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WATER POLLUTION CONTROL; SANITARY DISTRICTS 115.01

WATER POLLUTION AND SANITATION

CHAPTER 115

WATER POLLUTION CONTROL; SANITARY DISTRICTS

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WATER POLLUTION CONTROL ACT

115.01 DEFINITIONS. Subdivision 1. The following words and phrases when used in sections 115.01 to 115.09, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section.

Subd. 2. "Sewage" means the water-carried waste products from residences, public buildings, institutions or other buildings, including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground water infiltration and surface water as may be present.

Subd. 3. "Industrial waste" means any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from the development of any natural resource.

Subd. 4. "Other wastes" mean garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, oil, tar, chemicals, and all other substances not sewage or industrial waste which may pollute or tend to pollute the waters of the state.

Subd. 5. "Pollution" means the contamination of any waters of the state so as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life.

Subd. 6. "Sewer system" means pipe lines or conduits, pumping stations, and force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Subd. 7. "Treatment works" means any plant, disposal field, lagoon, dam, pumping station, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary land fills, or other works not specifically mentioned herein, installed for the purpose of treating, stabilizing or disposing of sewage, industrial waste, or other wastes.

Subd. 8. "Disposal system" means a system for disposing of sewage, industrial waste and other wastes, and includes sewer systems and treatment works.

Subd. 9. "Waters of the state" means all streams and lakes, including all rivers and lakes bordering on the state, marshes, watercourses, state, county, town or judicial drainage systems and other bodies of water, natural or artificial, public or private, of such character that the pollution thereof may create a nuisance or be either actually or potentially harmful or detrimental to the public health, safety or welfare, or to domestic, commercial, industrial or recreational use, or to livestock, wild animals, birds, fish, or other aquatic life.

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Subd. 10. "Person" means any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity.

[1945 c 395 s 1]

115.02 WATER POLLUTION CONTROL COMMISSION. Subdivision 1. **Creation.** There is hereby created a water pollution control commission, hereinafter referred to as the commission, which shall consist of the secretary and executive officer of the state board of health, the commissioner of conservation, the commissioner of agriculture, the secretary and executive officer of the state livestock sanitary board, and three members at large who shall be appointed by the governor, by and with the advice and consent of the senate. The terms of the first members at large serving after the enactment of this provision shall expire respectively on March 1 of the second, fourth, and sixth years following such enactment, and the succeeding regular terms of the members at large shall be six years after such expiration dates. Any vacancy in a membership at large shall be filled by the governor for the unexpired term. Members at large shall serve until their successors shall have been appointed and qualified. The governor, so far as practicable, shall appoint one member at large who is interested in water pollution control from the standpoint of the general public, one who is experienced in the field of municipal government, and one who is experienced in the field of industry. No person who is actively engaged in an official or business capacity or otherwise in any such field shall thereby be disqualified from serving as a member of the commission, but a member at large shall have no vote in any case involving a municipality or industry in which he is personally, officially, or financially interested; provided, that the determination of the commission in any such case shall not be questioned on account of this provision. The members at large shall receive no compensation for their services but they shall receive necessary and actual traveling and subsistence expenses for any meeting of the commission or for trips which they may make in connection with the work of the commission. The other members of the commission shall receive no additional compensation for their services as members of the commission, but shall receive their necessary and actual traveling and subsistence expenses while engaged in the business of the commission, which shall be paid from the appropriations to their several departments.

Except as hereinafter provided, Laws 1951, Chapter 517, shall take effect July 1, 1951. The governor may appoint the members at large who are to take office on said date at any time after the passage of Laws 1951, Chapter 517; but the member at large who is serving at such time shall continue to serve until the expiration of the term for which he was appointed, in lieu of an appointment for the regular term expiring March 1, 1955, and upon the expiration of the present term of such member or upon the occurrence of a vacancy in such membership, the governor shall appoint a successor for the remainder of said term expiring March 1, 1955.

Subd. 2. **Meetings; officers.** The commission shall hold quarterly regular meetings each calendar year at a time and place to be fixed by the commission. It shall select at its first meeting following the passage and approval of Laws 1945, Chapter 395, two of its members to serve as chairman and vice-chairman, respectively, and at the first regular meeting in each calendar year thereafter which shall be held in January, it shall select two of its members to serve for the ensuing year as chairman and vice-chairman, respectively. The secretary and executive officer of the state board of health shall serve as secretary of the commission and shall have custody of its files and records except such as are required to be filed with the secretary of state or otherwise. Special meetings of the commission may be called by the chairman or by any two other members upon at least two days written notice mailed to each other member of the commission or delivered at their respective offices. A majority of members of the commission shall constitute a quorum.

[1945 c 395 s 2; 1951 c 517 s 1, 2; 1961 c 113 s 1]

115.03 POWERS AND DUTIES. Subdivision 1. The commission is hereby given and charged with the following powers and duties:

To administer and enforce all laws relating to the pollution of any of the waters of the state;

To investigate the extent, character, and effect of the pollution of the waters of this state and to gather data and information necessary or desirable in the administration or enforcement of pollution laws, and to make such classification of the waters of the state as it may deem advisable;

To establish and alter such reasonable pollution standards for any waters of the

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state in relation to the public use to which they are or may be put as it shall deem necessary for the purposes of sections 115.01 to 115.09;

To make and alter reasonable orders requiring the discontinuance of the discharge of sewage, industrial waste or other wastes into any waters of the state resulting in pollution in excess of the applicable pollution standard established under this subdivision;

To require to be submitted and to approve plans for disposal systems or any part thereof and to inspect the construction thereof for compliance with the approved plans thereof;

To issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the discharge of sewage, industrial waste or other wastes, or for the installation or operation of disposal systems or parts thereof;

To revoke or modify any permit issued under sections 115.01 to 115.09 whenever it is necessary, in the opinion of the commission, to prevent or abate pollution of any waters of the state;

To prescribe and alter rules and regulations, not inconsistent with law, for the conduct of the commission and other matters within the scope of the powers granted to and imposed upon it by sections 115.01 to 115.09, provided that every rule or regulation affecting any other department or agency of the state or any person other than a member or employee of the commission shall be filed with the secretary of state; and

To conduct such investigations and hold such hearings as it may deem advisable and necessary for the discharge of its duties under sections 115.01 to 115.09, and to authorize any member, employee, or agent appointed by it to conduct such investigations or hold such hearings.

Subd. 2. In any such hearing or investigation, any member of the commission, or any employee or agent thereto authorized by the commission, may administer oaths, examine witnesses and issue, in the name of the commission, subpoenas requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearing or investigation. Witnesses shall receive the same fees and mileage as in civil actions.

