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Authorizing Counties to Establish County Sewer and Water Systems, to Issue Revenue Bonds Therefor, and to Exercise Certain Powers in Connection with the Operation and Maintenance of Such Systems

Colorado General Assembly

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CHAPTER 106

COUNTY POWERS AND FUNCTIONSSEWER AND WATER SYSTEMS

Senate Bill No. 356. By Senators DeBerard and Calabrese; also Representatives Hinman and Sooter.

A N A C T

AUTHORIZING COUNTIES TO ESTABLISH COUNTY SEWER AND WATER SYSTEMS, TO ISSUE REVENUE BONDS THEREFOR, AND TO EXERCISE CERTAIN POWERS IN CONNECTION WITH THE OPERATION AND MAINTENANCE OF SUCH SYSTEMS.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. Chapter 36, Colorado Revised Statutes 1963, as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 29

SEWER AND WATER SYSTEMS

36-29-1. Definitions. (1) As used in this article, unless the context otherwise requires:

(2) "Sewerage facilities" means any one or more of the various devices used in the collection, treatment, or disposition of sewage or industrial wastes of a liquid nature, or storm, flood, or surface drainage waters, including all inlets, collection, drainage, or disposal lines, intercepting sewers, joint storm and sanitary sewers, sewage disposal plants, outfall sewers, all pumping, power, and other equipment and appurtenances, all extensions, improvements, remodeling, additions, and alterations thereof, and any and all rights or interest in such sewerage facilities.

(3) "Board" shall mean the board of county commissioners.

(4) "Consumer" shall mean any public or private user of water facilities or sewerage facilities, or both.

(5) "Water facilities" means any one or more devices used in the collection, treatment, or distribution of water for domestic and other legal uses, including a system or systems of raw and clear water and

distribution storage reservoirs, deep and shallow wells, pumping, ventilating, and gaging stations, inlets, tunnels, flumes, conduits, canals, collection, transmission, and distribution lines, infiltration galleries, hydrants, meters, filtration and treatment plants and works, all pumping, power, and other equipment and appurtenances, all extensions, improvements, remodeling, additions, and alterations thereof, and any and all rights or interests in such water facilities.

(6) "System" means sewerage facilities or water facilities or water and sewerage facilities combined.

(7) "Joint system" or "joint water and sewer system" means water facilities and sewerage facilities combined, operated, and maintained as a single public utility and income-producing project.

36-29-2. Powers. (1) In addition to the powers which it may now have, any county without any election of the qualified electors thereof, shall have power under this article:

(2) To acquire by gift, purchase, lease, or exercise of the right of eminent domain, to construct, to reconstruct, to improve, to better, and to extend water facilities or sewerage facilities, or both, wholly within or wholly without the county, or partially within and partially without the county, and to acquire by gift, purchase, or the exercise of the right of eminent domain, lands, easements, and rights in land in connection therewith;

(3) To operate and maintain water facilities or sewerage facilities, or both, for its own use and for the use of public and private consumers and users within and without the territorial boundaries of the county, but no water service or sewerage service, or combination of them, shall be furnished in any other county or in any municipality unless the approval of such other county or municipality shall be obtained as to the territory in which the service is to be rendered;

(4) To accept loans or grants or both from the United States of America under any federal law now or hereafter in force to aid in financing the cost of engineering, architectural, or economic investigations; or studies, surveys, designs, plans, working drawings, specifications, procedures, or other action preliminary to the construction of water facilities or sewerage facilities, or both;

(5) To accept loans or grants or both from the United States of America under any federal law now or hereafter in force for the construction of necessary water facilities or sewerage facilities, or both;

(6) To enter into joint operating agreements, contracts, or arrangements with consumers concerning water facilities or sewerage facilities, or both, whether acquired or constructed by the county or consumer, and to accept grants and contributions from consumers for the construction of water facilities or sewerage facilities, or both. When determined by its board to be in the public interest and necessary for the protection of the public health, any county is authorized to enter into and perform contracts, whether long-term or short-term, but in no event exceeding fifty years, with any consumer for the provision and operation by the county of sewerage facilities to abate or reduce the pollution of waters caused by discharges of wastes by

a consumer and the payment periodically by the consumer to the county of amounts at least sufficient, in the determination of such board, to compensate the county for the cost of providing, including payment of principal and interest charges, if any, and of operating and maintaining the sewerage facilities serving such consumer;

