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PART 1.

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GENERAL LAWS.

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# L A W S

OF THE

## TWENTY-SIXTH GENERAL ASSEMBLY

OF THE

### STATE OF IOWA.

PASSED AT THE REGULAR SESSION THEREOF, AT DES MOINES, THE  
CAPITAL OF THE STATE, BEGUN ON THE THIRTEENTH DAY  
OF JANUARY, AND ENDED ON THE ELEVENTH DAY  
OF APRIL A. D. 1896, IN THE FIFTIETH  
YEAR OF THE STATE.

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#### GENERAL LAWS.

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##### CHAPTER 1.

AN ACT to enable cities of the first class to buy or construct water works and to provide for the management thereof, and giving them additional powers in respect thereto.

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

SECTION 1. Cities of the first class shall have power to levy, in addition to the water tax authorized by law, a tax of two mills upon the dollar upon all the property within the corporate limits of said cities, excepting lots greater than ten acres in area, used for horticultural or agricultural purposes, for the purpose of creating a sinking fund to be used as provided in this act, for the purchase or erection of water works in such cities. The proceeds of such two mill levy shall be deposited in one or more solvent banks or trust companies of the city making such levy, at a rate of interest not less than four per cent per annum, compounded semi-annually, and payable, principal and interest, on demand, after sixty days' notice in writing. The city treasurer depositing the proceeds of such tax shall exact from the bank or trust company wherein

Two-mill tax authorized for purchase of water works.

Tax deposited in bank.

Bond approval.

such money is deposited a satisfactory bond, payable to the city, to be approved by the treasurer and mayor of such city, and to be filed in the office of the city treasurer.

Diversion of tax deemed embezzlement.

SEC. 2. Any member of the city council, or any officer of any city levying and collecting taxes under the provisions of this act, who shall, in any manner, participate in, or advise, the diversion of any part of said tax to any other purpose than that provided for in this act, shall be deemed guilty of the crime of embezzlement, and shall be punished accordingly.

Water works may be purchased. Tax continued.

SEC. 3. Cities of the first class are hereby authorized to purchase or erect water works under the provisions of this act for the purpose of supplying said cities and the inhabitants thereof with water, and are authorized to continue the levy of the two-mill tax herein provided for until the purchase price, principal and interest, or the cost incurred in the erection of said works, is fully paid and discharged.

Cities authorized to contract for water works.

SEC. 4. Cities levying such sinking fund tax are hereby authorized to contract for the purchase or erection of water works, and, upon the approval and adoption of such contract as hereinafter provided, to apply such sinking fund upon the cost thereof, and are authorized to pledge the proceeds of the continuing two-mill levy, provided for in section one hereof, and the regular water levy, and the net revenues derived from the operation of the water works, and shall have the right to mortgage or bond such works, to secure the payment of the purchase price or the cost of constructing such water works; *provided*, however, that no part of the general fund of such city shall be applied upon such contracts, bonds or mortgage. In the payment thereof the city, and the holders of the said contracts, bonds, or mortgages, shall be restricted to the proceeds of the said taxes and the net revenues of the said water works as hereinbefore provided; and such contracts or bonds shall not bear a higher rate of interest than five per cent per annum, payable semi-annually.

May bond or mortgage such works.

Rate of interest not to exceed 5 per cent.

Contract must be approved by mayor and council.

SEC. 5. Said contract shall not be binding upon any city until the same shall have been approved by the mayor and a majority of the city council at a regular meeting, or a special meeting called for such purpose, and shall have been adopted by a majority of the electors of said city voting at a special election which shall have been duly called after thirty days' notice by said city. The proposition to be submitted at said election, and the form of ballot shall be, "Shall the contract approved by the mayor and city council, in relation to water works, be adopted?" The proposition shall be printed and placed on the ballots and the voter shall designate his choice and the election shall be conducted in the manner provided in the general election law.

Proposition submitted to electors. Form of ballot.

