

CHAPTER 445

MINNEAPOLIS - ST. PAUL SANITARY DISTRICT

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445.01 SANITARY DISTRICT AUTHORIZED. When two or more contiguous cities of the first class shall directly or indirectly discharge sewage or industrial wastes, or both, into a common natural watercourse and do, or may, so discharge sewage or industrial wastes, or both, into such watercourse as to endanger public health or to create a nuisance, such cities shall be organized and incorporated into a sanitary district.

[1933 c. 341 s. 1] (1607-8)

445.02 SANITARY DISTRICT TO BE ORGANIZED. Immediately upon the passage of this chapter and when any area in the future comes within the meaning of this chapter, the state board of health shall proceed to investigate each and every area comprised of two or more contiguous cities of the first class coming within the meaning of section 445.01 for the purpose of determining whether the discharge of sewage and industrial wastes into a common natural watercourse from these cities is likely to endanger or does endanger the public health and is likely to cause or does cause a public nuisance and that the removal or abatement, or both, thereof will be a benefit to such area. Should it be determined by the state board of health that the discharge of sewage or industrial wastes from that particular area does or is likely to endanger the public health and/or does or is likely to cause a public nuisance, and that its removal and/or abatement will be a benefit to such area, the state board of health shall so find and shall by written order declare these cities to be a single sanitary district. The state board of health shall forthwith serve a copy of its findings and order, in the manner provided by statute for the service of summons in civil action, upon the mayor of each of these cities. Such notice shall set forth all the facts and conditions causing the creation of such sanitary district and the reasons why each particular municipality is included within the proposed district. The original findings and order of the state board of health shall be filed with the secretary of state. A copy of the findings and order, together with a notice specifying the time and place of a public hearing by the state board of health on its action, shall be published by the state board of health in a legal newspaper in each of the cities of the first class once each week for two successive weeks. Such public hearing shall be held not earlier than 30 days after final publication of the notice and at a point convenient to the persons within the proposed district. Such hearing may be adjourned from time to time. At such hearing each city of the first class may appear and offer testimony and arguments either for or against the creation of the district. Likewise, any citizen or taxpayer of any such city may appear and be heard in the matter. To carry out the purpose of this chapter the state board of health shall have the power to subpoena witnesses, to administer oaths, and to compel the production of books, papers, records, and other evidence. Witnesses shall receive the same fees and mileage as in civil actions. Disobedience of any subpoena in such proceedings, or contumacy of a witness, upon application of the board, may be punished by the district court in the same manner as if the proceedings were pending in such court. A complete record of each hearing shall be made. The board may appoint any one or more of its officers, members, or employees to hold any hearing herein provided

for, with like power and authority as is herein vested in the board with respect to the holding and conduct of such hearing and to the summoning of witnesses and production of evidence thereat, in which case the record of the hearing shall be reported to the board, and the board may take action thereon with like effect as if the hearing had been held before the board. The board may employ legal counsel and such other assistance as may be necessary for the purpose of making the investigations herein provided for and otherwise discharging the duties herein imposed upon the board.

If, after hearing and consideration, the state board of health shall determine that the public health so requires, and the property in such area will be benefited by the elimination of such conditions, it shall so find and shall confirm its order creating the district. The state board of health shall file forthwith a copy of such confirming order with the governing body of each city of the first class and serve a copy of the order upon every person who appeared at the hearing, and shall file a copy of the order with the clerk of the district court of the county in which each city of the first class is located.

A copy of such order, together with a notice addressed to all citizens, taxpayers, and each city and all other interested parties, stating that each city, or person aggrieved by the order, may appeal from such order in the manner provided in section 445.03, shall be published in the same manner as is provided for the publication of the order creating such sanitary district.

If, after hearing and consideration, the state board of health shall determine that the removal or abatement of the condition created by such two or more contiguous cities of the first class discharging sewage and industrial wastes into a common natural watercourse will not benefit such area it shall so find and shall by order annul and cancel its former order creating the district.

[1933 c. 341 s. 2] (1607-9)

445.03 APPEALS TO DISTRICT COURT. Within 30 days after the final publication of the order and notice, as hereinbefore provided, each city, or any citizen or taxpayer, may appeal to the district court wherein the city or property of such citizen or taxpayer is located for exclusion of such city from such sanitary district. The district court thus appealed to shall secure a judge from a judicial district not within or contiguous to such established sanitary district to hear and determine the appeal. The cause may be brought on for hearing by the city, citizen, or taxpayer so appealing or the state board of health and the appeal shall be tried as other civil causes by the court without a jury. If the court finds that all the requirements of law in establishing the district have been complied with, and that the city or the property of such citizen or taxpayer appealing to the court be benefited by the elimination and/or abatement of the health menace and nuisance, it shall make its findings according to the evidence introduced before it, authorizing and directing the inclusion or exclusion of such city within the established sanitary district, and the clerk of the district court where the cause is tried is directed to enter judgment in accordance with these findings. The judgment shall be final and conclusive upon all the parties to such proceedings, except an appeal may be taken to the supreme court, as in other civil actions, but any appeal therefrom shall be taken within 30 days from entry of the judgment. In any court action the state board of health shall be represented by the counsel employed by the board, as hereinbefore provided, and the supreme court shall, upon application of such counsel, advance the order on the calendar.