(7) To prescribe, revise, and collect in advance or otherwise from any consumer or any owner or occupant of any real property connected therewith or receiving service therefrom rates, fees, tolls, and charges, or any combination thereof, for the services furnished by, or the direct or indirect connection with, or the use of, or any commodity from, such water facilities or sewerage facilities, or both, including, without limiting the generality of the foregoing, minimum charges, charges for the availability of service, tap fees, disconnection fees, reconnection fees, and reasonable penalties for any delinquencies, including but not necessarily limited to interest on delinquencies from any date due at a rate of not exceeding one percent per month, or fraction thereof, reasonable attorneys' fees, and other costs of collection, without any modification, supervision, or regulation of any such rates, fees, tolls, or charges by any board, agency, bureau, commission, or official other than the board of county commissioners collecting them; and in anticipation of the collection of the revenues of such water facilities or sewerage facilities, or joint system, to issue revenue bonds to finance in whole or in part the cost of acquisition, construction, reconstruction, improvement, betterment, or extension of the water facilities or sewerage facilities, or both; and to issue temporary bonds until permanent bonds and any coupons appertaining thereto have been printed and exchanged for the temporary bonds.

(8) To pledge to the punctual payment of said bonds and interest thereon all or any part of the revenues of the water facilities or sewerage facilities, or both, including the revenues of improvements, betterments, or extensions thereto, thereafter constructed or acquired, as well as the revenues of existing water facilities or sewerage facilities, or both;

(9) To enter into and perform contracts and agreements with other counties or with municipalities for or concerning the planning, construction, lease, or other acquisition and the financing of water facilities or sewerage facilities, or both, and the maintenance and operation thereof. Any such counties or municipalities so contracting with each other may also provide in any contract or agreement for a board, commission, or such other body as their boards or governing bodies may deem proper for the supervision and general management of the water facilities or sewerage facilities, or both, and for the operation thereof, and may prescribe its powers and duties and fix the compensation of the members thereof;

(10) To make all contracts, execute all instruments, and do all things necessary or convenient in the exercise of the powers granted in this section, or in the performance of its covenants or duties, or in order to secure the payment of its bonds, provided, no encumbrance, mortgage, or other pledge of property, excluding any pledged revenues, of the county is created thereby, and provided no property, other than money, of the county is liable to be forfeited or taken in payment of said bonds, and provided no debt on the credit of the county is thereby incurred in any manner for any purpose; and

(11) To issue water, or sewer, or joint water and sewer, refunding revenue bonds to refund, pay, or discharge all or any part of its outstanding water, or sewer, or joint water and sewer revenue bonds, heretofore or hereafter issued under this article or under any other law, including any interest thereon in arrears or about to become due, or for the purpose of reducing interest costs or effecting other economies or of modifying or eliminating restrictive contractual limitations appertaining to the issuance of additional bonds or to any county water facilities or sewerage facilities, or both, as provided in section 36-29-10.

36-29-3. Authorization of facilities and bonds. (1) The acquisition, construction, reconstruction, lease, improvement, betterment, or extension of any water facilities or sewerage facilities, or both, and the issuance in anticipation of the collection of revenues of such facilities of bonds, to provide funds to pay the cost thereof, may be authorized under this article by action of the board of county commissioners taken at a regular or special meeting by a vote of a majority of the members of the board.

(2) The board, in determining such cost, may include all costs and estimated costs of the issuance of said bonds; all engineering, inspection, fiscal, and legal expenses, interest which it is estimated will accrue during the construction or other acquisition period and for a period of not exceeding one year thereafter on money borrowed or which it is estimated will be borrowed pursuant to this article; any discount on the sale of the bonds; costs of financial, professional, and other estimates and advice; contingencies; any administrative, operating, and other expenses of the county prior to and during such acquisition period and for a period of not exceeding one year thereafter, as may be determined by the board, and all such other expenses as may be necessary or incident to the financing, acquisition, improvement, equipment, and completion of any water or sewerage facilities, joint water and sewer system, or part thereof, and the placing of the same in operation, and also such provision or reserves for working capital, operation, maintenance, or replacement expenses or for payment or security of principal of or interest on any bonds during or after such an acquisition or improvement and equipment as the board may determine, and also reimbursements to the federal government, or any agency, instrumentality, or corporation thereof, of any moneys theretofore expended for or in connection with any such water or sewerage facilities, or both.

