

Discharge
of lien.

as all other taxes for said year on said tracts in which such entry was made, and another one-tenth with and as the taxes of each successive year, until all is paid. When the full amount of such lien, with accumulated interest, shall thus or at one time be made, the auditor, upon presentation of a receipt from the treasurer to that effect, shall issue under his hand and official seal a certificate of such payment, and the same, when recorded in the office of the register of deeds, shall release and discharge such lien of record.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 21, 1903.

S. F. No. 486.

CHAPTER 312.

Cities of
10,000 and
less.

An act authorizing cities having a population of 10,000 or less to establish and maintain a general system of sewers, and to maintain, alter, relay and extend any existing system of sewers, and to provide for the cost thereof, and to create sewer districts within the limits of such cities.

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

Authorized
to main-
tain and
extend
sewer
system.

SECTION 1. In any city of this state having a population of ten thousand or less the city council shall have power to maintain and extend any existing sewer system, to relay, alter or extend any existing sewer and to establish and maintain a general system of sewers, and to create sewer districts, and change, diminish or enlarge the boundaries thereof from time to time.

General,
district,
joint-
district and
lateral.

SEC. 2. The city council may at any time establish a general sewer system, and may classify sewers as general, district, joint-district and lateral. General sewers shall be the designation of such large sewers as shall be common to the entire city or used as outlets for district of joint district sewers, and shall not include those which may or shall be constructed for the immediate draining of any particular district. District sewers shall be the designation of all main sewers laid for the immediate draining of a particular sewer district. Joint district sewers shall be the designation of such large sewers as may be laid through or be used jointly by two or more sewer districts between a district sewer and a general sewer or independently of general sewers, and for all purposes of construc-

tion, maintenance, repairing and taxation or providing for the cost therefor, shall be treated as though in a single district. Lateral sewers shall be the designation of all sewers of whatever size, capacity or length, which may be constructed to drain any portion of a sewer district directly into any district, joint district or general sewer. Sewer districts shall be wherever practicable laid out to include any particular portion of the city which may be drained entirely by itself, or which may be first drained by itself and then through connection with a general sewer.

SEC. 3. All general, district and joint district sewers shall be laid, when practicable, in public grounds, streets or alleys. Whenever it shall be necessary in the judgment of the city council to lay and maintain any general, district, joint district, or lateral sewer in or through other than public lands, the city may acquire the right thereto by purchase, or by condemnation under the right of eminent domain.

To be laid
in public
grounds.

SEC. 4. No action shall be taken for the extension of any existing sewer nor for the construction of an entire or partial system, except upon the adoption of an ordinance or resolution by a majority vote of all the members of the city council. The creation of sewer districts and the alteration of boundaries thereof shall be by ordinance, and the council may at all times cause inspections, surveys, plans and profiles, to be made by the city engineer, or other competent engineer to be selected by the city council, and reported to the city council for its guidance in determining the form and extent of any sewer district to be created, enlarged, or diminished; and such sewer districts shall be consecutively numbered.

Purchase
or condemn
private.
By
ordinance.

Duty of
engineer.

SEC. 5. The cost of constructing a general sewer shall be paid out of the sewer fund, if any, or, if there is no sufficient sewer fund, then out of the general revenue fund of the city.

Payment
for general
sewer.

The cost of constructing every district sewer may be assessed against all the land in the sewer district subject to assessment for local improvements, without regard to cash valuation, and each lot, piece or parcel of land in the district so subjected to assessment shall be assessed in the ratio of the square feet area to the total assessable area of the whole sewer district.

District.

The cost of constructing every joint district sewer may be assessed against all the land in the two or more sewer

Joint
district.

districts which it drains, and for that purpose all of the districts so drained by any joint district sewer shall be treated as one district, and the same plan, method and means employed as in assessing for the cost of a district sewer.

Lateral
sewers.

The entire cost of constructing all lateral sewers may be assessed against every lot, piece or parcel of land abutting thereon, subject to assessment for local improvements, at an equal sum per front foot without regard to cash valuation.

Estimated
cost by
engineer.