[1933 c. 341 s. 3] (1607-10)

445.04 BOARD OF TRUSTEES TO GOVERN DISTRICT. The district shall be governed by a board of trustees who shall be appointed or selected as follows: Within 60 days after the filing of the order of the state board of health confirming the order creating the sanitary district with the clerk of the district court of the county in which each city of the first class is located, should there be no appeal by any municipality, citizen, or taxpayer, or if there shall be such appeal, within 40 days after the order shall have been handed down by the district court or by the supreme court affirming the establishment of a sanitary district by the state board of health, the city councils, or other governing bodies of the cities within the sanitary district shall each elect one of its own members as trustees to the board, and also one trustee from the citizenry of each city or county wherein such cities of the first class are located; provided, that no such appointee from the citizenry shall hold office under the state or any of its political subdivisions except that of

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notary public. The mayor of each city, or such other member of the governing body as he may name, shall also be a trustee during his term of office as mayor. The governor shall also appoint one member to such board from the state at large. No person residing in any county partly or wholly within the sanitary district or in any county adjacent to such county shall be eligible to appointment by the governor.

The city clerk of each such city shall immediately, upon the election of the two trustees by the city council of his city, file with the secretary of state a certified copy or copies of the resolution or resolutions of the council of his city electing these trustees. At the same time, he shall also file with the secretary of state the full name and address of the mayor of such city, or, in the event the mayor of such city has appointed some member of the governing body in his place, the city clerk shall immediately file with the secretary of state a certified copy of the order of the mayor appointing the trustee. Thereafter, the city clerk shall immediately transmit to the state board of health the names and addresses of the trustees elected by his city. Immediately upon receiving notification from the cities of the first class comprising the district of the names and addresses of the persons selected by such cities as trustees, the secretary of the state board of health shall call a meeting of the trustees so selected, and shall give written notice by mail to each trustee so selected, at least five days before the meeting.

If the city council, or mayor, of any of the cities of the first class shall, within the time specified herein, fail to select, and cause to be certified, any of the trustees to be chosen, as above provided, the governor shall thereupon select and appoint such trustees as have not been so designated. Any trustee so appointed by the governor shall be a citizen of the city whose mayor or council has so failed to act or the county wherein such city is located.

[1933 c. 341 s. 4] (1607-11)

445.05 BOARD; TERMS; VACANCY; OATH; REMOVAL; COMPENSATION.

Subdivision 1. The first board of trustees so selected shall serve as follows: The member elected by each city council who shall not hold public office other than that of notary public, for a term of four years, the member elected by each city council from its members, for a term of two years, and the member appointed by the governor, for a term of four years. The mayor or the person appointed by the mayor shall serve for the term of office of the mayor, except that the mayor may, in the event the mayor shall appoint some member of the governing body to serve upon the board, terminate that person's membership as trustee at his will. Each of the periods of time is to be computed from the first Tuesday in July of the year in which the appointments are made, and each of the terms is to end on the first Monday in July. Thereafter the terms of all trustees shall begin on a first Monday of July and shall be for four years, except as herein otherwise provided. Each trustee shall serve until his successor is duly appointed and qualified. The term of a trustee shall terminate when for any reason he ceases to hold the city office to which he was elected. A vacancy in the office of trustee occurring from any cause shall be filled for the unexpired term as herein provided; a successor to a trustee, whether to fill a vacancy or in succession to a trustee whose term has expired, shall be appointed in the same manner as is provided for an original appointment.

Subd. 2. Each appointee before entering upon the duties of his office shall take and subscribe the oath of office prescribed by the constitution of the State of Minnesota, Article 5, Section 8. Such oath, duly certified by the official administering the same, shall, in the case of first board of trustees appointed, be filed with the secretary of state. After the sanitary district has been organized the oaths of office of trustees shall be filed with the secretary of the sanitary district.

Subd. 3. The removal of any trustee from the county in which he resided at the time of his selection shall operate as a resignation of his office. Any trustee may be removed from office by the governor for misfeasance, malfeasance or non-feasance in the manner provided for by the laws of the state for removal of state officers. No trustee or person holding appointment under such board shall be interested, directly or indirectly, in any contract entered into under the provisions of this chapter.

Subd. 4. Each trustee shall be reimbursed the actual and necessary expense incurred by him in the performance of his duty. Each trustee shall receive as com-

pensation for his services the sum of \$35 per diem, or part thereof, spent in attending meetings of the board, but no such trustee shall receive more than the sum of \$1,500 in any one year, except that the trustee selected by the governor shall receive \$1,800 per year.

[1933 c 341 s 5; 1945 c 443 s 1; 1949 c 385 s 1; 1953 c 337 s 1; Ex1961 c 95 s 1] (1607-12)

445.06 OFFICIAL NAME. Immediately after the trustees shall organize, they shall adopt an official name for the sanitary district. The names of the cities of the first class comprising the district shall be a part of the name of the district. Such sanitary district from the time the official name is adopted shall constitute a body corporate, and may sue and be sued, enter into contracts, adopt a common seal, and acquire and hold real and personal property for its corporate purposes. The sanitary district shall not be subject to the provisions of Laws 1925, Chapter 426, or acts supplemental thereto.

[1933 c. 341 s. 6] (1607-13)

445.07 QUORUMS; MEETINGS; OFFICERS AND EMPLOYEES. Four-sevenths of the members of the board of trustees shall constitute a quorum for the transaction of business and an affirmative vote of four-sevenths of the entire membership of the board shall be required for the passage of any measure, except as otherwise provided herein. As soon as the trustees first appointed enter upon the duties of their office, they shall organize by electing one of their members chairman, who shall hold office at the pleasure of the trustees. The trustees shall have power to appoint a secretary, a chief engineer, consulting engineers, and other consultants, attorneys, and such other officers, agents, and employees as they may see fit; provided, however, that when the board of trustees performs any work within the limits of a city of the first class or establishes a minimum wage for skilled and/or unskilled labor in the specifications of any contract for work within a city of the first class, the rate of pay to such skilled and unskilled labor shall be the prevailing rate of wage for such labor in such city. The state treasurer shall be treasurer of such district. The officers, agents, and employees shall perform such duties and receive such compensation as the board of trustees may determine, and shall be removable at the pleasure of the board.

