

### CHAPTER 443

#### SANITATION; SEWAGE AND RUBBISH DISPOSAL

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**443.01 REMOVAL OF NAUSEOUS SUBSTANCES IN VILLAGES.** Subdivision 1. **Powers of council.** The council of each and every village in this state shall have power and authority and it is hereby authorized and empowered by ordinance to require the owner or occupant of any building, ground, or premises within the corporate limits of the village to remove from such building, ground, or premises any swill, offal, garbage, ashes, barnyard litter, manure, yard cleanings, or other foul, nauseous, or unhealthy stuff, and to authorize and provide for the removal by the proper officer of the village of such foul, nauseous, or unhealthy stuff whenever the owner or occupant shall refuse or fail to remove such substance, at the expense of the owner or occupant, and to make the cost and expense of such removal a lien upon the property and premises from which such substance is removed by the proper officer of the village, and to levy special assessments on the property and premises for the amount of the cost and expense of the removal.

Subdivision 2. **Duties of village officers.** When any village officer shall, under the direction of the council, as provided in subdivision 1, remove, or cause to be removed, any swill, offal, garbage, ashes, barnyard litter, manure, yard cleanings, or other foul, nauseous, or unhealthy stuff from any building, ground, or premises in the village, he shall report to the council the actual cost and expense of this removal of these substances, and a description of the lot, lots, or parcels of land from which these substances are removed, and this report shall be carefully filed and preserved by the recorder; and the council shall once in each year, prior to the first day of October, assess and levy upon each of the lots and parcels of land mentioned and described in such report or reports the cost of removing such substances from the same during the year next preceding the time of levying such assessments.

Subdivision 3. **Form of assessment.** Assessments for the cost of removal of any such substance from such property may be in any form which the council may adopt.

Subdivision 4. **Delivery of assessment rolls to county auditor; collection of tax.** The recorder shall, on or before the third Monday in October of each year deliver all such assessment rolls to the auditor of the county wherein situated the village making such assessments, and the auditor shall extend the assessments in a proper column on the proper tax books and the tax lists in his office, and such assessments shall be collected and the payment thereof enforced with and in like manner as state, county, and other taxes are collected, and payment thereof enforced; and such assessment, when collected, shall be paid over by the county treasurer to the treasurer of the village, together with all costs, penalties, and interest collected thereon at the time of making payment of village taxes to the village treasurer.

**443.02 CITIES OF THE FOURTH CLASS AND VILLAGES MAY ISSUE BONDS FOR SEWAGE DISPOSAL PLANT.** The governing body of any village or any city of the fourth class in the state operating under home rule charter pursuant to the provisions of the Constitution of the State of Minnesota, Article 4, Section 36, is hereby authorized and empowered, for the purpose herein designated, to issue the negotiable bonds of the village or city to the amount authorized by the village or city council; the bonds to be made in such denominations and payable at such places and at such times, not exceeding 30 years from the date thereof, as may be deemed best, to mature serially, and to bear interest at a rate not to exceed six per cent per annum, payable semiannually, with interest coupons attached, payable at such place or places as shall be designated therein.

No such bonds shall be sold for less amount than the par value thereof and accrued interest thereon.

These bonds shall be issued, negotiated, and sold in accordance with the particular method prescribed by the laws governing villages or by the charter of the city so issuing such bonds, provided that sections 443.02 to 443.07 and all proceedings taken thereunder shall be done pursuant to the provisions of sections 475.03, 475.04, and 475.23 to 475.33.

The bonds authorized by sections 443.02 to 443.07 or any portion thereof, may be issued and sold by any such village or city, notwithstanding any limitations contained in the charter of the city or in any law of the state prescribing or fixing any limit upon the bonded indebtedness of the city or village.

[1927 c. 85 s. 1; 1929 c. 244 s. 1] (1799-1)

**443.03 TAX LEVY.** The full faith and credit of any such village or city shall, at all times, be pledged for the payment of any bonds issued under sections 443.02 to 443.07 and for the payment of the current interest thereon, and the governing body of the village or city shall each year include in the tax levy a sufficient amount for the payment of interest as it accrues, and for the accumulation of a sinking fund for the redemption of such bonds at their maturity.