Subd. 3. In case of contumacy or refusal to obey a subpoena issued under this section, the district court of the county where the proceeding is pending or in which the person guilty of such contumacy or refusal to obey is found or resides, shall have jurisdiction upon application of the commission or its authorized member, employee or agent to issue to such person an order requiring him to appear and testify or produce evidence, as the case may require, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

[1945 c 395 s 3]

115.04 DISPOSAL SYSTEMS. Subdivision 1. **Information.** Any person operating a disposal system, when requested by the commission, shall furnish to it any information which he may have which is relevant to the subject of sections 115.01 to 115.09.

Subd. 2. **Examination of records.** The commission or any employee or agent thereof, when authorized by it, may examine any books, papers, records or memoranda pertaining to the operation of a disposal system.

Subd. 3. **Access to premises.** Whenever it shall be necessary for the purposes of sections 115.01 to 115.09, the commission or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations.

[1945 c 395 s 4]

115.05 FINAL ORDER. Subdivision 1. **Notice; hearing.** No final order of the commission shall be effective as to the vested rights of any person adversely affected thereby nor as to any disposal system operated by any person unless the commission or its authorized officer, member, or agent shall have held a hearing upon the matter therein involved at which evidence may be taken, of which hearing such person shall have had notice as hereinafter provided. Any person who will be directly affected by the final order therein shall have the right to be heard at the hearing and to submit evidence thereat. Written notice specifying the time and place of the hearing shall be served by the commission upon all persons known by it to be directly affected by the final order, personally or by registered mail not less than ten days before the date of the hearing. A copy of the final order shall be

served in the same manner upon all persons who entered an appearance at the hearing.

Subd. 2. Emergency order. Notwithstanding the provisions of subdivision 1, the commission, when it shall have first determined that an emergency exists respecting any matter affecting the public health, may make a final order without notice and without a hearing. A copy of such final order shall be served as provided in subdivision 1.

Subd. 3. Appeal. An appeal may be taken from any final order, rule, regulation, or other final decision of the commission by any person who is or may be adversely affected thereby, or by the attorney general in behalf of the state, to the district court of the county in which the premises affected by such final order, rule, regulation, or other final decision are situated in the manner herein provided. Within 30 days after receipt of a copy of the order, rule, regulation, or decision, or after service of notice thereof by registered mail, but not in any case more than six months after the making and filing of the order, rule, regulation or decision, the appellant or his attorney shall serve a notice of appeal on the commission, through its secretary; provided, that during such 30 day period the court may, for good cause shown, extend such time for not exceeding an additional 60 days, but not beyond the expiration of such 'six months' period. The notice of appeal shall refer to the action of the commission appealed from, shall specify the grounds of the appeal, including points of both law and fact which are asserted or questioned by the appellant, and may contain any other allegations or denials of fact pertinent to the appeal. The notice shall state an address within the state at which service of notice and other papers in the matter may be made upon the appellant. The original notice of appeal, with proof of service, shall be filed by the appellant or his attorney with the clerk of the court within ten days after service of the notice, and thereupon the court shall have jurisdiction of the appeal.

Subd. 4. Intervention by state. The appellant and the commission shall in all cases be deemed the original parties to an appeal. The state, through the attorney general, or any other person affected may become a party by intervention as in a civil action, upon showing cause therefor. The attorney general shall represent the commission, if requested, upon all such appeals unless he appeals or intervenes in behalf of the state. No bond or deposit for costs shall be required of the state or the commission upon any such appeal or upon any subsequent appeal to the supreme court or other court proceedings pertaining to the matter.

Subd. 5. Venue of appeal. The venue of an appeal may be changed by order of the court upon written consent of the parties or for cause shown, after hearing upon notice to all parties, as in a civil action, to the district court of any county in which the order, rule, regulation, or decision appealed from would take effect.

Subd. 6. Record on appeal. Within 30 days after service and filing of the notice of appeal the commission, through its secretary, shall make, certify, and file with the clerk of the court having jurisdiction of the appeal a return comprising a copy of any application, petition, or other material paper whereon the action of the commission appealed from was based, a copy of the order, rule, regulation, or decision appealed from, a statement of any findings of fact or rulings or conclusions of law made by the commission in the matter, and such other statements, admissions, or denials upon questions of law or fact raised by the appeal as the commission may deem pertinent. Such 30 day period may be extended by the court for cause shown for not exceeding an additional 60 days. Within the time allowed for making and filing the return a copy thereof shall be mailed to or served upon the appellant or his attorney. The allegations of new matter in the return shall be deemed to be denied by the appellant unless expressly admitted, and no further pleadings shall be interposed. Otherwise the allegations of the notice of appeal and return shall have like effect as the pleadings in a civil action and shall be subject to like proceedings, so far as applicable.

Subd. 7. Appeals as in civil actions. The appeal shall be heard and determined by the court upon the issues raised by the notice of appeal and return according to the rules relating to the trial of civil actions, so far as applicable. The court of its own motion or on application of any party may, in its discretion, take additional evidence on any issue of fact or may try any or all such issues de novo, but no jury trial shall be had. If the court shall determine that the action of the commission appealed from is lawful and reasonable, and is warranted by the evidence in case an issue of fact is involved, the action shall be affirmed. Otherwise the court may vacate or suspend the action appealed from in whole or in part, as the case

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may require, and thereupon the matter shall be remanded to the commission for further action in conformity with the decision of the court.

Subd. 8. Stay. The taking effect of any action of the commission shall not be stayed by an appeal except by order of the court for cause shown by the appellant. The granting of a stay may be conditioned upon the furnishing by the appellant of such reasonable security for costs as the court may direct. A stay may be vacated on application of the commission or any other party after hearing upon notice to the appellant and to such other parties as the court may direct.

Subd. 9. Order prima facie reasonable and valid. In any appeal or other proceeding involving any order, rule, regulation, or other decision of the commission, the action of the commission shall be prima facie reasonable and valid, and it shall be presumed that all requirements of the law pertaining to the taking thereof have been complied with. All findings of fact made by the commission shall be prima facie evidence of the matters therein stated. The burden of proving the contrary of any provision of this subdivision shall rest upon the appellant or other party questioning the action of the commission.

Subd. 10. Collateral attack. If no appeal be taken from an order, rule, regulation, or other decision of the commission as herein provided, or if the action of the commission be affirmed on appeal the action of the commission in the matter shall be deemed conclusive, and the validity and reasonableness thereof shall not be questioned in any other action or proceeding, but this shall not preclude the authority of the commission to modify or rescind its actions.