[1933 c. 341 s. 7] (1607-14)

445.08 BOARD OF TRUSTEES TO ADOPT RULES. The board of trustees may from time to time make, adopt, and enforce such rules, regulations and ordinances as it may find expedient or necessary for carrying into effect the purposes of this chapter, and fix penalties for violation thereof, not exceeding for each offense 90 days imprisonment in jail or workhouse, or a fine not exceeding \$100, with imprisonment not exceeding 90 days, if the fine be not paid. Prosecution may be in any municipal court sitting within the district. Every sheriff, constable, policeman, and other peace officer shall see that all such rules, regulations, and ordinances are obeyed, and shall arrest and prosecute offenders. All fines collected shall be paid into the treasury of the city or county from which the arresting officer draws his salary; and all persons committed shall be received into any penal institution within the district at the expense of the district courts and all persons shall take notice of such rules, regulations, and ordinances without pleading or proof of the same. The board of trustees shall also have power to adopt orders, resolutions, rules, and regulations for the proper management and conduct of the business of the sanitary district for carrying into effect the objects for which such sanitary district is formed. All sessions or meetings of the trustees shall be public and all records shall be public records. The board of trustees shall prepare annually a comprehensive report of its official and financial transactions and shall mail a copy of such statement to the governor, the state board of health, and the governing body of each city of the first class included within such sanitary district.

[1933 c. 341 s. 8] (1607-15)

445.09 POWERS. The sanitary district, in addition to the other powers vested in it, is empowered:

- (1) To regulate and control the discharge of so called factory or industrial wastes into the jointly used sewers or works of the sanitary district;
- (2) To enter into contracts with the industry or industries producing wastes for the purpose of determining the amount of treatment that such industry or industries shall give the wastes at the point of origin, and to enter into contracts

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with such industry or industries providing for charge to be made annually or otherwise for the treatment which may be given such wastes at the works of the sanitary district;

(3) To require any occupant of any industrial premises inside or outside of the boundaries of any established municipality within the area of the sanitary district engaged in discharging factory or industrial wastes directly or indirectly into any river, canal, ditch, or other waterway within the boundaries of the sanitary district to discontinue such discharge or construct new sewage disposal plants or to so change or rebuild any outlet, drain, or sewer as to discharge the factory or industrial waste into sewers of such municipality or into such intercepting sewers as may be established by the sanitary district under such regulations as the sanitary district may determine;

(4) To make, promulgate, and enforce such reasonable rules and regulations for the supervision, protection, management, and use of any system of jointly used intercepting sewers and treatment and disposal works as it may deem expedient, and such regulations shall prescribe the manner in which connections to the jointly used intercepting sewers shall be made, and may prohibit discharge into these sewers of any liquid, or solid waste, deemed detrimental to the sewerage system or treatment and disposal works of the sanitary district;

(5) The board of trustees and the governing bodies of any municipalities or territories adjacent to the sanitary district or the governing bodies of adjacent municipalities with approval by the board of trustees may, by agreement, provide for the conveyance, treatment, and disposal of the sewage of such municipalities or territories at the sewage treatment and disposal works of the district; provided, that in the event the board of trustees has undertaken or shall undertake, by contract or otherwise, to construct trunk sewers, intercepting sewers, pumping stations, treatment and disposal works and appurtenances thereto for the purpose of conveying, treating, and disposing of the sewage of a territory or municipality not included within the boundaries of such district, such territory or municipality shall pay the entire cost of any sewage collection, treatment and disposal works used exclusively by it and of such additional capacity of joint intercepting sewers and treatment and disposal works as may be necessary for, and the cost of operation, maintenance, and repair incurred in the conveying, pumping, treatment, and disposal of sewage from such territory not included within the boundaries of such district, such additional cost, including repayment of equity in any existing works, to be determined by the board of trustees. Like agreements may be made by the board of trustees with the United States government, the state of Minnesota, and with persons, firms, institutions, or corporations having plants or industries located adjacent to the sanitary district. The reasonableness of any rule and the factual determinations of the board of trustees may be reviewed by the district court on application of any municipality or person or corporation aggrieved in the district; and

(6) To acquire, reconstruct, operate and maintain such metering stations which measure the sewage flow from the city of Minneapolis and certain of the sewage flow regulators in Minneapolis and St. Paul as may be deemed necessary for the efficient operation of the district; that such acquisition shall be so acquired upon agreement by the board of trustees and the city councils of said cities, with the cities to be compensated by the district for their equities in same.

[1933 c 341 s 9; Ex1961 c 95 s 2] (1607-16)

445.10 OBJECTS AND PURPOSES. The general purpose and object of any sanitary district organized under this chapter shall be to promote the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, treatment and disposal of all domestic sewage, commercial and industrial wastes and their products within its own territory, so that the pollution resulting from the discharge thereof into any watercourse within the sanitary district shall be so reduced that such river, stream or watercourse shall cease to be, and shall not become a nuisance, or offensive, or injurious to the health and well-being of the people of the state. To accomplish such purpose and end, the board of trustees of any sanitary district organized under this chapter shall have power, within or without the territorial boundaries of the district, to construct, operate, maintain, and reconstruct a sewage disposal system or systems and to obtain sites for, to lay out, establish, construct, operate, and maintain, and may provide for the laying out, establishing, constructing, operating, and main-

taining, of channels, drains, ditches, intercepting sewers, sewage treatment and disposal plants and works, pumping stations and other works necessary thereto and outlets for carrying off, treating, and disposing of the drainage and sewage of such district; provided, that no site within or without the territorial limits of any municipality included in such sanitary district shall be acquired or used for any sewage treatment or sludge handling or disposal works or that any such treatment or sludge handling or disposal works be located, maintained, or operated upon such site except with the approval and consent of five-sevenths of the entire board of trustees expressed by resolutions to such effect.

