

CHAPTER 453

MUNICIPALLY-OWNED UTILITIES

Sec.		Sec.	
453.01	Power and light commissions created	453.20	Treasurer; water-works fund; reports
453.02	Members, appointment	453.21	Powers of board enumerated
453.03	Secretary of commission	453.22	Distribution of water; water rates; llen of rates; wastage
453.04	Powers of commissions	453.23	Use of ground under roads, streets, and railroads
453.05	Rates, how fixed; warrants; publication of proceedings	453.24	Assessment of water frontage tax; exemptions from
453.06	Provisions accepted by resolution	453.25	Assessment rolls of water frontage tax
453.07	Application	453.26	Installments of water frontage tax, notice when due
453.08	Cities may rescind action	453.27	Delinquent water frontage taxes; penalties
453.09	Petition	453.28	Delinquent water frontage taxes; collection, payment, cancelation or change of assessments
453.10	Two-thirds vote required to rescind	453.29	Cancelation of assessments by court; reassessments
453.11	Powers of commission enlarged in certain cases	453.30	Extension of water-works systems; certificates of indebtedness
453.12	Charges, fund	453.31	Certificates of indebtedness not part of city indebtedness
453.13	Reserve fund		
453.14	No limitation or extension of powers of taxation		
453.15	Board of water commissioners		
453.16	General powers		
453.17	Members of board		
453.18	President and vice-president		
453.19	Secretary		

**453.01 POWER AND LIGHT COMMISSIONS CREATED.** There may be created in every city in the state having a population of less than 10,000, as determined by the last census taken therein by authority of the state of Minnesota, a water, light, power, and building commission with powers and duties as provided in sections 453.02 to 453.07.

[1907 c 412 s 1, 2; 1933 c 221 s 2] (1852, 1853)

**453.02 MEMBERS, APPOINTMENT.** The commission shall consist of three members and shall be appointed by the council of the city, and when first created, one shall be appointed for the term of one year, one for the term of two years, and one for the term of three years, and all the commissioners shall hold their office until their successors are appointed and qualified by subscribing to an oath that he will faithfully and impartially perform the duties of his office. There shall be appointed each year thereafter by the council one member of the commission, whose term of office shall be for three years, and each member of the commission shall be president thereof during the last year of the term for which he is appointed; provided, that in and as part of the resolution of the council of any city having more than 6,000 and less than 9,000 inhabitants and not less than \$3,500,000 and not more than \$4,500,000 of assessed valuation, hereafter accepting the provisions of sections 453.01 to 453.07, it may be determined and provided that the commission shall include two additional members to be chosen from the members of the council, whose term of office shall be fixed by the council at the time of their appointment, and shall not in any event extend beyond the time that they shall respectively hold office as councilors; upon the expiration of the term of office of any member so appointed, the council shall appoint from among its number another member of the commission and shall fix the term of office which shall not extend beyond the time that he shall hold office as councilor.

[1907 c 412 s 3; 1925 c 327 s 1; 1949 c 119 s 111] (1854)

**453.03 SECRETARY OF COMMISSION.** The water, light, power, and building commission shall have the power and authority, and it is hereby given the power and authority to appoint and employ a secretary of the commission, who shall qualify as hereinafter stated, and upon such qualification shall be the secretary of the water, light, power, and building commission; provided, that in cities organized under the provisions of Laws 1895, Chapter 8, the city clerk may be the secretary of the commission. The commission may appoint as its secretary a member of the commission, who shall serve as secretary only one year in any three years, and the term as secretary shall be during the second year of the term for which he is appointed. The secretary shall keep an accurate record, in books kept by him for that purpose, of the proceedings and business transactions of the commission and he is also empowered and it is hereby made his duty to collect water, light,