[1945 c 395 s 5; 1959 c 461 s 1]

115.06 COOPERATION. Subdivision 1. **With other sovereign states.** The commission, so far as it is not inconsistent with its duties under the laws of this state, may assist and cooperate with any agency of another state, of the United States of America or of the Dominion of Canada or any province thereof in any matter relating to water pollution control.

Subd. 2. Funds received from persons or agencies. The commission may receive and accept money, property, or services from any person or from any agency described in subdivision 1 or from any other source for any water pollution control purpose within the scope of its functions under sections 115.01 to 115.09, and all moneys so received are hereby appropriated for such purposes in like manner and subject to like provisions of law as the corresponding appropriations of state funds.

[1945 c 395 s 6]

115.07 VIOLATIONS AND PROHIBITIONS. Subdivision 1. **Obtain permit.** It shall be unlawful for any person to construct, install or operate a disposal system, or any part thereof, until plans therefor shall have been submitted to the commission unless the commission shall have waived the submission thereof to it and a written permit therefor shall have been granted by the commission.

Subd. 2. Systems now operating. The commission, upon application of the appropriate person, shall issue a permit for the continuance of every disposal system now operating pursuant to proper legal authority subject, however, to the right of the commission to modify or revoke such permit in the same manner as other permits.

Subd. 3. Permission for extension. It shall be unlawful for any person to make any change in, addition to or extension of any existing disposal system or part thereof that would materially alter the method or the effect of treating or disposing of the sewage, industrial waste or other wastes, or to operate such system, or part thereof as so changed, added to, or extended until plans therefor shall have been submitted to the commission unless the commission shall have waived the submission thereof to it and a written permit therefor shall have been granted by the commission.

Subd. 4. Injunction. Pollution of any waters in violation of any provisions of sections 115.01 to 115.09, or of any order or regulation adopted by the commission thereunder shall constitute a public nuisance, and may be enjoined and abated as such as provided by law.

Subd. 5. Preliminary notice in tort actions. Every person who claims damages from the holder of a permit issued under sections 115.01 to 115.09 for the operation of a disposal system or from any employee or agent of such permit holder for or on account of any loss or injury sustained by reason of the operation of such system in respect of the treatment or disposal of sewage, industrial waste, or other wastes therein, or by reason of the discharge of any effluent therefrom, shall cause

to be presented to such permit holder and to the secretary of the commission within 30 days after the alleged loss or injury occurred a written notice, stating the time, place and circumstances thereof, and the amount of compensation or other relief demanded. No action therefor shall be maintained unless such notice has been given, or if commenced within ten days thereafter or more than one year after the occurrence of the loss or injury.

Subd. 6. **Penalty.** Violation of any provision of sections 115.01 to 115.09 or of any regulation adopted by the commission thereunder shall be a misdemeanor.

[1945 c 395 s 8-10]

115.08 INTERPRETATION. Sections 115.01 to 115.09 shall not be construed as repealing any of the provisions of law relating to the pollution of any waters of the state, but shall be held and construed as supplementing the same and in addition to the laws now in force, except as the same may be in direct conflict herewith.

[1945 c 395 s 7]

115.09 CITATION, WATER POLLUTION CONTROL ACT. Sections 115.01 to 115.09 may be cited as the state water pollution control act.

[1945 c 395 s 11]

REGIONAL WATER POLLUTION CONTROL

115.15 REGIONAL WATER POLLUTION CONTROL; DEFINITIONS. Subdivision 1. As used in sections 115.16 and 115.17 the terms defined in this section have the meanings given them except as otherwise provided or indicated by the context.

Subd. 2. "Commission" means the state water pollution control commission.

Subd. 3. "Region" means a sanitary region created as provided by section 115.16.

Subd. 4. "Committee" means the advisory committee created as provided by section 115.17.

[Ex1961 c 20 s 1]

115.16 CONGRESSIONAL DISTRICT A SANITARY REGION. Each congressional district of the state as now or hereafter established shall constitute a sanitary region for the purposes of sections 115.15 to 115.17.

[Ex1961 c 20 s 2]

115.17 WATER POLLUTION CONTROL ADVISORY COMMITTEE. Subdivision 1. **Membership.** There is hereby created a water pollution control advisory committee, consisting of two members for each region, who shall be citizens residing in their respective regions. The members of the committee shall be appointed by the governor, with the advice and consent of the senate. Of the members first appointed to the committee, the term of one for each district shall expire March 1 of the second calendar year after his appointment and the term of the other shall expire March 1 of the third calendar year after his appointment, as designated by the governor. The succeeding regular terms of members, shall be three years, beginning on such expiration dates, respectively. Each member shall serve until his successor is appointed and has qualified. The governor may fill any vacancy on the committee for the unexpired term, subject to confirmation by the senate if in session before the end of such term. Officers and employees of governmental subdivisions may serve on the committee but no state officer or employee shall serve thereon. As far as practicable the governor shall select the members of the committee so as to provide appropriate representation for municipal, industry, labor, agriculture and conservation interests. In appointing members of the committee the governor may consider recommendations submitted by any interested person, organization, or the governing body of a governmental subdivision, but shall not be limited thereto.

Subd. 2. **Expenses of members.** The members of the committee shall receive no compensation, but shall be reimbursed for their expenses incurred on committee business out of any funds appropriated and available therefor.

Subd. 3. **Meetings of committee.** The committee shall meet at St. Paul at the call of the governor as soon as practicable after the appointment of the first members, and thereafter shall hold one regular annual meeting as soon as practicable after January 1 each year and three additional regular quarterly meetings each year at such times and places in St. Paul or Minneapolis as the chairman of the committee shall designate. The regular meetings shall occur on dates coincident with meetings of the commission as far as practicable. The committee may hold special meetings anywhere within the state at the call of its chairman or upon the request of any five members of the committee. A majority of the members

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of the committee shall constitute a quorum. The vote of a majority of all the members of the committee shall be required for the adoption of any resolution, recommendation, or report.

Subd. 4. Officers of committee. The committee at its first meeting and at each regular annual meeting thereafter shall elect a chairman, a vice-chairman, and a secretary, who shall perform the usual duties of their respective offices, to serve until the next regular annual meeting and until their successors are elected and have qualified. Any vacancy in any office may be filled by the committee for the unexpired term at any regular meeting or at any special meeting called for the purpose.

Subd. 5. Subcommittees. As soon as practicable after his election the chairman shall appoint from the members of the committee four subcommittees, each consisting of three or more members, as follows:

- (1) On municipal sewage, public health, safety, and welfare;
- (2) On conservation of water, wild life, and related problems;
- (3) On soil conservation and agricultural problems;
- (4) On industrial waste problems.

