§ 1502. Municipal mosquito control; costs; assessment on property benefited. 1. If a local board of health of a municipality shall (a) determine, in its discretion, that, owing to the natural conditions which are favorable to the breeding of mosquitoes and owing to the benefits to be secured to the public by the suppression of such conditions, some part or all of the expenses of suppressing or removing a breeding place for mosquitoes should, in equity be borne by the owners of the property which will be benefited by such suppression; or, (b) deem it necessary, in order to suppress or remove any such breeding place, that any swamp, bog, meadow or other low or wet lands within the municipality over which said board has jurisdiction, shall be drained and that it is necessary, in order thereto, that a ditch or ditches or other channel for the free passage of water should be opened through lands belonging to a person or persons other than the owners of the lands whereon such breeding place shall be located, such local board of health shall make application to the state water power and control commission to construct and complete such channels and ditches for the free passage of water, or to do such other act or thing as such local board of health shall have determined to be necessary upon such lands in order to suppress or remove such breeding place, and to apportion, assess and collect the amount of the cost thereof from the owners of the lands which will be benefited by the suppression and removal of such breeding place.

2. The state water power and control commission shall proceed, construct and complete such channel and ditches, or do such other act or thing as may be necessary, and apportion, assess and collect the cost of the same from the owners of the lands benefited by such suppression or removal, in the manner provided for the drainage of any swamp, bog, meadow or other low or wet land and the apportionment, assessment and collection of the cost of such drainage, by the conservation law.

3. In any case where, under the provisions of this article the state water power and control commission is to determine what property is benefited and to what extent said property is benefited by the suppression or removal of any such breeding place, such commission shall not be restricted in their determination to property immediately

adjoining the premises whereon such breeding place is located; and, in apportioning the benefit to any property, such commission may consider any circumstances by reason whereon any property will be benefited by the suppression and removal of such breeding place.

4. This article shall be construed with the provisions of the conservation law. In case of conflict the provisions of this article shall be substituted for the provisions of the conservation law, but such parts of the provisions of the conservation law as are not necessarily superseded shall apply.