# MINNESOTA STATUTES 1961

## 453.04 MUNICIPALLY-OWNED UTILITIES

3960

and rent charges from patrons for the city and at once pay the same into the treasury of the city and he shall make a detailed statement of the same at the regular monthly meeting of the commission, which shall be held on the first Tuesday of each month. He shall be furnished by the city with all the necessary books and stationery to properly perform all the duties of his office and he shall be required to furnish a corporate bond running to the city, in an amount to be fixed by the commission, that he will faithfully perform all the duties of his office as is required of him by law and promptly pay over to the treasurer of the city all moneys and deliver up all property to the council of the city, belonging to the city, that he may have in his possession. This bond shall be approved by the commission and filed with the city treasurer. The compensation of the secretary for his services shall be fixed by the commission the same to be when so fixed full compensation for services performed as secretary of the commission, which compensation shall be paid out of the treasury of the city. The commission shall be authorized and fully empowered, and it is hereby authorized and fully empowered to revoke its appointment and discharge its secretary any time it may see fit and when it does so revoke the appointment and discharge its secretary it shall have and is hereby given the power and authority to reappoint and employ another secretary as it may desire or determine.

[1907 c 412 s 5; 1911 c 239 s 1; 1927 c 357 s 1; 1937 c 281 s 1; 1949 c 119 s 111; 1953 c 24 s 1] (1856)

**453.04 POWERS OF COMMISSIONS.** The commission shall have full, absolute, and exclusive control, except as hereinafter provided, of and power over the water, light, and power plants, and municipal heating plants, and all parts, attachments, and appurtenances thereto, and all apparatus and material of every kind and description used or to be used in operating these plants, or any or either of them, in all these municipalities, including all other public buildings and halls owned by the municipality. The commission shall have the power and authority to operate the same, and each thereof, and to extend, add to, change, or modify the same, and to do any and all things in and about the same which they may deem necessary for a proper economical operation of the same. The commission shall not have the right to sell, lease, rent, or in any way dispose of or encumber or suffer or permit, this property, or any part thereof, to come under the control of any other person or corporation. This shall not prevent the commission from renting or leasing public halls or buildings for public use and entertainments. The commission shall have authority to buy all material and employ all help necessary, or it may contract, to extend, add to, change, or modify these plants, buildings, and halls, or any part thereof. The commission shall have authority to buy all fuel and supplies and employ all help necessary to operate the plant.

[1907 c 412 s 6; 1933 c 278; 1941 c 269; 1949 c 119 s 111] (1857)

**453.05 RATES, HOW FIXED; WARRANTS; PUBLICATION OF PROCEEDINGS.** The commission shall fix all water and lighting rates to patrons, and rents for public halls and buildings, as provided in sections 453.01 to 453.07, provided that the provisions of sections 453.01 to 453.07 shall not impair the obligations of existing contracts; the commission shall audit all claims and the secretary of the commission shall draw his warrant upon the treasurer of the city for the amount allowed by the commission, which warrant shall be countersigned by the president of the commission. The commission shall publish in the official newspaper in the city at the end of each three months, all proceedings of the commission, together with a detailed statement of all the revenue received by the commission during the three preceding months. Sections 453.01 to 453.07 apply to all cases where the plant or plants or buildings are wholly or in part within or wholly or in part without the corporate limits of the city.

[1907 c 412 s 7; 1911 c 239 s 2; 1949 c 119 s 111] (1858)

**453.06 PROVISIONS ACCEPTED BY RESOLUTION.** Any city in the class mentioned in the title of Laws 1907, Chapter 412, which may wish to avail itself of the provisions of sections 453.01 to 453.07 shall do so by resolution of its council expressly accepting the provisions thereof, which resolution shall be adopted by a vote of a majority of all its members and be approved by the mayor of the city, and sections 453.01 to 453.07 shall not apply to the city until the adoption of this resolution.

