

It is made the duty of the common council of said city in making its tax levy in the year next following the issue of any certificates as herein provided, to include therein an estimate and levy sufficient in amount to redeem the said certificates and interest thereon issued under the authority of this act. And said certificates of indebtedness when issued, shall be issued to mature as near as practicable, at the time when the taxes thus levied shall be collected.

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

Approved April 25th 1895.

S. P. No. 355.

CHAPTER 233.

Sprinkling.

An act to authorize cities to sprinkle its streets, lanes, alleys, avenues and public grounds and assess the cost thereof, on abutting property.

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

Cities may
sprinkle streets

SECTION 1. All cities in the state of Minnesota are hereby authorized to and shall have power to sprinkle the streets, lanes, alleys avenues and public grounds of said city or any part thereof, and may make contracts for so sprinkling the same in accordance with this act on such terms and conditions as its city council may deem best.

Assess abut-
ting property.

SEC. 2. All cities in the state of Minnesota are hereby authorized to levy assessments for sprinkling its streets, lanes, alleys, avenues and public grounds, upon the property fronting upon such improvement without regard to cash valuation.

Basis of assess-
ment.

SEC. 3. The expense of any such improvement shall be chargeable to and assessed upon the lots and parcels of land abutting upon the street, lane, alley or public ground in which such improvement is contracted to be done upon the following basis:

The entire expense of such improvement in said district for each season, shall be chargeable to and assessed upon the lots and parcels of land, in such district, abutting upon the streets, lanes, alleys and public grounds or parts thereof in which such sprinkling is done, such assessment to be apportioned among the several lots and parcels of land according to the number of square feet of territory sprinkled, abutting on such lot or parcel of land; but in determining such apportionment the territory abutting on a lot or parcel of land shall in no

instance be estimated beyond the center of the street, nor shall any portion of any street intersection be estimated as a part of the territory abutting upon a corner lot.

All work authorized by this act shall be paid for from the general fund of such city upon monthly estimates made by the person or persons designated by the city council for that purpose.

Provided, if said city council shall by resolution determine that the cost of a portion of such improvement shall be borne by the city, such portion to be designated in such resolution and not to exceed the street intersections, and all territory abutting upon public parks, squares and grounds, and lots or parcels of ground owned by such city, the state of Minnesota and United States of America then and in such case, such portion so designated shall not be included in such assessment.

SEC. 4. Before any proceedings are had by the council said city council shall each year by ordinance determine what territory in said city shall be sprinkled and may divide such territory into one or more sprinkling districts, accurately describing the boundary lines of each district, each district so determined shall be designated by number and thereafter all reference to such district, by number shall be deemed a sufficient designation, said ordinance shall further provide for all supervision and inspection of said work and shall designate what officer or officers of said city shall supervise and inspect said work in accordance with the plans and specifications therefor and shall accurately determine the powers and duties of such officer or officers with reference to all sprinkling contracts awarded by the city council.

Sprinkling territory—districts.

SEC. 5. The contract price to be paid by said city for the doing of such work shall be upon the basis of sprinkling one hundred square feet per week, during the life of such contract; if in the opinion of said council it is deemed impractical, at the time of letting said contract, to designate the exact length of time during which sprinkling is necessary in the district designated, during any particular season, said council may let such contract without so designating the beginning and ending of such sprinkling season; and upon the city so letting such contract, the officer or officers of said city designated as superintendent of said work shall have power to order the beginning of said work upon three days' notice to the contractors therefor, and shall likewise have power to order said work to cease for the season, if in his opinion no necessity therefor exists, and such order and direction by said superintendent

Contract.

shall be final, conclusive and binding upon all parties concerned.

Plans and specifications.

SEC. 6. Prior to the passage of any resolution for the letting of a contract for sprinkling, the expense of which is to be assessed upon abutting lots or parcels of land, as provided in this act, the city council of such city shall cause plans and specifications for such sprinkling, to be made and presented to the council for its approval, and the same shall immediately upon the approval thereof by the council, be filed with the city clerk or recorder of said city for the inspection of all parties interested.

Bids.

The city council shall then designate a time, not less than twenty days distant, and a place at which it will meet and act in relation to the doing of the proposed work, and direct that notice be given by the clerk or recorder of such meeting and the time and place thereof, and that in the meantime sealed proposals for the doing of such work will be received by the city clerk.

