

Sec. 4. Tools. The said board shall supply said patrolmen with all necessary tools and equipment, and the patrolmen shall be responsible upon their bond for the care of the same.

Sec. 5. Duties. Each road patrolman shall:

1. Devote his entire time to his duties.
2. Personally inspect, at least once each week, and oftener if notified of defect in roads or bridges, all roads assigned to him.
3. Seasonably drag, or cause to be dragged, after each rain, and at such other times as may be necessary, all roads assigned to him.
4. Keep all sluices, culverts, and bridges and the openings thereof and all side ditches of the road free from obstructions.
5. Provide such side ditches with ample outlets.
6. Remove loose stones and other impediments from the traveled part of the highway.
7. Fill depressions and keep the road free from ruts, water pockets, and mud holes.
8. Repair the approaches to bridges and culverts and keep such approaches smooth and free from obstruction.
9. Perform such other duties as the board may direct.

Approved January 22, 1924.

#### CHAPTER 81

#### TOWNSHIP ROAD SYSTEM

S. F. 123

AN ACT to amend, revise, and codify chapter nine (9) of title eleven (11) and section twenty-nine hundred sixty-two (2962) of the compiled code of Iowa, relating to the township road system, the repair and improvement of the same, and the duties of the officers having jurisdiction thereover.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter nine (9) of title eleven (11) and section twenty-nine hundred sixty-two (2962) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Township system defined. The township road system shall embrace all highways of the township which are outside the limits of cities and towns and which are not a state road or a part of the primary road system or of the county road system.

**Sec. 2. Duty of trustees.** The township trustees are charged with the duty to repair and improve the roads of said system in their township, and to equitably and judiciously expend the funds of the township, including road poll taxes, for the specific purposes for which authorized.

They shall not incur debts for said purposes unless funds have been provided for the payment thereof by an authorized levy.

They may let by contract, to the lowest responsible bidder, any part of the township work for the current year.

**Sec. 3. Streets in villages.** All public streets of villages are a part of the road; and all road superintendents or persons having charge of the same, shall work the same as provided by law.

**Sec. 4. Township line roads.** The system of work on township roads which separate adjoining townships or townships and cities or towns in the same or different counties, shall be apportioned and carried on under such mutual arrangement as the different governing boards may enter into.

**Sec. 5. Weeds.** The trustees shall cause all weeds growing on the township roads to be cut as provided by law.

**Sec. 6. Dragging roads--selection.** At every February meeting, or as soon thereafter as possible, the township trustees shall select from the township road system the roads to be dragged for the year. Such selection shall include all school bus routes leading to consolidated schools, all mail routes, and all main traveled roads.

**Sec. 7. Payment for dragging.** The township trustees shall not allow any bills for dragging, maintenance, or repair work, nor shall warrants in payment therefor be drawn by the township clerk, until verified itemized bills therefor have been certified to by the township road superintendent. A violation of this section shall render the township clerk liable on his bond of the amount of said warrant.

**Sec. 8. Superintendent of roads.** The trustees shall, at their February meeting, employ a superintendent or superintendents, not exceeding four (4) in number, for the township road system. The term of office, and compensation of each superintendent, shall be at the discretion of the trustees. The compensation of the superintendent shall be paid out of the township road fund.

**Sec. 9. Duties of superintendents.** Each superintendent shall:

1. Have general supervision of all maintenance and repair work on the township road system, including the placing of temporary culverts, and collect the road poll tax.

2. Maintain the approaches to all bridges on said roads in such manner as to present smooth and uniform surfaces, and when notified that such culverts and bridges are unsafe, it shall be his duty to put up barriers on the roads approaching such bridges and culverts.

3. Keep the openings to all culverts and ditches free from weeds, brush, and other obstructing materials.

4. Have charge of all draggable roads, and see that they are properly dragged at such times as may be necessary to maintain them in a smooth condition.

5. Contract on behalf of the township, for the necessary dragging of said roads at such reasonable prices as the trustees may authorize.

6. Furnish to the trustees, at least once each year, and oftener if demanded by the trustees, a written report of all work done under or by him.

7. Pay to the township clerk all moneys received by him.

Sec. 9-a1. Poll road tax list. The township assessor shall, on or before the fifteenth (15) day of April each year, furnish the township clerk a written list of all able-bodied male citizens who are between the ages of twenty-one (21) and forty-five (45) years, and who are residents of the township outside the limits of cities and towns. Said clerk shall deliver said list or a copy thereof to each superintendent of roads.

Sec. 10. Day's work defined. Eight (8) hours' service for a man, or for a man and team, shall be required for a day's work, but except on extraordinary occasions no person shall be required to go more than three (3) miles from his place of residence to work.

Sec. 11. Shade trees--timber--drainage. The road superintendent shall not cut down or injure any tree growing by the wayside which does not obstruct the road, or tile drains or which stands in front of any town lot, farmyard, orchard or feed lot or any ground reserved for any public use, or destroy or injure the ingress or egress to any property, or turn the natural drainage of the surface water to the injury of adjoining owners; but it shall be his duty to use strict diligence in draining the surface water from the public road in its natural channel, and to this end he may enter upon the adjoining lands for the purpose of removing obstructions from such natural channel that impedes the flow of such water.

Sec. 12. Liability of superintendent--removal of obstructions. The road superintendent shall, on receiving written notice of the unsafe condition of any bridge within his township, erected or maintained by the county, obstruct the passage thereon, and notify at least one (1) member of the board of supervisors, of its condition. If he fails to obstruct and notify, he shall be liable for all damages growing out of the unsafe condition thereof, occurring after the time he is so notified and while he neglects to obstruct such passage. Any person who shall remove such obstruction shall be liable for all damages resulting therefrom.

