

CHAPTER 454

PROVISIONS RELATING TO PUBLIC ENTERPRISES

454.01 GAS, ELECTRIC, AND POWER PLANTS IN CITIES OF THE FIRST CLASS OR THE FOURTH CLASS.

HISTORY. 1909 c. 372 s. 1; 1913 c. 158 s. 1; G.S. 1913 s. 1386; G.S. 1923 s. 1322; M.S. 1927 s. 1322.

No distinction can be made between waters escaping in destructive quantities from a broken reservoir and flooding the premises of an adjacent owner, and such waters so escaping from a break in a principal main leading from such reservoir. *Bridgeman-Russell Co. v City of Duluth*, 158 M 509, 197 NW 971.

In an action to set aside a contract for the construction of an electric plant, the evidence sustains a finding that the allegations of unfair specifications designed to prevent other bidders from bidding on Diesel engines for generating electrical current were unproven and untrue. *Ahlquist v Commonwealth Electric Co.* 194 M 598, 261 NW 452.

City of the fourth class organized under the general statutes need not advertise for bids to erect a municipal water, light, and heating plant but may build it by day labor. OAG June 30, 1932.

A city operating an electric light plant and furnishing city with electricity, heat, and water free of charge, has no power to tax an individual manufacturing his own electricity. OAG July 11, 1935 (624c-13).

A municipal water plant may furnish water to a city department and a city board without making a charge therefor, but cannot furnish water to a semi-public golf club managing land to which the city has title. OAG May 29, 1939 (59b-13).

Although the city had a contract with the gas plant giving right to purchase end of each five year period, the city may independently of the contract, acquire the property by eminent domain. OAG May 24, 1944 (624c-10).

454.02 CONDEMNATION.

HISTORY. 1909 c. 372 s. 2; G.S. 1913 s. 1387; G.S. 1923 s. 1323; M.S. 1927 s. 1323.

454.03 BONDS AUTHORIZED.

HISTORY. 1909 c. 372 s. 3; G.S. 1913 s. 1388; G.S. 1923 s. 1324; M.S. 1927 s. 1324.

454.04 SERVICE RATES.

HISTORY. 1909 c. 372 s. 4; G.S. 1913 s. 1389; G.S. 1923 s. 1325; M.S. 1927 s. 1325.

Where profits from electricity have resulted in a large fund, there should be a reduction of rates to consumers in the city. OAG March 23, 1932.

Profits derived by a city from the sale of electricity may be used for such legitimate municipal expense as the governing body may determine. OAG March 23, 1932.

454.041 RATES FOR GAS OR ELECTRIC CURRENT IN CITIES OF THE THIRD OR FOURTH CLASS TO BE PRESCRIBED.

HISTORY. 1919 c. 469 s. 1; G.S. 1923 s. 1714; M.S. 1927 s. 1714.

Sections 452.15 to 452.17 were not intended to apply where the city is the actual distributor of electric current purchased from a power company at the city limits. OAG Aug. 19, 1935 (624c-11).

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This section is constitutional and a city in determining rate is not limited to basing rate only "on the capital investment." OAG July 17, 1933.

A home rule charter city may compel an inspection of the records of public utilities for rate making purposes. OAG April 21, 1933.

454.042 FIXING RATES.

HISTORY. 1919 c. 469 s. 2; G.S. 1923 s. 1715; M.S. 1927 s. 1715.

454.043 APPEAL; RIGHT OF APPEAL.

HISTORY. 1919 c. 469 s. 3; G.S. 1923 s. 1716; M.S. 1927 s. 1716.

454.044 RATES FOR ELECTRIC SERVICE; FIXING AMOUNT; NO VESTED RIGHT.

HISTORY. 1915 c. 311 ss. 1 to 3; G.S. 1923 ss. 1771 to 1773; M.S. 1927 ss. 1771 to 1773.

454.045 GAS COMPANIES IN CITIES OF THE FIRST CLASS MAY FURNISH GAS TO CERTAIN ADJACENT CITIES OR INHABITANTS THEREOF; RECEIPTS NOT SUBJECT TO GROSS EARNINGS TAX; REGULATIONS.

HISTORY. 1921 c. 93 s. 1; M.S. 1927 s. 1491-4.

454.05 WATER COMMISSIONERS IN CITIES OF FIRST CLASS MAY SUPPLY ICE.

HISTORY. 1913 c. 305 s. 1; G.S. 1913 s. 1606; G.S. 1923 s. 1585; M.S. 1927 s. 1585.

454.06 EMINENT DOMAIN.

HISTORY. 1913 c. 305 s. 2; G.S. 1913 s. 1607; G.S. 1923 s. 1586; M.S. 1927 s. 1586.

454.07 BONDS.

HISTORY. 1913 c. 305 s. 3; G.S. 1913 s. 1608; G.S. 1923 s. 1587; M.S. 1927 s. 1587.

454.08 PRICES FOR ICE; DUTIES OF COMMISSIONERS.

HISTORY. 1913 c. 305 s. 4; G.S. 1913 s. 1609; G.S. 1923 s. 1588; M.S. 1927 s. 1588.