

LAND SURVEYS

S. F. 149

AN ACT to amend, revise, and codify sections thirty-three hundred eighty-five (3385) and thirty-three hundred eighty-nine (3389) of the compiled code of Iowa, relating to land surveys.

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

That section thirty-three hundred eighty-five (3385) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. County surveyor - appointment and duties. A county surveyor may be appointed by the board of supervisors and shall hold office during the pleasure of said board. Said surveyor shall make all surveys of land within his county which he may be called upon to make, and the field notes and plats made by him shall be transcribed into a well bound book, under his supervision, at the expense of the person requesting the survey, which book shall be kept in the county auditor's office, and his surveys shall be held as presumptively correct.

That section thirty-three hundred eighty-nine (3389) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 2. Record to be furnished - presumptive evidence. The county surveyor shall, when requested, furnish the person for whom the survey is made with a copy of the field notes and plat of the survey, and such copy, certified by him, and also a copy from the record, certified by the county auditor with the seal, shall be presumptive evidence of the survey and of the facts herein required to be set forth, and which are stated accordingly, between those persons who join in requesting it. Such field notes and plat of survey shall not however, be presumptive evidence in any action in court as opposed to the field notes and plat of survey made by any other competent surveyor at the instance of any party not joining in the request for the survey by the county surveyor.

Approved February 27, 1924.

CHAPTER 100

TOWNSHIPS AND TOWNSHIP OFFICERS

S. F. 151

AN ACT to amend, revise, and codify sections thirty-four hundred twenty-four (3424) to thirty-four hundred thirty-five (3435), inclusive, thirty-four hundred forty (3440), thirty-four hundred forty-one (3441), thirty-four hundred forty-five (3445), thirty-four hundred forty-six (3446), thirty-four hundred forty-nine (3449), thirty-four hundred fifty (3450), thirty-four hundred fifty-three (3453), thirty-four hundred fifty-four (3454), thirty-four hundred fifty-eight (3458) and thirty-four hundred fifty-nine (3459) of the compiled code of Iowa, and sections thirty-four hundred forty-five-a one (3445-a1) and thirty-four hundred forty-five-a two (3445-a2) of the supplement to said code, relating to townships and township officers.

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

That sections thirty-four hundred twenty-four (3424) and thirty-four hundred twenty-eight (3428) to thirty-four hundred thirty-five (3435), inclusive, of

the compiled Code of Iowa, are amended, revised, and codified to read as follows:

Section 1. Supervisors divide county into townships. The board of supervisors shall divide the county into townships, as convenience may require, defining the boundaries thereof, and may, from time to time, make such alterations in the number and boundaries of the townships as it may deem proper.

Sec. 2. School townships and districts divided. The board shall not change the lines of any civil township so as to divide any school township or district, unless a majority of the voters of said school township or district shall petition therefor, except in cases where such boundary lines are changed to conform to congressional township lines.

Sec. 3. Boundaries conformed to city boundaries. Where the boundaries of any city have been changed, the board of supervisors of the county in which the same is situated shall have power to change the boundary lines of townships so as to make them conform to the boundaries of the city, and to make such other changes in township lines, and the number of townships, as it may deem necessary; but no action shall be taken affecting the boundaries or existing conditions of school districts.

Sec. 4. Boundaries to be recorded. The description of the boundaries of each township, and all alterations in them, and of all new townships, shall be recorded in full in the records of the board of supervisors, and of the township.

Sec. 5. Divisions where city included. When any township has within its limits a city or town with a population exceeding fifteen hundred (1,500), the electors of such township residing without the limits of such city or town may, at any regular session of the board of supervisors of the county, petition to have such townships divided into two (2) townships; the one to embrace the territory without, and the other the territory within, such corporate limits.