[1907 c 412 s 8; 1949 c 119 s 111] (1859)

A 63  
c 717  
p-1

# MINNESOTA STATUTES 1961

3961

## MUNICIPALLY-OWNED UTILITIES 453.12

**453.07 APPLICATION.** Sections 453.01 to 453.07 apply to any city of the fourth class operating under a home rule charter, having a population of not less than 1,000 nor more than 1,500 which is located in any county having a population of not less than 33,000 nor more than 34,000 according to the last federal census, but shall not include or apply to any other cities now or hereafter governed under a charter adopted under and pursuant to the Constitution of the State of Minnesota, Article 4, Section 36, and the several acts of the legislature authorizing cities to adopt their own charter.

[1907 c 412 s 9; 1939 c 230; 1949 c 119 s 111] (1860)

**453.08 CITIES MAY RESCIND ACTION.** Any city which has heretofore or may hereafter avail itself of the provisions of sections 453.01 to 453.07 by the adoption of a resolution, as therein provided, may rescind such action in the manner provided in sections 453.08 to 453.10.

[1931 c 190 s 1; 1949 c 119 s 111] (1860½)

**453.09 PETITION.** Upon the presentation of a petition in writing, signed by electors thereof equal to 15 percent of the number who voted at the last preceding general municipal election, and not less than 50 in number, the council shall submit at the next general election occurring within 60 days thereafter, if any, the following question:

"Shall the action of this city in availing itself of the provisions of Laws 1907, Chapter 412, be rescinded?

Yes.....  
No ....."

If there is no general election to be so held, the council shall call a special election in the manner provided by law to be held not less than 30 nor more than 45 days thereafter and shall submit the question at the special election.

Notice shall be given and the election, whether general or special, shall be conducted, ballots counted and canvassed, returns made, and results declared in the same manner as in the case of other propositions submitted to the electors.

[1931 c 190 s 2; 1949 c 119 s 111] (1860½a)

**453.10 TWO-THIRDS VOTE REQUIRED TO RESCIND.** If two-thirds of the votes cast upon the proposition be in the affirmative, the provisions of sections 453.01 to 453.07, and of any law supplemental thereto, shall cease to apply to the city 30 days after the date of holding the election.

[1931 c 190 s 3; 1949 c 119 s 111] (1860½b)

**453.11 POWERS OF COMMISSION ENLARGED IN CERTAIN CASES.** In all villages in this state having now, or hereafter having, a population of 10,000 and in which there is existing at the present time a water, light, power, and building commission, pursuant to sections 453.01 to 453.07, the commission, in addition to the general duties and powers, as outlined in those sections shall have and possess the additional powers and duties set forth in sections 453.11 to 453.14.

[1933 c 111 s 1] (1860½c)

**453.12 CHARGES, FUND.** It shall be the duty of the commission, and it is hereby empowered to collect water, light, heat, power, gas and rent charges from patrons including the village, and pay the same into a fund to be known and designated as "Water and Light Fund." The commission shall have exclusive control of the fund and of all collections made by the commission. It shall be the duty of the commission to have full, absolute, and exclusive control of the operation and management of the water, light, power, gas, and heating plants in the village and to pay for the operation thereof out of the water and light fund. The commission may, out of the water and light fund, purchase all necessary material and employ all necessary help in the general management, operation, and conduct of its business, including the hiring of an attorney, after April 1, 1944, whose salary shall not exceed \$1,800 per annum, and including extensions and additions to systems provided, and this shall not restrict or extend the powers of the village and commission to provide replacements, additions, or extensions to these systems from other funds.

In addition the commission shall have the power to pay a monthly pension to employees of the water and light department at the age of 65 years or over and who were more than 60 years of age on the date that the municipality adopted the provisions of the said public employees retirement act, and who have served as em-

ployees of said water and light department for more than 20 years, the amount of which shall in no event exceed the amount paid by the public employees retirement association of the state to similarly paid public employees.

