

CHAPTER 6.

CONSTRUCTION OF SEWERS.

AN ACT Relating to the Construction of Sewers in Cities Having a Population of more than Thirty Thousand According to the Census of 1885, Supplementary to Chapter 162 of the Acts of the Seventeenth General Assembly Entitled An Act to Authorize Cities of the First Class Containing According to any Legally Authorized Census or Enumeration, a Population of Over Thirty Thousand, to Provide for the Construction of Sewers, Additional to Code, Chapter 10, Title 4 Concerning Cities and Towns, and to Repeal Chapter 166, of the Acts of the Twenty-first General Assembly Relating to the Construction of Sewers. H. F. 379.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That all cities of the first class containing according to the census of 1885 a population of over thirty thousand authorized by section one (1) of chapter 162 of the acts of the Seventeenth General Assembly to provide by ordinance for the construction of sewers, shall have the power and be subject to the conditions and requirements hereinafter provided. Construction of sewers.

SEC. 2. Whenever cities subject to the provisions of this act shall deem it necessary to construct any sewer the council shall declare by resolution the necessity therefor and shall state the kind, size, location and designate the terminal points thereof and notice for twenty days of the passage of such resolution shall be given not less than two weeks nor more than four weeks in some newspaper of general circulation published in such city and by handbills posted in conspicuous places along the line of the proposed sewer. Said notices shall state the time and place when and where the property owners along the line of said proposed sewer can make objections to the necessity of the construction thereof. Twenty days' notice of resolution to be given.

SEC. 3. If the council shall thereafter determine to construct such sewer it shall declare the same by resolution stating the kind, size, terminal points thereof and location. The city engineer shall at once file the plans and specifications therefor in the office of the board of public works for public inspection and the proposals for bids and letting the contract shall be in compliance with the provisions of chapter 168, laws of the Twenty-first General Assembly and chapter 162, laws of the Seventeenth General Assembly and acts amendatory thereto. Plan and specifications to be filed with the board of public works.

SEC. 4. When the contract is awarded for the construction of said sewer, the board of public works, in connection with the Assessment on property benefited.

city engineer shall constitute the board of assessors and shall at once proceed to make the assessment on the various lots to be charged therewith in proportion, as nearly as may be to the benefits which in their opinion shall result from such sewer and such lots respectively and file the same with the city council as soon as practicable after the awarding of the contract and in estimating the benefits to result from such sewer no account shall be taken of improvements and each lot shall be considered as wholly unimproved.

Assessment to be published two weeks.

SEC. 5. Before adopting the assessments so made, the council shall publish notice for two consecutive weeks in some newspaper of general circulation in the corporation stating the time and place, when and where said assessments will be confirmed by the city council and if any person object to his assessment he shall file his objections in writing with the city clerk on or before such date and when the assessment is confirmed by the council it shall be complete and final.

SEC. 6. The concurrence of two thirds of the members of the city council shall be necessary to confirm the assessment made by the board of assessors.

When re-assessment may be ordered.

SEC. 7. When it shall appear to the council that a special assessment is invalid by reason of informality or irregularity in the proceedings or when any assessment shall be adjudged to be illegal by a court of competent jurisdiction, the council may order a re-assessment and the proceedings upon a re-assessment shall be conducted in the same manner as provided in respect to the original assessment.

Assessment not to exceed \$3 per foot on lots.

SEC. 8. There shall not be assessed to the lots or land adjacent to the line of any sewer an amount in excess of three dollars per lineal foot and whenever any assessment shall be made to the limit herein prescribed and the board of assessors and city council shall determine that certain lots or land adjacent to the line of such sewer is not benefited in whole or in part, the council shall order and deliver to the contractor a warrant drawn on the sewer fund for the amount that cannot be assessed on the property not benefited.

Chap. 166, acts 21 G. A., and chap. 163, acts 17 G. A. repealed.

SEC. 9. Chapter 166, laws of the Twenty-first General Assembly, the same being entitled, "An act supplementary to chapter 162 of the laws of the Seventeenth General Assembly" be and the same is hereby repealed.

Approved April 16, 1888.