Sec. 6. Petition accompanied by affidavit - remonstrance. Such petition shall be accompanied by the affidavit of three (3) electors, to the effect that all the signatures to such petition are genuine, and that the signers thereof are all legal voters of said township, residing outside said corporate limits. Remonstrances signed by such legal voters may also be presented at the hearing before the board of supervisors hereinafter provided for, and if the same persons petition and remonstrate, they shall be counted on the remonstrance only.

Sec. 7. Notice. Notice of the time when such petition will be heard shall be given by publication, once each week, for two (2) consecutive weeks in a newspaper published in the township, the last of which publications shall be at least ten (10) days prior to the time fixed for such hearing; or if no paper is published in such township, or such papers refuse to make such publication, the notice shall be given by posting in five (5) public places in the township, two (2) of which shall be without, and three (3) within such corporate limits, at least ten (10) days prior to such hearing.

Sec. 8. Division - effect. If such petition is signed by a majority of the electors of the township residing without the corporate limits of such city or town, the board of supervisors shall divide such township into two (2) townships, as prayed; but, except for election purposes, including the appointment of all judges and clerks of election rendered necessary by the change, such division shall not take effect until the second secular day of January following the next general election.

Sec. 9. Restoration to former township. When the citizens of any township so set off desare to dissolve their township organization and return again to the township from which they were taken, they may do so by the same proceedings as provided for the division thereof, except that said petition shall be signed by a majority of the electors of both townships.

Sec. 10. New township - first election. When a new township is formed, in which township officers are to be elected, the board of supervisors shall call the first township election, to be held at such place as it may designate, on the day of the next general election. If at any time a new township has been created in a year in which no general election is held, the board may call a special election for the election of the township officers of the new township, who shall continue in office until their successors are elected and qualified.

Sec. 10-a1. Officers to be elected. At said election there shall be elected one trustee for a term of two (2) years, one trustee for a term of three (3) years, and one trustee for a term of four (4) years, and other officers as provided by law.

Sec. 11. Auditor to issue an order for election. The auditor shall issue an order for such first election, stating the time and place of the same, the officers to be elected, and any other business to be transacted and no business not named in such order shall be transacted at such election.

Sec. 12. Service and return. Such order may be directed to any constable of the county, or to any citizen of the same township, by name, and shall be served by posting up copies thereof, in three (3) of the most public places in the township, fifteen (15) days before the day of the election; the original order shall be returned to the presiding officer of the election, to be returned to the clerk when elected, with a return thereon of the manner of service, verified by oath, if served by any other than an officer.

That sections thirty-four hundred twenty-five (3425) to thirty-four hundred twenty-seven (3427), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 13. Changing township name - petition - notice. Any township desirous of changing its name may petition the board of supervisors and, if it shall appear to said board that a majority of the actual resident voters of such township are in favor of such change, such board shall cause notices, attested by the auditor, to be posted up in three (3) of the most public places of such township, for at least thirty (30) days previous to the next regular session of said board, which notice shall state the fact that a petition has been presented to said board by the citizens of said township, praying for a change of the name of the same and recite the name prayed for in said petition, and that, unless those interested in the change of such name shall appear at the next regular session of said board and show cause why said name shall not be changed, there will be an order made granting such change.

Sec. 14. Hearing - order. If, at the time fixed for the hearing of said petition, the board is satisfied that there is a majority in favor of such change of name, it shall make an order granting the same, which shall be attested by the auditor, and recorded in the office of the recorder of the county.

Sec. 15. Petition dismissed - when. If it appears to said board that a majority of the citizens of such township are opposed to such change, such petition shall be dismissed. The cost of the proceeding in all cases shall be taxed against the petitioners.

That sections thirty-four hundred forty (3440) and thirty-four hundred forty-one (3441) of the compiled Code of Iowa are amended, revised and codified to read as follows:

Sec. 16. Trustees - duties - meetings. The board of township trustees in each township shall consist of three (3) qualified electors of the township. The trustees shall act as overseers of the poor, fence viewers, the local board of health, and shall constitute the township board of equalization. The board of trustees shall meet on the first Monday in February, April, and November in each year.

