

CHAPTER 456**WATER-WORKS****456.01 WATER-WORKS IN CITIES ORGANIZED UNDER SPECIAL LAWS, HAVING NOT OVER 5,000.**

Where the charter of a city authorizes the city to erect water-works and supply the citizens with water and to provide lighting and erect a plant for that purpose, the municipality is invested with authority to enter into contracts with private individuals who will perform the purposes stated. *Reed v City of Anoka*, 85 M 294, 88 NW 981.

Under its home rule charter the city of Virginia has power to purchase an existing water and light plant and issue bonds to the extent of \$450,000. The acquisition may be by purchase without resorting to eminent domain procedure. The obligations are general obligations of the city and may be issued without a prior tax levy. *Backus v City of Virginia*, 123 M 48, 142 NW 1042.

456.09 ISSUE OF BONDS; MORTGAGE, LIMIT OF DEBT.

A village may buy water from an adjoining city and redistribute it within the village at a fixed rate. OAG Aug. 30, 1945 (624-D-4).

456.32 EXTENDING WATER PIPES ON STREETS.

A stockyards located outside but adjoining a city of the fourth class may enter into a contract with the city for sewer service. OAG Oct. 23, 1944 (59a-36).

Without a vote of the electorate the village council may extend its water-works system to a school house outside the village limits. As a health measure but not otherwise it may extend its sewer system to such school. OAG Aug. 25, 1944 (387-G-5).

456.33 WATER RENTALS; RULES; APPLICATION.

A property owner who has installed an automatic sprinkling system in his building and connected it at his own expense with the water mains although he may not take away water except in case of fire enjoys a beneficial use of water not common to the public in general; and the water board is entitled to make a reasonable and impartial charge for the valuable and special privilege so conferred. *Gordon v Doran*, 100 M 343, 111 NW 272.

The owner of real estate is under no obligation to furnish water to a tenant unless he has contracted to do so or a statute has imposed the obligation upon him, but in the instant case the charter provision equivalent to a statute has imposed the obligation and consequently where the tenant fails to pay the water bill the landlord is under obligation to do so. *Prudential Co. v City of Mpls.* 202 M 70, 277 NW 351.

The council may raise or lower the water rates so long as the change is not arbitrary or unreasonable. Those who have paid in advance must construe their payment as a deposit, and pay the additional charge. OAG July 23, 1946 (624-D).