36-29-4. Bond provisions. (1) Revenue bonds issued under this article shall bear interest at such rate or rates such that the net effective interest rate of the issue of bonds does not exceed the maximum net effective interest rate authorized, payable semiannually or annually, and evidenced by one or two sets of coupons, if any, executed with the facsimile or manually executed signature of any official or officials of the county, except that the first coupon or coupons appertaining to any bond may evidence interest not in excess of one year. The resolution authorizing the issuance of such bonds shall specify the maximum net effective interest rate. Such bonds may be issued in one or more series, may bear such date or dates, may mature at such time or times not exceeding the estimated life of the water facilities or sewerage facilities, or both, to be acquired with the bonds proceeds, as determined by the board, but in no event be-

yond forty years from their respective dates, may be in such denomination or denominations, may be payable in such medium of payment, at such place or places within or without the state, including but not limited to the office of the county treasurer, may carry such registration privileges, may be subject to such terms of prior redemption in advance of maturity in such order or by lot or otherwise at such time or times with or without a premium, may be executed in such manner, may bear such privileges for reissuance in the same or other denomination, may be so reissued, without modification of maturities and interest rates, and may be in such form, either coupon or registered, as may be provided by the board.

(2) (a) The board may provide for preferential security for any bonds, both principal and interest, to be issued under this article to the extent deemed feasible and desirable by such board over any bonds that may be issued thereafter.

(b) Said bonds may be sold at, above, or below the principal amounts thereof, but they may not be sold at a price or prices such that the net effective interest rate of the issue of bonds exceeds the maximum net effective interest rate authorized.

(3) Bonds may be issued with privileges for conversion or registration, or both, for payment as to principal or interest, or both; and where interest accruing on the bonds is not represented by interest coupons, the bonds may provide for the endorsing of payments of interest thereon; and the bonds generally shall be issued in such manner, in such form, either coupon or registered, with such recitals, terms, covenants, and conditions, and with such other details as may be provided by the board, except as otherwise provided in this article.

(4) Subject to the payment provisions in this article specifically provided, said bonds, any interest coupons thereto attached, and any temporary bonds shall be fully negotiable within the meaning of and for all the purposes of article 3 of chapter 155, C.R.S. 1963, except as the board may otherwise provide; and each holder of each such security, by accepting such security, shall be conclusively deemed to have agreed that such security, except as otherwise provided, is and shall be fully negotiable within the meaning and for all purposes of article 3 of chapter 155, C.R.S. 1963.

(5) (a) Notwithstanding any other provision of law, the board in any proceedings authorizing bonds under this article:

(b) May provide for the initial issuance of one or more bonds, in this subsection (5) called "bond", aggregating the amount of the entire issue;

(c) May make such provision for installment payments of the principal amount of any such bond as it may consider desirable;

(d) May provide for the making of any such bond, payable to bearer or otherwise, registrable as to principal or as to both principal and interest, and where interest accruing thereon is not represented by interest coupons, for the endorsing or payments of interest on such bonds; and

(e) May further make provision in any such proceedings for the manner and circumstances in and under which any such bond may in the future, at the request of the holder thereof, be converted into

bonds of smaller denominations, which bonds of smaller denominations may in turn be either coupon bonds or bonds registrable as to principal, or principal and interest, or both.

(6) If lost or completely destroyed, any security in this article authorized may be reissued in the form and tenor of the lost or destroyed security upon the owner furnishing, to the satisfaction of the board: Proof of ownership; proof of loss or destruction; a surety bond in twice the face amount of the security, including any unmatured coupons appertaining thereto; and payment of the cost of preparing and issuing the new security.

