

CHAPTER 444

SANITATION; SEWERS AND DRAINS, STORM SEWERS

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444.01 SEWERS AND DRAINS; BONDS. All villages now organized under the general or special laws of this state shall have the power and authority to build and construct any and all necessary sewers and drains in any such village, and to build and construct all necessary outlets for the same outside the limits of any such village, and raise money for the payment thereof by issuing the negotiable bonds of any such village; provided, that the question of building and constructing such sewer and drains and necessary outlets therefor, shall first be submitted to the vote of the people of the village in the same manner as now provided by law for the issuance of municipal bonds. Such bonds may be issued in any sum not exceeding the sum of \$20,000, anything in the charter of the village or in any law of this state which may prohibit the issuing of any bonds in excess of any specified percentage of the taxable property in the village to the contrary notwithstanding.

[1907 c. 279 s. 1] (1189)

444.02 SEWERS IN VILLAGES IN HENNEPIN AND RAMSEY COUNTIES. When the state board of health shall deem necessary for the preservation of public health, that sewers be constructed in any village in any county in the state now or hereafter having a population of 275,000, or over, according to the then last preceding official national or state census, and shall so recommend to the council or other governing body of the village, it may, by ordinance passed by the affirmative vote of at least three-fifths of all members thereof, and is hereby authorized and empowered to, construct such sewers and appurtenances thereto as the state board of health may recommend; to assess the property specially benefited thereby, and, without any further authority, may issue and sell bonds for the payment of the same; provided, that no contract for the construction of the same, or any part thereof, where the expenditure will be more than \$100.00, shall be entered into unless an advertisement shall be published for bids on the same, to be published at least once each week for three successive weeks, and the village council, or other governing body, shall have authority to prescribe such terms and conditions relative to the making of such bids for such contracts and relative to the security which each bidder shall be required to deposit with such bid, as such council, or other governing body, shall deem expedient and proper, and it shall have authority to reject any and all bids.

[1909 c. 363 s. 1] (1209)

444.03 BONDS, HOW ISSUED AND SOLD. The bonds of any such village, issued pursuant to the terms of sections 444.02 to 444.07, may be issued and sold, from time to time, as determined and authorized by ordinance or resolution adopted by the affirmative vote of at least three-fifths of all the members of the council or other governing body of such village and at such place or places, and in such instalments as may be provided in such resolution or ordinance, and shall bear interest at not to exceed five per cent per annum. No such bonds shall be issued so as to make the aggregate of such bonds for which such village may be liable at any one time to exceed the sum of 15 mills for each dollar of the assessed valuation of the taxable property in such village. These bonds shall be sealed with the seal of the village issuing them, and be signed by the president and the village recorder, and such bonds shall not be sold for less than par value and accrued interest, to the highest responsible bidder after notice published once each week

for three successive weeks in some newspaper published in the county in which the village is situated.

[1909 c. 363 s. 2] (1210)

444.04 PROCEEDS, HOW USED. None of the proceeds of any of the bonds issued pursuant to the provisions of sections 444.02 to 444.07, nor any part thereof, shall be used for any other purpose than the purposes specified in sections 444.02 and 444.03, which purpose shall be distinctly set forth in the ordinance or resolution authorizing the same.

[1909 c. 363 s. 3] (1211)

444.05 LIMITATION OF INDEBTEDNESS. None of the bonds of any such village, issued pursuant to the terms and provisions of sections 444.02 to 444.07 shall be deemed or taken to be a part of the indebtedness of such village within the purview of any law limiting the amount of the bonded or other indebtedness of any such village, and the bonds authorized by sections 444.02 to 444.07 may be issued notwithstanding, and without regard to, any limitation of the indebtedness of such village. Nevertheless, the full faith and credit of every such village is pledged to the full payment of all such bonds and interest.

[1909 c. 363 s. 4] (1212)

444.06 ASSESSMENT FOR BENEFITS. The village council, or other governing body, shall have the power and authority to assess the property specially benefited by the construction or extending of such sewer for the cost of the same, or any portion thereof, including all damages and expenses incurred by such village in construction of such sewer and appurtenances, together with cost and expense of acquiring lands for such purposes, by condemnation or otherwise.