Sec. 17. County attorney may act - when - other counsel. In counties having a population of less than twenty-five thousand (25,000), where the trustees institute, or are made parties to, litigation in connection with the performance of their duties, as provided in this chapter, the county attorney, as a part of his official duties, shall appear in behalf of the township trustees, except in cases in which the interests of the county and those of the trustees are adverse.

Sec. 18. Trustees may employ counsel. When litigation shall arise in any case not covered by the preceding section, involving the right of duty of township trustees with reference to any matter within their jurisdiction, and the trustees become or are made parties to such litigation, they shall have authority to employ attorneys in behalf of said township, and to levy the necessary tax to pay for their services, and to defray the expenses of such litigation.

That sections thirty-four hundred forty-five (3445), thirty-four hundred forty-six (3446), thirty-four hundred forty-nine (3449), thirty-four hundred fifty-three (3453) and thirty-four hundred fifty-four (3454) of the compiled Code of Iowa, and sections thirty-four hundred forty-five-a one (3445-a1) and thirty-four hundred forty-five-a two (3445-a2) of the supplement to said Code are amended, revised, and codified to read as follows:

Sec. 19. Tax to pay for cemeteries and parks. They shall, at the regular meeting in April, levy a tax sufficient to pay for any lands so condemned or purchased, or for the necessary improvement and maintenance of cemeteries thus established, and for the necessary improvement and maintenance of public parks acquired by gift, devise, or bequest under the preceding section, or for the maintenance and improvement of cemeteries so established in adjoining townships, in case they deem such action advisable.

Sec. 20. Power and control whether owner or not. They shall control any such cemeteries, or appoint trustees for the same, or sell the same to any private corporation for cemetery purposes, and may levy a tax not to exceed one (1) mill to improve and maintain any cemetery not owned by the township, provided the same is devoted to general public use.

Sec. 21. Levy may cover city or town property - when. The levy authorized in the two (2) preceding sections may be extended to property within the limits of any city or town so far as same is situated within the township, unless such city or town is already maintaining a cemetery, or has levied a tax in support thereof. The said tax may be so expended for the support and maintenance of any such cemetery after the same has been abandoned and is no longer used for the purpose of interring the dead.

Sec. 22. Cemetery funds - use outside of township. Cemetery tax funds of a township may be used for the maintenance and support of cemeteries in adjoining counties and townships and in cities and towns if such cemeteries are utilized for

burial purposes by the people of the township.

Sec. 22-a. Joint city and township board. A city or town council and the trustees of a township may join in the common purpose of improving, maintaining, and supporting a township cemetery. In such case the two official bodies shall constitute a joint cemetery board and shall have equal voting power.

Sec. 23. Regulations for cemeteries. The trustees, board of directors, or other officers having the custody and control of any cemetery in this state, shall have power, subject to the by-laws and regulations of such cemetery, to enclose, improve and adorn the ground of such cemetery; to construct avenues in the same; to erect proper buildings for the use of said cemetery; to prescribe rules for the improving or adorning the lots therein, or for the erection of monuments or other memorials of the dead upon such lots; and to prohibit any use, division, improvement or adornment of a lot which they may deem improper.

Sec. 24. Watchmen appointed - oath. Such trustees, directors, or other officers may appoint as many day and night watchman of their grounds as they may think expedient, and such watchman, and also all their sextons, superintendents, gardeners and agents, stationed upon or near said grounds are hereby authorized to take and subscribe, before any mayor of a city or justice of the peace of the township where such cemetery is situated, an oath of office, similar to that required by law of constables.

Sec. 25. Powers of police officers. Upon the taking of such oath, such watchman, sextons, superintendents, gardeners and agents shall have and exercise all powers of police officers within and adjacent to the cemetery grounds and each shall have power to arrest any and all persons engaged in violating the laws of this state, and to bring such person so offending before any justice of the peace within such township, to be dealt with according to law.

