

1 SEC. 3. **Food in package form.** That the law as it appears in
 2 section four thousand nine hundred ninety-nine-a thirty-one c
 3 (4999-a31c) supplemental supplement to the code, 1915, be and the
 4 same is hereby amended by inserting therein after paragraph "Fifth."
 5 thereof the following "Sixth. If it be offered for sale in package or
 6 wrapped form and the name of the article be not plainly stated on
 7 the outside of the package or wrapper."

1 SEC. 4. **Appropriation.** That the law as it appears in section
 2 four thousand nine hundred ninety-nine-a thirty-one f (4999-a31f),
 3 supplemental supplement to the code, 1915, be and the same is hereby
 4 amended by striking out of line seven thereof the words "thirty-four"
 5 and inserting in lieu thereof the word "forty".

1 SEC. 5. **Publication clause.** This act being deemed of immediate
 2 importance, shall be in force and effect from and after its publica-
 3 tion in the Des Moines Register and the Des Moines Capital, papers
 4 published at Des Moines, Iowa.

Approved April 22, A. D. 1919.

I hereby certify that the foregoing act was published in the Des Moines Register
 April 26, 1919 and the Des Moines Capital April 30, 1919.

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

CHAPTER 285.

PROTECTION OF CITIES FROM DAMAGE BY FLOODS, ETC.

H. F. 228.

AN ACT to repeal chapter 8-A of title V of the supplement to the code, 1913, and to enact a substitute therefor authorizing cities to protect property within their limits from danger and damage from floods and high water, by deepening, widening, straightening, altering, diverting, changing or otherwise improving water courses within their limits, by constructing levees, embankments, or conduits therefor, and to provide for the levy of special assessments and other taxes to defray the expenses of such improvements, and the issuance of bonds and certificates in anticipation of such taxes and special assessments. Additional to chapters seven (7) and eight (8) of title V of the code.

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

1 SECTION 1. **Repeal.** That the law as it appears in chapter 8-A of
 2 title V, supplement to the code, 1913, be and the same is hereby
 3 repealed.

1 SEC. 2. **Cities — powers to protect lands — levees, etc. — assess-**
 2 **ments — bonds.** That in addition to the powers they now have,
 3 cities, including cities under special charter and under commission
 4 form of government, shall have the power, in accordance with the
 5 provisions of this act, to protect lots, lands, and property within their
 6 limits from danger and damage from floods and high water, by deep-
 7 ening, widening, straightening, altering, changing, diverting or other-
 wise improving water courses within their limits, by constructing

8 levees, embankments, or conduits therefor, and to provide for levy of
9 special assessments and other taxes to defray the expenses of such
10 improvements, and the issuance of bonds and certificates in anticipa-
11 tion of such taxes and special assessments.

1 **SEC. 3. City engineer — surveys — plans — estimates, etc.** Upon
2 the filing of a petition requesting the exercise of the powers men-
3 tioned in the preceding section, signed by one hundred resident tax-
4 payers of such city, or on its own motion, the city council may direct
5 the city engineer to make necessary surveys, to prepare plans and
6 specifications for doing the work, to furnish the council with an esti-
7 mate of the cost thereof, including an estimate of the damages to
8 property, if any, and a map or plat showing the boundaries of the ter-
9 ritory or district which will be specially benefited by such improve-
10 ment, a schedule showing as nearly as may be the ownership and
11 value of each lot or parcel of land, and other property therein, as
12 shown by the last assessment roll, and an estimate of the benefit to
13 each lot or parcel of land, and to any railway or street railway within
14 such improvement district. The plans, specifications, estimates,
15 maps, plats, and schedules so prepared shall be filed with the city
16 clerk.

1 **SEC. 4. Council — approval of plans, etc., by — procedure.** If the
2 council upon receiving the said plans, specifications, estimates, maps,
3 plats and schedules, shall approve, or modify and approve, the same,
4 it shall in a proposed resolution, of which the plat and schedule is
5 made a part by reference, declare the necessity and advisability of
6 such improvement, describing the same in general terms, stating the
7 estimated cost thereof, and fixing the boundaries of the territory or
8 district specially benefited, and shall cause fourteen days' notice of
9 the time when said resolution will be considered for passage to be given
10 by two publications in some newspaper of general circulation published
11 in the city, the last of which shall be not less than two, nor more than
12 four weeks prior to the time fixed for its consideration, at which time
13 the owners of the property affected by such improvement may appear
14 and make objections in writing to the contemplated improvement, to
15 the assessment district, or to their assessments, as shown by the plat
16 and schedule, or to the passage of such proposed resolution, at which
17 hearing the district, or the assessments, may be changed, and the
18 resolution be amended and passed, or passed as proposed.

