

CHAPTER 457

WATER AND LIGHT PLANTS

<p>Sec. 457.02 Water-works and light plants 457.12 Contracts for water and light in cities of second and third class</p>	<p>Sec. 457.13 Leasing, selling, abandoning of water-works or lighting plants</p>
--	---

457.01 [Repealed, 1949 c 119 s 110]

457.02 WATER-WORKS AND LIGHT PLANTS. When at any general or special election, held in any city in the class hereinafter mentioned, the electors thereof by an affirmative vote of three-fifths of the legal voters, voting thereat, so determine, each city of the fourth class in the state, whether organized or existing under special or general law or under a home rule charter, is hereby authorized and empowered, in addition to all powers to issue bonds conferred upon it by its charter, or by virtue of any general or special law, and in addition to all other bonds that it is by law authorized to issue, to issue its bonds in the aggregate amount mentioned in section 457.03 to be determined as therein set forth and to dispose of the same as provided in section 457.06, and to use the proceeds thereof for the purpose of acquiring, constructing, extending, enlarging, improving, or purchasing municipal water-works, or light, or power plants or either or all or any part thereof, and the lands or flowage rights therefor whether the whole or any part of such plant or the land or flowage rights therefor is situate within or without the corporate limits of the city, but in each case the city may either acquire such water-works system or light or power plants or any part or portion thereof or any or all lands or flowage rights necessary therefor by purchase at such price not exceeding its fair value and on such terms as may be agreed on between said city and the owner or owners thereof or by condemnation. The procedure in the event of condemnation shall be that prescribed by chapter 117 or that prescribed by the city charter and the purchase price of the plant or system or portion thereof, or lands or flowage rights as so fixed by agreement or condemnation may be paid out of the proceeds of the bonds by sections 457.02 to 457.08, authorized to be issued and the balance of the proceeds, if any, may be used for extension, enlargement, or improvement of the plant or plants so acquired.

[1909 c 43 s 1; 1917 c 134 s 1] (1754)

- 457.03 [Repealed, 1973 c 702 s 26]
- 457.04 [Repealed, 1973 c 702 s 26]
- 457.05 [Repealed, 1973 c 702 s 26]
- 457.06 [Repealed, 1973 c 702 s 26]
- 457.07 [Repealed, 1973 c 702 s 26]
- 457.08 [Repealed, 1973 c 702 s 26]
- 457.085 [Repealed, 1973 c 702 s 26]
- 457.09-457.11 [Repealed, 1949 c 119 s 110]

457.12 CONTRACTS FOR WATER AND LIGHT IN CITIES OF SECOND AND THIRD CLASS. Any city of the second or third class, if it have no water system of its own, may contract with a private person or corporation to supply its inhabitants with water for public and private use, for such period, not exceeding 30 years, and upon such conditions, as its council may determine; and, as a part of such contract, it may authorize the laying, maintenance, and operation of mains, hydrants, connections, and other appliances in the streets and other public grounds. In like manner, any such city not owning a lighting system may contract for the public and private lighting thereof for a period not exceeding 15 years, and may authorize the placing of poles, wires, and other necessary lighting apparatus in the streets and public grounds. Any such contract may be extended from time to time for periods not exceeding the limits herein fixed.

[R L s 765] (1326)

457.13 LEASING, SELLING, ABANDONING OF WATER-WORKS OR LIGHTING PLANTS. Any city of the fourth class in this state wherein there is constructed and in operation water-works and lighting plant or water-works or lighting plant for supplying water and light, or either of them, for public purposes or for the private use of its inhabitants or both, owned by any such city, may by resolution or ordinance of its governing body, passed and adopted in the usual manner sell, lease, or abandon any such plant or any specific part thereof, or discontinue wholly or in part the operations thereof; if a specific part of such plant is to be sold, leased, or abandoned, or the operation thereof discontinued, such resolution shall state the specific part to be so sold, leased, or abandoned, or to be discontinued. Before any such resolution or ordinance shall become effective, the same shall be submitted to the legal voters of the city at a regular city election or special election therein and approved by a two-thirds vote of the electors voting thereon at any such election. The ballots at any such election shall be printed and contain in full the resolution or ordinance to be voted upon and thereon immediately following the resolution or ordinance, there shall be printed in appropriate manner the words "yes" and "no" on separate lines and every voter desiring to vote in favor of such proposition shall thereupon make his cross (X) mark opposite the word "yes" and every voter desiring to vote against such proposition shall make such mark opposite the word "no." In case of cities of the fourth class such election shall be conducted and the votes cast thereat shall be canvassed and the result thereof certified in like manner as in the case of an election for city officers in the respective cities of the fourth class according to the law or charter governing such city.

Thereupon if any such proposition shall be declared adopted and carried at any such election, the proper officers of any such city of the fourth class shall forthwith proceed to carry out the same according to such resolution.

This section shall apply to all cities of the fourth class however organized and whether operating under general or special laws or home rule charters, or otherwise.

[1917 c 172 s 1-3; 1931 c 133 s 1; 1949 c 119 s 111] (1865, 1866, 1867)

457.14-457.18 [Repealed, 1949 c 119 s 110]