

CHAPTER 443

SEWAGE AND RUBBISH DISPOSAL

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443.01 [Repealed, 1949 c 119 s 110]

**443.015 ASSESSMENTS FOR GARBAGE COLLECTION AND DISPOSAL IN CERTAIN CITIES AND IN VILLAGES.** The council of any village or city of the fourth class which shall provide by contract or otherwise for regular collection and disposal of garbage or refuse from dwellings and places of business in the village or city of the fourth class may by ordinance obligate the owners of all property served to pay the proportionate cost of such service to their respective properties, and in default of payment such village or city council may annually levy an assessment equal to such unpaid cost as of September first of each year, against each lot or parcel of land so served for which the service charge is unpaid. Such assessment may include a penalty not to exceed ten percent of the amount thereof and shall bear interest at such amount not exceeding six percent per annum as the council shall determine. Such assessment shall be certified to the auditor of the county in which the land assessed is situated and shall be collected and remitted to the village or city treasurer in the same manner as assessments for local improvements.

[1948 c. 223 s. 1]

**443.02 BONDS FOR SEWAGE DISPOSAL PLANT.** The governing body of any village or any city of the second, third or fourth class, however organized is hereby authorized and empowered, for the purpose of acquiring the necessary site either within or outside of the municipality and of constructing, enlarging, improving or repairing a sewage disposal plant, garbage crematory or garbage disposal plant thereon, to issue the negotiable bonds of the village or city to the amount authorized by the village or city council;

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 all proceedings shall be done pursuant to the provisions of Minnesota Statutes 1945, Chapter 475.

The bonds may be issued and sold 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.

Nothing contained herein shall be construed to repeal or modify the provisions of any home rule charter requiring the question of the issuance of bonds to be submitted to vote of the electors. The powers herein granted are in addition to all existing powers of such villages or cities.

[1927 c 85 s 1; 1929 c 244 s 1; 1947 c 154 s 1] (1799-1)

443.03-443.07 [Repealed, 1947 c 154 s 2]

443.08-443.13 [Repealed, 1957 c 608 s 2]

**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 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; 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

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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.** 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 percent 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)

**443.26 RATES FOR RUBBISH DISPOSAL, CITIES FIRST CLASS.** Any city of the first class in the state of Minnesota, in addition to the powers conferred upon it by its charter or any law of this state, is hereby authorized to establish rates for the removal, collection, and disposal from public or private property of rubbish, and to collect the same in the manner set forth in sections 443.26 to 443.35.

[1945 c. 185 s. 1]

**443.27 DEFINITIONS.** For the purpose of sections 443.26 to 443.35, the word "rubbish" is defined as any one or all of the following substances: offal, garbage, ashes, barnyard litter, manure, rubbish, barnyard cleanings, dead animals, or any other foul or unhealthy stuff or material. For the purposes of such sections all of said substances are hereinafter referred to as "rubbish".

The words "rubbish disposal" mean the removal, collection, and disposal of "rubbish" from public or private property within any such city.

Wherever the words "city council" are used in sections 443.26 to 443.35, they mean the chief governing body of any such city.

Where the word "facilities" is used in sections 443.26 to 443.35, it means all mechanical apparatus, shop or office equipment, and public or private grounds purchased, leased, or otherwise permanently or temporarily acquired, for the disposal of rubbish, including tax forfeited lands which may be acquired and used for rubbish disposal, if the board of county commissioners in the county wherein any such city is located shall consider and determine that it is in the best interest of the state that such tax forfeited lands will be enhanced in value by such use. Any such board of county commissioners may add to the appraised value of any such lands the benefit they determine has accrued to such lands by reason of the use thereof for such purpose.

[1945 c. 185 s. 2]

**443.28 POWERS OF COUNCIL.** The council of any such city is authorized to employ present facilities, and to provide additional facilities, for rubbish disposal. Rates for such rubbish disposal, together with regulations incident thereto, shall be established by ordinance. Such rates shall be as nearly as possible just and reasonable, taking into account the character, kind, and quality of service, of rubbish and method of disposition, the number of people served at each place of collection, and all other factors that enter into cost of service, including interest on principal, investments, amortization of principal, depreciation, and other overhead charges upon facilities now owned and operated by any such city, or hereafter acquired for such use. Said rates when fixed may be billed in such manner as the city council may determine, or added to and collected with water bills and bills for sewage disposal rendered to owners, lessees or occupants of property, or as herein otherwise provided.