1 **SEC. 5. Bids — contract for labor and materials.** When the mak-
2 ing of any such improvement is ordered, the council shall advertise for
3 bids and may enter into a contract or contracts for furnishing the
4 labor and materials for doing the work.

1 **SEC. 6. Contracts — city to let — certified check.** All contracts
2 for such improvement shall be let in the name of the city to the lowest
3 bidder, by sealed proposals, upon giving notice for at least ten (10)
4 days by two publications in a newspaper published in said city, which
5 notice shall state as nearly as practicable the extent of the work, the
6 one or more kinds of material for which bids will be received, when
7 the work shall be done, the terms of payment, and whether a mainte-
8 nance fund shall be required and the time the proposals will be
9 received and acted upon. All bids must be accompanied, in a separate
10 envelope, with a certified check payable to the order of the city treas-

11 urer, in the sum named in the notice for bids, as security that the
 12 bidder will, if his bid is accepted, enter into a contract for the doing
 13 of the work, and will give bond as required by this act. All such
 14 checks, where the bid has not been accepted, shall be returned to the
 15 respective bidders. All bids may be rejected and new bids invited.

SEC. 7. Contract — provision as to repairs — bond to conform.

1 All contracts for making such improvement may contain a provision
 2 obligating the contractor and his bondsmen to keep the improvement
 3 in good repair for one year after the acceptance of the same by the
 4 city, and bond shall be so conditioned as to conform to such provision.

1 **SEC. 8. Contractor — bond.** Each contractor for such improve-
 2 ment, or part thereof, shall give bond to the city, with sureties to be
 3 approved by the council, for the faithful performance of the contract,
 4 and suit on such bond may be brought in the county in which the
 5 council holds its sessions.

1 **SEC. 9. Improvement district — assessment — limit of.** When
 2 the work is contracted for, as herein provided, the council shall assess
 3 the lands and other property, included within the improvement dis-
 4 trict, for such proportion of the cost of the improvement, including
 5 the cost of filling the old channel if it is proposed to divert a stream
 6 from its course and conduct it through a new channel or conduit, as
 7 shall be equal and in proportion to the benefit conferred by the
 8 improvement, but not in excess of twenty-five per cent of the actual
 9 value of the lot or tract at the time of the levy, and the last preced-
 10 ing assessment roll shall be taken as prima facie evidence of such
 11 value.

1 **SEC. 10. Assessment levy, certificate, etc.** The levy of the assess-
 2 ment, the filing of the certificate of assessment, the payment of inter-
 3 est on installments, the payment of the installments of assessment,
 4 and the sale of property for unpaid assessments shall all be in con-
 5 formity with sections eight hundred twenty-five (825), eight hun-
 6 dred twenty-six (826), eight hundred twenty-seven (827), eight
 7 hundred twenty-eight (828) and eight hundred twenty-nine (829),
 8 of the code, and the acts amendatory thereof.

1 **SEC. 11. Assessments — aggrieved persons — appeal, etc.** Any
 2 person aggrieved by the action of the council in making any of the
 3 assessments herein provided for, may appeal therefrom to the district
 4 court of the county in which it is made, within 20 days of the date of
 5 the assessment, and have the right to review the action of the council
 6 in the said court, in the manner now provided by law. All objections
 7 to errors, irregularities, or inequalities in the making of said special
 8 assessments, or in any of the prior proceedings or notices not made
 9 before the council at the time and in the manner herein provided,
 10 shall be waived.

1 **SEC. 12. Right of way — notice — maps and plats — duty of rail-
 2 road, etc.** If the improvement contracted for is to cross the right of
 3 way of a railroad, or street railway, company, the city clerk shall
 4 cause to be served upon such company, in the manner for the service
 5 of original notices, a notice in writing stating the nature of the
 improvement, the place where it will cross the right of way of such

6 company, and full requirements for its complete construction across
 7 such right of way as shown by the plans, specifications, maps and
 8 plats of the engineer, and directing such company to construct, within
 9 a time fixed by the city council, not exceeding six months from the
 10 date of the service of the notice, in such manner as not to interfere
 11 with the construction of the diverted channel, and in such manner as
 12 not to obstruct, impede, or interfere with the free flow of water, the
 13 necessary bridge, or bridges, where the diverted channel crosses the
 14 right of way. Upon receiving such notice it shall be the duty of such
 15 railroad, or street railway, company, to provide the necessary
 16 temporary structure to carry its tracks during the constructing of
 17 the channel, and to construct the necessary permanent bridge, or
 18 bridges, within the time specified in said notice. If such company
 19 shall fail, neglect, or refuse to comply with the notice, within the time
 20 fixed, the temporary structure may be provided, and the bridge, or
 21 bridges, may be built, under the supervision of the engineer in
 22 charge of the channel improvement, and such railroad, or street rail-
 23 way, company, shall be liable for the cost of the construction of such
 24 structures, in addition to its liability for assessment for special bene-
 25 fits as other property is assessed, and the cost of such structures may
 26 be collected by the city from the company in any court having juris-
 27 diction.