The committee may create such other subcommittees as it deems advisable.

Each subcommittee shall give special consideration and study to the subject matter indicated by its title.

Subd. 6. Duties of committee. The duties of the committee are:

(1) To assist the commission in the performance of its statutory powers and duties and in formulating a general statewide comprehensive policy for the conservation, utilization and development of the water resources and other interrelated natural resources of the state for their most beneficial uses and the prevention, control, and abatement of pollution and the establishment of reasonable pollution standards for the waters of the state;

(2) To maintain liaison between the commission and the communities, industries, and persons concerned with the conservation, utilization, and development of the water resources within the respective regions of the committee members, and to stimulate action by those responsible for dealing with such problems;

(3) To assist in programs designed to inform the public regarding the importance of the conservation, utilization and development of the water resources of the state, and the prevention, control and abatement of water pollution, and of methods of accomplishing such purposes;

(4) To meet with the commission four times each year and at such other times as the commission may request.

Subd. 7. Investigations; annual report; recommendations. In furtherance of its purposes the committee and its members may jointly or severally investigate and study any problem relating to its duties. The committee shall make and file with the secretary of the commission at least once each year a written report of its findings and recommendations, but shall not as a body make specific recommendations on any proposal for action by the commission. The recommendations of the committee shall be advisory only, and not binding on the commission. The commission shall receive and consider all reports made by the committee or its members and take such action thereon as it deems advisable. A copy of every report made by the committee shall be filed with the governor.

Subd. 8. Recommendations for appointment of commission members. In case a member at large of the commission is to be appointed by the governor on expiration of a regular term or on the occurrence of a vacancy, the committee may recommend not more than two qualified persons from their own number or others for the position. The governor shall receive and consider all such recommendations but shall not be limited thereto in making the appointment.

[*Ex1961 c 20 s 3*]

115.18 SANITARY DISTRICTS; DEFINITIONS. Subdivision 1. As used in sections 115.18 to 115.37, the terms defined in this section have the meanings given them except as otherwise provided or indicated by the context.

Subd. 2. "Commission" means the state water pollution control commission.

Subd. 3. "District" means a sanitary district created under the provisions of sections 115.18 to 115.37.

Subd. 4. "Board" means the board of managers of a sanitary district.

Subd. 5. "Territorial unit" means all that part of the territory of a district situated within a single municipality, a single organized town outside of any municipality, or, in the case of an unorganized area, within a single county.

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Subd. 6. "Related governmental subdivision" means a municipality or organized town wherein there is a territorial unit of a district, or, in the case of an unorganized area, the county. "Related governing body" means the governing body of a related governmental subdivision, and, in the case of an organized town, means the town board.

Subd. 7. "Village" means a village organized as provided by Minnesota Statutes, Chapter 412, under the plan other than optional.

Subd. 8. "Municipality" means a city, village, or borough, however organized.

Subd. 9. The terms defined in Minnesota Statutes, Section 115.01, as now in force or hereafter amended, have the meanings given them therein.

[*Ex1961 c 20 s 4*]

115.19 CREATION; PURPOSE; EXCEPTIONS. A sanitary district may be created under the provisions of sections 115.18 to 115.37 for any territory embracing an area or a group of two or more adjacent areas, whether contiguous or separate, but not situated entirely within the limits of a single municipality, for the purpose of promoting the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage and garbage and industrial wastes within the district, in any case where the commission finds that there is need throughout such territory for the accomplishment of such purposes, that such purposes cannot be effectively accomplished throughout such territory by any existing public agency or agencies, that such purposes can be effectively accomplished therein on an equitable basis by a district if created, and that the creation and maintenance of such a district will be administratively feasible and in furtherance of the public health, safety, and welfare; but subject to the following exceptions:

No such district shall be created within 25 miles of the boundary of any city of the first class without the approval of the governing body thereof and the approval of the governing body of each and every municipality in such proposed district by resolution filed with the commission.

[*Ex1961 c 20 s 5*]

115.20 PROCEEDING TO CREATE DISTRICT. Subdivision 1. A proceeding for the creation of a district may be initiated by a petition to the commission, filed with its secretary, containing the following:

- (1) A request for creation of the proposed district;
- (2) The name proposed for the district, to include the words "sanitary district";
- (3) A description of the territory of the proposed district;
- (4) A statement showing the existence in such territory of the conditions requisite for creation of a district as prescribed in section 115.19;
- (5) A statement of the territorial units represented by and the qualifications of the respective signers;
- (6) The post office address of each signer, given under his signature. A petition may consist of separate writings of like effect, each signed by one or more qualified persons, and all such writings, when filed, shall be considered together as a single petition.

Subd. 2. Every such petition shall be signed as follows:

(1) For each municipality wherein there is a territorial unit of the proposed district, by an authorized officer or officers pursuant to a resolution of the municipal governing body;

(2) For each organized town wherein there is a territorial unit of the proposed district, by an authorized officer or officers pursuant to a resolution of the town board;

(3) For each county wherein there is a territorial unit of the proposed district consisting of an unorganized area, by an authorized officer or officers pursuant to a resolution of the county board, or by at least 20 percent of the voters residing and owning land within such unit.

Each such resolution shall be published in the official newspaper of the governing body adopting it and shall become effective 40 days after such publication, unless within said period there shall be filed with the governing body a petition signed by qualified electors of a territorial unit of the proposed district, equal in number to five percent of the number of such electors voting at the last preceding election of such governing body, requesting a referendum on the resolution, in which case the same shall not become effective until approved by a majority of such qualified electors voting thereon at a regular election or special election

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which the governing body may call for such purpose. The notice of any such election and the ballot to be used thereat shall contain the text of the resolution followed by the question: "Shall the above resolution be approved?"

If any signer is alleged to be a landowner in a territorial unit, a statement as to his status as such as shown by the county auditor's tax assessment records, certified by the auditor, shall be attached to or endorsed upon the petition.

Subd. 3. The commission or its agent holding the hearing on a petition may, at any time before the reception of evidence begins, permit the addition of signatures to the petition or may permit amendment of the petition to correct or remedy any error or defect in signature or otherwise except a material error or defect in the description of the territory of the proposed district. No proceeding shall be invalidated on account of any error or defect in the petition unless questioned by an interested party before the reception of evidence begins at the hearing except a material error or defect in the description of the territory of the proposed district. If the qualifications of any signer of a petition are challenged at the hearing thereon, the commission or its agent holding the hearing shall determine the challenge forthwith on the allegations of the petition, the county auditor's certificate of landownership, and such other evidence as may be received.

