

OPINION
56-31

November 19, 1956 (OPINION)

CITIES

RE: Special Assessment - Sewer Lift

This letter is in reply to your oral request for a clarification of an opinion issued from this office addressed to you under date of October 29, 1956.

In that opinion this office held that a city could defray the cost of a lift station that was to be constructed in connection with the creation of two new sewer districts in the City of Lakota either by special assessments or by issuing revenue bonds and making service charges to the users thereof. That opinion concluded with these words:

"These sections seem to make it quite clear that the city could defray the cost of the pumping station by issuing revenue bonds and making service charges to the users thereof but of course the persons being charged must actually be benefited by the pump. It would not be proper to charge persons with "service charges" if they are not actually being serviced by the lift pump."

"Thus, the answer to your question depends upon the facts as they exist in your city. If the only persons receiving benefits from the lift pump were those in the new districts it would seem that the cost of the pump would have to be defrayed by special assessment."

This is not to say that a reasonable charge for services could not be imposed against every person using the city's sewage system and if all the users of the sewer system benefit from the installation of the lift station by reason of abatement of health hazards, improved drainage, etc., we can see no reason why the cost of the lift station could not be defrayed out of the moneys collected from these service charges.