For the purpose of this chapter, an intercepting sewer and appurtenances thereto shall be considered as only such sewer, and appurtenances thereto that are not now or will not be required by any municipality within the sanitary district, if the municipalities continued to dispose of their sewage and industrial waste by discharging their sewage and industrial waste without treatment into a common natural watercourse.

[1933 c. 341 s. 10] (1607-17)

445.11 BOARD OF TRUSTEES TO ADOPT COMPREHENSIVE PLAN. Before undertaking the construction or operation of any system of sewage disposal for the district including intercepting sewers, pumping stations, treatment works, and appurtenances, it shall be the duty of the board of trustees of such sanitary district to adopt a comprehensive plan and program of procedure and work, for the collection, treatment, and disposal of sewage and waste materials of the sanitary district, and the same may be modified from time to time, with necessary maps, plats, surveys, and estimates of probable cost of such system for the entire district based upon the probable needs and requirements of the district and of any adjacent territory likely to be annexed to such district, down to such time in the future as to the trustees shall seem most efficient and economical as well as proper and reasonable.

Notwithstanding any other provisions of this chapter to the contrary, or otherwise, any city included within any such sanitary district shall, after the board of trustees has adopted a comprehensive plan and program of procedure and work for the collection, treatment, and disposal of sewage and waste materials for the sanitary district, at its own cost and expense, and in accordance with such the comprehensive plan and program of procedure and work originally adopted or subsequently modified by the board of trustees, make provision for and construct and erect and maintain any and all drains, sewers, intercepting sewers, and other structures necessary for and constituting, or to constitute, any portion or portions of such sewage disposal system situated within or without the corporate limits of such city and used solely by such city for the conveying of its sewage and other industrial waste and the sewage and industrial waste of territory served by such city; provided, that if any such city shall fail, within six months after demand therefor by the board, to begin construction by the city of such portions of the sewage disposal system situated within the corporate limits of the city and to be used solely for the conveying of such sewage and industrial waste, or shall fail to complete such construction within a reasonable time thereafter, then the board shall have full power and authority to undertake and complete such part of the sewage disposal system, as provided by sections 445.10 to 445.13, and, to provide the funds for such construction shall, subject to the provisions of section 445.17, have authority to levy upon the taxable property within the city such annual taxes as may be required, the levy to be certified to the county auditor, as provided in section 445.17.

No taxes shall be levied upon the taxable property in such city, and no bonds or indebtedness of such city shall be sold or incurred in any manner whatever by or on behalf of any such sanitary district to defray the cost of like drains, sewers, intercepting sewers, or structures constructed within or without the limits of, and used or to be used, solely by any other city or municipality or district within such sanitary district, and nothing contained in the provisions of any local charter or general or special law shall limit or curtail the power of any city to issue bonds to meet the cost of the construction authorized by this section, and the amount of bonds issued and sold for such purposes shall not be included in computing the net indebtedness of such city under the provisions of any local charter or general law.

[1933 c. 341 s. 11] (1607-18)

445.12 CITIES MAY CONSTRUCT OWN SEWERS. When any city located within the sanitary district, as established, shall determine to erect and construct, at its own cost and expense, those drains, sewers, intercepting sewers, pumping

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stations, and other structures to be used exclusively by such city and territory served by such city, as set out in section 445.11, the intention shall be expressed by a resolution adopted by a majority vote of the members elect of its governing body, and thereafter such municipality may, notwithstanding any provision to the contrary included within the charter of such city, or any general law of the state, issue and sell its bonds for the cost thereof, subject to the limitations of section 445.17, without a vote upon the question by the electors of such city. All bonds issued under the provisions of this section shall be payable serially in annual instalments as determined by the governing body of the city, the first thereof to become due and payable in not more than three years from the date of such obligations, and the last instalment thereof to become due and payable not more than 30 years from their date. No annual maturing instalment of principal of any issue of such obligations shall be more than two and one-half times the amount of the smallest instalment thereof maturing in any one year.

[1933 c. 341 s. 12] (1607-19)

445.13 MAY ENTER LAND FOR PURPOSES OF SURVEYS AND CONSTRUCTION. Such sanitary district may, through its officers, agents, and employees, enter upon land within or without the territorial limits of such district for the purpose of making surveys and examinations when the board of trustees shall deem it necessary or expedient in connection with the performance of its duties or functions. Such sanitary district may likewise enter upon any state, county, town or municipal park, street, road, alley, or any public highway within or without its territorial limits, when it shall be reasonably necessary or expedient for the purpose of constructing, maintaining, or operating its sewage disposal system; and it may lay out and construct in any such park, street, road, alley, or public highway main and intercepting sewers and necessary appurtenances and connections thereto and connect thereto any sewer, drain, or outlet now in place or thereafter constructed by any municipality within the territorial limits of such sanitary district. Before proceeding with any such work, it shall notify in writing the public body or authority having charge or control of such park, street, road, alley, public highway, sewer, drain, or outlet, and no permit or payment of fee or charge shall be required. Such sanitary district shall proceed with all due diligence with its work, and after completing the same it shall restore at its own expense such park, street, road, alley, or public highway, and the public structures which may occupy such park, street, road, alley, or public highway, such as water mains, water connections and appurtenances, sewers, manholes, catchbasins and sewer connections, ornamental light poles and cables, and the property of municipal or public utility companies as gas mains and appurtenances, electric light and power cables or ducts, telephone cables or ducts, to as good condition as is reasonably possible as it or they existed before the commencement of the work.

