

### CHAPTER 444

#### SEWERS AND DRAINS, STORM SEWERS

##### 444.01 SEWERS AND DRAINS; BONDS.

Plaintiff was entitled to injunction upon finding of the jury that at the time of the commencement of the action and since its commencement and at the time of the trial the defendants maintained a nuisance upon or in the immediate vicinity of plaintiff's farm, the court having denied defendants' application to vacate special findings made by a jury upon questions of fact submitted to them. *Nienow v Village of Mapleton*, 144 M 60, 174 NW 517.

The owner or lawful occupant of private property may maintain an action against a municipal corporation for damages caused by an invasion of his property or property rights by the municipality; and where the 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.

General funds may be used to construct a sanitary sewer which serves a part of the village. If unable to complete the task out of the funds at hand, bonds may be issued under the provisions of section 444.01. OAG Feb. 27, 1946 (476-B-14).

##### 444.08 CERTAIN CITIES MAY CONTRACT USE OF SEWERS.

Water and sewer service may be furnished to a stockyards outside but adjoining the limits of a city of the fourth class. OAG Oct. 23, 1944 (59-A-36).

##### 444.09 STORM SEWER MAINS; BONDS FOR.

Whether or not compensable damage would result where a city of the first class diverts surface waters by means of a storm sewer into a private lake is a question of fact. OAG Oct. 4, 1946 (387-B-10).