipt of the petition by the commissioner and verification of the signatures thereon by the county, the commissioner may, within 30 days following verification, hold a public hearing at the expense of the county board on the question of whether or not the requested lake improvement district shall be established. The commissioner, in determining whether or not to hold a public hearing, shall examine all facts relating to the petition, including the reasons why the petition was disapproved by the county.

Subd. 3. Within 30 days following the receipt of verification by the county if no hearing is to be held or within 30 days following the holding of a public hearing the commissioner by order shall approve or disapprove the establishment of the requested lake improvement district. If the commissioner determines that the establishment of the lake improvement district as requested in the

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petition would be for the public welfare and public interest, and that the purposes of section 9 would be served by the establishment of a lake improvement district, the commissioner shall by order approve the creation of the lake improvement district; otherwise, he shall by order disapprove the creation. An order approving creation may contain modifications of the area's boundaries, functions, financing, or organization from what was set forth in the petition.

Sec. 14. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

**[378.46] PUBLICATION AND EFFECTIVE DATE.** Upon passage of a county board resolution or commissioner's order authorizing the creation of a lake improvement district, the county board or boards shall cause the resolution or order to be published once in the official newspapers. The lake improvement district shall be deemed established 30 days after publication or at such later date as may be specified in the resolution or order.

Sec. 15. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

**[378.47] REFERENDUM.** Subdivision 1. Upon receipt of a petition signed by five percent of the qualified voters within the territory of the lake improvement district prior to the effective date of its creation as specified in section 14, the county board or boards shall hold the creation in abeyance pending referendum vote of all qualified electors residing within the boundaries of the proposed lake improvement district.

Subd. 2. The county board or boards shall make arrangements for the holding of a special election not less than 30 nor more than 90 days after receipt of such petition within the boundaries of the proposed lake improvement district. If a general election will be held within the time specified, the vote on creation may be held as part of the general election. The county auditor shall administer the election. The question to be submitted and voted upon by the qualified voters within the territory of the proposed lake improvement district shall be phrased substantially as follows:

"Shall a lake improvement district be established in order to provide (water and related land resources improvements) financed by (revenue sources)?"

Upon certification of the vote by the county auditor, if a majority of those voting on the question favor creation of the proposed lake improvement district the lake improvement district shall be deemed created.

Sec. 16. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

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[378.51] BOARD OF DIRECTORS. Subdivision 1. After creation of a lake improvement district, the county board or boards may appoint persons to serve as a board of directors for the lake improvement district. The number, qualifications, terms of office, removal, and filling of vacancies of directors shall be as provided in the resolution creating the board of directors.

Subd. 2. The directors shall serve without compensation but may be reimbursed for their actual expenses necessarily incurred in the performance of their duties in the manner provided for county employees.

Subd. 3. When directed by resolution of the county board or boards creating it, the board of directors shall have, exercise, and perform the powers and duties of the county board under section 4 of this act, except the power to acquire property by eminent domain.

Sec. 17. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.52] FINANCING. Subdivision 1. The county board or boards in order to accomplish the purposes specified in the resolution or order creating a lake improvement district, may impose service charges on the users of such services within the area and may levy an ad valorem tax solely on property situated within the lake improvement district, to be appropriated and expended solely on projects of special benefit to the area, or any combination of service charges and taxes.

Subd. 2. The tax provided for by subdivision 1 shall not be subject to any statutory limitation as to amount and shall not affect the amount or rate of taxes that may be levied for other county purposes. Such a tax may be in addition to any amounts levied upon all taxable property in the county for the same or similar purposes.

Subd. 3. Upon adoption of its annual budget, the county board or boards shall include appropriate provisions for the operation of the lake improvement district.

Sec. 18. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

[378.53] VOTING. Where a lake improvement district has been established by order of the commissioner of natural resources under section 13, voting by county boards on joint actions of the lake improvement district shall be based on proportional representation for each county according to the proportion of the population of the lake improvement district residing within each county, and not on the basis of one vote per county or one vote per county board

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member unless each county or each board member represents substantially the same number of persons residing within the lake improvement district.

Sec. 19. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

**[378.54] ENFORCEMENT OF ORDINANCES.** Where a lake improvement district has been established by order of the commissioner of natural resources under section 13, ordinances and regulations adopted by joint action of the affected county boards may be enforced in any part of the lake improvement district by personnel of any of the affected counties.