[1927 c. 85 s. 2; 1929 c. 244 s. 2] (1799-2)

**443.04 EXECUTION; SALE.** All bonds issued under the authority of sections 443.02 to 443.07 shall be sealed with the seal of the village or the city issuing the same and signed by the president of the village council or mayor and attested by the village or city clerk, except that the signatures to the coupons, attached to such bonds, if any, may be lithographed thereon. The sale of such bonds shall be in such manner and in such proportions of the whole amount authorized by sections 443.02 to 443.07 and at such times as may be determined by the governing body of such village or city, and the bonds may be purchased by the state board of investment with the funds of the State of Minnesota.

[1927 c. 85 s. 3; 1929 c. 244 s. 3] (1799-3)

**443.05 PROCEEDS NOT TO BE USED FOR OTHER PURPOSES.** The proceeds of any and all bonds issued and sold under authority of sections 443.02 to 443.07 shall be used only for the purpose of constructing a sewage disposal plant for the village or city.

[1927 c. 85 s. 4; 1929 c. 244 s. 4] (1799-4)

**443.06 APPLICATION.** Nothing contained in sections 443.02 to 443.07 shall be construed to repeal or modify the provisions of any charter adopted pursuant to the Constitution of the State of Minnesota, Article 4, Section 36, requiring the question of the issuance of bonds to be submitted to the vote of electors.

[1927 c. 85 s. 5; 1929 c. 244 s. 5] (1799-5)

**443.07 POWERS ADDITIONAL.** The powers granted in sections 443.02 to 443.06 are in addition to all existing powers of such villages or cities.

[1927 c. 85 s. 6; 1929 c. 244 s. 6] (1799-6)

**443.08 CERTAIN CITIES MAY CONTRACT FOR TREATMENT OF SEWAGE.** Any city of the fourth class, having a population of less than 3,000 operating under a home rule charter, and maintaining and operating a sewage purification plant and having a state institution, operated under the direction of the director of public institutions, located partly within and partly without the boundaries of the city, is hereby authorized and empowered to contract with the State of Minnesota for purification treatment of sewage produced at such state institution, upon such terms and for such period of time as the governing body of the city may determine and authorize.

[1935 c. 346] (1799-7)

**443.09 CERTAIN CITIES MAY INSTALL SEWAGE SYSTEMS AND PUMP-ING STATIONS.** Any city, other than cities of the first class, and cities of the second class organized under a home rule charter, however organized, and any village which has installed or may hereafter install, a system of sewers, sewage pumping station, or sewage treatment or disposal plant or plants for public use, in addition to all other powers granted to it, shall have authority, by an ordinance duly adopted by the governing body thereof, to charge just and equitable rates, charges, or rentals for the use of such facilities and for connection therewith by every person, firm, or corporation whose premises are served by such facilities, either directly or indirectly. These charges shall be, as nearly as possible, equitable and in proportion to the service rendered and shall take into consideration the quantity of sewage produced and its concentration, strength of river, lake, bay, or other body of water, pollution qualities in general, and the cost of its disposal. The charges shall be fixed on the basis of water consumed, or on any other equitable basis the governing body may deem appropriate, and, if the council so directs, may be established as a surcharge on the waterbills of all water consumers in the municipality on the grounds that the sewage treatment is for the purpose of preventing pollution of sources of water supply, or on some other basis of measuring the use made of the aforesaid facilities. In case of arrangements with other municipalities, districts, or private parties for the supplying of sewers, aforesaid, such rates, charges or rentals may also be levied the same as in independent operations.

