

## CHAPTER 431

## SEWERS AND SEWAGE DISPOSAL

**431.01 CITIES AND VILLAGES MAY CONSTRUCT SEWAGE DISPOSAL PLANTS.**

**HISTORY.** 1903 c. 312 s. 1; 1909 c. 385 s. 1; 1915 c. 35 s. 2; 1921 c. 295 s. 1; G.S. 1923 s. 1880; M.S. 1927 s. 1880; 1931 c. 99; M. Supp. s. 1880.

The owner or lawful occupant of private property may maintain an action against a municipal corporation for damages caused by invasion of his property or property rights by the municipality. Where a municipality casts sewage upon the property and creates and maintains a nuisance thereon, it constitutes such an invasion. *Hughes v Village of Nashwauk*, 177 M 547, 225 NW 898.

Sewer warrants issued pursuant to General Statutes 1923, Sections 1880 to 1893, and acts amendatory thereof, are not a part of the outstanding obligations of the city within the meaning of Laws 1929, Chapter 351, Section 1, and Laws 1931, Chapter 155, Section 1. *Leslie v City of White Bear Lake*, 186 M 543, 243 NW 786.

This section is applicable only to sanitary sewers and does not apply to a storm sewer or a surface water drain. OAG July 27, 1939 (387b-10).

Village may purchase a tract to provide an outlet for a sewage disposal plant. OAG Nov. 28, 1930.

Statute supersedes any provision in Laws 1875, with respect to the power of the village of Thomson to construct a sewage disposal plant. OAG May 9, 1939 (387g-9).

Where home rule charter provides for method of constructing sewers and assessing the cost thereof to benefited property the charter provisions govern in the matter of assessments. OAG March 31, 1933.

Village may construct an addition to its sewer system and assess the cost thereof upon the property owners benefited, and issue sewer warrants without a vote of the electors. OAG April 7, 1937 (387g-3).

City of Cloquet, which has no charter, being organized under Laws 1895, Chapter 8, may establish a sewage disposal plant under this and following sections, but has no authority under section 1799-1 (443.02) et seq. OAG Aug. 7, 1935 (387b-9).

The members of a water, light, power, and building commission of a village may enter into a contract with the village for the construction of a new sewer system if the commission has no voice in the making of contract. OAG Oct. 22, 1938 (469a-2).

**431.02 CLASSIFICATION OF SEWER SYSTEMS.**

**HISTORY.** 1903 c. 312 s. 2; 1915 c. 35 s. 3; G.S. 1923 s. 1881; M.S. 1927 s. 1881.

**431.03 LOCATION OF SEWERS.**

**HISTORY.** 1903 c. 312 s. 3; 1915 c. 35 s. 4; G.S. 1923 s. 1882; M.S. 1927 s. 1882.

**431.04 ORDINANCE FOR IMPROVEMENT.**

**HISTORY.** 1903 c. 312 s. 4; 1915 c. 35 s. 5; G.S. 1923 s. 1883; M.S. 1927 s. 1883.

The power to construct and maintain a village sewerage system is vested in the council and not in its water, light, power, and building commission. OAG July 20, 1936 (387g-5).

The filing of a petition is not necessary before the village council may construct, maintain, or repair sewers. OAG July 30, 1936 (387g-5).

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Villages may proceed to construct sewerage system and pay costs by funds obtained by levying assessment against the property benefited, where funds are available or taxes have been levied and are in process of collection, without a vote of the electors. OAG Sept. 15, 1936 (387g-1).

Where private parties, being unable to obtain sufficient signatures to a petition, constructed an extension of sewer at their own expense, and later others desired to use the sewer, the village on proper procedure could purchase the sewer system and levy assessments and extend the payment to ten years as in other cases. OAG Feb. 13, 1935 (59b).

### 431.05 COST OF SYSTEM.

**HISTORY.** 1903 c. 312 s. 5; 1915 c. 35 s. 6; 1921 c. 295 s. 2; G.S. 1923 s. 1884; M.S. 1927 s. 1884.

Debt limitations as to issuance of bonds for sewage systems by villages under different circumstances, stated. OAG Dec. 30, 1936 (387g-2).

Village could issue a general obligation bond to cover the cost of an interceptor sewer to connect with the disposal plant of an adjoining city. OAG April 23, 1936 (476b-4).

Village of Edina may pay for the cost of general sewage out of its general fund, and enter into a contract with Minneapolis providing for the disposal of the sewage of the village. OAG Oct. 14, 1938 (387g).