Subd. 4. Upon receipt of a petition the commission shall cause a hearing to be held thereon, subject to the provisions of Minnesota Statutes, Sections 15.0411 to 15.0422 and other laws not inconsistent therewith now or hereafter in force relating to hearings held under authority of the commission, so far as applicable, except as otherwise provided. Notice of the hearing, stating that a petition for creation of the proposed district has been filed and describing the territory thereof, shall be given by the secretary of the commission by publication for two successive weeks in a qualified newspaper published within such territory, or, if there is no such newspaper, by publication in a qualified newspaper of general circulation in such territory, also by posting for two weeks in each territorial unit of the proposed district, and by mailing a copy of the notice to each signer of the petition at his address as given therein. Registration of mailed copies of the notice shall not be required. Proof of the giving of the notice shall be filed in the office of the secretary.

Subd. 5. After the hearing and upon the evidence received thereat the commission shall make findings of fact and conclusions determining whether or not the conditions requisite for the creation of a district exist in the territory described in the petition. If the commission finds that such conditions exist it may make an order creating a district for the territory described in the petition under the name proposed in the petition or such other name, including the words "sanitary district," as the commission deems appropriate.

Subd. 6. If the commission after a hearing determines that the creation of a district, as the commission deems appropriate.

an order denying the petition. The secretary of the commission shall give notice of such denial by mail to each signer of the petition. No petition for the creation of a district consisting of the same territory shall be entertained within a year after the date of such an order, but this shall not preclude action on a petition for the creation of a district embracing part of such territory with or without other territory.

Subd. 7. Notice of the making of every order of the commission creating a sanitary district, referring to the date of the order and describing the territory of the district, shall be given by the secretary in like manner as for notice of the hearing on the petition for creation of the district.

Subd. 8. An appeal may be taken from an order of the commission creating or dissolving a district, annexing territory to or detaching territory from a district, or denying a petition for any such action, as now or hereafter provided for appeals from other orders of the commission except that the giving of notice of the order as provided in subdivision 7 shall be deemed notice thereof to all interested parties, and the time for appeal by any party shall be limited to 30 days after completion of the mailing of copies of the order or after expiration of the prescribed period of posting or publication, whichever is latest. The validity of the creation of a district shall not be otherwise questioned.

Subd. 9. Upon expiration of the time for appeal from an order of the commission creating a district, or, in case of an appeal, upon the taking effect of a final judgment of a court of competent jurisdiction sustaining the order, the secretary of

the commission shall deliver a certified copy of the order to the secretary of state for filing. Thereupon the creation of the district shall be deemed complete, and it shall be conclusively presumed that all requirements of law relating thereto have been complied with. The secretary of the commission shall also transmit a certified copy of the order for filing to the county auditor of each county and the clerk or recorder of each municipality and organized town wherein any part of the territory of the district is situated and to the secretary of the district board when elected.

[*Ex1961 c 20 s 6*]

115.21 ANNEXATION, DETACHMENT, AND DISSOLUTION. Subdivision 1. An area adjacent to an existing district may be annexed thereto upon a petition to the commission stating the grounds therefor as hereinafter provided, signed by an authorized officer or officers of the district pursuant to a resolution of the board, also signed with respect to the area proposed for annexation in like manner as provided for a petition for creation of a district. Except as otherwise provided, a proceeding for annexation shall be governed by the provisions now or hereafter in force relating to proceedings for the creation of districts, so far as applicable. For the purpose of giving the required notices the territory involved shall comprise the area proposed for annexation together with the entire territory of the district. If the commission determines that the requisite conditions exist in the area proposed for annexation together with the territory of the district, it may make an order for annexation accordingly. All taxable property within the annexed area shall be subject to taxation for any existing bonded indebtedness or other indebtedness of the district for the cost of acquisition, construction, or improvement of any disposal system or other works or facilities beneficial to the annexed area to such extent as the commission may determine to be just and equitable, to be specified in the order for annexation. The proper officers shall levy further taxes on such property accordingly.

Subd. 2. An area within a district may be detached therefrom upon a petition to the commission stating the grounds therefor as hereinafter provided, signed by an authorized officer or officers of the district pursuant to a resolution of the board, also signed with respect to the area proposed for detachment in like manner as provided for a petition for creation of a district. Except as otherwise provided, a proceeding for detachment shall be governed by the provisions now or hereafter in force relating to proceedings for the creation of districts, so far as applicable. For the purpose of giving the required notices the territory involved shall comprise the entire territory of the district. If the commission determines that the requisite conditions for inclusion in a district no longer exist in the area proposed for detachment, it may make an order for detachment accordingly. All taxable property within the detached area shall remain subject to taxation for any existing bonded indebtedness of the district to such extent as it would have been subject thereto if not detached, and shall also remain subject to taxation for any other existing indebtedness of the district incurred for any purpose beneficial to such area to such extent as the commission may determine to be just and equitable, to be specified in the order for detachment. The proper officers shall levy further taxes on such property accordingly.

Subd. 3. Different areas may be annexed to and detached from a district in a single proceeding upon a joint petition therefor and upon compliance with the provisions of subdivisions 1 and 2 with respect to the area affected so far as applicable.

Subd. 4. A district may be dissolved upon a petition to the commission stating the grounds for dissolution as hereinafter provided, signed by an authorized officer or officers of the district pursuant to a resolution of the board, and containing a proposal for distribution of the remaining funds of the district, if any, among the related governmental subdivisions. Except as otherwise provided, a proceeding for dissolution shall be governed by the provisions now or hereafter in force relating to proceedings for the creation of districts, so far as applicable. If the commission determines that the conditions requisite for the creation of the district no longer exist therein, that all indebtedness of the district has been paid, and that all property of the district except funds has been disposed of, it may make an order dissolving the district and directing the distribution of its remaining funds, if any, among the related governmental subdivisions on such basis as the commission determines to be just and equitable, to be specified in the order. Certified copies of the order for dissolution shall be transmitted and filed as provided for

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an order creating a district. The secretary of the commission shall also transmit a certified copy of the order to the treasurer of the district, who shall thereupon distribute the remaining funds of the district as directed by the order, and shall be responsible for such funds until so distributed.

[*Ex1961 c 20 s 7*]

115.22 PETITIONERS TO PAY EXPENSES. Expenses of the preparation and submission of petitions in proceedings under sections 115.19 to 115.21 shall be paid by the petitioners. Expenses of hearings therein shall be paid out of any available funds appropriated for the commission.

