

S. F. No. 281.

CHAPTER 50.

Waterworks
in cities of
10,000 or
less.

An act to authorize cities having a population of ten thousand inhabitants or less to purchase, or otherwise acquire, extend and improve water works, and to issue bonds for such purpose.

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

Sale and
repurchase.

Subject to
approval
of voters.

"Purchasing" and "acquiring" defined.

Not
applicable in
certain
case.

Issue of
bonds not to
exceed \$150,000.

SECTION 1. In addition to the rights and powers heretofore granted by law to the several cities of the State of Minnesota, which rights and powers shall not be abridged or affected by this act, there is hereby granted to all cities that are or may be hereafter organized within the State of Minnesota, having a population of ten thousand inhabitants, or less, according to the last officially promulgated state or United States census, and which having owned a system of water works and sold or disposed of the same, and having by contract or otherwise reserved the right to repurchase the same, the right and power to issue bonds for the purpose of purchasing or otherwise acquiring the same and extending and improving such water works, and such cities are hereby authorized and empowered to purchase, subject to the approval of the legal voters of such city, as is hereinafter provided, any such water works system and plant and extend and improve the same.

The words "purchasing" and "acquiring" herein shall be deemed and taken to include the acquiring of any such works or plants by contract with the owner or owners thereof or pursuant to any right reserved in any contract or ordinance or pursuant to or by virtue of the exercise of the right of eminent domain in any condemnation proceedings had or taken for the purpose of acquiring any such works or plants.

Provided, that this act shall not relate to any city whose contract of repurchase includes the right to repurchase gas or electric plants.

SEC. 2. The bonds of any city issued pursuant to the terms of this act may be issued from time to time by a vote of the electors of such city, as hereinafter provided, but the total amount of such bonds outstanding shall not at any time exceed in the aggregate the sum of one hun-

dred and fifty thousand dollars (\$150,000), except as hereinafter provided.

SEC. 3. All bonds authorized by this act shall run not more than thirty years from the date of the issuance, bearing interest at not more than five per cent (5%) per annum, principal and interest payable at such time and place as may be fixed by the common council of such city, such bonds to be sealed with the seal of the city issuing them and signed by the mayor and attested by the clerk or recorder and shall be sold at not less than par value and accrued interest to the highest responsible bidder, after notice published once in each week for three (3) successive weeks in a daily paper, if one there be, if not, then in a weekly paper in the city where such bonds are to be issued, and also in a daily paper published in the city of St. Paul, a failure to publish said notice, however, shall not invalidate said bonds.

And for not longer than 30 years, rate, sale, etc.

SEC. 4. Bonds issued under or pursuant to the provisions of this act shall be so issued only when authorized by the voters of such city at a general or special election called for that purpose in the manner hereinafter provided.

Bonds must be voted.

SEC. 5. In addition to the bonds hereinbefore authorized to be issued a further and additional amount of bonds, not exceeding in the aggregate the sum of fifty thousand dollars (\$50,000) may be issued by any such city for any and all of the purposes hereinbefore provided for, provided the common council of such city shall authorize such issuance by a majority vote of all members elect and the question of such issuance shall be submitted to the voters of such city at a general election or at a special election called for that purpose as hereinafter provided and two-thirds of the voters voting at such election shall vote in favor of such issuance and in estimating the number of voters only male voters shall be considered.

Additional bonds not to exceed \$50,000 may issue, how.

SEC. 6. All elections provided for in this act shall be called and conducted in the manner prescribed for municipal elections in such cities and the notices of election shall contain a statement of the amounts and purposes for which such bonds are proposed to be issued with the date of their maturity and the rate of interest they shall bear. All elections provided for in this act may be called by resolution of the common council, passed by a majority

Election, how conducted.

vote of all members thereto, which resolution shall distinctly state the purpose of the election and the question to be submitted to the vote of the people. The ballot to be voted at all elections under this act may read as follows: "In favor of the proposition of issuing water works bonds to the extent of "Yes. No." The voters voting in favor of such proposition shall mark a cross (X) opposite the word "Yes" and those against such proposition shall mark a cross (X) opposite the word "No" on said ballot in a space provided for that purpose. If the required number of votes cast at any such election shall be in favor of issuing the kind and amount of bonds designated in the ballot, the city voting in favor thereof, through its proper officers without further act is authorized to issue such bonds to the amount voted and to issue and sell the same. The votes cast at such election shall be counted, returned and canvassed the same as at other municipal elections and the result certified to the clerk or recorder by the canvassing board. It shall be the duty of the common council to expend the moneys derived from the sale of said bonds in accordance with the directions of the voters as shown by said election. None of the proceeds of any of the bonds issued pursuant to the provisions of this chapter shall be used, or any part thereof, for any purpose except such as designated in the resolution and vote of the electors cast at any election authorizing the issuance of said bonds and any member of the common council or officer of said city who shall vote for or in any manner participate in the appropriation or expenditure of any of the proceeds of any of such bonds for any other purpose shall be deemed guilty of misdemeanor and punished as by law provided.

SEC. 7. None of the bonds of any such city, issued pursuant to the terms and provisions of this act, shall be deemed or taken to be a part of the indebtedness of such city within the purview of any law limiting the amount of the indebtedness of any city and the bonds provided for in this act may be issued without regard to the indebtedness of any such city.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 11, 1903.

Reading
of ballot.

When
authorized
to issue.

Canvass of
votes.

Proceeds of
bond issue,
how used.

Misdemeanor.

Such bonds
not
deemed to
be part of
indebtedness
of city.