1 **SEC. 13. Private property — city may condemn — costs.** Such
 2 cities may purchase or condemn, and appropriate, such private prop-
 3 erty, including railroad right of way, and property, as may be neces-
 4 sary to carry into effect the provisions of this act, and the costs of
 5 such property shall be included in the cost of the improvement.

1 **SEC. 14. Street or alley — expense of filling.** A street or alley
 2 intersecting the stream or old channel may be projected across it so
 3 as to make a continuous street or alley, and the expense of filling all
 4 such streets or alleys shall be included in and paid as a part of the
 5 costs of such improvements.

SEC. 15. Improvements — cost of — procedure by council, etc.
 1 After the contract, or contracts, for making such improvement has
 2 been entered into, as herein provided, the council shall ascertain the
 3 cost of the work, including the cost of property purchased, or con-
 4 demned and appropriated, for the purpose of carrying into effect the
 5 provisions of this act, and the cost of filling the old channel where it
 6 is to be abandoned, and the cost of surveys, plans and specifications,
 7 estimates, notices, inspection, and supervision, and the preparing of
 8 plats, and schedules of assessments, and shall thereupon by resolu-
 9 tion, levy the whole of the said cost remaining, after deducting the
 10 amount of the special assessments for benefits conferred upon the
 11 lands and other property within the improvement district, at one time
 12 as a special tax, which levy shall not exceed in the aggregate five (5)
 13 mills for all improvements made under this act in any one year, upon
 14 all the taxable property of the city, including that within the improve-
 15 ment district, excepting moneys and credits. A certificate of such
 16 levies and of the special assessments for benefits conferred upon lands
 17 and property within the improvement district, shall then be filed by
 18 the city clerk with the auditor of the county in which the city is
 19 located, and thereupon such taxes and assessments shall be placed
 20 upon the tax lists. The proceeds of such taxes and assessments shall

21 be kept as a separate fund and shall be used for the purpose of paying
22 the cost of such improvement, or in paying bonds and certificates with
23 interest issued in anticipation thereof, and for no other purpose.

1 **SEC. 16. Bonds and certificates — issue and sale.** Any city con-
2 structing an improvement authorized by this act may issue bonds and
3 assessment certificates in anticipation of any special tax or special
4 assessment; said bonds and certificates shall be issued and sold in
5 accordance with the provisions of title V, chapter 8 of the code and
6 acts amendatory thereof.

1 **SEC. 17. Cost of construction — certificates — how paid.** The
2 entire cost of constructing any improvement authorized by this act,
3 and any bonds or certificates issued in anticipation thereof, shall be
4 paid out of the special taxes and special assessments authorized by
5 this act, and no part of said cost, and no part of any such bonds or
6 certificates, shall ever be a charge upon or paid out of any other fund
7 or the proceeds of any other assessment, tax, or levy.

1 **SEC. 18. Cities — indebtedness — authorization to contract —**
2 **bonds, etc.** Cities, including cities acting under commission form of
3 government, having fifty thousand (50,000) population, or more, are
4 hereby authorized to contract indebtedness and to issue bonds for the
5 purpose of paying for improvements contemplated by this act. Such
6 bonds shall be payable in not to exceed twenty-five equal annual install-
7 ments, shall bear interest not to exceed five per cent per annum, pay-
8 able semi-annually, and shall be made payable at such place, and be
9 of such form as the city council, by ordinance, designate. For the
10 purpose of this act a city may become so indebted in an amount which
11 with all other municipal indebtedness for general purposes may equal,
12 but not exceed, five per centum of the actual value of the taxable
property of said city as shown by the last preceding assessment roll.

1 **SEC. 19. Cities — powers of, as to improvements.** This act shall
2 be construed as granting additional powers, without limiting the
3 power already existing in cities, including cities acting under the com-
4 mission form of government, and without affecting the validity of
5 preliminary steps already taken under the existing law, so far as
6 applicable, for the purpose of making improvements contemplated by
7 this act, all of which steps shall have the same effect as if taken under
8 the provisions hereof.

1 **SEC. 20. Publication clause.** This act being deemed of immediate
2 importance shall take effect and be in force from and after its publi-
3 cation in the Des Moines Capital and Des Moines Register, newspapers
4 published in Des Moines, Iowa.

Approved April 22, A. D. 1919.

I hereby certify that the foregoing act was published in the Des Moines Capital April
25, 1919 and in the Des Moines Register April 26, 1919.

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