New Ulm has authority to construct a sewage disposal plant and issue bonds to pay the cost of the same. OAG July 12, 1934 (387b-2).

Village has no power to make supplementary assessments against properties benefited by a sewer in order to take care of unpaid warrants resulting from the failure of some property owners to pay assessments, nor may the deficiency be paid out the general revenue fund. OAG July 14, 1933.

### 431.06 SPREADING OF ASSESSMENTS.

**HISTORY.** 1903 c. 312 s. 5; 1915 c. 35 s. 7; 1921 c. 295 s. 3; G.S. 1923 s. 1885; M.S. 1927 s. 1885.

District sewers are to be assessed against the property benefited and cannot be paid for out of the general revenue fund. OAG July 30, 1936 (387g-5).

Where the sewer in one block has been constructed and paid for by assessments and is operating satisfactorily, no assessment can be made in that block for relaying old sewer in order to get sufficient grade and depth to permit extension into another block, unless the improvement has the effect of enhancing the value of property. OAG March 24, 1938 (387b).

The village of Edina, creating a joint sewer district and granted permission by Minneapolis to use the latter's system as an outlet could levy an assessment upon all benefited property in view of section 1607-23 (445.16). OAG Aug. 21, 1939 (387g-1).

### 431.07 ASSESSMENTS IN MORE THAN ONE DISTRICT.

**HISTORY.** 1903 c. 312 s. 5; 1915 c. 35 s. 8; 1921 c. 295 s. 4; G.S. 1923 s. 1886; M.S. 1927 s. 1886.

### 431.08 COST OF LATERAL SEWERS.

**HISTORY.** 1903 c. 312 s. 5; 1915 c. 35 s. 9; G.S. 1923 s. 1887; M.S. 1927 s. 1887.

The entire cost of lateral sewers must be assessed against abutting properties, even though the sewer may also serve as a storm sewer. OAG Aug. 27, 1937 (387b-1).

Procedure for issuing bonds or warrants for water-works and sewer systems payable from the earnings thereof or from special assessments. OAG Sept. 21, 1938 (476b-15).

State forfeited lands are not subject to assessment, and an assessment will be canceled upon a lot to which the state subsequently acquires title. OAG Oct. 22, 1937 (387b-1).

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## **431.09 COST OF SEWER SERVING AS LATERAL AND AS DISTRICT OR JOINT-DISTRICT SEWER.**

HISTORY. 1915 c. 35 s. 9a; 1925 c. 144 s. 1; M.S. 1927 s. 1887-1.

## **431.10 ESTIMATE OF COST.**

HISTORY. 1903 c. 312 s. 6; 1915 c. 35 s. 10; G.S. 1923 s. 1888; M.S. 1927 s. 1888.

## **431.11 ADVERTISEMENTS FOR BIDS.**

HISTORY. 1903 c. 312 s. 7; 1915 c. 35 s. 11; 1921 c. 443 s. 1; G.S. 1923 s. 1889; M.S. 1927 s. 1889.

## **431.12 ALLOWANCE OF ESTIMATES.**

HISTORY. 1903 c. 312 s. 8; 1915 c. 35 s. 12; G.S. 1923 s. 1890; M.S. 1927 s. 1890.

## **431.13 AMOUNT OF SPECIAL ASSESSMENT.**

HISTORY. 1903 c. 312 s. 9; 1909 c. 364 s. 1; 1913 c. 396 s. 1; 1915 c. 35 s. 13; 1921 c. 295 s. 5; G.S. 1923 s. 1891; 1925 c. 145; M.S. 1927 s. 1891.

## **431.14 SUPPLEMENTAL ASSESSMENT.**

HISTORY. 1903 c. 312 s. 10; 1915 c. 35 s. 14; G.S. 1923 s. 1892; M.S. 1927 s. 1892.

General levy over the whole village must be had to pay a deficiency for a sewer system arising from unforeseen expenses, though only a part of the village benefits from the system. OAG June 28, 1933.

## **431.15 FUND FOR EACH PROPOSED SEWER.**

HISTORY. 1903 c. 312 s. 11; 1915 c. 35 s. 15; 1921 c. 295 s. 6; G.S. 1923 s. 1893; M.S. 1927 s. 1893; 1935 c. 98; M. Supp. s. 1893; 1943 c. 159 s. 1.

When a municipal corporation, by authority of law, creates a particular fund with reference to which it contracts, any indebtedness arising on such contract is payable therefrom only. *Judd v City of St. Cloud*, 198 M 590, 272 NW 577.

