

CHAPTER 444

SEWERS, DRAINS, STORM SEWERS

Sec.	
444.075	Main sewers, sewage disposal plants
444.08	Certain cities may contract use of sewers
444.09	Storm sewer mains; bonds for
444.10	Tax levy for interest and sinking fund
444.11	Sale of bonds

Sec.	
444.12	Use of proceeds of sale of bonds
444.13	Charter provisions for elections
444.14	Powers granted are additional
444.15	Frontage water tax upon real estate; assessing, levying, or collecting; limitation

444.01 to 444.07 [Repealed, 1949 c 119 s 110]

444.075 MAIN SEWERS, 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, improve, or in any other manner obtain sewers, sewage treatment plants, systems, and other facilities for disposing of sewage or industrial waste, all hereinafter called facilities, and to maintain and operate the same inside or outside the city or village limits. The authority hereby granted shall be in addition to all other powers with reference to such facilities 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, improving, or in other manner obtaining such facilities or any portion thereof, 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 percent per annum payable semiannually.

Subd. 3. **Rates.** For the purpose of paying for the construction, reconstruction, repair, enlargement, improvement, or other obtainment and the maintenance, operation and use of such facilities, 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, or to make contracts for such charges as hereinafter provided. Any such governing body may also levy assessments against property within the city or village limits benefited by such facilities under the procedure authorized by law or charter with reference to other assessments for benefits of local improvements, may transfer and use for the purposes hereof surplus funds of the city or village not specifically dedicated to any other purpose, and may levy taxes on property within the city or village limits for such purposes within the limitations of Minnesota Statutes 1945, Section 275.11; provided that not more than 35 percent of the taxes levied for the construction, reconstruction, repair, enlargement, improvement, or other obtainment of any such facilities or for the payment of bonds issued for any such project, may be levied in excess of the limitations of said section. Any such city or village may contract with any person, company or corporation for the purposes and under the restrictions set forth in subdivision 4. Any such contract shall be binding upon the parties thereto for the full term agreed upon but in no event more than 30 years, and shall not be changed by either party without the consent of the other party.

Subd. 4. **Connection with facilities; charges.** Any such city or village is hereby authorized to permit any person, company or corporation located and doing business inside or outside of the city or village limits to connect with such facilities and make use of the same upon such terms and upon the payment of such fees and charges therefor as may be prescribed or contracted for 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, maintenance or use of such facilities and to receive from such person, company or corporation doing business inside or outside of the city or village limits payment in cash or installments of such portion of the cost of the construction, maintenance or use thereof as may be agreed upon or contracted for with the city or village

and devote the money so received to the purpose of such construction, maintenance or use. The proportionate cost of construction, maintenance or use of such facilities to be paid by such person, company, or corporation may be made payable in installments due at not greater than annual intervals for a period not to exceed 30 years. Any such person, company or corporation which may pay any part of the cost of construction, maintenance or use of such facilities in the manner aforesaid, shall thereafter have the right to use such facilities for the disposal or treatment of his, their or its sewage or industrial waste by the city or village upon the payment of reasonable charges for the use of such facilities or the charges contracted for in case there is a contract as herein provided.

[1949 c 394 s 1-4; 1951 c 366 s 1; 1953 c 195 s 1]

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] (1926-1)

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)

MINNESOTA STATUTES 1953

444.13 SEWERS, DRAINS, STORM SEWERS

3444

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]