

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).

MINNESOTA STATUTES 1953 ANNOTATIONS

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MINNEAPOLIS-ST. PAUL SANITARY DISTRICT 445.17

Laws 1949, Chapter 394, relating to sewers and sewage disposal plants is applicable to the city of International Falls. OAG Dec. 23, 1949 (387-B-9).

The city of Crookston may build a sewage disposal plant under the provisions of Laws 1949, Chapter 394, Section 1, and may issue bonds for the outlay under the provisions of Laws 1949, Chapter 682, Section 2. OAG Feb. 1, 1950 (387-B-9).

The city of Austin may permit an adjacent municipality to connect its sewerage system with its sewerage system where there is an excess capacity and revenue could be derived therefrom. OAG Jan. 12, 1951 (387-B-9).

A village may reconstruct its sewer outlet without first holding an election but if obligations are to be issued there must be an election. OAG Sept. 1, 1953 (387-G-8).

444.08 CERTAIN CITIES MAY CONTRACT USE OF SEWERS

The city of Austin may permit an adjacent municipality to connect its sewerage system with the city sewerage system where there is excess capacity and revenue could be derived from such permit. OAG Jan. 12, 1951 (387-B-9).

444.09 STORM SEWER MAINS; BONDS FOR

A city may construct a storm sewer and pay for it out of the general fund without levying assessments. There is nothing in the statutes which requires an election before the city engages in such a project. OAG May 6, 1948 (387-B-10).

CHAPTER 445

MINNEAPOLIS-ST. PAUL SANITARY DISTRICT

445.05 BOARD; TERMS; VACANCY; OATH; REMOVAL; COMPENSATION

HISTORY. 1933 c 341 s 5; 1945 c 443 s 1; 1949 c 385 s 1; 1953 c 337 s 1.

445.14 LANDS, EASEMENTS; ACQUISITION

HISTORY. 1933 c 341 s 14; 1935 c 7 s 1; 1951 c 614 s 1.

445.17 COSTS, EXPENSES; UNIFORMITY

HISTORY. Amended, 1951 c 138 s 1.

In an action by the Minneapolis-St. Paul Sanitary District against the cities of St. Paul and Minneapolis for a declaratory judgment construing the statute requiring each city to contribute to the maintenance of the sewage disposal plant so as to fix the allocation of the costs chargeable to each city for proposed improvements wherein the position of the city of St. Paul and the Sanitary District with respect to the cost of construction were the same, the city of St. Paul was a necessary party defendant and not a mere defendant for the purpose of preventing a change of venue. The court properly refused to change the venue from Ramsey county to Hennepin county. *Minneapolis-St. Paul Sanitary District v City of St. Paul, et al*, 231 M 379, 43 NW (2d) 219.

Upon purchase by the Minneapolis-St. Paul Sanitary District of two additional sludge vacuum filters and one additional incinerator the cost must be allocated to the cities on the basis of assessed valuation. OAG May 21, 1949 (387-A-3).

While section 350.11 is not applicable, employees of the Minneapolis-St. Paul Sanitary District using their own cars may be paid compensation as fixed by the trustees. Section 445.47 authorizes the board of trustees to determine compensation of employees. OAG Dec. 19, 1949 (387-A-3).