[1933 c 111 s 2; 1943 c 518 s 1; 1947 c 51 s 1] (1860½d)

**453.13 RESERVE FUND.** It shall be the duty of the commission, on the first day of each month, to set aside into a reserve fund a sum equal to one-twelfth of not less than two percent of the replacement value of the fixed assets, which sum shall, in any event, be equal to ten percent of the gross receipts collected by the commission during the preceding month. This reserve fund shall be used by the commission only for the purpose of replacing existing buildings, plants, systems, and stationary equipment for which the reserve is established. The commission is hereby prohibited from using the reserve fund for any other purpose.

The fixed assets of the commission for the purpose of this section shall not include buildings used by other departments of the village, and no reserve shall be created for the replacement of these buildings. Only buildings as are principally used and necessary in the operation or administration of water, light, power, gas, and heating plants may be replaced from this reserve fund, and no revenue received from the operation thereof may be used for the maintenance of any other buildings of the village.

The commission shall have authority to invest, and it shall invest, the reserve fund and operating surpluses, in amounts to be determined by the commission, in such securities as permitted, by the state board of investment or in certificates of indebtedness and duly authorized bonds of the village. All income earned by these securities shall belong to and become a part of the reserve fund. When the fund equals a total of 75 percent of the replacement value of the fixed assets of the commission, it will no longer be necessary to add the monthly sum specified above. When this sum falls below 75 percent of the replacement value of the fixed assets, the commission will thereupon renew the placing into the reserve fund these monthly payments. The commission shall require any bank in which any of its funds are deposited to give bond as required of banks acting as depositories of municipal funds.

[1933 c 111 s 3] (1860½e)

**453.14 NO LIMITATION OR EXTENSION OF POWERS OF TAXATION.** Nothing in sections 453.11 to 453.14 shall be construed to limit or extend the powers of the village to levy, as provided by section 412.251, clause 9, or to be in lieu of such levies, nor shall be construed to limit or extend the powers or limitations with respect to levies for or expenditures from other funds by the village or commission for the operation of the water and light department, or for replacements, additions, or extensions to such system from such funds. Nothing in sections 453.11 to 453.14 shall be construed to limit the power of the village to make levies in excess of the present per capita limitations for indebtedness existing prior to January 1, 1929, as provided by sections 275.11 and 275.17 to 275.21.

[1933 c 111 s 4; 1961 c 560 s 35] (1860½f)

**453.15 BOARD OF WATER COMMISSIONERS.** Each city of the third class in the state, not governed under a charter adopted under and pursuant to the Constitution of the State of Minnesota, Article 4, Section 36, and now or hereafter owning or operating a system of water-works, is hereby authorized and empowered to create a board of water commissioners who shall have the control and management of the system of water-works and shall be known as and styled the board of water commissioners of the city. These boards shall be created by an ordinance of the city and shall be appointed as provided in sections 453.15 to 453.31 and shall have all of the powers and duties prescribed in sections 453.15 to 453.31. No such city shall, after creating the board, thereafter annul, vacate, or dissolve the same.

[1911 c 21 s 1, 18] (1703-8, 1703-25)

**453.16 GENERAL POWERS.** Every board of water commissioners may sue and be sued, plead and be impleaded, answer and be answered unto, appear and prosecute unto final judgment in any court or elsewhere in its own name, and may have a corporate seal and alter the same at pleasure. A majority of this board shall constitute a quorum and all contracts and engagements, acts and doings of the board within the scope of its duty and authority shall be obligatory upon and as binding in law as if done by the council or other governing body of the city.

[1911 c 21 s 2] (1703-9)

**453.17 MEMBERS OF BOARD.** The board shall consist of three members who shall be voters of the city and always appointed by its mayor. When first created one member of the board shall be appointed for the term of one year, one for the term of two years, and one for the term of three years. Thereafter appointments, except appointments to fill vacancies, shall be for the term of three years. Vacancies in the board from any cause other than expiration of term of office shall be filled by appointment for the unexpired term. Each member of the board shall serve without compensation, shall qualify by subscribing to and filing with the clerk of the city an oath that he will faithfully and impartially perform the duties of his office, and his term of office shall continue until his successor is appointed and qualified.