Notice—publication.

In such notice shall be named the district where such sprinkling is to be done and reference shall be made therein to the specifications so filed with the clerk, and the said notice shall be given by publication thereof in the official paper of said city at least once in each week for two successive weeks prior to the time designated as aforesaid by the council.

At the time and place designated in such notice an opportunity shall be given to any and all interested parties to be heard for or against such proposed work and the recorder or clerk shall in presence of the city council, open and read all sealed proposals which may have been received for the doing of such work, and the furnishing of all material therefor, and the city council may then, by a majority vote of all its members accept the most favorable proposal (such proposal to be that of the lowest responsible bidder) and by resolution authorize the doing of the proposed work, or any part thereof, by the person or persons whose proposal shall have been accepted, and direct that written contract be made with him or them therefor or may reject any or all proposals offered, and refuse to authorize the doing of such work, or may, in its discretion from lack of quorum or other reason postpone the consideration and decision of the whole matter or any branch thereof to a future time, of which postponement all parties interested shall be required and deemed to take notice.

Such resolution after the same has been passed by the council shall be signed by the president of the council and attested by the recorder or clerk, and on the next day after the passage thereof the same shall be

transmitted by such recorder to the mayor for his approval.

If the mayor approve the same he shall append his signature with the date of his approval thereto and return the same to said recorder within five days (Sundays excepted) from the date of its transmission to him, and if he declines to approve the same he shall within said period of five days return the same to the clerk or recorder with a statement of his objections thereto, to be presented to the council at its next meeting thereafter.

Upon the return of said resolution to the council, without the mayor's approval, the question shall again be put upon the passage of the same, notwithstanding the objections of the mayor and if upon such vote, which shall be taken by a call of the ayes and noes, two-thirds of all the members of the council shall vote in favor of such resolution, the same shall be declared enacted and shall have the same force and effect as if approved by the mayor.

If such resolution so submitted to the mayor shall not be returned by him to the recorder within said five days, Sundays excepted, after presentation thereof to him, the same shall be deemed to be approved by him, and he shall deliver the same to the clerk or recorder on demand.

SEC. 7. All contracts authorized by this act shall be executed on behalf of the city by the mayor, and attested by the clerk or recorder.

Contracts—
how executed.

SEC. 8. Upon the completion of a season's work authorized by this act in any sprinkling district the officer or officers designated by said council to superintend the same shall immediately assess the cost of such work to the several lots and parcels of land in such district in the manner provided by this act and determine what part of the cost shall be borne by each such lot or parcel, and shall make an assessment thereof in writing in which shall be given a description of each lot or parcel so assessed and the exact amount assessed thereto, and shall at the next regular meeting of the city council, after the completion of such assessment, submit the same to the city council, with a certificate that said work has been completed.

Assessment—
when made.

SEC. 9. On receipt of said assessment the council shall direct that the same be placed on file with the clerk or recorder for the inspection of all parties interested and shall appoint a time not less than ten days distant and a place when and where it will meet to consider and act upon such assessment and the clerk or recorder shall thereupon cause notice of such meet-

Notice of as-
sessment.

ing and the time place and purpose thereof, to be given by one publication of such notice in the official newspaper of such city at least five days prior to the time so appointed for said meeting; in such notice reference shall be made to the number of the sprinkling district in which such assessment is made, and shall state the amount assessed for each one hundred square feet of territory sprinkled for the season.

Hearing objections.

SEC. 10. At the time and place so appointed as provided in the last preceding section, the council shall proceed to consider said assessment and hear all objections which parties interested may desire to make thereto and may adjourn, if necessary, from time to time and shall after due consideration, make such corrections or changes in said assessment as they may deem necessary to perfect and equalize the same on the basis prescribed in this act, and shall confirm and establish the assessment as so corrected and equalized; and the said assessment, as so confirmed and established shall be final, conclusive and binding upon all parties interested and no appeal shall lie in any case from such confirmation; and the several amounts charged in such assessment as so confirmed and established against the several lots and parcels of land therein mentioned, shall be collected as hereinafter provided.

