

## CHAPTER 452

## MUNICIPAL OWNERSHIP

**452.01 DEFINITIONS.**

**HISTORY.** 1907 c. 452 s. 1; 1913 c. 310 s. 1; G.S. 1913 ss. 1375, 1498; G.S. 1923 ss. 1311, 1484; M.S. 1927 ss. 1311; 1484.

**452.02 CITIES MAY OWN AND OPERATE OR LEASE.**

**HISTORY.** 1907 c. 452 s. 2; G.S. 1913 s. 1376; G.S. 1923 s. 1312; M.S. 1927 s. 1312.

The right intended to be granted by the contract held to be a franchise. *Arpin v City of Thief River Falls*, 122 M 34, 37, 141 NW 833.

Under its home rule charter, the city of Virginia has power to acquire a water and light plant by purchase. The terms of purchase may be fixed by agreement, without resorting to the method of ascertaining value prescribed in the chapter relative to eminent domain. *Backus v City of Virginia*, 123 M 48, 142 NW 1042.

The city charter of Minneapolis permits its council to remove the supervisor of the city water-works at will. *Sykes v City of Minneapolis*, 124 M 73, 144 NW 453.

The council of St. Paul under the 1900 home rule charter had the right to pass an ordinance restricting the use of street car transfers to the persons to whom they were issued. *City of St. Paul v Robinson*, 129 M 383, 152 NW 777.

A municipal corporation maintaining an electric distributing plant owes to the public the duty of so inspecting and maintaining the same as to prevent change and deterioration from natural causes resulting in a dangerous condition. Where injury occurs because of a defect which could have been prevented by inspection, and there is a total failure to inspect for 17 months, the municipal corporation is negligent and liable accordingly. *Goar v Village of Stephen*, 157 M 228, 196 NW 171.

Proposals and bid for the construction of a city power plant held too indefinite to permit a competitive bid, and the bid received not responsive to advertisement for bid. *City of Bemidji v Ervin*, 204 M 90, 282 NW 683.

Letting of contract for the construction of a power plant for a city was void where the advertisement was in such form that there could be only one possible bidder that could complete its negotiations for materials and service. *City of Bemidji v Ervin*, 204 M 90, 282 NW 683.

The letting of a contract for the construction of a power plant was invalid where made in connection with an ordinance which attempted to delegate to a trustee or to a receiver appointed by court powers to take over and manage the plant in certain contingencies, thereby removing the management and control thereof from the city. *City of Bemidji v Ervin*, 204 M 90, 282 NW 683.

This section applies to cities only. OAG March 30, 1933.

A municipally owned electric light plant cannot refuse to render service to all persons and corporations within its corporate limits. OAG June 5, 1933.

The board of public works of the city of Alexandria may enter into a contract for group life insurance on employees of its water and light plant, and pay half of the premium. OAG Aug. 13, 1937 (253n-4).

Municipal ownership of public utilities in Minnesota. 16 MLR 457.

**452.03 CERTIFICATES IN LIEU OF BONDS.**

**HISTORY.** 1907 c. 452 s. 3; G.S. 1913 s. 1377; G.S. 1923 s. 1313; M.S. 1927 s. 1313.

Any city electing to come under this act may issue or sell its bonds, or in lieu thereof interest bearing certificates, to raise funds for a municipal electric light plant. OAG Aug. 24, 1933.

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### 452.04 ACCOUNTS, HOW KEPT.

HISTORY. 1907 c. 452 s. 4; G.S. 1913 s. 1378; G.S. 1923 s. 1314; M.S. 1927 s. 1314.

### 452.05 ADOPTION.

HISTORY. 1907 c. 452 s. 5; G.S. 1913 s. 1379; G.S. 1923 s. 1315; M.S. 1927 s. 1315.

The action of the adoption of the act should be submitted for the approval of the electors separately from the question of issuing bonds to pay for the cost of the utility. OAG Oct. 23, 1933.

### 452.06 ORDINANCE FOR SUBMISSION.

HISTORY. 1907 c. 452 s. 6; G.S. 1913 s. 1380; G.S. 1923 s. 1316; M.S. 1927 s. 1316.

### 452.07 TIME LIMIT OF GRANT OR LEASE.

HISTORY. 1907 c. 452 s. 7; G.S. 1913 s. 1381; G.S. 1923 s. 1317; M.S. 1927 s. 1317.

Franchises for electric lighting cannot be made for a period exceeding 20 years. OAG Nov. 28, 1933.

### 452.08 ACQUISITION AND OPERATION.

HISTORY. 1913 c. 310 s. 2; G.S. 1913 s. 1499; G.S. 1923 s. 1485; M.S. 1927 s. 1485.

Where a city is authorized to cut off premises from the city water supply for default in the payment of charges therefor, it may lawfully enforce payment by the use of such means. Prudential Co. v City of Minneapolis, 202 M 70, 277 NW 351.

A city owned electric light utility may purchase appliances, such as electric stoves, and sell them on instalments to customers. OAG March 26, 1934.

### 452.09 LIMIT OF BONDS AND CERTIFICATES.

HISTORY. 1913 c. 310 s. 3; G.S. 1913 s. 1500; G.S. 1923 s. 1486; M.S. 1927 s. 1486.

A majority vote of the electors is sufficient to authorize the issuance of certificates of indebtedness under this section for the construction of a municipal light plant. OAG May 4, 1938 (59b-7).

### 452.10 BOOKS; REPORT.

HISTORY. 1913 c. 310 s. 4; G.S. 1913 s. 1501; G.S. 1923 s. 1487; M.S. 1927 s. 1487.

### 452.11 SUBMISSION TO VOTERS.

HISTORY. 1913 c. 310 s. 5; G.S. 1913 s. 1502; G.S. 1923 s. 1488; M.S. 1927 s. 1488.

### 452.12 SUBMISSION; ELECTION.

HISTORY. 1913 c. 310 s. 6; G.S. 1913 s. 1503; G.S. 1923 s. 1489; M.S. 1927 s. 1489.

### 452.13 TERM OF GRANT OR LEASE.

HISTORY. 1913 c. 310 s. 7; G.S. 1913 s. 1504; G.S. 1923 s. 1490; M.S. 1927 s. 1490.

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## **452.14 UNION DEPOT AND TERMINAL SYSTEM; BONDS.**

HISTORY. 1913 c. 310 s. 8; G.S. 1913 s. 1505; G.S. 1923 s. 1491; M.S. 1927 s. 1491.

## **452.18 INSPECTORS OF GAS, ELECTRIC LIGHT, HEAT AND WATER METERS.**

HISTORY. 1907 c. 343 s. 1; G.S. 1913 s. 1816; G.S. 1923 s. 1861; M.S. 1927 s. 1861.

## **452.19 POWERS AND DUTIES; TERM; SALARY.**

HISTORY. 1907 c. 343 s. 2; G.S. 1913 s. 1817; G.S. 1923 s. 1862; M.S. 1927 s. 1862.

## **452.20 COMPENSATION AND TERM, HOW FIXED.**

HISTORY. 1907 c. 343 s. 3; G.S. 1913 s. 1818; G.S. 1923 s. 1863; M.S. 1927 s. 1863.