Sec. 20. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

**[378.55] EXPANSION OF THE BOUNDARIES OF A LAKE IMPROVEMENT DISTRICT.** A county board, on its own motion or pursuant to petition, may enlarge any existing lake improvement district pursuant to the procedures specified in sections 9 to 15. In the event a referendum is required, only qualified voters residing in the area to be added shall be eligible to participate in the election; provided that if five percent of the qualified voters residing in the existing lake improvement district petition to participate therein, all qualified voters residing in the proposed lake improvement district shall be eligible.

Sec. 21. Minnesota Statutes 1971, Chapter 378, is amended by adding a section to read:

**[378.56] TERMINATION. Subdivision 1.** Upon receipt of a petition signed by ten percent of the qualified voters within the territory of the lake improvement district requesting the termination of the lake improvement district, or pursuant to its own resolution, the county board or boards shall make arrangements for the holding of a special election within the lake improvement district not less than 30 nor more than 90 days after receipt of such a petition. If a general election will be held within the time specified, the vote on termination may be held as part of the general election. The county auditor shall administer the election. The question to be submitted and voted upon by the qualified voters within the lake improvement district shall be phrased substantially as follows:

“Shall the lake improvement district heretofore established be terminated and the undertaking of additional water and related land resource improvements of the county as provided for within such lake improvement district be discontinued?”

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Subd. 2. Upon certification of the vote by the county auditor, if a majority of those voting on the question favor the termination the lake improvement district shall be terminated. No additional water and related land resource management programs shall be undertaken with money raised by a special tax within the district, and no additional special water and related land resource management taxes shall be levied within the district. When money raised by past special tax levies within the district has been exhausted, further operation and maintenance of existing programs may be financed by appropriations from the general revenue fund of the county.

Sec. 22. Minnesota Statutes 1971, Section 429.011, Subdivision 2a, is amended to read:

Subd. 2a. "Municipality" also includes a county in the case of construction, reconstruction or improvement of a county state-aid highway or county highway including curbs and gutters and storm sewers outside of the boundaries of any city, village or borough and includes a county exercising its powers and duties under section 444.075, subdivision 1.

Sec. 23. Minnesota Statutes 1971, Section 444.075, is amended to read:

**444.075 WATERWORKS SYSTEMS, 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 waterworks systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants, and other appurtenances of a waterworks system, and sewers sewer systems, sewage treatment plants works, disposal systems, and other facilities for disposing of sewage or, industrial waste, or other wastes, all hereinafter called facilities, and to maintain and operate the same inside or outside its corporate limits, and to acquire by gift, purchase, lease, condemnation or otherwise any and all land and easements required for that purpose. 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 any such city. Counties, except counties in the seven county metropolitan area, shall have the same authority granted to cities by this subdivision except for areas of the county organized into cities or villages and areas of the county incorporated within a sanitary district established by special act of the legislature.

Subd. 2. **FINANCING.** For the purpose of paying the cost of building, constructing, reconstructing, repairing, enlarging, improv-

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ing, or in other manner obtaining such facilities or any portion thereof, any such city ~~or~~, village or county 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 water or sewer service charges or from any other nontax revenues pledged for their payment under charter or other statutory authority, or from any two or more of such sources; or it may issue special obligations, payable solely from such taxes or special assessments or from such revenues, or from any two or more of such sources. Real estate tax revenues should be used only, and then on a temporary basis, to pay general or special obligations when the other revenues are insufficient to meet the obligations. 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 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. **CHARGES; NET REVENUES.** 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 or county 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~~, counties or private corporations or individuals, as well as those owned and operated by the city ~~or~~, village or county itself. Charges made for service directly rendered shall be as nearly as possible proportionate to the cost of furnishing the same, and sewer charges 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 water or sewer service may be imposed for all premises abutting on streets or other places where municipal or county water mains or 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

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well as the cost of making or supervising the connection. The governing body may make any such 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 or county itself for the use and availability of the facilities for fire protection and 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, or county 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 make service available to the premises charged which will have a value reasonably commensurate with such charges. All such charges, when collected, and all moneys received from the sale of any facilities or equipment or any by-products thereof, shall be placed in a separate fund, 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, and net revenues derived from any facilities of the types listed in subdivision 1, whether or not financed by the issuance of such obligations, may be pledged or used to pay obligations issued for other facilities of any such types. 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 or county as it deems necessary, including, but without limitation, a covenant that the municipality or county 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

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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. When such a covenant is made it shall be enforceable by appropriate action on the part of any holder of the obligations or any taxpayer of the municipality or county in a court of competent jurisdiction, and the obligations shall be deemed to be payable wholly from the income of the system whose revenues are so pledged, within the meaning of Minnesota Statutes, Sections 475.51 and 475.58.

