

Sec. 10-a2. Complaint--duty of county attorney. It shall be the duty of the county attorney, upon complaint of any citizen that any officer charged with the enforcement of the provisions of this chapter has neglected or failed to perform his duty, to enforce the performance of such duty.

Sec. 11. Penalty. Any officer referred to in this chapter who neglects or fails to perform the duties incumbent upon him under the provisions of this chapter shall be punished by a fine not exceeding one hundred dollars (\$100.00).

Approved April 19, 1924.

CHAPTER 93

PUBLIC HIGHWAYS

N. F. 126

AN ACT to amend, revise, and codify chapter thirteen (13) of title eleven (11) of the compiled code of Iowa and of the supplement to said code, relating to the removal of obstructions from public highways and to advertising signs and billboards which obstruct the view of public highways and railway tracks.

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

That chapter thirteen (13) of title eleven (11) of the compiled Code of Iowa and of the supplement to said Code is amended, revised, and codified to read as follows:

Section 1. Removal. The board of supervisors and township trustees shall cause all obstructions in highways under their jurisdiction, to be removed.

Sec. 2. Fences and electric transmission poles. Poles used for telephone, telegraph, or other transmission purposes, shall not be removed until notice, in writing, of not less than thirty (30) days, has been given to the owner or company operating such lines, and in case of fences, notice in writing, of not less than sixty (60) days has been given to the owner, occupant or agent of the land enclosed by said fence.

Sec. 3. Notice. Said notice shall with reasonable certainty, specify the line to which such fences or poles shall be removed, and shall be served in the same manner that original notices are required to be served.

Sec. 4. Refusal to remove. All such fences and poles shall, within the time named, be removed to such line on the highway as the county engineer may designate. If there be no county engineer, the board of supervisors shall designate said line. If not so removed the public authorities may forthwith remove them.

Sec. 5. New lines. New lines, or parts of lines hereafter constructed, shall be located by the county engineer upon written application filed with the county auditor and shall thereafter be removable according to the provisions of

this chapter. If there be no county engineer, the board of supervisors shall designate said location.

Sec. 6. Cost of removal - liability. Any removal made in compliance with the foregoing sections shall be at the expense of the owners of said fences or poles. All removals shall be without liability on the part of any officer ordering or effecting such removal.

Sec. 7. Duty of road officers. It shall be the duty of all officers responsible for the care of public highways, outside cities and towns, to remove, from the traveled portions of the highways within their several jurisdictions, all open ditches, water breaks, and like obstructions, and to employ labor for this purpose in the same manner as for the repair of highways.

Sec. 8. Nuisance. Any person, partnership or corporation who makes, or causes to be made, any obstruction mentioned in the preceding section, in such traveled way, and any officer responsible for the care of such highway who knowingly fails to remove said obstructions, shall be deemed to have created a public nuisance and be punished accordingly.

Sec. 9. Injunction to restrain obstructions. Boards of supervisors and township trustees may, as to roads under their respective jurisdictions, maintain suits in equity aided by injunction to restrain obstruction in such highways, and, in such action, may cause the legal boundary lines of such highway to be adjudicated provided all interested parties are impleaded, including the county in case the action be brought by the trustees.

Sec. 10. Duty of county attorney - other counsel. The county attorney shall, when the interests of the county and township are not antagonistic, appear for the trustees and prosecute such actions brought by them, but the trustees may employ counsel in all such actions and may levy a tax sufficient to defray any expense incurred and accrued under the preceding section.

Sec. 11. Billboards and signs. Billboards and advertising signs, whether on public or private property, which so obstruct the view of any portion of a public highway or of a railway track as to render dangerous the use of a public highway are public nuisances and may be abated, and the person or persons responsible for the erection and maintenance may be punished, as provided in the chapter on nuisances.

Sec. 12. Enforcement. Boards of supervisors and county attorneys within their respective counties, and boards of trustees within their respective townships, shall enforce the last preceding section by appropriate civil or criminal proceeding or by both such proceedings.

Sec. 13. Billboards and signs in public highways. Billboards and advertising signs shall not hereafter be placed or erected within the boundary lines of the public highways.

Sec. 14. Right and duty to remove. All billboards and advertising signs now placed or erected within the boundary lines of public highways shall, without liability in damages, be removable:

1. By the state highway commission or board of supervisors in case of primary roads.
2. By the board of supervisors in case of county roads.
3. By the township trustees in case of township roads.

Approved March 26, 1924.