

## CHAPTER 25.

AN ACT TO AMEND CHAPTER SEVEN (7), OF AN ACT ENTITLED: AN ACT TO DEFINE THE BOUNDARIES OF, AND ESTABLISH A MUNICIPAL GOVERNMENT FOR THE VILLAGE OF DULUTH, APPROVED MARCH EIGHT (8), ONE THOUSAND EIGHT HUNDRED AND EIGHTY ONE (1881).

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That chapter seven (7) of an act entitled: An act to define the boundaries of, and establish a municipal government for the Village of Duluth, approved March eight (8), one thousand eight hundred and eight-one (1881), be and the same is hereby amended by adding thereto the following sections, to-wit:

SEC. 13. The common council shall by ordinance or resolution fix the location, size, material and method of construction of all gutters, drains and sewers along the streets, avenues and alleys of said village, and may by ordinance provide for the filing of surveys and profiles, to be made by the village surveyor.

SEC. 14. The common council shall construct gutters, drains or sewers along the streets and alleys of said village, at the expense of the lots and parcels of land fronting thereon as provided in the last section, whenever requested thereto by a petition in writing signed by the owners of more than one-half ( $\frac{1}{2}$ ) of the lots and parcels of land to be charged with the cost of construction.

SEC. 15. The common council, whenever it may deem it necessary, may construct gutters, drains or sewers along the avenues in said village, and repair the same and may impose the whole or any portion of the cost thereof upon the village, or in its discretion assess the whole or any portion of the cost of such work upon the lots or parcels of land benefited or likely to be benefited by the construction of such gutters, drains or sewers in porportion to such benefit. And the common council shall have full power and jurisdiction to determine and declare what lots are and are likely to be so benefited, and assess against each of such lots and parcels of land its due porportion of the cost of such gutters, drains or sewers, and thereupon the several sums so assessed shall become and be a lien upon the lot or parcel of land against which it is assessed, and may be collected as hereafter provided.

SEC. 16. The cost of constructing sewers along any of the streets and alleys of said village not designated as avenues on the recorded plats thereof, shall be chargeable to and payable by the lots and parcels of land fronting on such street or alley within the line of such improvement, and each lot or parcel of land on the line of such improvement shall be assessed and chargeable with the cost of such sewer in porportion to their fronts on such street or alley. *Provided*, That the council may at its discre-

tion decide whether the lots upon one side of such street or alley, or on both sides thereof be benefited by the said improvement and assess the cost in accordance therewith.

SEC. 17. When any gutter, drain or sewer has been constructed along any of the streets, avenues or alleys of said village as hereinbefore provided, the common council shall have jurisdiction and authority to assess the cost thereof against the lots or parcels of land chargeable as hereinafter provided, and the same shall thereupon become a lien upon such lots or parcels of land as in the case of village, county and State taxes, and the same may be enforced and collected in the manner provided for collecting the costs of sidewalks by section nine (9) of this chapter.

SEC. 18. The village council may by ordinance prescribe all necessary rules and regulations for the survey, construction and repair of gutters, drains and sewers, the assessment and collection of the costs thereof in accordance with the provisions of this chapter. And may fix the terms and conditions upon which connection may be had with any such sewer, drain or gutter by any lots or parcels of land not taxed for the original construction of the same.

SEC. 19. To the cost of the improvements authorized by this chapter to be incurred at the expense of the owners of property fronting upon any avenue, street or alley in the village, there shall be added ten (10) per cent. of such cost to defray the expense of surveys, profiles and superintendence, and which amount shall be considered a part of said cost, and be a lien upon the property assessed for the same. But the village council shall authorize the abatement of the expense of surveys, profiles, and superintendence as aforesaid, in all cases where payment is made by the owner of any property, of the share of cost of such improvement chargeable to such property, within thirty (30) days after the completion of such improvement, and may authorize the payment of such expenses of surveys, profiles and superintendence from the general fund of the village. *Provided*, That all assessments against property authorized by this chapter, not paid within twenty (20) days after the completion of the work shall be a lien upon and levied and assessed against said property as provided in section nine (9) of this chapter.

SEC. 2. This act shall be in force and effect from and after its passage.

Approved November 19, 1881.