SEC. 6. The water works purchased, or erected by such city, shall be managed and operated by a board of water works trustees, which shall be composed of three electors, appointed for the term of six years by the district court of the county wherein such city is located.

Board of water works trustees.  
Term of office.

Upon the approval of the contract for the purchase or erection of water works by such city, the mayor of the city shall apply, within ten days thereafter, to said district court for the appointment of such board of water works trustees, the first appointees thereto to hold office for the following terms, namely: One for two years, one for four years, and one for six years. All vacancies occurring on such board, occasioned by expiration of term, by death, resignation, or removal, shall be filled by appointment of the district court, upon an application made by the mayor of such city. The appointment of such board shall be approved by a majority of the judges presiding over such district court.

Board may be appointed by court.

Terms of trustees appointed by court.  
Approval.

SEC. 7. The compensation of the members of such board of trustees shall be fixed upon the application of such board, by said district court, in such amounts as the court may deem reasonable and proper; *provided*, however, that the same shall not be changed more frequently than once in two years.

Compensation of board of trustees.

The district court shall require such trustees to execute to said city good and sufficient bonds, to be approved by said court, and when executed and approved to be filed and kept with the city treasurer.

Bond to be extended.  
Approval.

SEC. 8. The said board of trustees shall have the power to carry into execution the contract for the purchase or erection of such water works, and to employ a superintendent and such other employes as may be necessary and proper for the operation of such works, for the collection of water rentals, and for the conduct of the business incident to the operation thereof.

Power of board of trustees.

Superintendent and employes.

SEC. 9. The said board of trustees shall require of the superintendent, and of the other employes as they may deem proper, good and sufficient bonds, the amount thereof to be fixed and approved by said board, for the faithful performance of their duty, such bonds to run in the name of the city and to be filed with the city treasurer and kept in his office.

Superintendent's bond.

City treasurer to keep bond.

SEC. 10. The said board of water works trustees shall from time to time fix the water rentals or rates to be charged for the furnishing of water, and such rates shall be sufficient, together with the proceeds of the five-mill water levy and the sinking fund levy of two mills, for the maintenance and operation of such works, the proper and necessary extension thereof, for all repairs, and for the payment of the purchase money or cost, principal and interest, incurred in the purchase or erection of such

Water rental and rates fixed.

Rates to cover expenses.

works, as the same falls due, according to the tenor of the mortgage and bonds given to secure the payment of such purchase price or cost.

Report of trustees. Quarterly statement.

SEC. 11. The said board of water works trustees shall make out and file in the office of the city clerk, quarterly statements giving full and complete reports of the receipts and disbursements handled and disbursed by them in the administration of their trust, such reports to be filed on the second Monday of January, April, July and October for the quarters preceding the first days of said months. Such reports shall be audited by the board of public works of such city. In the event, however, that said city may not have a board of public works, such reports shall be audited by the city council.

Reports to be audited.

Trustees may be removed.

SEC. 12. All trustees appointed under this act shall be subject to removal by the district court for malfeasance in office.

Publication.

SEC. 13. This act being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and the Des Moines Leader, newspapers published in Des Moines, Iowa.

Approved April 4, 1896.

I hereby certify that the foregoing act was published in the Iowa State Register and Des Moines Leader, April 8, 1896.

W. M. McFARLAND,  
Secretary of State.

## CHAPTER 2.

S. F. 19.

AN ACT authorizing cities of the first class to lay sidewalks in said cities.

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

Temporary sidewalks may be laid.

SECTION 1. That all cities of the first class are hereby authorized, in addition to the powers heretofore granted, to provide by ordinance for the laying of temporary sidewalks on the public streets and highways of said cities in front of property abutting thereon and used for purposes of agriculture or horticulture and not divided into city lots, and to assess a special tax upon said property to pay for the same, such assessment not to exceed 40 cents per lineal foot; but said assessment and improvement shall not be made or ordered to be made until three-fourths of all the members of the counsel of such city shall, by vote, assent to the making of same.

Assessments to pay for same levied on property.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 14, 1896.