(7) Any officer authorized to execute any bond, after filing with the secretary of state his manual signature certified by him under oath, may execute or cause to be executed with a facsimile signature in lieu of his manual signature any bond in this article authorized, provided that such a filing is not a condition of execution with a facsimile signature of any interest coupon, and provided that at least one signature required or permitted to be placed on each such bond, excluding any interest coupon, shall be manually subscribed. An officer's facsimile signature has the same legal effect as his manual signature.

(8) The county clerk may cause the seal of the county to be printed, engraved, stamped, or otherwise placed in facsimile on any bond. The facsimile seal has the same legal effect as the impression of the seal.

(9) The resolution authorizing any bonds or other instrument appertaining thereto may contain any agreement or provision customarily contained in instruments securing revenue bonds, including, without limiting the generality of the foregoing, covenants designated in section 36-29-7.

36-29-5. Signatures on bonds. (1) The bonds and any coupons bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations of the county, notwithstanding that before the delivery thereof and payment therefor any or all of the persons whose signatures appear thereon shall have ceased to be officers of the county issuing the same.

(2) Any officer authorized or permitted to sign any bond or interest coupon, at the time of its execution and of the execution of a signature certificate, may adopt as and for his own facsimile signature the facsimile signature of his predecessor in office in the event that such facsimile signature appears upon the bond or coupons appertaining thereto, or upon both the bond and such coupons.

36-29-6. Tax exemption. The bonds and the income therefrom shall be exempt from taxation, except inheritance, estate, and transfer taxes.

36-29-7. Covenants in bond resolution. (1) Any resolution authorizing the issuance of bonds under this article, or trust indenture or other instrument appertaining thereto, to finance in whole or in part the acquisition, construction, reconstruction, improvement, betterment, or extension of water facilities or sewerage facilities, or both, may contain covenants as to:

(2) The rates, fees, tolls, or charges, or combination thereof, to be charged for the services, facilities, and commodities of said water facilities or sewerage facilities, or both, and the use and disposition

thereof, including but not limited to the foreclosure of liens for, and collection of, delinquencies, the discontinuance of services, facilities, or commodities, or use of any water system or any sewer system, or joint system, prohibition against free service, the collection of penalties and collection costs, including disconnection and reconnection fees, and the use and disposition of any revenues of the county, derived or to be derived from any water facilities or sewerage facilities, or both;

(3) The creation and maintenance of reserves or sinking funds and the regulation, use, and disposition thereof, to secure the payment of the principal of and interest on any bonds or of operation and maintenance expenses of any water system, sewer system, or any joint system, or part thereof; the determination or definition of revenues from any water system, sewer system, or joint system, and of the expenses of operation and maintenance of such system; and the source, custody, security, use, and disposition of any such reserves or sinking funds, including but not limited to the powers and duties of any trustee with regard thereto;

(4) A fair and reasonable payment by the county to the account of said water facilities or sewerage facilities, or both, for the services, commodities, or facilities furnished said county by said water facilities or sewerage facilities, or both;

(5) The issuance of other or additional bonds or instruments payable from or constituting a charge against the revenue of such water facilities or sewerage facilities, or both; the payment of the principal of and interest on any bonds, and the sources and methods thereof, the rank or priority of any bonds as to any lien or security for payment, or the acceleration of any maturity of any bonds, or the issuance of other or additional bonds payable from or constituting a charge against or lien upon any revenues pledged for the payment of bonds and the creation of future liens and encumbrances thereagainst, and limitations thereon; and the purpose or purposes to which the proceeds of the sale of bonds may be applied, and the custody, security, use, expenditure, application, and disposition thereof;

(6) Books of account, the inspection and audit thereof, and other records appertaining to a water system, sewer system, or joint system; the insurance to be carried by the county and use and disposition of insurance moneys, the acquisition of completion or surety bonds appertaining to any project, funds, or personnel, and the use and disposition of any proceeds of such bonds; the assumption or payment or discharge of any indebtedness, other obligation, lien, or other claim relating to any part of a water system, sewer system, or joint system, or any securities having or which may have a lien on any part of any revenues of such system; and limitations on the powers of the county to acquire or operate, or permit the acquisition or operation of, any plants, structures, facilities, or properties which may compete or tend to compete with the water system, sewer system, or joint system;