[*Ex1961 c 20 s 8*]

115.23 BOARD OF MANAGERS OF DISTRICT. Subdivision 1. The governing body of each district shall be a board of managers of five members, who shall be voters residing in the district, and who may but need not be officers, members of governing bodies, or employees of the related governmental subdivisions, except that where there are more than five territorial units in a district there shall be one board member for each unit.

Subd. 2. The terms of the first board members elected after creation of a district shall be so arranged and determined by the electing body as to expire on the first business day in January as follows:

(1) The terms of two members in the second calendar year after the year in which they were elected;

(2) The terms of two other members in the third calendar year after the year in which they were elected;

(3) The term of the remaining member in the fourth calendar year after the year in which he was elected. In case a board has more than five members the additional members shall be assigned to the groups hereinbefore provided for so as to equalize such groups as far as practicable. Thereafter board members shall be elected successively for regular terms beginning on expiration of the preceding terms and expiring on the first business day in January of the third calendar year thereafter. Each board member shall serve until his successor is elected and has qualified.

Subd. 3. In a district having only one territorial unit all the members of the board shall be elected by the related governing body. In a district having more than one territorial unit the members of the board shall be elected by the members of the related governing bodies in joint session except as otherwise provided. The electing bodies concerned shall meet and elect the first board members of a new district as soon as practicable after creation of the district, and shall meet and elect board members for succeeding regular terms as soon as practicable after November 1 next preceding the beginning of the terms to be filled, respectively.

Subd. 4. Upon the creation of a district having more than one territorial unit the commission, on the basis of convenience for joint meeting purposes, shall designate one of the related governing bodies as the central related governing body in the order creating the district or in a subsequent special order, of which the secretary of the commission shall notify the clerks or recorders of all the related governing bodies. Upon receipt of such notification, the clerk or recorder of the central related governing body shall immediately transmit the same to the presiding officer of such body. Such officer shall thereupon call a joint meeting of the members of all the related governing bodies to elect board members, to be held at such time as he shall fix at the regular meeting place of his governing body or at such other place in the district as he shall determine. At least ten days notice of the meeting shall be given by mail by the clerk or recorder of such body to the clerks or recorders of all the other related governing bodies, who shall immediately transmit such notice to all the members of such bodies, respectively. Subsequent joint meetings to elect board members for regular terms shall be called and held in like manner. The presiding officer and the clerk or recorder of the central related governing body shall act respectively as chairman and secretary of the joint electing body at any meeting thereof, but in case of the absence or disability of either of them such body may elect a temporary substitute. A majority of the members of each related governing body shall be required for a quorum at any meeting of the joint electing body.

Subd. 5. Nominations for board members may be made by petitions, each signed by ten or more voters residing and owning land in the district, filed with the clerk, recorder, or secretary of the electing body before the election meeting. No person

shall sign more than one petition. The electing body shall give due consideration to all such nominations but shall not be limited thereto.

Subd. 6. In the case of an electing body consisting of a single related governing body, a majority vote of all the members shall be required for an election. In the case of a joint electing body, a majority vote of the members present shall be required for an election. In case of lack of a quorum or failure to elect, a meeting of an electing body may be adjourned to a stated time and place without further notice.

Subd. 7. In any district having more than one territorial unit the related governing bodies, instead of meeting in joint session, may elect a board member by resolutions adopted by all of them separately, concurring in the election of the same person. A majority vote of all the members of each related governing body shall be required for the adoption of any such resolution. The clerks or recorders of the other related governing bodies shall transmit certified copies of such resolutions to the clerk or recorder of the central related governing body. Upon receipt of concurring resolutions from all the related governing bodies, the presiding officer and clerk or recorder of the central related governing body shall certify the results and furnish certificates of election as provided for a joint meeting.

Subd. 8. Any vacancy in the membership of a board shall be filled for the unexpired term in like manner as provided for the regular election of board members.

Subd. 9. The presiding and recording officers of the electing body shall certify the results of each election to the secretary of the commission, to the county auditor of each county wherein any part of the district is situated, and to the clerk or recorder of each related governing body, and shall make and transmit to each board member elected a certificate of his election. Upon electing the first board members of a district, the presiding officer of the electing body shall designate one of them to serve as temporary chairman for the purposes of initial organization of the board, and the recording officer of the body shall include written notice thereof to all the board members with their certificates of election.

[*Ex1961 c 20 s 9*]

115.24 ORGANIZATION AND PROCEDURE OF BOARD. Subdivision 1. As soon as practicable after the election of the first board members of a district they shall meet at the call of the temporary chairman to elect officers and take other appropriate action for organization and administration of the district. Each board shall hold a regular annual meeting at the call of the chairman or otherwise as it shall prescribe on or as soon as practicable after the first business day in January of each year, and such other regular and special meetings as it shall prescribe.

Subd. 2. The officers of each district shall be a chairman and a vice-chairman, who shall be members of the board, and a secretary and a treasurer, who may but need not be members of the board. The board of a new district at its initial meeting or as soon thereafter as practicable shall elect the officers to serve until the first business day in January next following. Thereafter the board shall elect the officers at each regular annual meeting for terms expiring on the first business day in January next following. Each officer shall serve until his successor is elected and has qualified.

Subd. 3. The board at its initial meeting or as soon thereafter as practicable shall provide for suitable places for board meetings and for offices of the district officers, and may change the same thereafter as it deems advisable. Such meeting place and offices may be the same as those of any related governing body, with the approval of such body. The secretary of the board shall notify the secretary of state, the secretary of the commission, the county auditor of each county wherein any part of the district is situated, and the clerk or recorder of each related governing body of the locations and post office addresses of such meeting place and offices and any changes therein.

Subd. 4. At any time before the proceeds of the first tax levy in a district become available the district board may prepare a budget comprising an estimate of the expenses of organizing and administering the district until such proceeds are available, with a proposal for apportionment of the estimated amount among the related governmental subdivisions, and may request the governing bodies thereof to advance funds in accordance with the proposal. Such governing bodies may authorize advancement of the requested amounts, or such part thereof as they respectively deem proper, from any funds available in their respective treasuries. The board shall include in its first tax levy after receipt of any such advancements a sufficient sum

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to cover the same and shall cause the same to be repaid, without interest, from the proceeds of taxes as soon as received.

[*Ex1961 c 20 s 10*]

115.25 STATUS AND POWERS OF DISTRICT. Subdivision 1. Every district shall be a public corporation and a governmental subdivision of the state, and shall be deemed to be a municipality or municipal corporation for the purpose of obtaining federal or state grants or loans or otherwise complying with any provision of federal or state law or for any other purpose relating to the powers and purposes of the district for which such status is now or hereafter required by law.