[1909 c. 363 s. 5] (1213)

444.07 ASSESSMENTS, HOW MADE. The assessments authorized by sections 444.02 to 444.07 shall be made by resolution of such council, or other governing body, setting forth the purpose thereof, a description of each lot or parcel benefited, the name of its owner, if known, and the amount assessed thereon. Two weeks' published and posted notice shall be given of the contents of such resolution, and of the time when the council will attend at its usual place of meeting to hear objections to the assessment, or any part thereof. At such time and place the council, or other governing body, shall consider all objections made and for that purpose, may adjourn from day to day, not exceeding three days and by resolution may modify such assessments or any part thereof. On October 10th next following, if any of the assessments be not previously paid to the village treasurer, the recorder shall certify the same to the county auditor, who shall extend all such unpaid amounts against the lands assessed and the same shall be enforced, collected, and paid over to the village treasurer as in case of other village taxes.

[1909 c. 363 s. 6] (1214)

444.08 CERTAIN CITIES MAY CONTRACT USE OF SEWERS. Any city of the second, third, or fourth class may contract for the use of its sewers by the owner or occupant of land outside and within one mile of the limits of such city. Nothing herein shall be construed as limiting any power now possessed by any such city under its home rule charter.

[1929 c. 44; 1937 c. 128 s. 1] (1326-1)

444.09 STORM SEWER MAINS; BONDS FOR. The governing body of any city of the fourth class in the state operating under a home rule charter pursuant to the provisions of the Constitution of the State of Minnesota, Article 4, Section 36, after an affirmative vote of a majority of the electors thereof, voting at an election called for such purpose, is hereby authorized and empowered, for the purposes herein designated, to issue the negotiable bonds of such city to an amount in the aggregate not exceeding \$25,000; these 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 the 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 such governing body is further authorized to negotiate and sell such bonds from time to time to the highest bidder therefor and upon the best terms that can be obtained for these bonds.

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

Such bonds shall be issued and sold in accordance with the particular method prescribed by the charter of the city so issuing such bonds.

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The bonds authorized by sections 444.09 to 444.14, or any portion thereof, may be issued and sold by any such city notwithstanding any limitations contained in the charter of such city or in any law of this state prescribing or fixing any limit upon the bonded indebtedness of such city.

[1925 c. 51 s. 1] (1760-1)

444.10 TAX LEVY FOR INTEREST AND SINKING FUND. The full faith and credit of any such city shall at all times be pledged for the payment of any bonds issued under sections 444.09 to 444.14 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.

[1925 c. 51 s. 2] (1760-2)

444.11 SALE OF BONDS. All bonds issued under the authority of sections 444.09 to 444.14 shall be sealed with the seal of the city issuing the same and signed by the mayor and attested by the 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 444.09 to 444.14 and at such times as may be determined by the governing body of such city.

[1925 c. 51 s. 3] (1760-3)

444.12 USE OF PROCEEDS OF SALE OF BONDS. The proceeds of any and all bonds issued and sold under authority of sections 444.09 to 444.14 shall be used only for the purpose of constructing a storm sewer main for the use of such city and to take care of the overflow of any lake partially within the limits of such city, and the outlet for which lake flows through such city.

[1925 c. 51 s. 4] (1760-4)

444.13 CHARTER PROVISIONS FOR ELECTIONS. Nothing contained in sections 444.09 to 444.14 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.

[1925 c. 51 s. 5] (1760-5)

444.14 POWERS GRANTED ARE ADDITIONAL. The powers granted in sections 444.09 to 444.13 are in addition to all existing powers of such cities.

[1925 c. 51 s. 6] (1760-6)

444.15 FRONTAGE WATER TAX UPON REAL ESTATE; ASSESSING, LEVYING, OR COLLECTING; LIMITATION. No city within this state shall assess, levy, or collect any frontage tax or assessment upon lots or property abutting or bordering upon any water main or water pipes defraying the expense, in whole or in part, of the construction and maintenance of any system of water-works according to the lineal foot of each frontage for a longer period than five years from and after the first levy of such tax or assessment.

[1899 c. 87]