Sec. 26. Cemeteries - plat - record. Where there is located in any township one (1) or more cemeteries, the owner of the same, or any party owning an interest therein may cause the same to be surveyed, platted, and laid out into subdivisions and lots, numbering the same by progressive numbers, giving the length and breadth, also the location with reference to known or permanent monuments to be made. The plat shall accurately describe all the subdivisions of the tract of land used, or designed to be used as a cemetery, and shall be recorded in the office of the county recorder, and filed with and recorded by the township clerk, and preserved by him among the records of his office.

Sec. 27. Conveyance of lots - record of. All conveyances of subdivisions or lots of a cemetery thus platted shall be by deed from the proper owner, which deed shall be recorded with the township clerk in a book kept by him for that purpose, for the recording of which the said clerk shall be entitled to a fee of fifty cents (50c) for each instrument recorded, to be paid by the party desiring the record made.

This section thirty-four hundred fifty (3450) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 28. Clerk to keep record. The township clerk shall keep a record of all the proceedings and orders of the trustees, and of all acts done by him, including the filing of certificates of official oaths having been taken before other officers, and perform such other acts as may be required of him by law. Each township clerk shall receive, collect, preserve, and disburse, under the orders of the township trustees, all funds belonging to his township, including the cemetery fund, and those which are now or may hereafter be by law created or authorized.

Sec. 29. Funds placed at interest - how checked out. He shall deposit all funds coming into his hands by virtue of his office in a bank conveniently located, each deposit to be in the name of his township and at a rate of interest not less than two and one-half per cent (2 1/2%) per annum on ninety per cent (90%) of the daily balances, payable at the end of each month, which interest shall accrue to the benefit of the township road fund. No check shall be drawn upon said township bank account by the township clerk, except it be in payment of bills which have come before and have been properly authorized and audited by the township trustees.

Sec. 29-a1. Bond. Before such deposit is made, such bank shall file with the clerk a bond with sureties to be approved by the clerk and the township trustees in double the amount which will probably be deposited, conditioned to indemnify the township against loss by reason of such deposit or deposits. The clerk or his successor in office shall have a right to bring action on said bond in case of a breach thereof.

That sections thirty-four hundred fifty-eight (3458) and thirty-four hundred fifty-nine (3459) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 30. Compensation of clerk. The township clerk shall receive:

1. For each day of eight (8) hours necessarily engaged in official business, where no other compensation or mode of payment is provided, to be paid from the county treasury, three dollars (\$3.00).
2. For all money coming into his hands by virtue of his office, except from his predecessor in office, unless otherwise provided by law, two per cent (2%).
3. For filing each application for a drain or ditch, fifty cents (50c).
4. For making out and certifying the papers in any appeal taken from an assessment by the trustees of damages done by trespassing animals, such additional compensation as the board of supervisors may allow.

Sec. 31. Compensation of assessor. Each township assessor shall receive in full for all services required of him by law, a sum to be paid out of the county treasury, and fixed annually by the board of supervisors at its January session, for the current year, on the basis of three and one-half dollars (\$3.50) for each day of eight (8) hours which said board determines may necessarily be required in the discharges of all official duties of such assessor. Provided, however, in townships having a population of thirty thousand (30,000) or over and situated entirely within the limits of a city acting under special charter, such compensation shall be four dollars (\$4.00) per day.

Approved February 2, 1924.

CHAPTER 101

MUNICIPAL CORPORATIONS

S. F. 153

AN ACT to amend, revise, and codify sections three thousand four hundred seventy-one (3471) to three thousand four hundred seventy-three (3473) inclusive and three thousand five hundred nineteen (3519), also three thousand four hundred seventy-nine (3479) to three thousand four hundred eighty-one (3481) inclusive, three thousand four hundred eighty-four (3484) and three thousand four hundred