[1935 c. 221 s. 1] (1918-71)

**443.10 MONEYS RECEIVED SHALL BE PLACED IN SPECIAL FUND.** The moneys received from the rates, charges, or rentals authorized by section 443.09 shall be kept separate from the general or other revenues of the political subdivision, and when so collected shall be placed in a separate general sewer fund, or in the water fund of any such city, village, or borough. Also, any moneys received from the sale of any by-products arising out of sewage treatment or disposal shall be credited to this fund. The moneys so received shall be recorded, deposited, secured, and paid out as other funds of the political subdivision are; provided, that upon establishing and fixing these charges the receipts therefrom shall be used first to meet the costs of operating and maintaining the facilities, and any additional sums collected shall be applied to capital charges represented by bonds, certificates of indebtedness, or otherwise, and to the reasonable requirements for replacements and obsolescence. In determining the amount of capital costs to be met, the amount charged to special assessments, and also any amount of the cost properly chargeable to other than sanitary sewers, shall be deducted therefrom; and no such rate, charge, or rental shall include any amount therefor or be applied thereto upon their collection.

[1935 c. 221 s. 2] (1918-72)

**443.11 CHARGES TO BE AGAINST THE OWNER, LESSEE, OR OCCUPANT.** The rates, charges, or rentals for this sewer service may be made a charge against the owner, lessee, or occupant of the premises, duly charged and billed for the services hereunder, or against any or all of them; and any such claim for unpaid rates, charges, or rentals which have been properly billed to the occupant of the premises may be collected in a civil action in any court of competent jurisdiction, or, in the discretion of the governing body of the municipality, may be certified to the county auditor (or auditors of the counties) with the taxes against such property served and shall be collected as other taxes are collected. Payments of delinquent rentals shall be credited to the same fund as current funds for that purpose are, deducting therefrom any cost of collection accruing to the political subdivision.

[1935 c. 221 s. 3] (1918-73)

**443.12 CITIES OF THIRD CLASS AND VILLAGES MAY ESTABLISH SEWERS AND SEWAGE DISPOSAL PLANTS; CHARGES; SERVICE TO OTHER MUNICIPALITIES.** Any city of the third class or any village, may build and construct, when authorized by an ordinance passed by a two-thirds vote of the governing body thereof, a sewage treatment or disposal plant or plants for public use, and any such municipality which has installed, or may hereafter install, build, or construct, a system of sewers, sewage pumping station, or a sewage treatment or disposal plant or plants for public use, in addition to all other powers granted to it, shall have authority, by an ordinance duly adopted by the governing body

thereof, to charge just and equitable rates, charges, or rentals for the use of such facilities and for connection therewith by every person, firm, or corporation whose premises are served by such facilities, either directly or indirectly. These charges shall be as nearly as possible equitable in proportion to the service rendered, and shall take into consideration the quantity of sewage produced and its concentration, strength of river, lake, bay, or other body of water, pollution qualities in general, and the cost of its disposal. The charges shall be fixed on the basis of water consumed, or any other equitable basis the governing body may deem appropriate, and, if the council so directs, may be established as a surcharge on the water bills of all water consumers in the municipality on the grounds that the sewage treatment is for the purpose of preventing pollution of sources of water supply, or on some other basis of measuring the use made of these facilities. In case of arrangements with other municipalities, districts, or private parties for the supplying of sewers, such rates, charges, or rentals may also be levied the same as in independent operations.

[1937 c. 57 s. 1] (1918-74)

**443.13 BONDS ISSUED AND SOLD.** Subdivision 1. **Authority.** Any such municipality may issue and sell bonds for the construction of any such system of sewers, sewage pumping stations, or sewage treatment or disposal plant or plants for public use when authorized so to do by an ordinance or resolution adopted by a vote of two-thirds of the members of the governing body of the municipality; which bonds shall bear interest at not more than five per cent per annum, payable semiannually, and shall mature one-twentieth at the end of each year and may be registered with the treasurer of the municipality. No bonds shall be sold for less than par, and that each bond shall state plainly on its face that it is payable only from a sinking fund, naming the fund and the ordinance and resolution creating it, and that it does not create an indebtedness within the meaning of any charter, statutory or constitutional limitation upon the incurring of indebtedness.

