CHAPTER 441

BRIDGES

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441.01 MS 1994 [Repealed, 1996 c 310 s 1]

441.02 MS 1994 [Repealed, 1996 c 310 s 1]

441.03 MS 1994 [Repealed, 1996 c 310 s 1]

441.04 MS 1994 [Repealed, 1996 c 310 s 1]

441.05 MS 1994 [Repealed, 1996 c 310 s 1]

441.06 MS 1994 [Repealed, 1996 c 310 s 1]

441.07 MS 1994 [Repealed, 1996 c 310 s 1]

441.08 MS 1994 [Repealed, 1996 c 310 s 1]

441.09 MS 1994 [Repealed, 1996 c 310 s 1]

441.10 MS 1974 [Repealed, 1976 c 44 s 70]

441.11 MS 1974 [Repealed, 1976 c 44 s 70]

441.12 MS 1974 [Repealed, 1976 c 44 s 70]

441.13 MS 1974 [Repealed, 1976 c 44 s 70]

441.14 MS 1974 [Repealed, 1976 c 44 s 70]

441.15 MS 1974 [Repealed, 1976 c 44 s 70]

441.16 MS 1974 [Repealed, 1976 c 44 s 70]

441.17 MS 1974 [Repealed, 1976 c 44 s 70]

441.18 MS 1974 [Repealed, 1976 c 44 s 70]

441.19 MS 1974 [Repealed, 1976 c 44 s 70]

441.20 MS 1974 [Repealed, 1976 c 44 s 70]

441.253 MS 1945 [Repealed, 1949 c 119 s 110]

441.26 ROAD, BRIDGE, FERRY BEYOND FOURTH CLASS, STATUTORY CITY.

The council of any statutory city or of any city of the fourth class may appropriate and expend such reasonable sums as it may deem proper to assist in the improvement and maintenance of roads lying beyond

its boundaries and leading into it and to improve and maintain bridges and ferries thereon whether they are within or without the county in which it is situated.

History: *(1842) RL s 775; 1913 c 111 s 1; 1973 c 123 art 5 s 7*

441.265 MS 1974 [Repealed, 1976 c 44 s 70]

441.27 MS 1974 [Repealed, 1976 c 44 s 70]

441.28 MS 1974 [Repealed, 1976 c 44 s 70]

441.29 MS 1974 [Repealed, 1976 c 44 s 70]

441.30 MS 1974 [Repealed, 1976 c 44 s 70]

441.31 MS 1974 [Repealed, 1976 c 44 s 70]

441.32 MS 1974 [Repealed, 1976 c 44 s 70]

441.33 MS 1974 [Repealed, 1976 c 44 s 70]

441.34 MS 1974 [Repealed, 1976 c 44 s 70]

441.35 MS 1974 [Repealed, 1976 c 44 s 70]

441.36 MS 1974 [Repealed, 1976 c 44 s 70]

441.37 MS 1974 [Repealed, 1976 c 44 s 70]

441.38 MS 1974 [Repealed, 1976 c 44 s 70]

441.39 MS 1974 [Repealed, 1976 c 44 s 70]

441.40 MS 1974 [Repealed, 1976 c 44 s 70]

441.41 MS 1974 [Repealed, 1976 c 44 s 70]

441.42 MS 1974 [Repealed, 1976 c 44 s 70]

441.43 MS 1974 [Repealed, 1976 c 44 s 70]

441.44 MS 1974 [Repealed, 1976 c 44 s 70]

441.45 MS 1974 [Repealed, 1976 c 44 s 70]

441.46 MS 1974 [Repealed, 1976 c 44 s 70]

441.47 CITIES MAY ACQUIRE TOLL BRIDGES.

Any city of this state, however organized, bordering upon any navigable or nonnavigable stream, river, or body of water, including any international or interstate navigable or nonnavigable stream, river, or body of water, is authorized to acquire, purchase, construct, maintain, and operate bridges and approaches thereto across any such navigable or nonnavigable stream, river, or body of water, whether all or any portion of bridges and approaches be within or without the corporate limits of the city, and to exercise all such powers within its boundaries and in adjacent territory within this state, not in excess of two miles from the nearest

boundary line thereof, and in any adjoining domestic or foreign state, after first having obtained authority, if any be necessary, from the United States.