SEC. 6. Whenever the city council shall determine by ordinance or resolution to alter, repair, relay or extend any existing sewer, or to construct any new sewer, the cost thereof shall be estimated by the city engineer or some other competent engineer to be selected by the city council, who shall draw plans and specifications and tabulate the results of his estimate of the cost, and report the same to the city council: and such plans and specifications shall be filed with the city clerk or recorder before any proposals for bids for work thereunder shall be advertised, and shall remain on file, open to the inspection of all persons until after the contract for such work shall be let and copies of such plans and specifications shall be furnished by the engineer who shall prepare the originals, to any person applying therefor, at a cost of seventy-five cents per hour for the time necessarily employed in making such copies.

Advertise
for bids.

SEC. 7. The city council shall then cause proposals for bids for such work to be advertised in the official paper of the city, and in a newspaper at the capital of the state, at least once in each week for three successive weeks, which advertisement shall specify the work to be done and shall call for bids upon a basis of cash payment for the work, and shall state the time within which bids will be received and the exact time at which the same will be opened for consideration by the city council. No bid shall be considered unless the same shall be accompanied by a cash deposit or duly certified check, payable to the order of the city treasurer for at least fifteen per cent of the amount bid, and be directed to the city clerk or recorder, securely sealed, so as to prevent its being opened without detection, and be indorsed upon the outside wrapper with a brief statement or summary as to the work for which the bid is made. In letting contracts for any such work it shall be the duty of the city council to require the execution of a written contract and a bond in such sum as the city council

Cash
deposit or
certified
check
with bid.

Contract
and bond.

may require, conditioned for the faithful performance of the contract and for saving the city harmless from any and all liability in the prosecution and completing of the work. The city council, if a contract is awarded, shall award the same to the lowest responsible bidder. If any bidder to whom such contract is awarded shall fail to enter promptly into such written contract and to furnish such bond, then such defaulting bidder shall forfeit to the city the amount of his cash deposit or certified check, and the city council may thereupon award the contract to the next lowest responsible bidder; *provided*, the city council shall have the right to reject all bids, and *provided, further*, that whenever the estimates made for the city council for the entire work projected shall be less than five hundred dollars, then the city council may directly purchase the materials therefor and cause the work to be done by day labor. Every contract awarded under this act shall be made between the city as one party, in the name of the city, and the successful bidder as the other party, and such contract shall be executed on the part of the city by the mayor thereof and countersigned by the city clerk or recorder with the corporate seal of the city affixed, and an attested copy thereof shall be filed and remain in the office of the city clerk or recorder.

Lowest
bidder.

May
reject bids.

Day
labor.

In every contract executed under this act, whether or not so stated therein, there shall be reserved the right of the city council to have the work supervised by the city engineer or other person, and in case of improper construction or unreasonable delay in the prosecution of the work by a contractor, to order and cause suspension of the work at any time and to relet the contract therefor or to order a reconstruction of any portion of the work improperly done, or, where the remaining work to be done or the work of reconstruction to be made shall call for an expenditure of less than five hundred dollars to complete the work or reconstruction by the employment of day labor.

Supervision
of work.

SEC. 8. In case the contractor to whom any such contract may be let shall properly perform the work therein designated, the city council may, from time to time, before the completion of the work, in its discretion, pay to such contractor eighty (80) per cent of the amount already earned thereunder upon the estimate of the city engineer or other competent engineer selected by the city council.

Payment
on esti-
mates.

SEC. 9. Whenever any work or improvement pro-

Assessment
against
property
affected.

vided for by this act shall have been determined upon and a contract let therefor, the city engineer, or other competent engineer selected by the city council, shall forthwith calculate the proper amount to be specially assessed for such district, joint district and lateral sewers against every assessable lot, piece or parcel of land within the sewer district affected, without regard to cash valuation, in accordance with the provisions of section 5 of this act.

Not in
excess of
cost of
18-inch
sewer.

Provided, that no property shall be specially assessed for the cost of a sewer in excess of the cost of a sewer eighteen inches in diameter, and that whenever any district, joint district or lateral sewer of larger diameter than eighteen (18) inches shall be laid or relaid the cost thereof in excess of the estimated cost of a like sewer eighteen (18) inches in diameter shall be paid out of the sewer fund, if any, or in case there is no sufficient sewer fund, then out of the general revenue fund of the city.

To be paid
by special
assessment.