Subdivision 2. **Sinking fund created.** At the time of, or before, the issuance and sale of any such bonds, the governing body must create a sinking fund for the payment of the bonds and the interest thereon and charges of the fiscal agency for making payment of the bonds and interest thereon.

At, or before, the issuance and sale of such bonds, the governing body shall, by resolution or ordinance, set aside a sinking fund and pledge to the payment of the bonds and the interest thereon the net income and revenues of the system, including all additions thereto and replacements and improvements thereof subsequently constructed or acquired, up to an amount sufficient to provide for the payment of the principal and the interest on the bonds as such principal and interest shall become due and payable, the fiscal agency charges, and a margin of safety, which together with any unused surplus of such margin carried forward from the previous year, shall equal 20 per cent of all other amounts so required to be paid into the sinking fund.

The income and revenues above mentioned shall be construed to mean all the gross income from the plant less operating expenses and cost of material and supplies used in operation and less ten per cent to be set aside for replacements and depreciation of the plant.

Subdivision 3. **Lien.** The payments above mentioned shall constitute a first and prior charge and lien on the entire net income and revenues derived from the operation of the system.

Subdivision 4. **Rates and charges.** The governing body of the municipality shall have full power and authority, and it is hereby made its duty, to fix and establish, on the basis of water consumed or any other equitable basis, by ordinance or resolution, and collect rates and charges for the services and facilities afforded by the system.

The rates and charges established for the services and facilities afforded by this system shall be sufficient in each year to provide income and revenues adequate for the payment of the reasonable expense and operation, repair, and maintenance and for the payment of the sums required to be paid into the sinking fund and for the ten per cent depreciation charge.

The governing body shall have the right to change and readjust from time to time the rates and charges so fixed and established provided the aggregate of such rates and charges shall always be sufficient to meet the requirements mentioned in preceding paragraph.

Subdivision 5. **Separate accounts.** After any municipality has issued and sold revenue bonds under sections 443.12 and 443.13, it must keep all income and revenues derived from the operation of the system separate and distinct from all other revenues and shall keep books and accounts for such system separate and distinct from all other books and accounts.

Subdivision 6. **Claim of bondholders.** Any such bonds and interest thereon shall be a valid claim of the holders thereof only against the sinking fund and the net income and revenues of the system pledged thereto and shall not constitute an indebtedness of the municipality within the meaning of any charter, statutory or constitutional limitation upon the incurring of indebtedness.

Subdivision 7. **Right to covenant.** Any municipality issuing bonds under sections 443.12 and 443.13, shall have the right to covenant with the holders of the bonds as to (1) the purpose to which the proceeds received from the sale of the bonds shall be applied and the use and disposition thereof; (2) the use and disposition of the income and revenues derived from the operation of the system; (3) the issuance and sale of additional bonds payable from the income and revenues of the system; (4) the operation and maintenance of the system; (5) the insurance to be carried hereon and the disposition of the insurance moneys; (6) its books of account and the inspection and audit thereof and its accounting methods; and (7) rates and charges for the services and facilities afforded by the system, and any other matters pertaining to the manner of handling this system and care and manner of paying the revenues on the bonds and interest.

Subdivision 8. **Limitations; construction.** No person, firm, or corporation shall be permitted to use the system, except they pay the full and established rate for the service.

Nothing contained in sections 443.12 and 443.13 shall be construed to permit the municipality to incur, under the provisions thereof, any obligation for the payment of which taxes may be levied.

Any bonds issued under sections 443.12 and 443.13 may be registered with the city treasurer or the fiscal agent with whom the sinking fund is deposited.