History: *1941 c 286 s 1; 1973 c 123 art 5 s 7*

441.48 MAY PURCHASE OR CONSTRUCT BRIDGES.

Every city which shall by ordinance have determined to exercise the powers granted by sections 441.47 to 441.55 shall have the right to acquire, purchase, construct, maintain, and operate any such bridges and approaches thereto across, above, or under any railroad or public utility right-of-way and in, upon, under, or above any public or private road, highway, street, alley, or public ground, or upon any property owned by any municipality, political subdivision, or agency of this state, and any such city may acquire, occupy, possess, and use all real estate, easements, rights in land, structures, buildings, equipment, appurtenances, machinery, and other real, personal, or mixed property necessary or incidental in the acquisition, purchase, construction, maintenance, or operation of any such bridges and approaches thereto by purchase or by condemnation or expropriation, in accordance with the laws of the state governing the acquisition of private property for public purposes by condemnation or expropriation, and in accordance with the laws of any foreign state where it becomes necessary to so acquire real estate and other property needed for the acquisition, purchase, construction, operation, or maintenance of any such bridges and approaches thereto.

History: *1941 c 286 s 2; 1973 c 123 art 5 s 7*

441.49 TOLL BRIDGES REVENUE BONDS.

For the purpose of acquiring, purchasing, or constructing any such bridges and approaches, the governing body of each such city is authorized to borrow money and in evidence thereof to issue toll bridge revenue bonds of such city, payable solely from the revenues derived from the operation of any such bridge or bridges. Such bonds may be issued as serial or term bonds, maturing in not to exceed 30 years from the date thereof, and may be made callable for redemption prior to maturity on any interest payment date, at the price of par plus a premium of not to exceed five percent of the par value thereof, and accrued interest, after notice shall be given at the time and in the manner provided in the ordinance authorizing their issue. Such bonds may be issued in such amounts as may be necessary to provide sufficient funds to pay the cost of acquiring, purchasing, or constructing such bridges and approaches thereto, including all property, real, personal, or mixed, necessary or incidental in the acquisition, purchase, or construction thereof, including reasonable legal and engineering fees and costs of financing. Such bonds shall bear interest at a rate not to exceed four percent per annum, payable semiannually, and all bonds issued under the provisions of sections 441.47 to 441.55 are hereby declared to be negotiable instruments and shall be executed by such officials of any such city as the ordinance authorizing their issue shall provide. In case any official whose signature appears on any such bonds or coupons shall cease to be such official before delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such official had remained in office until such delivery.

Such bonds may be sold at either public or private sale, as the governing authority of any such city may provide; provided, that all such bonds issued by any such city shall not be sold at a price of less than 95 percent of par.

When the governing body of any such city determines to issue bonds, as provided for in sections 441.47 to 441.55, it shall adopt an ordinance prescribing in a general way the bridges and the general location thereof, and setting out the aggregate amount of the estimated cost of the acquisition, purchase, or construction thereof as prepared by the engineers employed for that purpose, and determine the period of usefulness thereof and fix the amount of toll bridge revenue bonds to be issued, the maturity thereof, the interest rate,

and all other details in connection therewith, and such ordinance shall be effective immediately upon passage and approval. Such ordinance may contain such covenants and restrictions upon the issue of additional toll bridge revenue bonds thereafter as may be deemed necessary or advisable to assure the prompt payment of the bonds thereby authorized.

The bonds issued under the provisions of sections 441.47 to 441.55 shall be payable solely from the revenue derived from any such bridges and it shall be plainly stated on the face of each bond that it does not constitute an indebtedness within any constitutional or statutory or charter debt limitation.