[1945 c. 185 s. 3]

**443.29 RATES A CHARGE AGAINST PREMISES.** The rates for rubbish disposal shall be a charge against the premises from which rubbish is collected, and the owner, lessee, or occupant of the premises, or against any or all of them, and any claim for unpaid rates charged 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 city council of the city, may be certified to the county auditor with the taxes against such property served, and shall be collected as other taxes are collected. Payment of delinquent rentals shall be credited to the fund as are current funds for that purpose.

[1945 c. 185 s. 4]

**443.30 PUBLICATION OF ORDINANCE.** The ordinance establishing rates for rubbish disposal shall be published in the official newspaper of the city, and shall set forth the rates for each type of service, and shall contain a notice to all persons or parties interested that the same will be considered at a public hearing not less than 30 days from the publication of said ordinance, upon which date a public hearing shall be conducted at which any person affected by any rate shall be given

an opportunity to be heard as to the rate which he will be called upon to pay. Said ordinance and the rates established therein shall take effect at the conclusion of said hearing, or at such other date as shall be fixed by such ordinance.

[1945 c. 185 s. 5]

**443.31 REGULATIONS.** The governing body in providing for rubbish disposal may by the ordinance, or any amendment thereto, provide in what districts or along which streets collection shall be made, and volume of rubbish to be collected, leaving certain amounts or types of rubbish to private disposal, but shall continue to have the authority to regulate the time and manner of private disposal, varied according to the nature of the rubbish accumulated and disposed of. Such regulation may provide for immediate abatement of any condition which is a menace to public health and safety. In such cases notice may be given to the owner or occupant of premises for the summary disposal of rubbish or unhealthy or unsafe condition by posting upon the premises notice of what is required. If the notice be not obeyed within the time fixed in said notice, the city shall have the right to remove such rubbish or such unhealthy or unsafe condition, charging such rates as are prescribed, or the cost thereof, and shall have the right to collect the same as rates and charges are herein authorized to be charged, made and collected. In lieu of such method, the city may, for adequate compensation, by contract with the owner of any premises, perform any service upon public or private property in the removal of rubbish, covering with proper filling material any foul, unhealthy or unsafe material, including low grounds, which are or may become foul, unhealthy or unsafe.

[1945 c. 185 s. 6]

**443.32 METHODS.** The city council shall have the authority to direct the method of handling and storage of rubbish on public or private premises, to require the owner, lessee, or occupant of the premises to place the same at the most convenient place upon the premises, and if convenience in the collection thereof requires containers on premises for the handling thereof, the city council may require the same.

[1945 c. 185 s. 7]

**443.33 RUBBISH DISPOSAL FUND.** Rates charged and collected, including compensation for work under contract, shall be deposited in a fund separate and distinct from any and all other city funds, to be designated "Rubbish Disposal Fund", which shall be a continuing fund to which shall be credited all receipts, and to which shall be charged all costs, principal or current, incident to such activity. Moneys may be temporarily advanced to said fund from any available unencumbered and unappropriated balance in any other fund or funds, and as receipts permit, reimbursement of moneys advanced from other funds shall be made.

[1945 c. 185 s. 8]

**443.34 POWERS ADDITIONAL.** The provisions of sections 443.26 to 443.35 shall be construed as an addition to existing charter or statutory powers of any city of the first class and not as an amendment to or repeal thereof, the purpose of these sections being to permit any city of the first class to engage in the activities hereinbefore authorized, to promote the public health, safety, welfare, convenience, and prosperity of the city. The activity herein authorized shall be considered a public utility and such activity may be merged and operated with any other city operated utility, if deemed necessary and economical. Accounting for the activity herein authorized shall be separate as hereinbefore directed.

[1945 c. 185 s. 9]

**443.35 VIOLATIONS, PENALTIES.** Any such city of the first class is hereby authorized by ordinance to impose penalties and provide for punishment for violation of any ordinance or regulation relative to the accumulation of rubbish, its collection or disposition.

[1945 c. 185 s. 10]