CHAPTER 455

ELECTRIC LIGHT AND POWER PLANTS

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455.01 SECOND, THIRD CLASS CHARTER CITY MAY BUILD, BUY LIGHT PLANT.

Each home rule charter city of the second or third class, by an affirmative vote of two-thirds of all the members of its council, may construct, or purchase an electric light plant to be operated by the city for municipal purposes and for the use and benefit of the inhabitants of the city.

History: *(1325-1) 1901 c 199 s 1; 1976 c 44 s 48*

455.02 [Repealed, 1976 c 44 s 70]

455.03 [Repealed, 1976 c 44 s 70]

455.04 [Repealed, 1976 c 44 s 70]

455.05 THIRD CLASS CHARTER CITY MAY BUILD, RUN PLANT; SELL POWER.

The governing body of any home rule charter city of the third class may construct a municipal electric light and power plant and necessary transmission and distribution systems and operate the same for municipal purposes and sell and dispose of electricity for light, heat, and power purposes to private consumers within and without the city.

History: *(1703-1) 1921 c 91 s 1; 1976 c 44 s 49*

455.06 [Repealed, 1976 c 44 s 70]

455.07 [Repealed, 1976 c 44 s 70]

455.08 [Repealed, 1976 c 44 s 70]

455.09 [Repealed, 1976 c 44 s 70]

455.10 [Repealed, 1976 c 44 s 70]

455.11 [Repealed, 1976 c 44 s 70]

455.12 [Repealed, 1949 c 119 s 110]

455.13 PURCHASE OF ELECTRICITY.

Any home rule charter city owning an electric light and power plant may contract for the purchase by the city of electricity to operate the electric plant, upon such terms as may be approved by a two-thirds vote

of all of the members of the governing body. The term of any such contract shall not exceed 15 years unless the governing body determines that a longer period, not exceeding 40 years, is in furtherance of sound utility practice.

History: *(1764) 1913 c 103 s 1; 1973 c 293 s 1; 1976 c 44 s 50*

455.14 OBLIGATION NOT INDEBTEDNESS.

The obligation incurred by any such city in the making of such contracts shall not be considered as a part of its indebtedness under the provisions of its governing charter or of any law of this state fixing a limit of indebtedness for such city.

History: *(1765) 1913 c 103 s 2*

455.15 [Repealed, 1976 c 44 s 70]

455.16 [Repealed, 1976 c 44 s 70]

455.17 [Repealed, 1976 c 44 s 70]

455.18 [Repealed, 1976 c 44 s 70]

455.19 [Repealed, 1976 c 44 s 70]

455.20 [Repealed, 1976 c 44 s 70]

455.21 [Repealed, 1976 c 44 s 70]

455.22 [Repealed, 1976 c 44 s 70]

455.23 FOURTH CLASS CITY MAY HOOK UP TO OUTSIDE POWER; SET RATES.

In any home rule charter city of the fourth class the governing body may erect poles and string wires and cables thereon within the corporate limits of such city and install in connection therewith equipment as may be necessary to light the streets of the city and furnish electrical current to its inhabitants; and it may connect such a system of poles, wires and cables with a public or private electric light and power plant outside the city, by erecting poles along any public highway and extending from such city to such electric light and power plant, subject to the provisions of law relating to the use of public highways by light and power companies and string along such poles, wires and cables for the transmission of electrical current from such plant to the system of poles, wires and cables erected in such city; and the governing body may contract on behalf of the city and its inhabitants for furnishing electrical current and power and may prescribe the rates to be charged for such current and power.

History: *(1860-1) 1923 c 29 s 1; 1949 c 119 s 111; 1973 c 123 art 5 s 7; 1976 c 44 s 51*

455.24 SUBMISSION TO VOTERS.

Before incurring any expense under the powers conferred by section 455.23, the approval of the voters of the city shall first be had at a general or special election held therein. If a majority of the voters of the city participating at the election shall vote in favor of the construction of the system of poles, wires and cables herein authorized to be made, the council shall proceed with the construction.

History: *(1860-2) 1923 c 29 s 2; 1949 c 119 s 111; 1973 c 123 art 5 s 7*

455.25 BOND ISSUE.

The expense incurred in carrying out the provisions of sections 455.23 to 455.25 may be paid out of any money in the general fund of the city available for the purpose. If there is no money in such fund available, the bonds of the city may be issued under and pursuant to the provisions of chapter 475. The proposition of constructing a system of poles, wires and cables and the proposition to issue bonds therefor may be submitted at the same election.

History: *(1860-3) 1923 c 29 s 3; 1949 c 119 s 111; 1973 c 123 art 5 s 7*

455.26 EXTENSION OF ELECTRIC LINES.

Except as otherwise restricted by chapter 216B, the council of any home rule charter city of the fourth class in this state owning and operating an electric light plant, may extend the lines, wires, and fixtures of its plant into any statutory city lying within three miles of the limits of the city, with the consent of the council or other governing body of the statutory city and appropriate and expend money therefor.