[1937 c. 57 s. 2] (1918-75)

**443.14 EQUITABLE CHARGES FOR SEWAGE FACILITIES.** Any city of the first class operating under a home rule charter and not embraced within the limits of any sanitary district which is authorized to provide a method or system for establishing and collecting equitable sewage service charges, which has installed and is operating, or which is proceeding to establish and install, or which may hereafter install a system of sewers, sewage pumping station, or a sewage treatment or disposal plant for public use, in addition to all other powers granted to it, shall have authority, by an ordinance duly adopted by the governing body thereof, to charge just and equitable rates, charges, or rentals for the use of such facilities and for connections therewith by every person, firm, or corporation whose premises are served by such facilities either directly or indirectly, or whose premises are connected in any way with any such sewers, or whose premises are served by a water distribution system which obtains its water supply from any source liable or subject to contamination or pollution as the result of the emptying or discharging of domestic sewage or industrial waste into the source of such water supply through any such sewers, sanitary sewer system, system of sewers, sewage pumping station, sewage treatment plant, or sewage disposal plant. These charges shall be, as nearly as reasonably possible, equitable and in proportion to the service or benefit rendered and may take into consideration the quantity of sewage produced, concentration, strength, the effect in general which such sewage may have in polluting or causing the pollution of any river, lake, bay, or other body of water forming the source, in whole or in part, of the water supply of any such water distribution system, and the cost of the disposal of such sewage. Nothing herein contained shall authorize the imposition of any rate, charge, or rental against any real estate unoccupied by dwelling, building, or other structure designed for residential, commercial, or industrial purposes. The charges may be fixed on the basis of water consumed or on some other basis of measuring the use made of these facilities. In case of arrangements with other municipalities, districts, or private parties for the supplying of these sewers, such rates, charges, or rentals may also be levied the same as in independent operations.

[Ex. 1933 c. 30 s. 1; 1941 c. 35] (1607-31)

**443.15 GENERAL SEWER FUND; DISPOSITION.** The moneys received from the rates, charges, or rentals, as authorized by sections 443.14 to 443.17, shall be kept separate from the general or other revenues of the political subdivision and when so collected shall be placed in a separate general sewer fund. Any moneys received from the sale of any by-products arising out of sewage treatment or disposal shall be credited to this fund. The moneys so received shall be recorded, deposited, secured, and paid out as other funds of the political subdivision are; provided, that upon establishing and fixing the charges aforesaid the receipts therefrom shall be used first to meet the costs of operating and maintaining the facilities, and any additional sums collected shall be applied to capital charges represented by bonds, certificates of indebtedness, or otherwise, and to the reasonable requirements for replacements and obsolescence. In determining the amount of capital costs to be met, the amount charged to special assessments, and also any amount of such cost properly chargeable to other than sanitary sewers, shall be deducted therefrom; and no such rate, charge, or rental shall include any amount therefor or be applied thereto upon their collection.

[*Ex. 1933 c. 30 s. 2*] (1607-32)

**443.16 CHARGES AS THE TAX LIEN ON LAND; DELINQUENT RENTALS.** The rates, charges, or rentals for this sewer service shall be a charge against the owner, lessee, or occupant of the premises, or against any or all of them; and any such claim for unpaid rates, charges, or rentals which have been properly billed to the occupant of the premises may be collected in a civil action in any court of competent jurisdiction, or, in the discretion of the governing body of the municipality, may be certified to the county auditor (or auditors of the counties) with the taxes against such property served and shall be collected as other taxes are collected. Payments of delinquent rentals shall be credited to the same fund as current funds for that purpose are, deducting therefrom any cost of collection accruing to the political subdivision.

[*Ex. 1933 c. 30 s. 3*] (1607-33)

**443.17 RATES, FIXING.** Before any rate for this service is fixed under authority of sections 443.14 to 443.17 a public hearing, with due posted or published notice thereof, shall be held by the governing body at which hearing interested persons shall be given an opportunity to be heard on the question. A similar hearing shall be held before the establishment of any change in such rates, charges, or rentals.

[*Ex. 1933 c. 30 s. 4*] (1607-34)

**443.18 DESTRUCTION OF GARBAGE; POWER TO ACQUIRE PLANT.** Any city of the first class in the state, is hereby authorized and empowered to acquire, by purchase or condemnation, lands on which to erect plants for the destruction of garbage and other refuse matter; also to purchase, erect, operate, and maintain such plants for the destruction of garbage and other refuse matter, also to provide for the collection of all such garbage or refuse matter and delivering the same to such destruction plants or other places, and to pay and contract to pay for the same in such annual instalments and at such a rate of interest on deferred payments as the council of the city may determine. Each and every act and thing authorized by sections 443.18 and 443.19 shall receive at least a three-fourths vote of all members of the council before the same shall be effective for any purpose.