Subd. 4. **LEVY ASSESSMENTS.** The governing body of any such city ~~or~~, village or county may also levy assessments against property within the city ~~or~~, village or county 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 or county not specifically dedicated to any other purpose, and may levy taxes on property within the city ~~or~~, village or county 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 the 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 obtainment of any such facilities, plus an amount sufficient to pay the interest on the bonds issued in an amount equal to 35 percent of the total cost of the construction, reconstruction, repair, enlargement, improvement, or other obtainment of any such facilities, shall not be included in computing the levies subject to the limitations of such section 275.11. Any such city ~~or~~, village or county 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. **CONNECTION WITH FACILITIES; CHARGES.** Any such city ~~or~~, village or county is hereby authorized to permit any person, company or corporation located and doing business inside or outside of the city ~~or~~, village or county 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 or county, 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 or county limits payment in cash or installments of such portion of the cost of the construction,

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maintenance or use thereof as may be agreed upon or contracted for with the city ~~or~~, village or county 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, or other wastes, by the city ~~or~~, village or county 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 or county may contract with any other city ~~or~~, village or county for the joint or cooperative obtainment or use of such facilities without limitation of time.

Sec. 24. Minnesota Statutes 1971, Chapter 459, is amended by adding a section to read:

[459.20] AUTHORITY OVER PUBLIC WATERS. The governing body of any city, village or borough in the state within which the whole of any body of water is situated, shall have all the powers to improve and regulate the use of such body of water as are conferred on county boards by sections 4 and 5 of this act, and to establish and administer lake improvement districts under sections 9 to 21 of this act. References in sections 4 to 21 to the county board shall mean also the appropriate governing body of a city, village, or borough.

Sec. 25. Minnesota Statutes 1971, Section 116A.01, is amended by adding a subdivision to read:

Subd. 1a. Any county board that has established a water or sewer system or combined water and sewer system under the provisions of this chapter may acquire the right to operate the system under and exercise all the rights and authority of section 23 of this act, instead of this chapter, upon the filing by the county board, in the office of the clerk of district court of the county, a petition to the court asking that the county board be granted such authority. The clerk of district court, as directed by the judge, shall thereupon fix a time and place for hearing upon the petition. Notice of the hearing shall be given by publication for two successive weeks in a newspaper published in the county. The clerk of district court shall give written notice of the hearing to the Minnesota pollution control agency. If at the hearing the court finds that it is for the best interests of the county board to be granted such authority, it may by order grant such petition. Thereafter the county board may operate and maintain the water

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or sewer system or combined water and sewer system as provided in section 23 of this act.

Sec. 26. Minnesota Statutes 1971, Sections 110.121; 110.122; 110.123; 110.124; 110.125; 110.126; ~~440.33 to 440.36~~; 443.02; 444.09 to 444.14; 456.24 to 456.28; 457.03 to 457.08; 457.085 and Chapter 445 are repealed.

Sec. 27. **EFFECTIVE DATE.** This act is effective the day following its final enactment.

Approved May 24, 1973.

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## CHAPTER 703—S.F.No.1351

[Coded]

*An act relating to the duty of a landowner to warn of dangers; amending Minnesota Statutes 1971, Chapter 87, by adding a section.*

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

Section 1. Minnesota Statutes 1971, Chapter 87, is amended by adding a section to read:

**[87.0221] LANDOWNERS; OWNER'S DUTY OF CARE OR DUTY TO GIVE WARNINGS.** Except as specifically recognized by or provided in section 87.025, an owner of land (a) owes no duty of care to render or maintain his land safe for entry or use by other persons with a motorized recreational vehicle for recreational purposes, (b) owes no duty to warn those persons of any dangerous condition on the land, whether patent or latent, (c) owes no duty of care toward those persons except to refrain from willfully taking action to cause injury, and (d) owes no duty to curtail his use of his land during its use for recreational purposes.

Sec. 2. This act is in effect the day following its final enactment.

Approved May 24, 1973.

Changes or additions indicated by underline, deletions by ~~strikeout~~.