

CHAPTER 443

SEWAGE AND RUBBISH DISPOSAL

443.02 CITIES OF THE FOURTH CLASS AND VILLAGES MAY ISSUE BONDS FOR SEWAGE DISPOSAL PLANT.

Amended by L. 1947 c. 154 s. 1.

The city of White Bear Lake has authority under its charter to condemn land outside of its corporate limits for a public use; and Sp. L. 1881, c. 410, declaring that the waters of Goose Lake shall remain free for common and public use, and that they shall not be connected with or applied to a public or private use, does not prevent condemnation by the city for a sewage disposal plant and connected use. *City of White Bear Lake v Leuthold*, 172 M 255, 214 NW 930.

An election to authorize defendant village to issue bonds to the lowest bidder and on the most advantageous terms for the purpose of financing the construction of a sewage disposal plant was not vitiated by the fact that the posted and published notice of the special election in such proceedings inadvertently contained a statement that such bonds were to be issued to the state of Minnesota, where there was no such provision in the resolution and ballot submitting the proposition to the voters. *Wester v Village of Albany*, 210 M 553, 299 NW 214.

Procedure for issuance of bonds by a city of the fourth class operating under a home rule charter. OAG Dec. 12, 1946 (59-a-7).

Cities of the fourth class having a home rule charter may provide for garbage removal, assess costs against property, or recover by action; costs thereof should be justly distributed among users; may issue bonds or certificates of indebtedness and provide for payment out of revenues derived from sewage disposal plant; may issue bonds as general obligations for constructing plant. OAG Jan. 22, 1947 (59-B-4).

Municipal bond procedure in Minnesota. 20 MLR 583.

Sections 443.03 to 443.07 repealed by L. 1947 c. 154 s. 2.

443.09 CERTAIN CITIES MAY INSTALL SEWAGE SYSTEMS AND PUMPING STATIONS.

Certain property owners in the city of Northfield constructed a sewer in the street in front of their property at their own expense under an ordinance which authorized them to do so, and which provided that any person desiring to connect with the sewer should be permitted to make such connection on paying his proportionate part of the cost thereof. Such ordinance is not void as delegating nondelegable powers to the grantees therein; and defendant is liable for his proportionate part upon connecting with the sewer so established. *Lee v Scriver*, 143 M 17, 172 NW 802.

Irrespective of previous fees and assessments paid, when a new sewage disposal plant is constructed the council may by ordinance impose a sewer rental charge and install water meters. 1944 OAG 209, Oct. 18, 1944 (387-b-1).

443.12 CITIES OF THIRD CLASS AND VILLAGES MAY ESTABLISH SEWERS AND SEWAGE DISPOSAL PLANTS.

Where a municipality has both the power to contract as to rates and the power to prescribe rates from time to time, if it exercises the power to contract, its power to regulate rates during the period of the contract is suspended and the contract is binding. 1944 OAG 243, Nov. 24, 1944 (387-B-9).

443.14 EQUITABLE CHARGES FOR SEWAGE FACILITIES.

The sewer constructed by the city of Fergus Falls served, among other persons, the state hospital for the insane; and the cost was paid in part by the city and in part by the state. The city charter provided for an assessment against abutting owners but no assessment was made. The city adopted a resolution by which it was provided that a property owner might connect with the sewer upon payment of \$33 for each house. Defendant who connected with the sewer must pay because by so connecting he waived the irregular action of the council, accepted the terms and conditions imposed by the resolution and, by implication, promised to pay. *City of Fergus Falls v Boen*, 78 M 186, 80 NW 961.

Where a ditch maintained by the village for surface drainage discharged the sewage effluent upon plaintiff's land, such discharge constituted a nuisance entitling plaintiff to an injunction against its continuance by the village. *Joyce v Janesville*, 132 M 121, 155 NW 1067.