(7) The rights, liabilities, powers, and duties arising upon the breach by the county of any covenants, conditions, or obligations; defining events of default; the payment of costs or expenses incident to the enforcement of the bonds or of the provisions of the resolution authorizing the bonds or any trust indenture or other instrument appertaining thereto, or of any covenant or contract with the holders

of the bonds; the procedure, if any, by which the terms of any covenant or contract with, or duty to, the holders of bonds, the bond resolution, any trust indenture, or other instrument, may be amended or abrogated, the amount of bonds the holders of which, or any trustee, must consent thereto, and the manner in which such consent may be given or evidenced; and the terms and conditions upon which any or all of the bonds shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived;

(8) The terms and conditions upon which the holders of the bonds or any portion or percentage of them may enforce any covenants or provisions made under this article or duties imposed thereby; and

(9) All such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or in the discretion of the board of county commissioners tend to make the bonds more marketable, notwithstanding that such covenant, act, or thing may not be enumerated in this article, it being the intention of this article to give a county power to do all things in the issuance of bonds and for their security consistent with continued public ownership of the sewerage facilities or water facilities.

36-29-8. No county liability on bonds. Revenue bonds issued under this article shall not constitute an indebtedness of the county within the meaning of any constitutional or statutory limitations. Each bond issued under this article shall recite in substance that said bond, including interest thereon, is payable solely from the revenues pledged to the payment thereof, and that said bond does not constitute a debt of the county within the meaning of any constitutional or statutory limitations.

36-29-9. Remedies of bondholders. (1) (a) Subject to any contractual limitations binding upon the holders of any issue of bonds, or trustee therefor, including but not limited to the restriction of the exercise of any remedy to a specified proportion or percentage of such holders, any holder of bonds, or trustee therefor, shall have the right and power, for the equal benefit and protection of all holders of bonds similarly situated:

(b) By mandamus or other suit, action, or proceeding at law or in equity to enforce his rights against the county and its board and any of its officers, agents, and employees and to require and compel such county or such board or any such officers, agents, or employees to perform and carry out its and their duties and obligations under this article and its and their covenants and agreements with the bondholders;

(c) By action or suit in equity to require the county and the board thereof to account as if they were the trustee of an express trust;

(d) By action or suit in equity to enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders; and

(e) Bring suit upon the bonds.

(2) No right or remedy conferred by this article upon any holder of bonds or any trustee therefor is intended to be exclusive of any other right or remedy, but each such right or remedy is cumulative

and in addition to every other right or remedy and may be exercised without exhausting and without regard to any other remedy conferred by this article or by any other law.

36-29-10. Refunding bonds. (1) Any bonds issued for any refunding purpose or purposes authorized in section 36-29-2 (11) may either be delivered in exchange for the outstanding bonds authorized to be refunded or may be sold as provided in this article.

(2) No bonds may be refunded under this article unless they either mature or are callable for prior redemption under their terms within ten years from the date of issuance of the refunding bonds, or unless the holders thereof voluntarily surrender them for exchange or payment. No maturity of any bond refunded may be extended over fifteen years. The rate or rates of interest on such refunding bonds shall be determined by the board. The principal amount of the refunding bonds may exceed the principal amount of the refunded bonds if the aggregate principal and interest costs of the refunding bonds do not exceed such unaccrued costs of the bonds refunded, excluding from the computation of such limitation the amount of the principal of any refunding bonds issued to pay any interest in arrears or about to become due on the bonds refunded.

(3) The proceeds of refunding bonds shall either be immediately applied to the retirement of the bonds to be refunded, or be placed in escrow to be applied to the payment of the bonds upon their presentation therefor. Any escrowed proceeds, pending such use, may be invested or reinvested in bonds or notes or in both types of such obligations of, or in bonds or notes or in both types of such obligations, the principal and interest of which are unconditionally guaranteed by, the United States of America. Such escrowed proceeds and investments, together with any interest to be derived from any such investment, shall be in an amount at all times sufficient to pay the bonds refunded as they become due at their respective maturities or due at prior redemption dates, as to principal, interest, any prior redemption premium due, and any charges of the escrow agent payable therefrom.