Such sanitary district shall have power to lay out, construct, operate, and maintain, without compensation to the state or to any of its subdivisions, any part of the system of channels, drains, ditches, sewers, and outlets, or any other of its works over, upon, or under any part of any river or stream flowing through or adjacent to any part of its territorial limits over, upon, or under any land covered by any navigable waters of the state, which is owned or held by the state or any of its subdivisions, and over, upon, and under canals and waterways, and under right of ways of railroads, interurban and street railways and other public utility companies. All persons, firms, trustees, and corporations having buildings, structures, works, conduits, mains, pipes, tracks, poles, wires, cables, or other physical obstructions in, over or under the public lands, streets, roads, alleys, or highways of these cities, towns, or municipalities either within or without the territorial limits of such sanitary districts which interfere with the construction of such system of sewers, channels, drains, ditches, outlets and sewage treatment and disposal works, pumping stations and other works, when in process of construction or repair, shall upon reasonable notice given to them by the sanitary district, promptly shift, adjust, accommodate, or remove the same at the cost and expense of the sanitary district, so as to comply reasonably with the needs and requirements of such sanitary district.

All contractor's bonds covering work to be done within the limits of any municipality within the district shall contain provisions indemnifying such city for loss, damage, or injury to streets and public works or property resulting from such construction work, and saving the city or municipality harmless therefrom, and the

board of trustees shall defend and save harmless such city in any action brought against the municipality for loss, injury, or damage arising out of such construction.

[1933 c. 341 s. 13] (1607-20)

445.14 LAND, EASEMENTS; ACQUISITION. The trustees may from time to time acquire in the name of the district by purchase, deed, grant, lease, devise or condemnation every such right, title and easement in land public or private within and/or without its corporate limits as it may deem expedient, including among others the right and easement to construct and maintain underground conduits with or without disturbance of the surface. It may sell and convey land found unnecessary for its purpose, provided, however, that no sale of land be made by said board of trustees without first obtaining an order from the district court of the district in which such land is situated authorizing said sale, which order shall be filed with the secretary of said district, and the clerk of said district court.

Land, or any right, interest, estate or easement therein, may be acquired by the exercise of the right of eminent domain in the manner prescribed by Minnesota Statutes 1949, Sections 430.01 to 430.05, but without any assessment of benefits. All awards not set aside as therein provided shall be a charge upon the district for which its credit shall be pledged. The duties specified to be performed in said sections by the city council, the city clerk and the city engineer, respectively, shall be performed by the trustees, the secretary and the chief engineer of the district. Appeals to the district court shall be taken to the district court of the county in which the land lies. The notices required to be published shall be published in every case in a newspaper of general circulation published in the county or counties wherein the land lies. All reports and papers required by said sections to be filed with the city clerk shall be filed with the secretary of the district. Unless a lessor estate be designated, and absolute estate in fee simple, unqualified in any way whatsoever, shall vest in the district in every case of taking by the exercise of the power of eminent domain, and such estate shall not be limited or qualified in any way by construction.

[1933 c 341 s 14; 1935 c 3 s 1; 1935 c 7 s 1; 1951 c 614 s 1; 1955 c 162 s 1] (1607-21)

445.15 CONSTRUCTION WORK TO BE DONE BY CONTRACT. All construction work and every purchase of equipment, supplies or materials necessary in carrying out the purposes of this chapter, that shall involve the expenditure of \$2,000, or more, shall be awarded by contract, except as hereinafter provided. Before receiving bids under the provisions of this chapter the board of trustees shall publish, once a week for two consecutive weeks in the official newspaper of each city in the sanitary district a notice that bids will be received for such construction work, and/or such purchase of equipment, supplies, or materials, stating the nature of the work, and the terms and conditions upon which the contract is to be let, naming therein a time and place where such bids will be received, opened, and read publicly, which time shall be not less than seven days after the date of the last publication. After such bids have been duly received, opened, and read publicly and recorded, the board of trustees, shall award such contract to the lowest responsible bidder, the board of trustees reserving the right to reject any or all bids, each such contract to be duly executed in writing and the person to whom the contract is awarded shall give sufficient bond to the board for its faithful performance. If no satisfactory bid is received, the board may readvertise or, by an affirmative vote of five-sevenths of its members, may authorize such sanitary district to perform any part or parts of any construction work by day labor under such conditions as it may prescribe. The board of trustees shall have the right to set up reasonable qualifications to determine the fitness and responsibility of bidders, and to require bidders to meet such qualifications before bids are accepted by the trustees. If the board of trustees, by an affirmative vote of five-sevenths of its members, shall declare that an emergency exists requiring the immediate purchase of any equipment or material or supplies at a cost in excess of \$2,000 or making of emergency repairs, it shall not be necessary to advertise for bids, but such material, equipment, or supplies may be purchased in the open market at the lowest price obtainable, or such emergency repairs may be contracted for or performed without securing formal competitive bids.

In all contracts involving the employment of labor, the board of trustees shall stipulate and embody in the terms thereof such conditions as it deems reasonable, as to the hours of labor, wages and may stipulate as to the residence of workmen to be employed by the contractors.

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Bonds shall be required from contractors for any works of construction as provided in and subject to all the provisions of sections 574.26 to 574.31.

[1933 c 341 s 15; Ex1961 c 95 s 3] (1607-22)

445.16 MAY CONTRACT WITH ADJACENT MUNICIPALITIES. Any city of the first class comprising the sanitary district, may contract with any of its adjacent municipalities, villages, governmental functions, institutions, persons, or firms, for the conveying, treatment, and disposal of their sewage and industrial waste, all such contracts hereafter made to be subject to approval by the board of trustees so as to effect the general objects and purposes as set forth in section 445.10.