Provided, further, that in calculating the special assessment for any district sewer or joint district sewer, the cost of laying or relaying such sewer in any public ground, street or alley, and all catch basins manholes, lamp holes and flushing valves and tanks, shall be taken as part of such district sewer or joint district sewer, and to be paid for by such special assessment.

Permission
granted
private
owners.

And *provided, further,* that private owners may lay, relay or extend any lateral sewer through any public ground, street or alley and connect the same with any general, district or joint district sewer, upon permission granted by a majority vote of the city council, and that any private owner alone, or two or more owners, jointly, may lay, relay or extend lateral sewers through private ground pursuant to rights acquired therefor by agreement or purchase from any private owner or owners. In the event that any private owner shall alone or jointly with others, lay, relay or extend any such lateral through public ground, street or alley, or through private ground, the city shall not be or become in any way or in any respect liable for any act or negligence involved therein.

City not
liable.

Proposed
assessment.

When such engineer shall have finished his calculation of the amount to be specially assessed, as aforesaid, against each lot, piece or parcel of land in the sewer district affected he shall at once prepare and file with the city clerk or recorder tabulated statements, in duplicate, showing the proper description of each and every lot, piece or parcel of land to be specially assessed and the amount he

has calculated against the same, and such statement shall be the basis of the assessment and be known as the proposed assessment to be made by the city council as hereinafter prescribed, and shall be laid before the city council for its approval at its next regular meeting to be held not less than ten (10) days thereafter. The city clerk or recorder shall thereupon cause notice of the time and place when and where the city council will meet in regular session, to pass upon such proposed assessment, to be published in the official paper of the city at least ten (10) days prior to such meeting of the city council.

Notice by
publication.

During all the time between the filing of such proposed assessment with the city clerk or recorder and such meeting of the city council, such proposed assessment shall be open to inspection and copying by all persons interested.

Open to
inspection.

At such meeting of the city council, all persons aggrieved by such proposed assessment may appear before the city council and present their reasons why such proposed assessment or any particular item thereof should not be adopted, and the city council shall hear and pass upon all objections thereto, if any, and may alter or affirm and adopt such proposed assessment as shall be deemed just in the premises, and upon the adoption by resolution of such proposed assessment the same shall be certified by the city clerk and filed in his office, and shall thereupon be and constitute the special assessment. And such special assessment, with the accruing interest thereon, shall be a paramount lien upon the property included therein from the time of the adoption of such assessment by the city council, and shall remain such lien until fully paid, and shall have precedence over all other liens, except general taxes, and as to such shall be concurrent, and shall not be divested or impaired by any judicial sale, and no mistake in the description of the property or in the name of the owner shall invalidate the lien.

Hearing of
objections.

Special
assessment
a paramount
lien.

Precedence
over other
liens, and
concurrent
with gen-
eral taxes.

It shall then be the duty of the city clerk or recorder, not less than ten (10) days, nor more than twenty (20) days, thereafter, to transmit a certified duplicate of such special assessment to the county auditor of the county to be extended on the proper tax lists of the county and such special assessment shall be collected and paid over in the same manner as other city taxes, and when so paid over shall be credited by the city treasurer to the respective sewer district fund for which it shall be collected. Such special assessments shall be payable in equal annual in-

Special
assessment
extended
on tax
lists of
county.

How
payable.

stallments extending over a period not exceeding three years, and the interest thereon shall not exceed the rate of six (6) per centum per annum, payable annually, and the county auditor shall extend such special assessment on the proper list covering such period of three years, beginning with the then current year.

Before
transmission
to county
auditor.

Provided, that the owner of any property affected by such special assessment may at any time before transmission thereof to the county auditor, pay such special assessment as to any lot, piece or parcel of land affected thereby to the city treasurer, without interest, and receive the proper receipt therefor, and the city clerk or recorder shall, upon the presentation of such receipt from the city treasurer, cancel upon the special assessment list the special assessment so paid.

All of
special
assessment
may be
paid to
county
treasurer.

Provided, further, that any owner of property affected by such special assessment may, at any time after such special assessment is transmitted to the county auditor, pay to the county treasurer, upon the statement of the county auditor, all of such special assessment then remaining unpaid, with accrued interest, and receive proper receipt therefor from such county treasurer, and the county auditor shall thereupon make proper entries upon such special assessment records to show such payment; and such receipts from the city treasurer and county treasurer shall be prima facie evidence of the payment of the special assessment indicated by such receipts.