(4) Refunding revenue bonds may be made payable from any revenues derived from the operation of any water facilities or sewerage facilities or of both water facilities and sewerage facilities comprising a joint water and sewer system, notwithstanding the pledge of any such revenues for the payment of the outstanding bonds issued by the county which are to be refunded is thereby modified.

(5) Bonds for refunding and bonds for any other purpose or purposes authorized in this article may be issued separately or issued in combination in one series or more.

(6) Except as expressly provided or necessarily implied in this section and in section 36-29-2 (11), the relevant provisions in this article pertaining to revenue bonds not issued for refunding purposes shall be equally applicable in the authorization and issuance of refunding revenue bonds, including their terms and security, the bond resolution, rates, fees, tolls, service charges, and other aspects of the bonds.

(7) The determination of the board, that the limitations under this article imposed upon the issuance of refunding bonds have been met, shall be conclusive in the absence of fraud or arbitrary and gross abuse of discretion.

36-29-11. Incontestable recital in bonds. Any resolution authorizing, or any trust indenture or other instrument appertaining to, any bonds under this article may provide that each bond therein authorized shall recite that it is issued under authority of this article. Such recital shall conclusively impart full compliance with all of the provisions of this article, and all bonds issued containing such recital shall be incontestable for any cause whatsoever after their delivery for value.

36-29-12. Application of bond proceeds. (1) All moneys received from the issuance of any bonds authorized in this article shall be used solely for the purpose, or purposes, for which issued and the cost of any project thereby delineated.

(2) Any accrued interest and any premium shall be applied to the payment of the interest on or the principal of the bonds, or both interest and principal, or shall be deposited in a reserve therefor, as the board may determine.

(3) Any unexpended balance of such bond proceeds remaining after the completion of the acquisition or improvement and equipment of the project or the completion of the purpose or purposes for which such bonds were issued shall be paid immediately into the fund created for the payment of the principal of said bonds and shall be used therefor, subject to the provisions as to the times and methods for their payment as stated in the bonds and the proceedings authorizing or otherwise appertaining to their issuance, or into a reserve therefor.

(4) The validity of said bonds shall not be dependent on nor affected by the validity or regularity of any proceedings relating to the acquisition or improvement and equipment of the project or the proper completion of any project for which the bonds are issued.

(5) The purchaser or purchasers of the bonds shall in no manner be responsible for the application of the proceeds of the bonds by the county or any of its officers, agents, and employees.

36-29-13. Continuing rights of bondholders. The failure of any holder of any bond or coupon issued under this article to proceed, as provided in section 36-29-9 or in any proceedings appertaining to the issuance of such bond or coupon, shall not relieve the county, its board, or any of its officers, agents, and employees of any liability for failure to perform or carry out any duty, obligation, or other commitment.

36-29-14. Validation. All revenue bonds, or other obligations payable solely from revenues of a water or sewer system, and any coupons appertaining thereto, appertaining to a water system, sewer system, or joint water and sewer system heretofore issued or purportedly issued, and all acts and proceedings heretofore had or taken, or purportedly had or taken, by or on behalf of any county under law or under color of law, preliminary to and in the authorization, execution, sale, and issuance of all water revenue bonds, sewer revenue bonds, and joint water and sewer revenue bonds, including any coupons appertaining thereto, the authorization and execution of all other contracts, and the exercise of other powers in article 29 of chapter 36, are hereby validated, ratified, approved, and confirmed, except as provided in section 36-29-15, notwithstanding any lack of power, authority, or otherwise, other than constitutional, and notwithstanding

any defects and irregularities, other than constitutional, in such securities, acts, and proceedings, in such authorization, execution, sale, and issuance, and in such exercise of powers; and such securities and other contracts are and shall be binding, legal, valid, and enforceable obligations of such county to which they appertain in accordance with their terms and their authorization proceedings.

36-29-15. Effect of and limitations upon validation. This article shall operate to supply such legislative authority as may be necessary to validate any such securities heretofore issued and other contracts heretofore executed of such counties and any acts and proceedings heretofore taken appertaining to the issuance of such securities or execution of other contracts by such counties or otherwise which the legislature could have supplied or provided for in the law under which such securities were issued or such other contracts were executed and such acts or proceedings were taken; but this article shall be limited to the validation of such securities, other contracts, acts, and proceedings to the extent to which the same can be effectuated under the state and federal constitutions. This article shall not operate to validate, ratify, approve, confirm, or legalize any bond or coupon, other contract, act, proceedings, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined, and shall not operate to confirm, validate, or legalize any bond or coupon, other contract, act, proceedings, or other matter which has heretofore been determined in any legal proceeding to be illegal, void, or ineffective.

