

CHAPTER 164

BRIDGES ON ROADS

164.19 REPLACEMENT OF BRIDGES DESTROYED BY FLOOD OR CYCLONE.

Amended by L. 1947 c. 49 s. 1.

164.22 CONTRACTS FOR BRIDGES.

The statute defining private nuisance has no effect against the state or its officers and agents engaged in a lawful undertaking under its sovereign authority, and a contractor at work on a highway bridge under contract is not liable to property owners for damages caused by blasting operations or use of noisy machinery. *Nelson v McKenzie*, 192 M 180, 256 NW 96.

Under the provisions of L. 1947, c. 138, in counties of less than 75,000 inhabitants, there is no limitation on the power of the county board to enter into a contract for work or labor, or for the purchase of furniture and fixtures, or repair of roads, bridges, and buildings, the estimated cost of which does not exceed \$1,000; but as to counties having more than 75,000 inhabitants, or as to other municipalities, the old law is still in force. There is no implication of repeal except as L. 1947, c. 138, applies to certain counties. OAG June 18, 1947 (707-a-7).

164.28 MAINTENANCE OF BRIDGES ON COUNTY AND TOWN ROADS.

If a town fails to properly maintain a bridge the county may, in the discretion of the county board, make the necessary repairs, and one-half of the cost is chargeable to the town. OAG June 8, 1945 (642-a-12).

Law authorizing issuance of bonds by towns "to build roads and bridges in said town and for the purchase of material and apparatus therefor" gave authority to the town to purchase road machinery for use of construction of new roads only. OAG April 24, 1946 (43-B-4).

The county must maintain bridges on county roads when more than ten feet long, while towns maintain bridges ten feet or less in length. If the town fails to maintain the bridge, the county may cause repairs to be made and the town must pay one-half of the expense. OAG Aug. 9, 1946 (642-B-3).

- (1) No duty on part of county to unite with owners in making private ditch;
 - (2) Statement of rule relating to diversion of surface water;
 - (3) Remedy for damage to roadway and bridge caused by private parties.
- OAG Oct. 28, 1946 (602).