[1933 c 341 s 16; Ex1961 c 95 s 4] (1607-23)

445.163 SEWAGE CHARGES, COLLECTIONS. Any city of the fourth class that has entered into a contract with an adjoining city of the first class for the conveying, treatment, and disposal of the sewage of the city of the fourth class, pursuant to section 445.16, shall have the same authority to collect and certify to the county auditor the maintenance charge made for the services under the contract as do the cities of the first class pursuant to section 443.16.

[1941 c 122]

445.17 COSTS, EXPENSES; UNIFORM. Subdivision 1. **Assessed valuation as basis; allocation.** Except as herein otherwise provided, all costs of operation, maintenance and repair of joint or common sewers and of all treatment and disposal works and appurtenances thereto for a period of ten years from and after commencement of construction of the disposal system and all costs of land and right of way, construction of joint or common sewers, and of all treatment and disposal works and appurtenances thereto shall be a uniform charge upon the entire district, on the basis of assessed valuation, exclusive of money and credits, to be paid by a uniform annual tax upon the property of such district; provided, that in the event any such city of the first class has undertaken, or shall undertake, by contract or otherwise, to convey, treat, and dispose of the sewage of territory not included within the boundaries of such district, such city shall pay the entire cost of such additional capacity or joint intercepting sewers and treatment and disposal works as may be necessary for, and the cost of operation, maintenance, and repair incurred in the conveying, pumping, treatment, and disposal of sewage from such territory not included within the boundaries of such city, such additional cost to be determined by the board of trustees, and included in such city's proportion of the budget, as provided herein. From and after the ten year period from the commencement of construction, the costs of operation, maintenance, and repair of joint and common sewers, the construction of new joint and common sewers, and the construction, operation, maintenance, and repair of all treatment and disposal works and appurtenances thereto shall be allocated in proper proportion to each city within the sanitary district, upon the basis of the total annual volume of sewage contributed by each city as the same shall be measured or estimated and each such city shall pay such share of the total cost thereof as the volume of sewage contributed by the city and the territory served by such city under contract or otherwise bears to the total volume of sewage. In such estimate of the costs to be borne by each city, there shall be taken into account not only the sewage and wastes of each such city that are intercepted and treated, but an estimate shall be made of the sewage wastes of each city which enter or are discharged directly or indirectly into any stream or watercourse flowing through or adjacent to such district or any part thereof, and such untreated sewage and wastes shall be considered as contributed by such city. The board of trustees shall make such allowance for infiltration, conveyance, losses, leakage, etc., into or out of the joint or common intercepting sewers after the point of measurement by any city of the first class, as it may deem just and equitable.

Subd. 2. **Budget; preparation, review; bonds; rental charges.** The board of trustees when and as soon as the same shall be organized, in order to provide funds to carry out the purpose of this chapter and for the expense and disbursement of such sanitary district for the period before any tax moneys shall become available, shall prepare a detailed budget of its needs and certify the same to the governing bodies of the respective cities which governing bodies shall review the budget, and the board of trustees, upon notice from any such city of the first class, shall hear objections to the budget and may after such hearing modify or amend the budget, and shall give due notice to the cities of the first class of such modifica-

tion or amendment, and thereupon the governing bodies shall issue and sell bonds in the amount of the budget, as herein provided, and pay the proceeds of such bond sale into the treasury of the district. Thereafter the board of trustees shall, on or before the first day of July of each year, prepare a detailed budget of its needs for the next calendar year, specifying separately in the budget the amounts to be expended for construction, operation, and maintenance, respectively, and shall certify the same on that date to the governing body of each city of the first class within the sanitary district, together with a statement of the proportion of the budget to be provided by each such city, as herein provided. The governing body of each such city of the first class shall review the budget, and the board of trustees, upon notice from any such city of the first class, shall hear objections to the budget and may, after such hearing, modify or amend the budget, and shall give due notice to the cities of the first class of such modification or amendment. It shall be the duty of the governing body of each city of the first class within the district to provide the funds necessary to meet its proportion of the total cost for construction, operation, and maintenance, as finally certified by the board of trustees, such funds to be raised by the tax levies, bond sales, or by any other means within the authority of the cities of the first class, and to pay the same into the treasury of the district in such amounts and at such times as the treasurer of the district may require, and the city is hereby authorized to issue and sell such bonds as may be necessary to meet its obligations under this section, irrespective of any limitation in any home rule charter or special or general law, without a vote upon the question by the electors of the city, and bonds so determined to be issued and sold shall be issued and sold in the manner provided by section 445.12; but for the purpose of providing all or a part of the funds necessary for the current operating and maintenance charges of the sewage disposal system and to pay the interest and principal of any bonds issued or indebtedness incurred for the construction of the system, the board of trustees, as soon as the sewage disposal system shall come into operation, shall adopt a resolution, uniform in its application to all cities of the first class within the sanitary district, establishing reasonable rental charges and providing for the collection of the same by the respective cities from the owners or occupants of the property, which is served directly or indirectly by the system. For the purpose of making such rental charges equitable the board of trustees may classify the property benefited thereby, taking into consideration the volume and character of the sewage and wastes, and the nature of the use made of such facilities. Such rental may be based upon either the metered consumption of water on the premises connected with the sewer system, making due allowance for the commercial use of water and for the use of water from private sources of supply; or the number and kind of plumbing fixtures connected with the sewer system; or said rental charges may be determined by the board of trustees upon a combination of such methods, or upon any other equitable basis.