Supplemental
assessments.

SEC. 10. In case of omission, errors or mistakes, in making such assessment in respect of the total cost of such improvement, or otherwise, it shall be competent for the city council to provide for and make supplemental assessments to correct such omission, errors or mistake; and such supplemental assessment shall be a lien as in case of the original assessment, drawing interest at the same rate and be payable and enforceable in the same manner as is herein provided with respect to the original assessment.

Fund of
sewer dis-
trict No.—.

SEC. 11. All moneys collected on any such special assessments shall constitute a fund for the payment of the cost of the improvement in the district for which such assessment was made, and the same shall be credited to the proper sewer district fund under the designation: "Fund of Sewer District No. ———"; and in anticipation of the collection of such special assessment the city may issue warrants on such fund, to be known as "sewer warrants," payable at such times and in such amounts as, in the judg-

Sewer
warrants.

ment of the city council, the collections of such special assessments will provide for, which warrants shall bear interest at a rate not to exceed six (6) per cent per annum, payable annually, and may have coupons attached representing each year's interest. Each warrant shall upon its face state for what purpose it is issued and specify the particular fund against which it is drawn, and shall be signed by the mayor and countersigned by the city clerk or recorder, and be in denomination of not less than fifty dollars nor more than five hundred dollars. Such warrants may be used in making payments on contracts for the improvements or may be sold by the city for not less than par and the proceeds thereof used in paying for such improvements. It shall be the duty of the city treasurer on presentation to pay such warrants and interest coupons, as they mature, out of the proper sewer district fund, and to cancel the same when paid. If any such warrants shall become due, or any interest shall become due on any such warrant, when there are no funds to pay the same, the city council is hereby authorized to effect a temporary loan for the payment thereof.

Temporary
loan for
payment of
warrants.

SEC. 12. Any matured sewer warrant or interest coupon may be used in the payment of any such special assessment on any particular property situate within the district for which such warrant or coupon shall have been issued; and the warrants and coupons so used shall be canceled and retired by the city treasurer.

Warrants
accepted in
payment of
assessments.

SEC. 13. No conveyance of any land upon which any such special assessment or portion thereof remains unpaid shall be recorded until all of such special assessment shall have been paid in full, any other provision in this act to the contrary notwithstanding.

Conveyances
of land
not entitled
to record
until as-
sessment is
paid.

SEC. 14. In all proceedings and records prepared or used in the making, levy or collection of such special assessments, letters, figures and proper ditto marks may be used to denote lots, pieces and parcels of land, and blocks, sections, townships, ranges and parts thereof, and dates.

In case
of error
or omission.

SEC. 15. No error or omission which may be made in any of the proceedings of the city council, or any officer of the city or county, in refusing to, reporting upon, ordering, recording or otherwise acting, concerning any local improvement provided for in this act, or in making any such special assessment or in levying or collecting the same, shall invalidate such assessment; unless it shall appear that by reason of such error or omission substan-

tial injury has been done to the party claiming to be aggrieved.

Assessment
set aside,
a reassess-
ment shall
be made.

SEC. 16. In all cases where any assessment, or any part thereof, as to any lot, lots or parcels of land assessed under any of the provisions of this act, or of any law of any city prior to this act, for any cause whatever, whether jurisdictional or otherwise, shall be set aside, or declared void by any court, the city council shall, without unnecessary delay, cause a reassessment or new assessment to defray the expenses of such improvement to be made, whether such improvement was made under this act, or any laws of any city prior to this act, and such reassessment or new assessment shall be made as nearly as may be, as herein provided for making the assessment therefor in the first instance; 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 all cases where judgment shall hereafter be refused or denied by any court for the collection or enforcement of any special assessment, or where any court shall hereafter set aside or declare void any assessment upon any lot or parcel of land for any cause, the said lot or parcel 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 expenses of said improvement as near as may be.

Valid as-
sessment
made prior
to this
act not
affected.

SEC. 17. Nothing in this act shall affect any valid assessment made by any city prior to the passage of this act, but all such prior assessments shall be collected in accordance with the provisions of law in respect of the same in force prior to the passage of this act.

Notice to
specify
particular
district.