[1911 c 21 s 3] (1703-10)

**453.18 PRESIDENT AND VICE-PRESIDENT.** When first created and in each year after the expiration of the term of any member thereof and the qualifying of his successor, the board shall elect one of its members president of the board and one of its members vice-president of the board.

[1911 c 21 s 4] (1703-11)

**453.19 SECRETARY.** The board shall elect some suitable person as its secretary who shall hold office during the pleasure of the board and who shall, before entering upon his duties, furnish a bond running to the city and with such sureties and in an amount as shall be fixed by the board, conditioned that he will faithfully perform all the duties of his office as required by law and promptly pay over to the treasurer of the board all moneys and deliver up all property belonging to the municipality that he may have in his possession or for which he is or may be accountable. It is made the duty of the secretary under the direction of the board to collect and receive and promptly pay to the treasurer of the board all moneys due on account of the operation of the water-works or any transaction of the board. He shall keep an accurate record, in books kept for that purpose, of all the proceedings and business transactions of the board; he shall also keep a set of books which shall contain a full and complete statement of the condition and operation of the water-works and of all moneys received and paid out on account thereof for any cause whatsoever, together with an accurate account of the expenses of the board and of the system, and of the income thereof, and in such manner as to show at all times the exact financial condition of the board, and he shall make a detailed statement of the same to the board semiannually at such time as the board shall fix. He shall perform such other and further duties as the board may, from time to time, require and shall receive such salary or compensation as shall be fixed by the board.

[1911 c 21 s 5] (1703-12)

**453.20 TREASURER; WATER-WORKS FUND; REPORTS.** The treasurer of the city shall be ex officio the treasurer of the board and it shall be his duty to receive all moneys which may be paid to the secretary on account of the board of water commissioners from any source. All moneys so received shall be kept by the treasurer in a fund known as the "water-works fund" and separate from all other moneys of the city and shall be paid out only upon the orders of the board signed by the president and countersigned by the secretary thereof. He shall report semiannually to the board at such times as it may determine and at such other times as the board may require in detail showing the amounts paid into the fund, the sums paid therefrom and the sums remaining to the credit of the fund. The city treasurer shall receive, in addition to the salary or compensation otherwise fixed by law, such further sum as the board may determine for services performed by him pursuant to sections 453.15 to 453.31.

[1911 c 21 s 6] (1703-13)

**453.21 POWERS OF BOARD ENUMERATED.** The board shall have full, absolute, and exclusive control of and power over the water-works and water plant of the city and all parts, attachments, and appurtenances thereto and all apparatus and material of every kind and description used or to be used in operating this plant and owned or controlled by the city. It shall have the power to operate the same and to extend, add to, change, or modify the same, and to do any and all things in and about the same which it may deem necessary for the proper and economical operation thereof; provided, it shall not have the right to sell, lease, rent, or in any way dispose of or encumber the property. It shall have authority to buy all material and employ all help necessary to make any extension or addition

to or change or modification of the plant, or it may contract to extend, add to, change, or modify the plant or any part thereof. The board shall also have authority to buy all necessary fuel and supplies, to appoint and remove at pleasure such employees and officers as in its judgment may be necessary and to fix their salaries and compensation from time to time. In case any person holding any office of the city or employed thereby shall be employed or appointed by the board, it shall fix his compensation or salary for all services or duties performed by him for it. It shall also have power to make bylaws and regulations, not inconsistent with law, for the government of its officers and employees, for the control and management of the plant and the several portions thereof and for the regulations and transactions of the business entrusted to them. It shall have power to require payment in advance for water or service furnished by it in or upon any building, place, or premises, and in case prompt payment shall not be made it may shut off the water from that building, place, or premises and shall not be compelled to again supply that building, place, or premises with water until these arrears, with interest thereon, together with cost of turning the water off and on, as fixed by it, shall be fully paid. It shall also have power to fix and determine conditions and requirements for making or continuing connections with the plant, to make regulations governing the use of water furnished therefrom and to prevent waste thereof and in case of the default, refusal, or neglect of any patron in the due observance of any such requirement or condition or regulations to discontinue the furnishing water to any one so offending.