History: *(1761) 1909 c 218 s 1; 1973 c 123 art 5 s 7; 1976 c 44 s 52*

455.27 POWERS OF COUNCIL.

The council may also make contracts and arrangements with any person or statutory city into which the electric light line may be extended, necessary for the proper extension, operation, and maintenance of the line, the collecting of compensation for the light or current, and service that may be furnished thereby, and for the reimbursement of the cost of the extension.

History: *(1762) 1909 c 218 s 2; 1973 c 123 art 5 s 7; 1976 c 44 s 53*

455.28 USE OF STREETS; CONTRACTS.

The council or other governing body of any city to which an electric line may be extended pursuant to sections 455.26 to 455.28 may grant to the city making the extension, the right to use the streets, alleys, and other public grounds of the statutory city for the erection, operation, and maintenance of the line for that purpose, and make contracts and arrangements for lighting the city thereby and the payment therefor.

History: *(1763) 1909 c 218 s 3; 1973 c 123 art 5 s 7; 1976 c 44 s 54*

455.29 MUNICIPALITIES MAY EXTEND ELECTRIC SERVICE.

Except as otherwise restricted by chapter 216B, the governing body, or the commission or board charged with the operation of the public utilities, if one exists therein, of any municipality in the state owning and operating an electric light and power plant for the purpose of the manufacture and sale of electrical power or for the purchase and redistribution of electrical power, may, upon a two-thirds vote of the governing body, or the commission or board, in addition to all other powers now possessed by such municipality, sell electricity to customers, singly or collectively, outside of such municipality, within the state but not to exceed a distance of 30 miles from the corporate limits of the municipality. Before any municipality shall have the power to extend its lines and sell electricity outside of the municipality as provided by sections 455.29 and 455.30, the governing body shall first submit to the voters of the municipality, at a general or special election, the general principle of going outside the municipality and fixing the maximum amount of contemplated expenditures reasonably expected to be made for any and all extensions then or thereafter contemplated. Three weeks' published notice shall be given of such election as required by law, and if a majority of those voting upon the proposition favors the same, then the municipality shall thereafter be considered as having chosen to enter the general business of extending its electric light and power facilities beyond the corporate

limits of the municipality. It shall not be necessary to submit to a vote of the people the question of any specific enlargement, extension, or improvement of any outside lines; provided the voters of the municipality have generally elected to exercise the privileges afforded by sections 455.29 and 455.30, and, provided, that each and any specific extension, enlargement, or improvement project is within the limit of the maximum expenditure authorized at the election. In cities operating under a home rule charter, where a vote of the people is not now required in order to extend electric light and power lines, no election shall be required under the provisions of any act. At any election held to determine the attitude of the voters upon this principle, the question shall be simply stated upon the ballot provided therefor, and shall be substantially in the following form: "Shall the city of ..... undertake the general proposition of extending its electric light and power lines beyond the limits of the municipality, and limit the maximum expenditures for any and all future extensions to the sum of $.....?" For this purpose every municipality is authorized and empowered to extend the lines, wires, and fixtures of its plant to such customers and may issue certificates of indebtedness therefor in an amount not to exceed the actual cost of the extensions and for a term not to exceed the reasonable life of the extensions. These certificates of indebtedness shall in no case be made a charge against the municipality, but shall be payable and paid out of current revenues of the plant other than taxes.

History: *(1867-1) 1933 c 141 s 1; 1935 c 316 s 1; 1973 c 123 art 5 s 7; 1976 c 44 s 55*

455.30 NOT TO EXTEND INTO OTHER MUNICIPALITIES.

No lines, wires, or fixtures shall be extended by any municipality into the territorial limits of any other city without the consent of the governing body of the city.

History: *(1867-2) 1933 c 141 s 2; 1935 c 316 s 2; 1973 c 123 art 5 s 7; 1976 c 44 s 56*

455.31 DISPOSAL OF ELECTRICAL ENERGY TO PRIVATE CONSUMERS.

Any city of the first class now or hereafter operating a plant for the production and distribution of electrical energy for municipal purposes may dispose of any surplus thereof so produced, to private consumers within the city desiring the same, at such rates and upon such terms as the council, or other governing body, of the city may deem proper.

History: *(1483) 1913 c 127 s 1*

455.32 FOURTH CLASS CITY MAY SELL EXTRA POWER; CONDITIONS.

Any home rule charter city of the fourth class in this state owning and operating an electric light and power plant for the production and distribution of electricity may dispose of any surplus electricity produced to private consumers desiring the same residing outside the corporate limits of the city, at rates and upon terms as the governing body of the city may deem proper. Any disposition made pursuant to this section shall be subject to the restrictions in chapter 216B.

History: *(1765-1) 1915 c 34 s 1; 1976 c 44 s 57*

455.33 [Repealed, 1949 c 119 s 110]