

## CHAPTER 443

## SEWAGE AND RUBBISH DISPOSAL

**443.01** Repealed, 1949 c 119 s 110.

**443.015 ASSESSMENTS FOR GARBAGE COLLECTION AND DISPOSAL IN CERTAIN CITIES AND IN VILLAGES**

A village may by ordinance establish sewer rental rates and charge same on the water bill. It may provide that if the water bill, including this charge, is not paid service may be discontinued. OAG May 14, 1948 (387-G-7); OAG May 19, 1948 (387-G-7).

The cost of collecting garbage may be assessed against individuals and under section 443.015 it may be assessed against real estate, including a ten percent penalty. OAG Sept. 22, 1947 (408-C); OAG Sept. 29, 1947 (408-C).

Where a village institutes a municipal garbage collection system no assessment may be made against property where the service has been paid for by the person served or where the lot is vacant and no service has been furnished to the owner or occupant. OAG Oct. 8, 1947 (408-C).

A village ordinance dealing with garbage collection may provide for the restriction of the service charge to places of business if there is a reasonable basis of classification. OAG Feb. 21, 1952 (477-B-14).

**443.02 BONDS FOR SEWAGE DISPOSAL PLANT**

If there are two propositions for the issuance of bonds for paving and sewer extension the propositions should be stated separately on the ballots so the voter may express his voice on each proposition. OAG Feb. 4, 1948 (59-A-7).

Cities of the fourth class having a home rule charter may provide for garbage removal and assess the benefited property. Such cities may issue bonds or certificates and provide for the payment thereof out of revenues derived from sewage disposal plant and may issue bonds as a general obligation for constructing sewage disposal plant. OAG Jan. 22, 1947 (59-B-4).

**443.09 CERTAIN CITIES MAY INSTALL SEWAGE SYSTEMS AND PUMPING STATIONS**

The city may include in benefits assessed the cost of service lead charges and may adopt a schedule of charges for connection with sewer mains. OAG March 25, 1949 (387-B-1).

Laws Ex1933, Chapter 40, as amended by Laws 1941, Chapter 35, is constitutional and the city may impose charges against property benefited but not connected with the main sewer. The charges will be based on benefits rendered the premises according to the formula prescribed in the act. OAG Feb. 25, 1949 (387-B-9).

A village council may make an equitable sewer rental charge as a surcharge on the water bill of the consumers and provide by ordinance for discontinuing the water service upon non-payment of the combined bill. OAG May 14, 1948 (387-G-7).

A village may by ordinance establish sewer rental rates and surcharge same on the water bill and it may provide that if the water bill, including the surcharge, is not paid service may be discontinued. OAG May 14, 1948 (387-G-7); OAG May 19, 1948 (387-G-7).

The governing body of the village is authorized to adopt an ordinance so as to provide reasonable charges for the use of a sewage disposal system and establish a surcharge therefor on water bills to consumers. OAG April 25, 1952 (387-G-9).

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### 443.12 SEWERS AND SEWAGE DISPOSAL PLANTS, ESTABLISHMENT

HISTORY. 1937 c 57 s 1; 1949 c 641 s 2.

The city of Austin may acquire by condemnation a site outside the city limits for a sewage disposal plant but may not acquire such site, if it costs more than \$5,000, until authorized by a vote of the electorate. OAG March 29, 1949 (387-B-9).

The city of Albert Lea may contract with a packing company located outside the city limits for payment by such nonresident of a portion of the construction cost of a sewage treatment and disposal plant, and is to be paid in cash. The legal title of the plants vests in the city and the city may contract with reference to reasonable charges for the use of such facilities. OAG April 14, 1950 (387-B-9).

The construction of an irrigation system is authorized if the expenditure of funds for such system would be an expenditure for public rather than private purposes. A city may not construct a single unit of its sewage disposal system for the purpose of serving an industrial user if the primary object thereof is to promote some private end, although some public service may also be incidentally served thereby. The city council must determine whether the expenditure of public funds for the particular type of sewage disposal system proposed is actually an expenditure for a public purpose. If the city council so determines and its determination is not arbitrary but is based on fact, the expenditure is legal. In any event if such a system is constructed the order of construction of the units of such system must be determined by the municipal government. OAG Sept. 24, 1951 (387-B-9).

A municipality is not authorized to construct or finance the construction of a sewer from the lot line to the building of the lot owner. OAG Jan. 19, 1951 (387-G-5).

### 443.14 EQUITABLE CHARGES FOR SEWAGE FACILITIES

Laws Ex1933, Chapter 40, as amended by Laws 1941, Chapter 35, is constitutional and a city may impose charges against premises benefited but not connected with the main sewer. The charges are based on benefits rendered to the premises in accordance with the formula prescribed in the act. OAG Feb. 25, 1949 (387-B-9).

### 443.16 CHARGES AS TAX LIEN ON LAND; DELINQUENT RENTALS

The city of Fergus Falls may not discontinue water and light services upon the failure of a consumer to pay garbage disposal charges. OAG Aug. 24, 1951 (59-B-4).

### 443.18 DESTRUCTION OF GARBAGE; TO ACQUIRE PLANT

The cost of collecting garbage may be assessed against individuals and under section 443.015 it may be assessed against real estate, including a ten percent penalty. OAG Sept. 22, 1947 (408-C); OAG Sept. 29, 1947 (408-C).

## CHAPTER 444

### SEWERS, DRAINS, STORM SEWERS

444.01-444.07 Repealed, 1949 c 119 s 110.

### 444.075 MAIN SEWERS, SEWAGE DISPOSAL PLANTS

HISTORY. 1949 c 394 s 1-4; 1951 c 366 s 1; 1953 c 195 s 1.

A corner lot which has been assessed for sewer on one side may be assessed later for another sewer on the other side. OAG May 25, 1951 (387-B-1).