[1905 c. 121 s. 1] (1601)

**443.19 LIMIT OF INDEBTEDNESS; TAX ESTIMATES.** The obligations incurred by any city of the first class in the making of any such contracts shall not be considered as a part of its indebtedness under the provisions of its governing charter, or of any law of this state fixing the limit of amount of its indebtedness; nor shall it be required, at any time before making, or during the life of such contracts, to have specifically provided for the same by previous tax estimates or levy, or to provide for or have on hand in its treasury more money applicable to such contracts than the amount to be paid thereon during a single year.

[1905 c. 121 s. 2] (1602)

**443.20 GARBAGE PLANTS IN CITIES OF THE FIRST CLASS; BONDS.** The governing body of any city of the first class in this state is hereby authorized and empowered, for the purposes designated in section 443.23, to issue, from time to time as needed, the negotiable bonds of the city to an amount in the aggregate not exceeding \$58,000, the bonds to be made in such denomination and payable at such places and at such times, not exceeding 30 years from the date thereof, as may be deemed

best, and to bear interest at a rate not to exceed six per cent per annum, payable semiannually, with interest coupons attached, payable at such place or places as shall be designated therein, and the governing body is further authorized to negotiate and sell such bonds from time to time to the highest bidder or bidders therefor and upon the best terms that can be obtained for these bonds.

No such bonds shall be sold for a less amount than the par value thereof and accrued interest thereon.

Sections 443.20 to 443.25 shall not supersede the provisions of the charter of a city providing for the referendum of ordinances passed by the governing body to a vote of the electors of the city, nor with the provisions of the charter of a city making the action of the council subject to approval of a board of estimate and taxation, nor with the provisions of a charter prescribing a particular method of authorization of such bonds.

[1923 c. 176 s. 1] (1602-1)

**443.21 TAX LEVY.** The full faith and credit of any such city shall at all times be pledged for the payment of any bonds issued under sections 443.20 to 443.25, and for the payment of the current interest thereon, and the governing body of such city shall each year include in the tax levy a sufficient amount for the payment of such interest as it accrues, and for the accumulation of a sinking fund for the redemption of such bonds at their maturity.

[1923 c. 176 s. 2] (1602-2)

**443.22 FORM AND SALE OF BONDS.** All bonds issued under authority of sections 443.20 to 443.25 shall be sealed with the seal of the city issuing the same and signed by the mayor and attested by the city clerk and countersigned by the comptroller or auditor of such city, except that the signatures to the coupons attached to such bonds, if any, may be lithographed thereon. The sale of such bonds shall be made in such manner and in such proportions of the whole amount authorized by sections 443.20 to 443.25 and at such times as may be determined by the governing body of such city.

[1923 c. 176 s. 3] (1602-3)

**443.23 USE OF PROCEEDS OF BONDS.** The proceeds of any and all bonds issued and sold under authority of sections 443.20 to 443.25 shall be used only for the purpose of acquiring a site, constructing and equipping plants for the destruction of garbage and other refuse and the proceeds of the bonds, or any thereof, shall not be used for any other purpose than those hereinbefore specified.

[1923 c. 176 s. 4] (1602-4)

**443.24 CHARTER PROVISIONS NOT AFFECTED.** Nothing contained in sections 443.20 to 443.25 shall be construed to repeal or modify the provisions of any charter adopted pursuant to the Constitution of the State of Minnesota, Article 4, Section 36, requiring the question of the issuance of bonds to be submitted to a vote of the electors.

[1923 c. 176 s. 5] (1602-5)

**443.25 POWERS GRANTED ARE ADDITIONAL.** The powers granted in sections 443.20 to 443.24 are in addition to all existing powers of such cities.

[1923 c. 176 s. 6] (1602-6)