

## CHAPTER 114.

[S. F. No. 253.]

AN ACT TO AMEND CHAPTER SEVEN (7) OF "AN ACT TO AMEND THE CHARTER OF THE CITY OF WINONA," APPROVED FEBRUARY TWENTY-FIRST (21ST), A. D. EIGHTEEN HUNDRED AND EIGHTY-SEVEN (1887).

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

SECTION 1. That section two (2) of chapter seven (7) of an act entitled "An act to amend the charter of the city of Winona," approved February twenty-first (21st), A. D. eighteen hundred and eighty-seven (1887), be and the same hereby is so amended as to read as follows:

"Sec. 2. The expense of filling, grading, planking and paving or macadamizing streets and alleys to the centre thereof, and of constructing reconstructing and repairing sidewalks and area walls, and of planting shade or ornamental trees along streets and alleys, shall be chargeable to the lots or parcels of land abutting upon such streets and alleys, on the side on which such improvements may be made; and when such improvements shall be made by direction of the city council, the expense thereof shall be assessed upon such lots and parcels and collected in the manner hereinafter prescribed; *Provided, however,* that nothing herein contained shall be construed to prevent any property owner from constructing his or her own sidewalk under the authority and direction of the city engineer, provided such sidewalk shall have been constructed before the city council shall have authorized the making of such improvements in accordance with the provisions of this chapter; otherwise the property owner shall have no authority whatever in the premises to construct such sidewalk, but the same shall be built by the city as provided by law. The city council shall have power to provide for and establish a system of public sewers in said city, and to cause sewers or sewer pipes to be constructed or laid in the streets, alleys and other public ways thereof, and the expense of all material for and of constructing or laying such sewers or sewer pipes, and of such appliances and means as may be necessary to effect or facilitate the discharge of sewerage through such sewers or sewer pipes, or such part of such expense as the city council may designate, shall be chargeable to and assessed upon the lots and parcels of land abutting upon streets, alleys and ways in which such sewers or sewer pipes may be constructed or laid, without regard to the location of the same as to the centre line of such streets, alleys or ways. If, however, the system of sewerage known as the "Shone Hydro-Pneumatic System" shall be adopted and established in and for said city, the city council in each instance, when it proposes to cause sewers to be constructed or laid, for the drainage of any given portion of the city, shall first determine and accurately describe, by ordinance or resolution in writing, the area of territory to be made tributary to an ejector station to be constructed for such district, and in each instance such territory so defined shall be known as a sewer district, and shall be properly designated by number.

"After sewers or sewer pipes shall have been constructed or laid in any such district, or in any part thereof, said council shall have no power to change the boundary lines of such district, nor to increase or diminish the extent of territory made tributary to the ejector station therein.

"The expense of material for and of constructing or laying all sewers and sewer pipes in each such district, and the expense of material for and of constructing all flush tanks, the ejector chamber and adjoining manhole and all other manholes therein, shall be chargeable to and assessed upon the lots and parcels of land abutting upon the streets, alleys and ways, or parts thereof, in which such sewers or sewer pipes may be laid, such assessment to be apportioned among the several lots and parcels according to the number of lineal feet frontage of the same respectively, upon the sewers or sewer pipes so laid; but in determining such apportionment, no lot or parcel shall be regarded as extending beyond the line of the street, alley or way on which it abuts. The cost of all machinery, ejectors, discharge pipes, compressed air connections and all other costs not chargeable to abutting property as aforesaid, shall be paid out of the proceeds of bonds to be issued by said city for that purpose, or out of the general fund in the city treasury, as the city council may direct.

"The city council shall have authority, at its discretion, to purchase direct, all pipes necessary for any contemplated construction of sewers in said city, and said council may also, at its discretion, cause the making of any improvements in this section mentioned, by separate contracts for different portions thereof; *Provided*, that in such case the notice for sealed proposals prescribed by section three (3) of this chapter shall contain a distinct statement that separate proposals will be received for different portions of such improvement, and shall definitely describe such separate portions. If, after any sewerage district shall have been established as aforesaid, and plans and specifications for a system of sewers therein shall have been made and approved as required by the next section of this chapter, said council shall authorize the actual laying of sewers in only a part of such district, then, and in that event, the expense of the improvement, so far as the same is assessable upon abutting lands, shall be assessed as follows: The entire expense of material for and of constructing or laying all sewers or sewer pipes, and the expense of material for and of constructing all flush tanks, and all manholes other than the manhole adjoining the ejector chamber, in such portion of such district, shall be chargeable to and assessed upon abutting lots and parcels of land in such portion of such district, in like manner as above provided; and in such case there shall also be assessed in like manner upon such abutting lots and parcels of land in such portions of such district, a share of the expense of material for and of constructing the ejector chamber and adjoining manhole in such district, bearing the same proportion to the whole of the expense last mentioned as the number of feet of sewer or sewer pipes actually constructed or laid in such portion of such district bears to the whole number of feet of sewer or sewer pipes constructed and laid, and to be constructed and laid, in the entire district in pursuance of the plans and specifications therefor; and the same course and plan as to assessments shall be pursued upon any subsequent extension of the sewer system within such district.

“Such part of the expense of the ejector chamber and the adjoining manhole as may at any time not be covered by assessments, made in the manner aforesaid, shall in the first instance be paid out of the general fund in the city treasury, and shall be returned to said fund, as the same shall be collected from time to time, by assessments.

“Except as hereinabove otherwise provided, all assessments referred to in this section, and all collections thereof, shall be made in manner and form as hereinafter prescribed.”

SEC. 2. That section three (3) of said chapter seven (7) be and the same hereby is amended by inserting immediately after the words “city engineer” in the sixth (6th) line of said section, the words “or other person employed by the city council for that purpose;” also, by inserting between the word “work” and the word “will,” in the fourteenth (14th) line of said section, the words “and if the council shall so order, for the furnishing of material therefor;” also, by inserting between the word “work” and the word “and,” in the twenty-fourth (24th) line of said section, the words “or for the furnishing of materials therefor, or both as the case may be.”

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 26, 1891.

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## CHAPTER 115.

[H. F. No. 494.]

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF NORTHFIELD, IN RICE COUNTY.

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

SECTION 1. That the north half ( $\frac{1}{2}$ ) of the south half ( $\frac{1}{2}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ) and the south quarter ( $\frac{1}{4}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ) and the northwest quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ), all in section thirty-five (35), township one hundred and twelve (112), range twenty (20), in Rice county, Minnesota, be attached to and embraced within the corporate limits of the city of Northfield.

SEC. 2. That said portion of said section thirty-five (35) be included in and form a part of ward number three (3) in said city.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Approved April 16, 1891.