Subd. 3. Collection of sewage rentals; lien. The board of trustees of the sanitary district shall, in its resolution, provide for the billing and collecting of sewer rentals from all persons and corporations whose premises are served directly or indirectly by its sewage disposal system, including premises which derive their water supply in whole or in part from sources independent of the city or public water department. Upon the adoption of the terms of this resolution by governing body of such city of the first class all such sewer rentals shall constitute a lien upon the real property served by the sewage disposal system, and such lien shall be prior and superior to every other lien or claim, except the lien of an existing tax or local assessment.

Subd. 4. Approval by cities. A copy of this resolution shall be transmitted to the governing body of each city of the first class within the sanitary district. Upon notice from any such city of the first class the board of trustees shall hear objections to the resolution and may, after such hearing, amend or modify such resolution. The governing body of any such city of the first class may then by ordinance adopt such resolution providing for the establishing and collection of such rentals from the respective owners or occupants of property, provided that any such city may raise such portion of its required funds from such rental charges as its governing body may determine.

Subd. 5. Rental charges added to water bills. In the event the governing body of any city of the first class shall by ordinance adopt the method prescribed by this resolution of the board of trustees, the governing body of such city shall on

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or prior to August first of each year, by resolution determine the basis of rental to be charged property within the city served either directly or indirectly, by the sewage disposal system and shall transmit forthwith a copy of the resolution to the water department of the city, and it shall be the duty of such water department to add such charges to the next water bills rendered to the owners, lessees, or occupants of property for water service and to render bills to owners or occupants of property using private sources of supply. The sewer rentals may be charged and collected in two equal semiannual installments. The amounts so charged except against owners or occupants of property using private sources of supply, shall be collected in connection and in addition to the water charge for water service; and no part of the charge for water service shall be accepted without including therewith the sewer rental charge. The funds received from the collection of sewer rentals shall be kept by the comptroller or proper official of such city of the first class, as a separate and distinct fund, and shall be known as the sewer rental fund. This fund shall be used by any such city of the first class for the payment of its portion of the cost of operation and maintenance of the sanitary district system as hereinbefore described, and for the payment of the interest on any debt incurred for the construction of such sewage disposal system and for retiring such debt, and shall not be used for the extension of a sewage system to serve unsewered areas or for any purpose other than one or more of those specified above; provided, however, that the governing body of any such city of the first class, in any fiscal year when moneys in the sewer rental fund so accumulated shall be more than sufficient to meet the obligations specified in this subdivision, may by resolution provide for the use of such additional moneys to finance costs of the operation and maintenance of the city sewer system.

Subd. 6. Failure of cities to collect. If any such city of the first class shall fail to take the necessary action to provide the funds required by the board of trustees, as hereinabove provided, the board of trustees shall, subject to the limitations herein, on or before October 10th of each calendar year, certify to the auditor of the county in which such city so failing to comply shall be located the amount determined by the board of trustees to be raised by the city for operation and maintenance, and the county auditor shall extend, spread, and include the same with and as a part of the general taxes for state, county, and municipal purposes, to be collected and enforced therewith, together with penalties and interest and costs, and the county treasurer, upon the collection of the same, shall transfer the same to the treasurer of the sanitary district.

Subd. 7. Bonds issued by board of trustees. When any such city shall fail to provide the funds required by the board of trustees, as hereinbefore provided, for construction purposes, the board of trustees shall adopt a resolution setting forth the particular construction purposes for which it deems it necessary for the city to provide funds, the amount of money required for such purposes and that the city is in default for failure to provide the funds. A copy of the resolution shall be served upon the defaulting city by delivering a copy to the mayor or to the governing body. If, after 30 days after the service of this resolution, the defaulting city fails to provide such funds in such amount equal to the default, as set forth in the resolution, such sanitary district, through its board of trustees, by a five-sevenths vote of the board, shall have power to incur indebtedness in the amount set forth in the resolution and may issue bonds therefor. The bonds issued by the sanitary district pursuant hereto shall bear interest at a rate not exceeding five percent per annum, payable semiannually, shall be of such date, denominations, form, and place of payment, and shall be executed as determined by the board of trustees issuing them, shall be secured by pledge of the full faith, credit, and resources of the defaulting municipality, shall comply with the provisions of section 475.54, as to the maturity thereof, and such bonds shall be paid from tax levies made in conformity with sections 475.61 and 475.74, and such bonds shall be sold in the manner prescribed by section 475.60. The sanitary district each year, in addition to any other taxes authorized to be levied for it under this chapter, shall have power to cause to be levied a sufficient tax on the taxable property of such defaulting city to pay the interest and several installments of the principal of these bonds as they shall become due.

Subd. 8. When cities discharged from liability. When any such city of first class within the district shall have made the payments provided herein, such payment shall fully acquit and discharge such city and all the taxable property therein

from all further liability or duty to pay for the work or improvements or portion thereof contemplated to be made or the indebtedness incurred, and for which such charge has been so allocated to such city; provided, that if such allocation be based upon a preliminary estimate and the actual cost of such work or improvement, or portion thereof, shall thereafter be found to exceed the amount so allocated and charged to such city, such excess shall be charged to and paid by such city or by the taxable property therein, as hereinbefore provided, and if upon completion of the work or improvement, or portion thereof, the cost of which has been so allocated and charged, it be found that the sum so paid by such city from the proceeds of a bond issue is excessive, such excess shall be returned to such city and shall be placed in the sinking fund of such bond issue, and shall be used solely for the purpose of paying the principal and interest of such bonds issued hereunder by such city. The bonds issued by any municipality pursuant hereto shall bear interest at a rate not exceeding five percent per annum, payable semiannually, shall be of such date, denominations, form, and place of payment, and shall be executed as determined by the governing body of the corporation issuing them, shall be secured by pledge of the full faith, credit and resources of the municipality, shall comply with the provisions of section 475.54 as to the maturity thereof, and such bonds shall be paid from tax levies made in conformity with sections 475.61 and 475.74, and such bonds shall be sold in the manner prescribed by section 475.60.