A village which issues warrants in anticipation of the collection of sewer assessments, and certificates of indebtedness in anticipation of the collection of special assessments for laying water mains, may pay such warrants and certificates out of the general fund as a temporary loan, but must replace the moneys taken with interest. OAG June 26, 1931.

A village having two sewer districts could issue assessment warrant to be paid out of the funds of a particular sewer district. OAG April 23, 1936 (476b-14).

The credit of the village may be pledged without a vote of the electorate. OAG Sept. 15, 1944 (476c-1).

## **431.16 PAYMENT OF WARRANT.**

HISTORY. 1903 c. 312 s. 12; 1915 c. 35 s. 16; G.S. 1923 s. 1894; M.S. 1927 s. 1894.

## **431.17 CONVEYANCE NOT TO BE RECORDED UNTIL ASSESSMENTS ARE PAID.**

HISTORY. 1903 c. 312 s. 13; 1915 c. 35 s. 17; 1919 c. 261 s. 1; G.S. 1923 s. 1895; M.S. 1927 s. 1895.

## **431.18 PROCEEDINGS FOR DENOTING LOTS AND PARCELS OF LAND.**

HISTORY. 1903 c. 312 s. 14; 1915 c. 35 s. 18; G.S. 1923 s. 1896; M.S. 1927 s. 1896.

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### 431.19 ASSESSMENT NOT INVALIDATED BY ERRORS OR OMISSIONS.

HISTORY. 1903 c. 312 s. 15; 1915 c. 35 s. 19; G.S. 1923 s. 1897; M.S. 1927 s. 1897.

### 431.20 REASSESSMENT IN CASE PROCEEDINGS ARE SET ASIDE.

HISTORY. 1903 c. 312 s. 16; 1915 c. 35 s. 20; G.S. 1923 s. 1898; M.S. 1927 s. 1898.

### 431.21 PRIOR ASSESSMENTS.

HISTORY. 1903 c. 312 s. 17; 1915 c. 35 s. 21; 1921 c. 295 s. 7; G.S. 1923 s. 1899; M.S. 1927 s. 1899.

### 431.22 HEARINGS ON PROPOSED ASSESSMENTS.

HISTORY. 1903 c. 312 s. 18; 1915 c. 35 s. 22; G.S. 1923 s. 1900; M.S. 1927 s. 1900.

### 431.23 APPEALS FROM SPECIAL ASSESSMENT.

HISTORY. 1903 c. 312 s. 19; 1915 c. 35 s. 23; G.S. 1923 s. 1901; M.S. 1927 s. 1901.

### 431.24 SEWER KEPT IN REPAIR.

HISTORY. 1903 c. 312 s. 20; 1915 c. 35 s. 24; G.S. 1923 s. 1902; M.S. 1927 s. 1902.

### 431.25 CONNECTIONS TO BE MADE ONLY ON PERMISSION.

HISTORY. 1903 c. 312 s. 21; 1915 c. 35 s. 25; G.S. 1923 s. 1903; M.S. 1927 s. 1903.

A village is not bound to pay for repairs on private extensions from a lateral sewer to the lot line of abutting property owners, though the repairs are required because of defective workmanship of the contractor employed by the village. OAG Nov. 17, 1934 (387g-8).

A village may deny a garage owner the right to connect with a sewer, if garage oil would impair or destroy the effectiveness of disposal. OAG April 28, 1936 (387g-5).

### 431.26 RIGHT OF EMINENT DOMAIN.

HISTORY. 1903 c. 312 s. 22; 1915 c. 35 s. 26; G.S. 1923 s. 1904; M.S. 1927 s. 1904.

### 431.27 HOME RULE CHARTER CITIES OR VILLAGES NOT AFFECTED.

HISTORY. 1903 c. 312 s. 23; 1907 c. 141 s. 1; 1915 c. 35 s. 27; G.S. 1923 s. 1905; 1925 c. 144 s. 2; M.S. 1927 s. 1905.

### 431.28 CERTAIN ASSESSMENTS TO BE PAID IN 20 INSTALMENTS.

HISTORY. 1933 c. 138; M. Supp. s. 1933-66.

### 431.29 GOVERNING BODY MAY CONSTRUCT AND RECONSTRUCT SEWERS.

HISTORY. 1929 c. 157 s. 1; M. Supp. s. 1918-14½.

### 431.30 MAY ASSESS BENEFITS.

HISTORY. 1929 c. 157 s. 2; M. Supp. s. 1918-14½a.

### 431.31 ASSESSMENTS MAY BE COLLECTED WITH TAX.

HISTORY. 1929 c. 157 s. 3; M. Supp. s. 1918-14½b.