

## CHAPTER 444

## SEWERS AND DRAINS, STORM SEWERS

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444.01 to 444.07 [Repealed, 1949 c 119 s 110]

**444.075 MAIN SEWERS AND SEWAGE DISPOSAL PLANTS.** Subdivision

1. **Authorization.** Any city, except cities of the first class, operating under a home rule charter or any village is hereby authorized and empowered to build, construct, reconstruct, repair, enlarge and improve main sewers and sewage disposal plants. The authority hereby granted shall be in addition to all other powers with reference to sewers and sewage disposal plants otherwise granted by the laws of this state or by the charter of such city.

Subd. 2. **Financing.** For the purpose of paying the cost of building, constructing, reconstructing, repairing, enlarging and improving such main sewers and sewage disposal plants, any such city or village is hereby authorized to issue and sell its negotiable promissory coupon bonds, payable serially over a period of not to exceed 30 years, and bearing interest at a rate not to exceed five per cent per annum, payable semiannually.

Subd. 3. **Rates.** For the purpose of paying for the construction, maintenance or operation of such sewage disposal plants and sewer systems, the governing body of any such city or village shall have authority to impose just and equitable rates, charges or rentals for the use of such facilities and for connections therewith, in the manner prescribed by Minnesota Statutes 1945, Section 443.12, as amended. It may also levy assessments against property benefited by such sewage disposal plant or sewer system by the procedure authorized by law or charter with reference to other assessments for benefits of local improvements. It may transfer and use surplus funds of the city or village not specifically dedicated to any other purpose. It may levy taxes for such purposes within the limitations of Minnesota Statutes 1945, Section 275.11; provided that not more than 35 per cent of the taxes levied for the construction of any sewage disposal plant or trunk line sewer system, or for the payment of bonds issued for any such project, may be levied in excess of the limitations of said section.

Subd. 4. **Corporation outside of municipal limits may use.** Any such city or village is hereby authorized to permit any person, company or corporation located and doing business outside of the city or village limits to connect with the city or village sewage disposal facilities and make use of the same upon such terms and upon the payment of such fees and charges therefor as may be prescribed by the city or village, and to contract with any such person, company or corporation for the payment by such person, company or corporation of a part of the cost of construction of such sewage disposal plant, and to receive from such person, company or corporation doing business outside of the city or village limits payment in cash or such portion of the cost of the construction of such plant as may be agreed upon with the city or village and devote the money so received to the purpose of such construction. Any such person, company or corporation which may pay any part of the cost of construction of such plant in the manner aforesaid, shall thereafter have the right to use such sewage disposal plant for the disposal of his, their or its waste upon the payment of reasonable charges for the use of such facilities.

[1949 c 394 s 1-4]

**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.

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]