Subd. 9. **Limitation on indebtedness.** The total aggregate indebtedness for all purposes under this chapter shall not exceed five percent of the assessed valuation of the taxable real and personal property within the district, excluding money and credits, and the taxes levied against the property of any municipality in any one year shall not exceed three mills upon the assessed valuation thereof, exclusive of the taxes it may be necessary to levy to pay the principal or interest on any bonds or indebtedness of the municipality issued or incurred under the provisions of this chapter.

Subd. 10. **Indebtedness not included in computing net indebtedness of municipality.** No provisions of any existing law or special or home rule charter under which any such municipality may be acting shall be deemed or construed to impair, curtail, or limit in amount, form, or manner the power to issue such bonds pursuant to this chapter, and the bonds issued by any municipality pursuant to this chapter shall not be included in computing the net indebtedness of such municipality under any applicable law or charter.

[1933 c 341 s 17; Ex1937 c 29 s 1; 1939 c 202 s 1; 1951 c 138 s 1; 1955 c 257 s 1; 1957 c 352 s 1, 2; Ex1961 c 95 s 5] (1607-24)

445.18 MUNICIPALITY MAY LEVY SPECIAL ASSESSMENT. Any municipality within or without the district whose sewage or industrial waste is discharged by contract or otherwise into the sewage disposal system of the sanitary district, shall have authority to levy special assessments upon any property within the municipality, not subject to real estate taxes, which is benefited by the sewage disposal system located therein. These special assessments may be levied and collected in the same manner as other special assessments for local improvements authorized by local charters, or general laws.

[1933 c 341 s 18] (1607-25)

445.19 CONTIGUOUS MUNICIPALITIES SHALL TREAT SEWAGE. Within one year after any such sanitary district shall begin treating sewage and industrial waste, any municipality contiguous thereto that is grossly polluting a watercourse common to such district and such municipality, shall treat its sewage to the same degree and extent as does such sanitary district, and the state board of health is hereby authorized, empowered, and directed to establish such rules and regulations as will make this requirement effective. When any such municipality shall determine, or be directed, to erect and construct, at its own cost and expense, the drains, sewers, intercepting sewers, pumping stations, treatment plant, and other structures to be used by it, this intention shall be expressed by a resolution adopted by a majority vote of the members elect of its governing body, and thereafter such municipality may, notwithstanding any provision to the contrary included within the charter of such municipality or any general law of the state, issue and sell its bonds for the cost thereof without a vote upon that question by the electors of the municipality and outside of any limitation established upon the amount of bonds that may be issued by such municipality. Such bonds shall be issued and sold in the same manner and under the same conditions as any other bonds that may be

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issued and sold by such municipality. The cost of such construction may be paid in whole or in part out of tax levies and the cost of operation and maintenance shall be met out of annual tax levies and such levies for such purposes may be over and above any limitation now established in any general law of the state or by the charter of such municipality.

[1933 c 341 s 18a] (1607-26)

445.20 PROVISIONS OF LAWS 1927, CHAPTER 181, CONTINUED. The proceeds of any taxes heretofore levied by any city of the first class for any metropolitan drainage commission created under Laws 1927, Chapter 181, whose territorial limits are included within any regular sanitary district that may be organized under this chapter, whether the funds are in the hands of the state treasurer or in the process of collection, shall, as soon as the funds are available therefrom, be duly transmitted and paid over by the state treasurer or by the several city treasurers, as the case may be, to the treasurer of such sanitary district, for credit to the respective cities, when and as soon as the same shall be organized. Such transfer shall be made upon the written request of such sanitary district by a resolution adopted by its trustees, certified copies of which shall be presented, one to the state treasurer and one to each of the city comptrollers of such cities. Such sanitary district as may be created under this chapter shall likewise succeed to and become vested with title and all right, estate, and interest in and to any property, real or personal, belonging to any metropolitan drainage commission organized under Laws 1927, Chapter 181, whose territorial limits are included within such sanitary district that may hereafter be organized; and the proper officers of such metropolitan drainage commission are hereby authorized and directed forthwith to transfer and deliver to such sanitary district, when the same shall be organized, any or all property of every nature and description in the possession or control of such metropolitan drainage commission, including all maps, plats, records, and reports, and all furniture, laboratory material, fixtures, and equipment. Such sanitary district shall likewise assume and be obligated to pay all legal outstanding obligations of such metropolitan drainage commission at the time such transfer of property is made. Any metropolitan drainage commission created and existing under Laws 1927, Chapter 181, shall continue to exist and operate until a sanitary district, that may be organized under this chapter, shall succeed to all the property rights of such drainage commission, as set forth in this section. The drainage commission shall thereupon cease to exist, and no further taxes for its support shall be levied.

[1933 c 341 s 19] (1607-27)

445.21 APPROPRIATION TO STATE BOARD OF HEALTH FOR EXPENSES. The sum of \$15,000 or so much thereof as may be necessary is hereby appropriated out of any funds in the state treasury not otherwise appropriated to the state board of health to defray necessary expenses in the execution of the duties enjoined upon that board under this chapter; provided, that upon the establishment of a regular sanitary district under the provisions of this chapter, all moneys so paid out of the state treasury shall be refunded to the state with interest at four percent by such sanitary district and the amount thereof shall be included in the budget costs and collected in the manner provided in section 445.17.

[1933 c 341 s 20] (1607-28)