If any assessment be annulled or set aside the said officer or officers designated to make such assessment shall proceed de novo to make another or new assessment in like manner, and like notice shall be given as herein required in relation to the first.

Assessing railroads.

SEC. 11. When in any case any portion of the cost and expense of making any improvement mentioned in this act shall by virtue of any valid law or ordinance, or by virtue of any valid contract be chargeable upon any railway company, the amount so chargeable may be assessed upon such railway company, and the balance only upon real estate chargeable as provided by this act, and the city may collect the amount so assessed upon said railway company by distress and sale of personal property, in the manner provided for by the general laws of this state in the case of taxes levied upon personal property, or by suit brought for that purpose; *provided*, however, that any real estate belonging to such railway company shall be assessed as in other cases.

Confirmation.

SEC. 12. When any special assessment shall have been confirmed it shall be the duty of the clerk or recorder to issue a warrant for the collection thereof, which shall be under the seal of said city, and signed by the mayor and such clerk or recorder of said city, and shall con-

tain a printed or written copy of the assessment roll as confirmed as aforesaid, or so much thereof as describes the real estate and the amount of the assessment in each case.

SEC. 13. All warrants issued for the collection of special assessments shall be delivered by the clerk or recorder to the city treasurer within five days thereafter, taking his receipt therefor.

Warrants for collection.

SEC. 14. All assessments levied under the provisions of this act shall be a paramount lien on the real estate on which the same may be imposed from the date of the warrant issued for the collection thereof.

Lien.

SEC. 15. Upon the receipt of any warrant for the collection of any special assessment authorized by this act, the city treasurer shall forthwith give notice by one publication in the official newspaper of the city that such warrant is in his hands for collection, briefly describing its nature, and requiring the respective owners of the several lots and parcels of land mentioned in such assessment to pay the amount therein assessed against such lots or parcels respectively, to said city treasurer within thirty days from the date of the first publication of such notice.

Notice of warrants.

SEC. 16. At the expiration of the time limited in the notice required by the last preceding section, the city treasurer shall return to the recorder a list duly certified by him, said treasurer, of the assessments so made which still remain unpaid, giving in such list the description of the several lots or parcels on which the assessments have not been paid, and the several amounts assessed thereto.

Penalty.

The city recorder shall thereupon add to each such delinquent and unpaid assessment a penalty of ten per cent, and forthwith transmit a duly certified list of such unpaid assessments, with a description of the several lots or parcels of land on which the same are made, and the names of the respective owners thereof, if known to the county auditor, who shall enter the several amounts of the said unpaid assessments on the tax list for said city for the next ensuing year, and levy the same upon the several lots or parcels of land to whom the same are respectively chargeable, and the same shall thereupon be collected as other taxes on real estate are collected.

SEC. 17. No assessment in this chapter provided for shall be set aside or held invalid by reason of any error, omission, informality or irregularity in the proceedings prior to the entry thereof on the tax list by the auditor of said county as hereinabove required, unless it shall appear that by reason of such error omission, infor-

Informalities—errors.

mality or irregularity substantial injury has been done to the party or parties claiming to be aggrieved.

The certified list of all unpaid assessments transmitted by the city clerk to the county auditor referred to in this act shall be prima facie evidence, that the proceedings up to the date of such certified list were valid and regular.

Reassessment.

SEC. 18. In all cases where any court hereafter shall for any cause whatever set aside or declare void any assessment made under any of the provisions of this act the city council shall without unnecessary delay instruct its officer or officers to make a reassessment or new assessment to defray the expense of such improvement and such reassessment or new assessment shall be made in accordance with the provisions of this act and when the same shall have been made and confirmed by the city council it shall be enforced and collected in the same manner that other assessments are enforced and collected under this act.

And in case where any court hereafter shall set aside or declare void any assessment upon any lot or parcel of land for any cause, the said lots or parcels of land may be reassessed or newly assessed from time to time until each separate lot, piece or parcel of land has paid its proportionate part of the costs and the expenses of said improvement as near as may be.

New warrants—
when.

SEC. 19. In all cases where the treasurer, county auditor or county treasurer shall be unable to enforce the collection of any special assessment authorized by this act by reason of irregularity or omission of any proceedings subsequent to the confirmation of such assessment the clerk and mayor of such city are hereby authorized and empowered to issue a new warrant to the treasurer for the collection of any assessment which by reason of such irregularity or omission remains unpaid or not collected.