Sec. 13. Township work--survey--payment of bills. Before beginning any work upon the township road system, other than repair work, the trustees shall make application to the board of supervisors, who shall furnish them with an engineer, to be paid out of the county fund, who shall survey and lay off such roads according to the plans and specifications as provided for the county road system, and the work shall be done in accordance therewith. The trustees may contract with the board of supervisors for the construction of any work on the township road system, and the county shall not make any charge for the use of the county's road equipment except the actual cost of operating the same.

Sec. 14. Highway levies. The township trustees shall, at their April meeting, make the following levies:

1. A township road levy of not to exceed six (6) mills.
2. A road drag levy of not less than one (1) nor more than

two (2) mills.

3. A road drainage levy, if necessary, of not to exceed five (5) mills. They shall also at their April meeting determine the amount that shall be allowed for a day's labor by a man and by a man and team on the road.

Sec. 15. Township road fund. The township road fund shall be used:

1. For the building and repair of township roads.
2. For the installation and repair of culverts.
3. For filling culverts, and grading approaches to bridges, constructed by the county on township roads.
4. For the purchase of tools, road drags and machinery.
5. For the elimination of dangers at railroad crossings on township roads in cooperation with the board of supervisors and railway company.
6. For any other purpose authorized by law.

Sec. 16. Drag fund. The drag fund shall be used only for the purpose of dragging the township roads.

Sec. 17. Replenishing drag fund. Should the drag fund become exhausted the trustees may replenish the same from the township road fund in such amount as will best maintain the township road system.

Sec. 18. Drainage fund. The township road drainage fund shall be used for the payment of drainage assessments against the township on account of benefits to highways. Any surplus of said tax may be employed in draining the township highways, but if such drainage is in cooperation with those owning land in the township and the expenses exceeds fifty dollars (\$50.00) in any one (1) place, the trustees shall, before paying for any part of said drainage, have, on file, a report of a competent civil engineer approving of said drainage and specifying the amount which the township should justly pay on said drainage improvement, and the trustees shall pay no greater sum. In townships where the road drainage fund is insufficient to pay drainage assessments due, any monies remaining in the township road fund at the time of the November meeting of the trustees may be transferred to the road drainage fund, and in townships where the road drainage fund has an excess over the amount required for road drainage, the township may transfer such money to the township road fund, but in townships where no drainage fund is needed no levy shall be made therefor.

Sec. 19. Clerk to certify levies. All said levies shall be immediately certified by the township clerk to the county auditor who shall enter them on the tax books and the county treasurer shall collect the entire tax at the first semiannual payment of taxes.

Sec. 20. Taxes paid to clerk. The county treasurer shall, on the last Monday in April and October in each year, pay to the township clerk all the road, drag, and drainage taxes belonging to his township which are at such time in his hands, taking the duplicate receipts of such clerk therefor, one (1) of which receipts shall be forthwith delivered by the treasurer to the trustees.

Sec. 21. Duty of clerk. The township clerk shall have charge of, and properly preserve and keep in repair, tools, implements, and machinery belonging to the township, and may determine at what time the superintendent may have the use of the same or any part thereof, and he shall be responsible for the safe keeping of the same when not in the custody of some one of the superintendents.

Sec. 22. Report by township clerk. Not later than the first day of January, or at any time upon the demand of the township trustees, the township clerk shall report the work accomplished on the township road system in his township, including number of culverts installed, location thereof, and the number and size of culverts on hand and not installed.

Sec. 23. Trustees' annual report. The clerk of each township shall file with the board of supervisors on or before the first Monday in each year a full, itemized, and verified account, showing each item of money received and disbursed during the preceding year for road purposes. The trustees shall certify to the correctness of said report. Said report shall remain on file with the county auditor, and, omitting certifications and verifications of township officers, a synopsis thereof showing the names of all persons to whom money has been paid and the amount paid to each shall be published in connection with the proceedings of the January session of the board of supervisors. Standard blanks for said reports shall be prepared by the state highway commission.

Sec. 24. Report by superintendent. The superintendent of the township shall report to the township clerk on the first Monday of April, August and November of each year, which report shall be sworn to and embrace the following items:

1. The names of all persons in his district required to perform labor on the public road, and the amount of money paid or work performed by each.
2. The names of all persons against whom actions have been brought, and the amount collected of each.
3. The amount of all moneys coming into his hands by virtue of his office, and from what sources.
5. The number of days he has been employed in the discharge of his duty.
6. The condition of the roads in his district, and such other items and suggestions as he may wish to make.

Sec. 25. Annual settlements. The trustees shall, at the November meeting, settle with the township clerk, road superintendent, and with all parties with whom contracts have been made for work in repairing or dragging the roads.

Sec. 26. Compensation of trustees. The trustees shall receive the same compensation per day for time necessarily spent in looking after the roads as they do for other township business.

Sec. 27. Compensation of clerk. The township clerk shall receive, from the township road fund, such compensation for the discharge of his duties pertaining to township roads, as the trustees shall fix.

Sec. 28. Qualifications and bonds. The township clerk and road superintendents shall qualify by taking the oath required of civil officers of the county and by giving bond for the faithful performance of their duties in such sum as the township trustees may order. No trustee shall be surety on any such bond.

Approved April 5, 1924.