Subd. 2. Every district shall have the powers and purposes prescribed by sections 115.18 to 115.37 and such others as may now or hereafter be prescribed by law. No express grant of power or enumeration of powers herein shall be deemed to limit the generality or scope of any grant of power.

Subd. 3. Except as otherwise provided, a power or duty vested in or imposed upon a district or any of its officers, agents, or employees shall not be deemed exclusive and shall not supersede or abridge any power or duty vested in or imposed upon any other agency of the state or any governmental subdivision thereof, but shall be supplementary thereto.

Subd. 4. All the powers of a district shall be exercised by its board of managers except so far as approval of any action by popular vote or by any other authority may be expressly required by law.

Subd. 5. A district may sue and be sued and may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.

Subd. 6. A district may acquire by purchase, gift, or condemnation or may lease or rent any real or personal property within or without the district which may be necessary for the exercise of its powers or the accomplishment of its purposes, may hold such property for such purposes, and may lease or rent out or sell or otherwise dispose of any such property so far as not needed for such purposes.

Subd. 7. A district may accept gifts, grants, or loans of money or other property from the United States, the state, or any person, corporation, or other entity for district purposes, may enter into any agreement required in connection therewith, and may hold, use, and dispose of such money or property in accordance with the terms of the gift, grant, loan, or agreement relating thereto.

[*Ex1961 c 20 s 11*]

115.26 SPECIFIC PURPOSES AND POWERS. Subdivision 1. A district may construct, install, improve, maintain, and operate any system, works, or facilities within or without the district required to control and prevent pollution of any waters of the state within its territory.

Subd. 2. A district may construct, install, improve, maintain, and operate any system, works, or facilities within or without the district required to provide for, regulate, and control the disposal of sewage, industrial waste and other waste originating within its territory. The district may require any person upon whose premises there is any source of sewage, industrial waste, or other waste within the district to connect the same with the disposal system, works, or facilities of the district whenever reasonable opportunity therefor is provided.

Subd. 3. A district may construct, install, improve, maintain, and operate any system, works, or facilities within or without the district required to provide for, regulate, and control the disposal of garbage or refuse originating within the district, and may require any person upon whose premises any garbage or refuse is produced or accumulated to dispose thereof through the system, works, or facilities of the district whenever reasonable opportunity therefor is provided.

Subd. 4. A district may procure supplies of water so far as necessary for any purpose under subdivisions 1, 2, and 3, and may construct, install, improve, maintain, and operate any system, works, or facilities required therefor within or without the district.

[*Ex1961 c 20 s 12*]

115.27 DISTRICT PROJECTS AND FACILITIES. Subdivision 1. For the purpose of constructing, improving, maintaining, or operating any system, works, or facilities designed or used for any purpose under section 115.26, a district, its officers, agents, employees, and contractors may enter, occupy, excavate, and otherwise operate it, upon, under, through, or along any public highway, including a state trunk highway, or any street, park, or other public grounds so far as necessary for such work, with the approval of the governing body or other authority

in charge of the public property affected and on such terms as may be agreed upon with such governing body or authority respecting interference with public use, restoration of previous conditions, compensation for damages, and other pertinent matters. If such an agreement cannot be reached after reasonable opportunity therefor, the district may acquire the necessary rights, easements, or other interests in such public property by condemnation, subject to all applicable provisions of law as in case of taking private property, upon condition that the court shall determine that there is paramount public necessity for such acquisition.

Subd. 2. A district may, upon such terms as may be agreed upon with the respective governing bodies or authorities concerned, provide for connecting with or using or may lease or acquire and take over any system, works, or facilities for any purpose under section 115.26 belonging to any other governmental subdivision or other public agency.

Subd. 3. A district may, upon such terms as may be agreed upon with the respective governing bodies or authorities concerned, authorize the use by any other governmental subdivision or other public agency of any system, works, or facilities of the district constructed for any purpose under section 115.26 so far as the capacity thereof is sufficient beyond the needs of the district. A district may extend any such system, works, or facilities and permit the use thereof by persons outside the district, so far as the capacity thereof is sufficient beyond the needs of the district, upon such terms as the board may prescribe.

Subd. 4. A district may be a party to a joint cooperative project, undertaking, or enterprise with any one or more other governmental subdivisions or other public agencies for any purpose under section 115.26 upon such terms as may be agreed upon between the governing bodies or authorities concerned. Without limiting the effect of the foregoing provision or any other provisions of sections 115.18 to 115.37, a district, with respect to any of said purposes, may act under and be subject to the provisions of Minnesota Statutes, Section 471.59, as now in force or hereafter amended, or any other appropriate law now in force or hereafter enacted providing for joint or cooperative action between governmental subdivisions or other public agencies.

[*Ex1961 c 20 s 13*]

115.28 CONTROL OF SANITARY FACILITIES. A district may regulate and control the construction, maintenance, and use of privies, cesspools, septic tanks, toilets, and other facilities and devices for the reception or disposal of human or animal excreta or other domestic wastes within its territory so far as necessary to prevent nuisances or pollution or to protect the public health, safety, and welfare, and may prohibit the use of any such facilities or devices not connected with a district disposal system, works, or facilities whenever reasonable opportunity for such connection is provided; provided, that the authority of a district under this section shall not extend or apply to the construction, maintenance, operation, or use by any person other than the district of any disposal system or part thereof within the district under and in accordance with a valid and existing permit heretofore or hereafter issued by the commission.

[*Ex1961 c 20 s 14*]

115.29 DISTRICT PROGRAMS, SURVEYS, AND STUDIES. A district may develop general programs and particular projects within the scope of its powers and purposes, and may make all surveys, studies, and investigations necessary therefor.

[*Ex1961 c 20 s 15*]

115.30 GENERAL AND VILLAGE POWERS. A district may do and perform all other acts and things necessary or proper for the effectuation of its powers and the accomplishment of its purposes. Without limiting the effect of the foregoing provision or any other provision of sections 115.18 to 115.37, a district, with respect to each and all of said powers and purposes, shall have like powers as are vested in villages with respect to any similar purposes, and the exercise of such powers by a district and all matters pertaining thereto shall be governed by the provisions of law relating to the exercise of similar powers by villages and matters pertaining thereto, so far as applicable, with like force and effect, except as otherwise provided.

[*Ex1961 c 20 s 16*]

115.31 ADVISORY COMMITTEE. The board may appoint an advisory committee with such membership and duties as it may prescribe.

