

*election in cities of the first class not operating under a home rule charter shall be fixed and determined by the city council or common council of such cities respectively, in an amount not exceeding 40 cents per hour.*

6. To special peace officers, twenty cents for each hour of service rendered by direction of the judges."

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

Approved April 19, 1913.

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#### CHAPTER 396—S. F. No. 753.

*An Act to amend Section 9 of Chapter 312 of the General Laws of 1903, as amended by Chapter 364 of the General Laws of 1909, 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:

Section 1. **Assessment for sewers to bear interest from date of adoption of special assessment, not to exceed 6 per cent—Council to direct procedure by city clerk—County auditor to extend assessment and interest on tax roll—Payment may be previously made to city treasurer.**—That Section 9 of Chapter 312 of the General Laws of 1903 as amended by Chapter 364 of the General Laws of 1909, be and the same is hereby amended so as to read as follows:

"Section 9. Whenever any work or improvement provided 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.

Provided, that no property shall be especially 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.

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.

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 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, the city shall not be or become in any way or in any respect liable for any act or negligence involved therein.

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 each 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.

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.

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. *The amounts assessed against each lot, piece or parcel of land by such special assessment shall bear interest from the date of the adoption of such special assessment until the same have been paid, the rate of interest to be designated by a resolution of the city council at the time of the adoption of such special assessment but not to exceed six per cent (6%) per annum, 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.*

The city council may at any time by resolution direct the city clerk or recorder to make up and file in the office of the county auditor a certified statement of the amount of all of such unpaid assessments and the amount of interest which will be due thereon on the first day of January of the following year, and the city clerk or recorder shall within twenty (20) days thereafter make up and file such certified statement in the office of the auditor of the county, which statement shall also contain a description of the lands affected by the assessment. *Such resolution may also direct that such special assessment shall be payable in equal annual installments, not exceeding ten, and payable on the first day of January of each year, each of said installments to bear interest at the rate hereinbefore provided until fully paid, and the certified statement of the city clerk or recorder shall in this case show the amount of each of such installments, the date when each installment becomes due and the amount of interest to be paid on each installment in each year.* After said statement is filed in the office of the county auditor it shall be the duty of such auditor to extend upon the tax roll of each year the amount of such assessment or installment thereof, as the case may be, and the amount of interest which will become due on the first day of January of the following year as shown by said certified statement against the different lots or parcels of land therein described, and such amounts when so extended in each year shall be carried into the tax becoming due or payable in January of the following year, and enforced and collected in the manner provided for the enforcement and collection of state and county taxes, and the assessments and interest paid to the county treasurer shall be paid over by him to the treasurer of such city upon the apportionment of general taxes.

*Provided, that any person may at any time before the transmission of the certified statement of the city clerk or recorder to the county auditor pay such special assessment as to any lot, piece or parcel of land affected thereby, together with the interest accrued thereon at the date of such payment, to the city treasurer 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 roll the special assessments so paid.*

*Provided, further, that any person may pay any such assessment with accrued interest thereon after the same has been so certified to the county auditor, provided, the tax roll containing such assessment has not in due course been delivered to the county treasurer for collection, and the receipt of such city treasurer shall be sufficient authority upon presentation to the county auditor for him to mark such assessment "paid" upon his roll, but after the tax roll has been delivered to the county treasurer for collection, the said assessment must be paid to him, with the penalties allowed by law. The same penalties and interest shall attach and be collected by the county treasurer on assessments as upon general taxes, which penalties and interest shall belong to the city and be turned over by said county treasurer to the city with the assessments. This section as amended shall apply to all assessments heretofore or hereafter levied under the provisions of this act."*

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

• Approved April 19, 1913.

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#### CHAPTER 397—S. F. No. 952.

*An Act to enable cities of the first class to acquire, construct and operate union railway passenger stations and tracks to connect the same with all railroad systems in the city; to require all railroad companies to run passenger trains to and from such stations and take and discharge passengers and their baggage therein; and to require compensation from railway companies for the use thereof; to acquire all lands and property necessary or convenient for such purposes by purchase, gift, condemnation or otherwise; to provide compensation to railway companies for the loss of existing passenger station facilities; and to confer on the railway and warehouse commission power to regulate the use of such station and facilities.*

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

Section 1. **Minneapolis given right to construct union depot.**  
—Each city of the first class, acting through its council, is hereby