[1911 c 21 s 7] (1703-14)

**453.22 DISTRIBUTION OF WATER; WATER RATES; LIEN OF RATES; WASTAGE.** The board shall control and regulate the distribution of water from the system of water-works in all places and for all purposes where the same may be required for either public or private use and fix the price and rates therefor and, from time to time, cause to be assessed the water rate to be paid for any public use thereof, or by the owner or occupant of each house or other building having or using water, upon such basis as it shall deem equitable; provided, that such rate may be greater for the water furnished to the owner or occupant of any building or premises situate on any lot, piece, or parcel of land for any reason not liable for or exempt from the frontage tax provided in sections 453.23 to 453.31, than the rate charged for a like service furnished to the owners or occupants of lands liable for and not exempt from such frontage tax. Every such water rate shall become a continuing paramount lien, until paid, on each house or other building, and upon the lot or lots upon which such house or other building is situate, and it shall erect such number of new public hydrants in such places as shall be ordered from time to time, by the council of such city. The board is hereby authorized and required to restrain and prevent any and all wastage of water, whether occurring under public or private use, and to that end may, when in its judgment necessary, turn off the water or take such other action as in its judgment may be proper.

[1911 c 21 s 8] (1703-15)

**453.23 USE OF GROUND UNDER ROADS, STREETS, AND RAILROADS.** The board, in behalf of the city, and all persons acting under its authority, shall have the right to use the grounds or soil under any road, railroad, highway, street, lane, alley, court, or public place for the purpose of constructing, enlarging, empowering, or repairing the water-works of the city, on condition that it shall cause the surface of the road, railway, highway, street, lane, alley, court, or public place to be restored to its original state and all damages done thereto repaired. In acting under this section the board shall respect and obey all ordinances of the city.

[1911 c 21 s 9] (1703-16)

**453.24 ASSESSMENT OF WATER FRONTAGE TAX; EXEMPTIONS FROM.** In addition to all other powers conferred upon the board, it is authorized, for the purpose of defraying in whole or in part the cost of the water-works and of subsequent extensions thereof, to assess upon each and every lot, piece, or parcel of land in the city, except only lands which are or may be exempt by law from assessments for local improvements, in front of which water mains are or shall hereafter be laid, a water frontage tax at the rate of 75 cents on each lineal foot of the frontage of the lot, piece, or parcel of land, which shall be a lien upon such lot, piece, or parcel of land until paid, and shall be due in 15 equal instalments

and collected at the times and as herein provided. Every lot, piece, or parcel of land in the city situate at the intersection of two or more streets, each having a water main laid therein, shall be allowed an exemption from the frontage tax on one of these streets at each corner thereof, but the exemption shall not be allowed until after the lot, piece, or parcel of land shall have been fully assessed for the frontage tax on one of the streets intersecting at the corner where the exemption is allowed. This exemption shall be the number of feet of the shorter frontage of each lot, piece, or parcel of land on either of the intersecting streets, not exceeding 50 feet at any corner. No property shall be subject to any frontage tax on any frontage thereof upon which frontage the owner or owners thereof shall have theretofore and without cost to the city, or to the board, laid or caused a water main to be laid in front of the property and which water main has been thereafter accepted by the city or by the board and made a part of the system of water-works.

[1911 c 21 s 10] (1703-17)

**453.25 ASSESSMENT ROLLS OF WATER FRONTAGE TAX.** The board shall, after its organization, make up a detailed assessment roll duly certified by its president and secretary and under the seal of the board for the frontage tax described in section 453.24 upon each lot or piece of land then liable therefor. The board shall thereafter and prior to the first day of August each year make up a like assessment roll for the frontage tax upon each lot, piece, or parcel of land then liable therefor by reason of any extension or addition to the system of water-works subsequent to the making up of the first or any subsequent assessment roll. Every assessment roll shall be filed in the office of the secretary of the board, preserved by him, and kept as a public record in his office.

