

CHAPTER 109

TOWN

109.01-109.37 Repealed, 1947 c 103 s 1.

NOTE: Laws 1945, Chapter 491, created a legislative interim commission to study, revise, and codify the laws relating to drainage and water resources. Based upon the report of the commission, Laws 1947, Chapters 103, 122, 123, 142, 143 and 571 were enacted. The commission found that little use was made of the town ditch law coded in chapter 109 and that no adequate reason existed why it should not be repealed and future public ditch proceedings brought under the county and judicial ditch law. The entire chapter 109 was repealed but a new law, containing a saving provision for the completion of proceedings already instituted and for the repair of town ditches, was enacted. This is Laws 1947, Chapter 103, Section 2.

109.38 REPAIR OF TOWN DITCHES

HISTORY. 1947 c 103 s 2.

CHAPTER 110

DAMS; LAKE WATER LEVELS

NOTE: Excepted from the Rules of Civil Procedure insofar as inconsistent or in conflict therewith.

NOTE: The original act relating to dams is Ex1857, Chapter 39. As amended and codified this act was codified as GS 1866, Chapter 31, relating to dams and mills, and GS 1866, Chapter 32, relating to dams and booms. The original act controlling lake water levels is Laws 1897, Chapter 88.

The commission created by Laws 1945, Chapter 491, determined that the laws relating to the improvement of bodies of water by counties and municipalities were ambiguous and conflicting. The legislature repealed sections 110.01 to 110.12, superseding them by Laws 1947, Chapter 123, coded as sections 110.121 to 110.126.

110.01-110.12 Repealed, 1947 c 123 s 7.

110.121 AUTHORITY OF COUNTY BOARD

HISTORY. 1947 c 123 s 1.

NOTE: Sections 110.121 through 110.13 supersede sections 101.01 to 110.12, repealed by Laws 1947, Chapter 123, Section 7.

See sections 162.22, 378.07, 378.08, 465.26 and 465.49.

Liability of landowners on a non-navigable stream for a raising of the water level. 32 MLR 844.

Improvement of bodies of water by counties in municipalities. 33 MLR 34.

Where a body of water is situated in whole or in part in a county, the county board with permission of the commissioner of conservation, may appropriate money to improve navigation thereon, or to promote the public health, safety and welfare, and may improve the body of water and maintain improvements and operate control works. OAG Oct. 4, 1948 (273-A-23).