SEC. 18. The notice of the time and place when and where the city council will meet in regular session to adopt any proposed assessment under section 9 of this act, and to be prepared by the city clerk or recorder and published, shall specify the particular sewer district or districts in which the improvement is to be made and shall describe with all reasonable certainty the location, extent and termini of the sewer or sewers to be laid, relaid or extended: *provided*, that no omission or inaccuracy in such notice shall invalidate the notice or the assessment, unless substantial injury shall be shown by the person claiming to be aggrieved thereby.

Not in-
valid, ex-
cept sub-
stantial
injury is
shown.

When the city council shall meet for the purpose of

adopting any proposed assessment under the provisions of section 9 of this act, no grievance or objection thereto, or to any item therein shall be heard by the city council, unless the party objecting, or his duly authorized agent or attorney, shall, on or before the date of such session of the city council, file with the city clerk or recorder, for presentation to the city council, a complete written statement of the objection with specific reference to the matter or item or items called in question and to which objection is made.

Objections
must be
in writing.

SEC. 19. Any person feeling himself aggrieved by such special assessment may, by notice in writing served upon the mayor, and also upon the city clerk or recorder, a copy whereof with proof of service shall be filed in the office of the clerk of the district court of the proper county, within twenty days after the adoption of such special assessment, appeal from such special assessment to the district court aforesaid, and such appeal shall be disposed of in a summary manner by the court. And the trial of such appeal, no pleadings shall be required, but the party appealing shall in his notice of appeal specify and enumerate the particular grounds of his objection to such special assessment, and shall not be entitled to have considered on such appeal any grounds of objection or items other than those specified in such notice, and no question shall be tried on such appeal as to any fact which may have arisen or existed prior to the letting of the contract or contracts for the improvement; and a copy of the assessment roll in question and of the resolution of the city council confirming or adopting the same, certified by the city clerk or recorder, or the originals thereof, shall be prima facie evidence of the facts therein stated or denoted, and that such assessment was regular, just and made in conformity to law, and the judgment of the court on the determination of such appeal shall be final. Such appeal shall be entered and brought on for hearing and be governed by the same rules as far as applicable, as in appeals from justices of the peace in civil actions, and like bonds shall be given to the city by the person appealing as are required in the appeals from justices of the peace in civil actions, but such bond shall, to render such appeal effective, be approved by the judge of such district court.

Appeal to
district
court.

Provided, that no appeal to the district court shall be made, heard or determined as to such special assessment, or any item therein, unless such objection shall have been,

Such ob-
jection
must first
be presented
to city
council.

as in this act specified, previously presented to and passed upon by the city council.

Maintenance
and repair.

SEC. 20. Whenever any such sewer shall be laid, re-laid or extended, it shall be the duty of the city council to maintain and keep the same in repair, at the expense of the city.

Private
connections
must be
with
lateral
sewers
and by
formal
permission.

SEC. 21. All private connections shall be made with lateral sewers, unless some insurmountable obstacle of a practical or scientific nature shall prevent, and no private connection with any sewer whatever shall in any event be made without formal permission therefor granted by the city council, and the making of all private connections with any sewer shall be subject to supervision and control by the city council; *provided*, that such supervision and control may be delegated by the city council to the city engineer or other person to be selected by the city council, in its discretion.

Eminent
domain.

SEC. 22. Whenever it shall become necessary for the city to exercise the right of eminent domain for purposes included within this act, all proceedings therein shall conform as near as may be to the provisions of sections 2620 to 2632, both inclusive, of the General Statutes of 1894.

This
act does
not affect
any home
rule
charter.

SEC. 23. This act shall not be construed as in any manner superseding, repealing, amending or qualifying the provisions of any home rule charter heretofore or hereafter adopted by any city or village under existing laws.

SEC. 24. This act shall take effect and be in force from and after its passage.

Approved April 21, 1903.

S. F. No. 465.

CHAPTER 313.

Counties of
200,000 and
over.

An act requiring county commissioners in all counties of this state, having a population of two hundred thousand (200,000) inhabitants, or over, to give a bond to the State of Minnesota for the faithful performance of their duties as county commissioners.

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

County com-
missioners
to take
oath and
give surety
bond.

SECTION 1. That each member of the board of county commissioners of all counties in this state now having, or which shall hereafter have a population of two hundred thousand (200,000) inhabitants, or over, shall before he