History: *1941 c 286 s 3; 1973 c 123 art 5 s 7*

441.50 SINKING FUND.

Any ordinance authorizing the issuance of bonds under sections 441.47 to 441.55 shall provide for the creation of a sinking fund into which shall be payable from the revenues of any such bridges from month to month as such revenues are collected such sums in excess of the cost of the maintenance and operation of such bridges as may be sufficient to pay the interest upon and principal of such bonds at or before maturity, and the moneys in the sinking fund shall be applied solely to the payment of the maturing interest on bonds authorized under the provisions of sections 441.47 to 441.55 and for the retirement of such bonds at or prior to maturity. The governing body of any such city shall have power by ordinance to make, enact, and enforce all needful rules and regulations in connection with the acquisition, purchase, construction, maintenance, operation, and management, care or protection of any such bridge, and it shall be the duty of such governing body to establish rates of toll or charges for the use of any such bridges which shall be sufficient at all times to pay the cost of maintenance and operation thereof and to pay the principal of and interest on the bonds issued under the provisions of sections 441.47 to 441.55. Rates of toll or charges for the use of any such bridge shall be established, revised, and maintained and be payable and be enforced as the governing body of each such city may determine by ordinance.

History: *1941 c 286 s 4; 1973 c 123 art 5 s 7*

441.51 MS 1984 [Repealed, 1984 c 543 s 69]

441.52 BONDS SOLD NOTWITHSTANDING LIMITATIONS.

The bonds authorized by sections 441.47 to 441.55 may be issued and sold by any such city in accordance with the terms of the ordinance adopted therefor, notwithstanding any limitation contained in the charter of the city or in any law of the state prescribing or fixing any limit upon the bonded indebtedness of any such city, and such bonds shall not create or constitute an indebtedness of any such city within the meaning of any constitutional, statutory, or charter limitation upon the incurring of indebtedness, but such bonds shall be payable only from the net income and revenues of any such bridges pledged to the payment thereof after payment of the actual operating expenses and actual cost of maintenance and repair of any such bridges under economical management, and while any of the bonds are outstanding, such net income and revenues shall be used solely for the payment of the principal of and interest on the bonds, and the bonds and the interest thereon shall constitute a first and prior lien on and against such net income and revenues and on and against all funds, from whatever source, paid into or set apart for the sinking fund hereinabove designated.

History: *1941 c 286 s 6; 1973 c 123 art 5 s 7*

441.53 FUNDS KEPT IN SEPARATE ACCOUNT.

Every city owning and operating a toll bridge under sections 441.47 to 441.55 must keep all income and revenues derived from the operation thereof separate and distinct from all other revenues of the city,

and keep books of account therefor distinct from all other city accounts and in such manner as to show the true and complete financial results of such public ownership and operation. These accounts shall be kept so as to show in detail the actual cost to the city of such bridges, the daily tolls collected therefrom, all costs of maintenance, repair, and improvement, all operating expenses of every description, and the amounts set aside for sinking fund purposes, and semiannual reports showing the financial results of such public ownership and operation shall be published by the governing body of any such city.

History: *1941 c 286 s 7; 1973 c 123 art 5 s 7*

441.54 BONDS NOT INDEBTEDNESS OF CITY.

All bonds issued under sections 441.47 to 441.55 shall be exempt from and shall not constitute an indebtedness of any such city within the meaning of any provisions contained in the charter of the city or in any law of the state prescribing, limiting, or fixing the time and manner of payment of municipal bonds or prescribing, limiting, or fixing the time and manner of sale of municipal bonds, and all such bonds may be authorized, issued, and sold by any such city as provided in sections 441.47 to 441.55 notwithstanding any such charter or statutory provision.

History: *1941 c 286 s 8; 1973 c 123 art 5 s 7*

441.55 HOLDERS OF BONDS MAY SUE.

Any holder of a bond or bonds, or any of the coupons of any bond or bonds, issued under the provisions of sections 441.47 to 441.55 may, either in law or in equity, by suit, action, mandamus, or other proceedings, enforce or compel the performance of all duties required by these sections, including the fixing, maintaining, and collecting of such rates of toll or charges for the use of any such bridges and approaches thereto as will be sufficient for all the purposes provided by these sections and the application of the income and revenue thereof. All bonds of the same authorization issued under the provisions of these sections shall enjoy equal rights in respect of the revenues of any such bridges, regardless of the time of actual issuance or delivery thereof.

History: *1941 c 286 s 9*