[1911 c 21 s 11] (1703-18)

**453.26 INSTALMENTS OF WATER FRONTAGE TAX, NOTICE WHEN DUE.** The first instalment of frontage tax shall be due immediately upon the filing of the assessment roll for the tax in the office of the secretary and one subsequent instalment thereof shall become due on the first day of July in each year thereafter, and, until the respective instalments thereof have been certified to the county auditor, they shall be collected by the secretary. Upon the filing of any assessment roll in his office the secretary shall prepare a written notice over his signature, stating therein that an assessment roll for the water frontage tax authorized by sections 453.15 to 453.31 and assessed under the provisions thereof upon each lot, piece, or parcel of land in the city liable therefor, at the date of the assessment roll, has been filed in his office, that the first instalment of the assessment is then due, and stating therein the date of the assessment roll and of the filing thereof. The secretary shall cause this notice to be published for three successive weeks in the official newspaper of the city and a printed copy thereof to be posted in each of three public places in the city. No defect or irregularity in this notice or in the publication or posting thereof shall in any way to any extent impair or invalidate the assessment roll, or any assessment therein contained or any part thereof, or any penalty thereon provided for in sections 453.27 to 453.31.

[1911 c 21 s 12] (1703-19)

**453.27 DELINQUENT WATER FRONTAGE TAXES; PENALTIES.** The first instalment of every frontage tax shall be delinquent at the expiration of 60 days after the assessment roll therefor shall have been filed in the office of the secretary and shall, at the expiration of the 60 days, be subject to and there shall be added thereto a penalty of ten percent of the amount of the instalment. Every subsequent installment of the frontage tax, if not paid prior to the first day of October in the year in which the same becomes due, shall be delinquent on that day and shall also be subject to and there shall be added thereto a penalty of ten percent of the amount of the delinquent instalment.

[1911 c 21 s 13] (1703-20)

**453.28 DELINQUENT WATER FRONTAGE TAXES; COLLECTION, PAYMENT, CANCELANCION OR CHANGE OF ASSESSMENTS.** Between the first day of October and the fifteenth day of October in each year, the board shall make up a detailed statement, duly certified by the president and under its seal, of all instalments of the frontage tax or assessments becoming delinquent during the year preceding and of all penalties thereon, which statement shall be transmitted by the secretary of the board on or prior to the fifteenth day of October to the auditor of the county in which the city is located as delinquent taxes for collection; whereupon it shall be the duty of the auditor to extend the same in proper columns

on his rolls against the property described in the statement, for collection, and every instalment of the tax or assessment shall be collected and the payment thereof enforced with and in the like manner as state, county, and other taxes are collected and the payment thereof enforced and shall be subject to all the penalties and charges as property delinquent for taxes delinquent for county and state purposes. Every instalment of the tax or assessment, when collected, shall be paid over by the county treasurer to the secretary of the board, together with all costs, penalties, and interest collected thereon at the time of making payment of city taxes to the treasurer of the city. At the time of making the payment the county treasurer shall transmit to the secretary of the board a detailed statement showing the several parcels of land upon which collections have been made by him and for which payments are so made and the amount collected on account of each parcel. The board may, prior to sale of any lot, piece, or parcel of land for the enforcement of taxes pursuant to state law, by resolution, direct its secretary or the auditor to cancel on any record where the same appears any instalment of the tax or assessment, whether because the same be irregular or erroneous or because the extension or improvement for which the same shall have been assessed shall have been abandoned by the board in whole or in part. The board may in like manner direct its secretary or the auditor to divide any instalment of the tax or assessment and place parts thereof on any part of the real estate against which the same is assessed and to make the necessary corrections and records thereof. A copy of any resolution authorized by this section, certified by the secretary of the board and under its seal, filed with the auditor, shall be sufficient authority for his acts in compliance therewith.

