

87 provisions of this act, and the railroad commission is hereby em-
88 powered to enforce the provisions of this act with reference to such
89 matter.

90 The railway commission is hereby authorized and empowered to
91 make such other rules and regulations and fix standards of and for
92 appliances and fixtures as may be deemed reasonably necessary from
93 time to time for the purpose of protecting persons and property; and
94 such order made by the commission shall be deemed reasonable and
95 necessary and the burden of proof shall rest upon any complainant to
96 prove the contrary.

97 The railway commission shall give reasonable notice of any order
98 or requirement within the contemplation of this act, and cause the
99 same to be enforced by an action in equity.

100 The terms, conditions and provisions of section 5, of this act shall
101 only apply to such interurban railway construction and conditions
102 contemplated by section one of this act.

1 SEC. 6. **Publication clause.** This act being deemed of im-
2 mediate importance shall take effect and be enforced from and after
3 its publication in The Des Moines News, a newspaper published in
4 Des Moines, Iowa, and the Evening Gazette, a newspaper published
5 at Cedar Rapids, Iowa, without expense to the state.

Approved March 24, A. D. 1915.

I hereby certify that the foregoing act was published in the Des Moines News
March 27, 1915 and in the Cedar Rapids Gazette March 29, 1915.

W. S. ALLEN, *Secretary of State.*

CHAPTER 48.

PAVING HIGHWAYS LEADING INTO CITIES.

S. F. 143.

AN ACT authorizing cities (other than special charter cities) having a population of two thousand or more to construct, repair, improve and reconstruct paved roadways along streets, avenues and highways constituting main traveled ways into and out of such cities, to establish paving districts, the lots and tracts of land within which may be assessed to pay all or a portion of the cost of such improvement and providing for the levying of a general municipal tax to defray any balance thereof.

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

1 SECTION 1. **Paving highways leading into cities.** Cities having
2 a population of two thousand or more, shall have power to construct
3 paved roadways along such streets, avenues or highways within said
4 cities as, in the judgment of the city councils thereof, constitute main
5 traveled ways into and out of such cities, and to repair, improve and
6 reconstruct the same, all as in this chapter hereinafter provided.

1 SEC. 2. **Paving districts—assessments—limitations.** Such
2 cities shall have power to establish paving districts to embrace such
3 portions of said cities as, in the judgment of the city councils thereof,

4 will receive special benefits from the construction, repair, improve-
5 ment, or reconstruction of such paved roadways, to change the bound-
6 aries of same from time to time as may become in the judgment of
7 such councils, just and equitable and to assess so much of the cost of
8 such paved roadways against all lots or tracts of land contained in
9 the paving district within which such improvements are made, as
10 shall equal and be in proportion to the special benefits conferred by
11 said improvements and not in excess thereof. In no case shall such
12 assessments exceed twenty-five per centum of the actual value of said
13 lots or tracts at the time of levy thereof.

1 **SEC. 3. Resolution of necessity.** Whenever the council of any
2 such city shall deem it advisable or necessary for the benefit of the
3 city as a whole, to construct, repair, improve or reconstruct any paved
4 roadway as authorized by this act, it shall, in a proposed resolution,
5 declare such advisability or necessity, stating the streets, avenues or
6 highways along which such improvement is to be made, the terminal
7 points thereof, one or more kinds of material proposed to be used and
8 the width of such paved roadway; establishing a paving district the
9 lots or tracts of land embraced in which shall be assessed to pay the
10 cost of said improvement as in chapter 7, title 5 of the code, and
11 acts amendatory thereto provided; estimating the total cost of such
12 improvement; and stating the proportion of such estimated total cost
13 which will be assessed against each lot or tract of land in said district,
14 which proportion shall be determined and fixed in accordance with the
15 terms of this act, and with the benefits, value, area, distance from said
16 roadway and accessibility thereto.

1 **SEC. 4. Plat and estimate to precede resolution.** Before such
2 proposed resolution shall be introduced the city council of such city
3 shall cause to be prepared a plat and schedule which shall show the
4 paving district proposed to be established; and each and every lot and
5 tract of land therein contained, together with the proportion of the
6 total cost which will be assessed against each said lot or tract, and
7 an estimate of the total cost of the proposed improvement, said plat
8 and schedule shall be filed in the office of the city clerk and shall be
9 referred to as being so on file in said proposed resolution.

1 **SEC. 5. Preliminary notice.** Before action may be had upon any
2 such proposed resolution, such city council shall cause such notice
3 of the time when said resolution will be considered by it for passage
4 to be given as provided in Sec. 810 of the code and amendments
5 thereto.

1 **SEC. 6. Objections—hearing—amendment.** At the time fixed
2 in said notice for consideration of said resolution, any citizen of such
3 city, or owner of any property affected thereby, may appear and make
4 written objection to the contemplated improvement, to the boundaries
5 of the proposed paving district, to the proportion proposed to be
6 assessed against any lot or tract, or to the passage of said resolution.
7 At which hearing the resolution may be amended and passed, or passed
8 as proposed.

1 **SEC. 7. Ordering construction.** Whenever the provisions of the
2 preceding four sections of this act shall have been complied with,

3 such council may, by ordinance or resolution, order the construction,
4 repair improvement or reconstruction of said paved roadway, upon a
5 yea and nay vote, entered of record, which record shall also show
6 whether such roadway was petitioned for, or made on the motion of
7 the council.

1 **SEC. 8. Levy to pay costs borne by city.** Such city shall have
2 power after the completion of any improvement contemplated in this
3 act, to levy upon all taxable property excepting monies and credits
4 in said city contained, an annual tax for the purpose of paying that
5 portion of the cost of such improvement not borne by the special
6 assessments levied against the lots and tracts of land embraced in the
7 paving district established therefor, but the aggregate of all such
8 levies shall not exceed ten mills, nor shall such levies in the aggregate,
9 exceed one mill for any one year.

1 **SEC. 9. Payment by city—limitation—anticipating collections.**
2 In no event shall such cities be authorized or empowered to pay more
3 than fifty per centum of the total cost of any improvement contemplated
4 in this act, out of the fund raised by the levy provided for in
5 the preceding section nor out of any other city fund. But any such
6 city may anticipate the collection of taxes authorized to be levied by
7 the preceding section as provided by sections 758-b and 758-c of the
8 supplement of the code, 1907, relating to bridge taxes.

1 **SEC. 10. Grade to be established.** If any such street, avenue or
2 highway along which any improvement herein contemplated is to be
3 constructed, has not an established grade the city council shall cause a
4 grade, or grades to be established therein, and no improvement provided
5 for in this act shall be constructed upon any street, avenue or
6 highway until the surface thereof shall have been graded so that such
7 improvement when fully constructed will be at the established grade.

1 **SEC. 11. Statutes applicable.** All the provisions of title five,
2 chapter seven of the code and amendments thereof, so far as the same
3 are additional to this act or applicable thereto, shall be and remain
4 in the same force and effect as in other street improvements. This
5 act shall not apply to cities acting under special charter.

1 **SEC. 12. Publication clause.** This act being deemed of immediate
2 importance shall take effect and be in force from and after its
3 publication in the Des Moines News, a newspaper published at Des
4 Moines, Iowa, and the Sioux City Tribune, a newspaper published at
5 Sioux City, Iowa.

Approved March 26, A. D. 1915.

I hereby certify that the foregoing act was published in the Des Moines News
March 29, 1915, and in the Sioux City Tribune April 13, 1915.

W. S. ALLEN, *Secretary of State.*