103E.728 APPORTIONING REPAIR COSTS.

Subdivision 1. **Generally.** The cost of repairing a drainage system shall be apportioned pro rata on all property and entities that have been assessed benefits for the drainage system except as provided in this section.

Subd. 2. **Additional assessment for agricultural practices on permanent strip of perennial vegetation.** (a) The drainage authority may, after notice and hearing, charge an additional assessment on property that has agricultural practices on or otherwise violates provisions related to the permanent strip of perennial vegetation acquired under section 103E.021.

(b) The drainage authority may determine the cost of the repair per mile of open ditch on the ditch system. Property that is in violation of the grass requirement shall be assessed a cost of 20 percent of the repair cost per open ditch mile multiplied by the length of open ditch in miles on the property in violation.

(c) After the amount of the additional assessment is determined and applied to the repair cost, the balance of the repair cost may be apportioned pro rata as provided in subdivision 1.

Subd. 3. **Soil loss violations.** The drainage authority after notice and hearing may make special assessments on property that is in violation of a county soil loss ordinance.

History: *1990 c 391 art 5 s 96; 2007 c 57 art 1 s 118*