CHAPTER 443

RUBBISH REMOVAL

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443.01 MS 1945 [Repealed, 1949 c 119 s 110]

443.015 ASSESSMENT TO DISPOSE OF GARBAGE OR REFUSE IN CERTAIN CITIES.

The council of any statutory city 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 statutory city 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 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 city treasurer in the same manner as assessments for local improvements.

History: *1943 c 223 s 1; 1973 c 123 art 5 s 7*

443.02 MS 1971 [Repealed, 1973 c 702 s 26]

443.03 MS 1945 [Repealed, 1947 c 154 s 2]

443.04 MS 1945 [Repealed, 1947 c 154 s 2]

443.05 MS 1945 [Repealed, 1947 c 154 s 2]

443.06 MS 1945 [Repealed, 1947 c 154 s 2]

443.07 MS 1945 [Repealed, 1947 c 154 s 2]

443.08 MS 1953 [Repealed, 1957 c 608 s 2]

443.09 MS 1953 [Repealed, 1957 c 608 s 2]

443.10 MS 1953 [Repealed, 1957 c 608 s 2]

443.11 MS 1953 [Repealed, 1957 c 608 s 2]

443.12 MS 1953 [Repealed, 1957 c 608 s 2]

443.13 MS 1953 [Repealed, 1957 c 608 s 2]

443.14 MS 1974 [Repealed, 1976 c 44 s 70]

443.15 MS 1974 [Repealed, 1976 c 44 s 70]

443.16 MS 1974 [Repealed, 1976 c 44 s 70]

443.17 MS 1974 [Repealed, 1976 c 44 s 70]

443.18 MAY HAVE GARBAGE PLANT IN FIRST CLASS CITY.

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 installments 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.

History: *(1601) 1905 c 121 s 1*

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.

History: *(1602) 1905 c 121 s 2*

443.20 MS 1974 [Repealed, 1976 c 44 s 70]

443.21 MS 1974 [Repealed, 1976 c 44 s 70]

443.22 MS 1974 [Repealed, 1976 c 44 s 70]

443.23 MS 1974 [Repealed, 1976 c 44 s 70]

443.24 MS 1974 [Repealed, 1976 c 44 s 70]

443.25 MS 1974 [Repealed, 1976 c 44 s 70]

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.

History: *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.

History: *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.

History: *1945 c 185 s 3*

443.29 RATES CHARGED 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.

History: *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 the person 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.

History: *1945 c 185 s 5; 1986 c 444*

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.

History: *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.

History: *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.

History: *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.

History: *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.

History: *1945 c 185 s 10*