36-29-16. Compulsory sewer connections — owner to be notified.

(1) (a) In addition to the powers already had by counties, they have the following powers as enumerated below:

(b) Whenever the board of county commissioners of a county having a public sewerage system determines that the county sewer line is within four hundred feet of the boundary line of any premises located within the county and the board deems it necessary for the protection of public health that the owners of one or more such premises shall connect their premises with the public sewer, thirty days' notice in writing shall be given to said owners, by registered mail, notifying them to connect their premises with the sewer, the date of the notice to begin as of the date of registering the same for mailing, and if the work of making the connection is not begun within thirty days, the board shall notify the county engineer to prepare plans and specifications for making the connection with the public sewer, including water and service pipe, for flushing purposes, providing the owner shall have given notice and proof to said board of his financial inability to make the connection himself and providing that it be only for the necessary connection of a water closet or of a privy in an outhouse or both.

36-29-17. Resolution adopted. The plans or specifications shall be filed in the county clerk's or engineer's office, and a resolution shall be adopted by the board ordering or prescribing in general terms the contemplated sewerage connections, giving location of the premises and the name of the owner, and authorizing the county clerk to advertise for bids. The advertisement for bids shall be the same as is now provided for in other cases wherein counties receive bids. The board of county commissioners shall let the contract to the lowest responsible bidder who shall furnish satisfactory security, but it shall have the right to reject all bids.

36-29-18. Cost of connection. The entire costs of all sewerage and water connections, closets, equipment pipe, sewer pipe, labor, and necessary engineering, legal, and publication expenses shall be ascertained by the board of county commissioners, including an amount of six percent additional for costs of inspection, collections, and other incidentals. The cost to each owner shall be determined according to the material used and work done under the contract in connecting such property to the public sewer and water main. The engineering, legal, and publication expenses shall be charged in proportion as each connection bears to the whole. The cost to each owner shall be billed to him and if unpaid shall be collected in the same manner as other rates, fees, tolls, and charges of the system.

36-29-19. Appropriation from system. The board of county commissioners may make adequate appropriations from the revenues of the system to defray such costs until such time as the charges are received, and, when received, the system shall be reimbursed to the amount of any such appropriation.

36-29-20. Failure to pay rates and charges — lien. In the event any user of the system shall neglect, fail, or refuse to pay the rates, fees, tolls, and charges fixed by the board of county commissioners for the connection with and use of the system, said user shall not be disconnected from said system or refused the use of said system, unless the user is outside the boundaries of the county, but the rates, fees, tolls, and charges due therefor may by the county clerk be certified to the county commissioners of the county in which said delinquent user's property is located, and shall become a lien upon the real property so served by said system, and collected in the manner as though they were part of the taxes.

36-29-21. Prior rates and charges declared valid. Any such rates and charges for the connections with, and use of, the system of any county heretofore declared or established by resolution of the board of county commissioners are, and the same are hereby declared to be, valid, and are hereby ratified.

36-29-22. Construction of article. The powers conferred by this article shall be in addition and supplemental to, and not in substitution for, and the limitations imposed by this article shall not affect the powers conferred by any other law. Bonds may be issued under this article without regard to the provisions of any other law. The water facilities or sewerage facilities, or both, may be acquired, purchased, constructed, reconstructed, improved, bettered, and extended, and bonds may be issued under this article for said purposes, notwithstanding that any law may provide for the acquisition, purchase, construction, reconstruction, improvement, betterment, and extension for like purposes, and without regard to the requirements, restrictions, debt, or other limitations or other provisions contained in any other law, including, but not limited to, any requirement for any restriction or limitation on the incurring of indebtedness or the issuance of bonds. Insofar as the provisions of this article are inconsistent with the provisions of any other law, the provisions of this article shall be controlling.

Section 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.