Thereafter all proceedings shall be had under such new warrants to enforce the assessments therein specified in the same manner, as near as may be, as is prescribed by the provisions of this act for the enforcement and collection of special assessments after the same shall have been confirmed as in this act provided, and as often as any failure shall occur by reason of such irregularities or omissions a new warrant may issue and new proceedings be had in like manner until such special assessment shall be fully collected as to each and every tract and parcel of land charged therewith.

Relating con-
tractors.

SEC. 20. In all cases where work contemplated by the provisions of this act shall be suspended before final completion by failure of the contractor to perform the

same, or for any other cause the city council may relet the unfinished portion of such work in the same manner, as near as may be, as provided in this act for the letting of contracts, and in every case of such new contract the work shall be paid for in the same manner as contracts for other like improvements.

SEC. 21. When any notice is required to be published in any newspaper under this act, an affidavit of the publisher or printer of such newspaper or of the foreman or clerk of such publisher or printer annexed to a printed copy of such notice taken from the paper in which it was published, and specifying the time when and the paper in which such notice was published, shall be evidence in all cases and in every court of judicial proceedings of the facts contained in such affidavit.

Publication of notices.

SEC. 22. If for any cause, the proceedings of the city council or any officer may be found irregular or defective, whether jurisdictional or otherwise, the city council may order a new assessment from time to time, and as often as need be, until a sufficient sum is realized from the real estate abutting on the street in which such improvement has been made to pay the costs, damages and expenses incurred thereby, it being the true intent and meaning of this act to make the cost and expenses of all public improvements provided for in this act local to such city and payable by such abutting real estate.

May re assess for deft ency.

SEC. 23. Any city in the state of Minnesota heretofore or hereafter incorporated may become subject to the provisions of this act, and the city council of such city may effect the same by an ordinance thereof, duly passed by a two-thirds majority of all the members of such council voting in favor of the same and approved as provided by the charter of such city; and a certified copy of such ordinance so approved and duly certified, accompanied by a statement of the vote thereon, with the names of the members voting for and against said ordinance, shall be forwarded to and filed in the office of the secretary of state, and such city shall thenceforth be deemed to be subject to the provisions of this act and shall be governed, controlled and regulated by and under the provisions of this act, and the city officers of said city shall thereupon exercise the powers conferred herein, and all courts in this state shall take judicial notice of the fact of such city becoming subject to the provisions of this act;

Adoption of this act.

And none of the provisions of this act shall have any force or effect in any city of this state unless accepted as in this section provided.

Conflicting
laws.

SEC. 24. After the passage and adoption of the ordinance mentioned in the last section and the filing of the same with the secretary of state all laws of such city in conflict with this act shall no longer be applicable, and shall be repealed from and after that date, but all laws or parts of laws not inconsistent with the provisions of this act shall continue in force and be applicable to such city the same as if such city had not become subject to the provisions of this act.

Existing suits
and claims.

SEC. 25. All suits, debts, taxes and claims whatever belonging to the said city shall be and remain in full force, and shall be sued for, recovered or collected under the provisions of law governing the said city prior to the acceptance of this act, and all proceedings for the collection of any special assessment for local improvements, authorized by this act, contracted for before such city became subject to the provisions of this act, shall be proceeded in as though no change had been made in the laws regulating and governing such city.

SEC. 26. This act shall take effect and be in force from and after its passage.

Approved April 15th, 1895.

S. F. No. 721.

CHAPTER 234.

Delinquent
special assess-
ments.

An act limiting the amount of costs to be charged and collected in the enforcement of the payment of delinquent special assessments.

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

Costs.

SECTION 1. That the amount of costs to be charged and collected in the enforcement of the payment of delinquent special assessments made by any city of this state against each piece of real estate so assessed, whether such city exists under special act or general law, shall be the following amounts and no more, to-wit:

For entering judgment fifteen cents each description and defraying the cost of advertising and notice of sale the sum of twenty cents. For making sale of such real estate and for such other expenses as may be incurred by the city in selling the same, the sum of ten cents.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.