[*Ex1961 c 20 s 17*]

115.32 POWERS OF BOARD. Subdivision 1. The board of managers of every district shall have charge and control of all the funds, property, and affairs of the district. With respect thereto, the board shall have like powers and duties as are provided by law for a village council with respect to similar village matters, except as otherwise provided. Except as otherwise provided, the chairman, vice chairman, secretary, and treasurer of the district shall have like powers and duties, respectively, as the mayor, acting mayor, clerk, and treasurer of a village. Except as otherwise provided the exercise of the powers and the performance of the duties of the board and officers of the district and all other activities, transactions, and procedures of the district or any of its officers, agents, or employees, respectively, shall be governed by the provisions of law relating to similar matters in a village, so far as applicable, with like force and effect.

Subd. 2. The board may enact ordinances, prescribe regulations, adopt resolutions, and take other appropriate action relating to any matter within the powers and purposes of the district, and may do and perform all other acts and things necessary or proper for the effectuation of said powers and the accomplishment of said purposes. The board may provide that violation of any ordinance shall be a penal offense and may prescribe penalties therefor, not exceeding those prescribed by law for violation of village ordinances.

Subd. 3. Violations of district ordinances may be prosecuted before any court or magistrate of any related governmental subdivision having jurisdiction of misdemeanors, and every such court or magistrate shall have jurisdiction of such violations. Any constable or other peace officer of any such governmental subdivision may make arrests for such violations committed anywhere within the district in like manner and with like effect as for violations of village ordinances or for statutory misdemeanors.

All fines collected in such cases shall be deposited in the treasury of the district.

[*Ex1961 c 20 s 18*]

115.33 TAX LEVIES, ASSESSMENTS, AND SERVICE CHARGES. Subdivision 1. The board may levy taxes for any district purpose on all property taxable within the district, subject only to the limitation that the tax levy for any year for all purposes other than the payment of bonds and interest thereon and expenses incident thereto shall not exceed \$10,000 or ten mills on the dollar of the assessed value of all the property taxable within the district, whichever is greater, provided that no taxes levied under this subdivision in any year shall exceed in amount \$1.50 per capita of the population of the district according to the last state or federal census, if the amount proposed to be levied in excess of such amount, when added to the levy subject to the limitations of Minnesota Statutes, Section 275.10 or Section 275.11, of any of the municipalities within the district, would cause such municipal levy to exceed the limitations of such applicable section.

Subd. 2. In the case where a particular area within the district, but not the entire district, is benefited by a system, works, or facilities of the district, the board, after holding a public hearing as provided by law for levying assessments on benefited property, shall by ordinance establish such area as a taxing subdistrict, to be designated by number, and shall levy special taxes on all the taxable property therein, to be accounted for separately and used only for the purpose of paying the cost of construction, improvement, acquisition, maintenance, or operation of such system, works, or facilities, or paying the principal and interest on bonds issued to provide funds therefor and expense incident thereto. Such hearing may be held jointly with a hearing for the purpose of levying assessments on benefited property within the proposed taxing subdistrict.

Subd. 3. The board shall levy assessments on benefited property to provide funds for payment of the cost of construction, improvement, or acquisition of any system, works, or facilities designed or used for any district purpose, or for payment of the principal of and interest on any bonds issued therefor and expenses incident thereto.

Subd. 4. The board shall prescribe service, use, or rental charges for persons or premises connecting with or making use of any system, works, or facilities of the district, prescribe the method of payment and collection of such charges, and provide for the collection thereof for the district by any related governmental subdivision or other public agency on such terms as may be agreed upon with the governing body or other authority thereof.

[*Ex1961 c 20 s 19*]

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115.34 BORROWING POWERS; BONDS. Subdivision 1. The board may authorize the borrowing of money for any district purpose and provide for the repayment thereof, subject to Minnesota Statutes, Chapter 475. The taxes initially levied by any district in accordance with Minnesota Statutes, Section 475.61 for the payment of its bonds, upon property within each municipality included in the district, shall be included in computing the limitations upon the levy of such municipality under Minnesota Statutes, Section 275.10 or Section 275.11, as the case may be. If the tax required by section 475.61 to be levied for any year of the term of a bond issue upon property within any municipality included in the district would, when added to the taxes levied by such municipality for all purposes in the year preceding such issue, exceed the limitations prescribed in section 275.10 or section 275.11, the bonds shall not be issued without the consent by resolution of the governing body of such municipality.

Subd. 2. The board may authorize the issuance of bonds or obligations of the district to provide funds for the construction, improvement, or acquisition of any system, works, or facilities for any district purpose, or for refunding any prior bonds or obligations issued for any such purpose, and may pledge the full faith and credit of the district or the proceeds of tax levies or assessments or service, use, or rental charges, or any combination thereof, to the payment of such bonds or obligations and interest thereon or expenses incident thereto. An election or vote of the people of the district shall be required to authorize the issuance of any such bonds or obligations. Except as otherwise provided in sections 115.18 to 115.37, the forms and procedures for issuing and selling bonds and provisions for payment thereof shall comply with the provisions of Minnesota Statutes, Chapter 475, as now in force or hereafter amended.

[*Ex1961 c 20 s 20*]

115.35 FUNDS; DISTRICT TREASURY. The proceeds of all tax levies, assessments, service, use, or rental charges, and other income of the district shall be deposited in the district treasury and shall be held and disposed of as the board may direct for district purposes, subject to any pledges or dedications made by the board for the use of particular funds for the payment of bonds or interest thereon or expenses incident thereto or for other specific purposes.

[*Ex1961 c 20 s 21*]

115.36 EFFECT OF DISTRICT ORDINANCES AND FACILITIES. In any case where an ordinance is enacted or a regulation adopted by a district board relating to the same subject matter and applicable in the same area as an existing ordinance or regulation of a related governmental subdivision for the district, the district ordinance or regulation, to the extent of its application, shall supersede the ordinance or regulation of the related governmental subdivision. In any case where an area within a district is served for any district purpose by a system, works, or facilities of the district, no system, works, or facilities shall be constructed, maintained, or operated for the same purpose in the same area by any related governmental subdivision or other public agency except as approved by the district board.

[*Ex1961 c 20 s 22*]

115.37 APPLICATION. The provisions of sections 115.15 to 115.37 shall not abridge or supersede any provision of Minnesota Statutes, Sections 115.01 to 115.09, or any authority of the state water pollution control commission or the state board of health, but shall be subject and supplementary thereto. Districts and members of district boards shall be subject to the authority of the commission and shall have no power or authority to abate or control pollution which is permitted by and in accord with any classification of waters, standards of water quality, or permit established, fixed, or issued by the commission.

[*Ex1961 c 20 s 23*]