[1911 c 21 s 14] (1703-21)

**453.29 CANCELANON OF ASSESSMENTS BY COURT; REASSESSMENTS.** If any assessment made by the board, as authorized and directed in sections 453.15 to 453.31, shall be canceled by it or vacated, annulled, or set aside, either in whole or in part, by any court for any reason except that the land whereon the same was assessed was and is not liable therefor, all portions of every assessment so canceled, vacated, annulled, or set aside which have not been theretofore paid or which shall have been repaid by the board, shall be reassessed by the board and the collection thereof enforced in the manner prescribed for the assessment of the frontage tax upon lands becoming liable therefor by reason of an extension of or addition to the system of water-works, and in case for any reason any lot, piece or parcel of land liable for the frontage tax shall, at any time for any cause, be omitted from any assessment made while the same was liable therefor and unassessed, such lot, piece, or parcel of land shall be likewise, as soon as the omission be discovered, assessed for the frontage tax as though the same had become liable therefor by reason of the extension of, or addition to, the water-works.

[1911 c 21 s 15] (1703-22)

**453.30 EXTENSION OF WATER-WORKS SYSTEMS; CERTIFICATES OF INDEBTEDNESS.** The board is further authorized and empowered when at any time or from time to time it shall determine to make an extension or addition to the system of water-works of such city and when authorized by a resolution of the council of the city to issue the same to cause to be issued and sold as the proceeds thereof shall be needed for the purpose of paying the cost of the extension of or addition to the system of water-works so determined upon certificates of indebtedness in anticipation of the collection of any frontage tax assessed or to be assessed on account of such extension or addition. These certificates of indebtedness shall be issued to mature serially and as nearly as may be at times and in amounts as will correspond with the times of collection of the several instalments of the frontage tax assessed on account of the extension or addition and bear interest at not to exceed six percent per annum payable annually and may have interest coupons attached thereto for instalments of interest and shall be payable at such place as the board may determine. These certificates shall be issued under the seal of the board, signed by its president and secretary, countersigned by the clerk of the city, and issued in such denomination as the board shall determine, but shall not be authorized in sums aggregating more than \$10,000 in any calendar year. The certificates issued for each extension or addition shall constitute a separate series and be consecutively numbered and state upon the face thereof the extension or addition for which the same are issued.



# MINNESOTA STATUTES 1961

3967

## MUNICIPALLY-OWNED UTILITIES 453.31

The principal and interest of the series of certificates sold on account of any proposed extension or addition shall be a first charge on the moneys received by the board from the instalments of frontage tax levied for defraying the cost of the extension or addition for payment of the cost of which the same were issued, and no part of these moneys shall be used for any other purpose until the principal and interest on this series of certificates shall have been fully paid or the moneys for the payment thereof have been set apart in the treasury of the board.

These certificates may be sold at a time and in a manner as the board shall determine but shall not be sold for less than par and accrued interest and the board may and is hereby authorized to purchase any of these certificates at any time with any funds in its hands available therefor as an investment of the funds and may again sell the certificates so purchased at its pleasure. No part of the moneys arising from the sale of any of these certificates shall be used for any other purpose than that of the extension or addition for which the certificates were authorized.

[1911 c 21 s 16] (1703-23)

**453.31 CERTIFICATES OF INDEBTEDNESS NOT PART OF CITY INDEBTEDNESS.** None of the certificates of indebtedness issued pursuant to the terms of sections 453.15 to 453.31 shall be deemed or taken to be a part of the indebtedness of the city within the purview of any law limiting the amount of any bonded or other indebtedness of the city and certificates of indebtedness authorized by sections 453.15 to 453.31 may be issued notwithstanding and without regard to any limitation of the indebtedness of the city, nevertheless the full faith and credit of the city is irrevocably pledged to the full payment of these certificates and interest.

[1911 c 21 s 17] (1703-24)