

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

eighty-six (3406) to three thousand four hundred ninety-seven (3497) inclusive, and three thousand five hundred four (3504) of the compiled code of Iowa, relating to municipal corporations.

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

That sections three thousand four hundred seventy-one (3471) to three thousand four hundred seventy-three (3473), inclusive, and three thousand five hundred nineteen (3519) of the compiled Code of Iowa are amended, revised and codified to read as follows:

Section 1. Election of officers. If a majority of the ballots cast at such election be in favor of the incorporation and the result has been confirmed and approved, the court, or in vacation a judge thereof, shall order the election of a mayor, treasurer, assessor, and council. The commissioners shall give notice for two (2) consecutive weeks of the time and place of holding the election, by publication once each week in a newspaper published and of general circulation in the county where the court is held, and by posting the same in five (5) public places within the limits of such town. At said election the qualified voters residing within the limits of the town shall elect the officers. The election shall be conducted, so far as practicable, in the manner of municipal elections, and the commissioners shall act as judges and clerks of election.

Sec. 2. Report of commissioners - judgement. The commissioners shall promptly report the results of the election to the court, and it, or in vacation a judge thereof, may confirm and approve the election and report, or set the same aside and order a new election with the same or other commissioners. Upon the confirmation of the election and report, a judgment shall be entered of record, declaring the town duly incorporated and confirming and approving the first election of officers. Should any officer fail to qualify, the court or judge shall declare the office vacant and appoint some other person to fill the vacancy.

Sec. 3. Record - payment of costs. The clerk of the court shall enter the proceedings in the matter of the incorporation and election of officers in the complete record book and file a certified copy of the entry in the office of the secretary of state and in the office of the recorder, who shall record the same. The costs of all the proceedings for the incorporation shall be paid by the town if established, otherwise they shall be paid by the petitioners, and judgment shall be entered accordingly.

Sec. 4. Terms of officers elected. The officers elected shall hold office until their successors are elected at the general city election held in the second March thereafter, and have qualified, but the term of the assessor shall begin on the first day of January succeeding his election.

Sec. 5. Discontinuance - how affected. Upon a petition of the voters equaling twenty-five per cent (25%) of the number voting at the last preceding municipal election, to the district court of the county wherein a municipal corporation is situated, for the discontinuance of the same, the court shall, thirty (30) days prior to the next regular city or town election, cause notice to be given, that the question of discontinuing such corporation will be submitted to the legal voters thereof at the said election, by publication once a week for two (2) weeks in a newspaper published in said city or town; if none be so published then in one published in the county or counties in which said city or town is situated, and by posting the same in five (5) public places therein. The proposition submitted shall be: "Shall the proposition to discontinue the corporation of (inserting name) be adopted?" The clerk of the city or town shall cause the proposition to be printed on the ballots.

That sections three thousand four hundred eighty-one (3481) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 6. Cities or towns may unite. When any city or town desires to be annexed to another contiguous city or town, the council of each shall appoint three (3) commissioners who shall meet and fix the terms upon which the proposed annexation shall be made, and make report thereof to their respective councils. If both councils approve the proposed terms, they shall by identical ordinances so declare, and therein determine whether the question shall be voted upon at a special election, fixing the date thereof, or at the next regular city election. Thereupon a copy of the ordinances, together with a statement that both councils have adopted the same, shall be published once in a newspaper, if any be published in either of said cities or towns, but when none be so published in one or both of said cities or towns; then in a newspaper published in the county or counties in which said city or town is situated and of general circulation in both cities or towns, and be posted in five (5) public places therein, at least ten (10) days prior to the election specified in the ordinance.

Sec. 7. Question submitted - proceedings thereafter. The proposition to be submitted at the election shall be: "Shall the proposition for the annexation of (naming the city or town) to (naming the city or town) be adopted?" If a majority of the votes cast in each city or town is in favor of annexation, the council of each shall, by ordinance, so declare. A certified copy of the whole proceedings for the annexation shall be filed with the clerk of the city or town to which such annexation is made, who shall file a certified copy thereof with the secretary of state, and in the recorder's office of the county, who shall record the same.

That sections three thousand four hundred seventy-nine (3479), three thousand four hundred eighty (3480), three thousand four hundred eighty-four (3484) and three thousand four hundred eighty-six (3486) to three thousand four hundred ninety-six (3496) inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 8. Platted territory adjoining any city or town may be annexed thereto and become a part thereof by proceeding as follows:

1. The council of the city or town desiring to annex adjoining territory may so provide by resolution, therein describing the territory proposed to be annexed and directing the mayor to institute therefor a suit in equity against the owners of such property.

2. The petition shall contain:

(a) A description of the entire property proposed to be annexed and of that portion thereof owned by each defendant.

(b) The facts constituting the desirability of such annexation.

(c) A plat of such territory showing its relation to the corporate limits.

3. If the court finds in favor of the annexation it shall enter a decree accordingly, and if not the petition shall be dismissed. No costs shall be taxed against any defendant who fails to make defense.

Sec. 8-a. Annexation of territory not platted - procedure. Territory, not platted, adjoining any city or town may be annexed thereto and become a part thereof by proceeding as follows:

1. The council may provide by resolution adopted at least one month before any regular election, for the annexation of territory described therein.

2. The proposition shall be submitted to the voters at said election in the following form:

"Shall the proposition to annex the territory described in the resolution adopted by the council of the city or town of _____ on the _____ day of _____ be approved?" Notice of the submission of said proposition shall be given by publication in a newspaper of general circulation in said city or town once each week for four consecutive weeks preceding said election.

3. If the proposition is adopted by a majority of those voting thereon, the council shall cause to be filed in the district court a suit in equity against the owners of the property proposed to be annexed describing in the petition such property and attaching thereto a plat thereof showing its location in reference to the limits of such city or town.

4. Like proceedings shall be had as provided in section eight (8) hereof.

Sec. 8-a2. In case any territory adjoining any city or town has been platted into tracts of less than ten acres and has been substantially built up and the inhabitants thereof are enabled to secure the benefits of the city or town government in the way of police and fire protection, or may be furnished with light and water by said city or town or under a franchise granted thereby the council of the city or town may by resolution incorporate such territory into the city or town.

Sec. 8-a3. Application for annexation. All the owners of any territory adjoining any city or town may make application, in writing, to the council of such city or town, attaching thereto a plat of such territory showing the situation thereof with reference to the existing limits of such city or town, and if the council thereof, by resolution, assent thereto, such territory shall thereafter be and become a part of such city or town.

Sec. 8-a4. Ten per cent (10%) of the inhabitants of any platted territory adjoining any city or town may petition the council thereof to have such territory annexed thereto. The council may consent to such annexation or submit the matter to the voters of said city or town, and if the council consent or the proposition carries at the election the proceedings shall be the same as provided in section eight (8) hereof, except that the petitioners shall be plaintiffs and the city or town and all the owners of property in the territory, other than the petitioners, shall be defendants.

Sec. 8-a5. Severance of territory. Territory may be severed from any city or town by proceeding as follows:

1. A majority of the resident property owners of such territory or the city or town may bring suit in equity in the district court therefor and the proceedings shall so far as applicable be the same as provided in section eight (8) hereof. Notice of suit shall be such as the court may direct.

2. If the court finds that such territory, or any part thereof, shall be severed from any city or town, it shall thereupon appoint three disinterested persons as commissioners to examine into the matter and the equitable distribution of the assets, and equitable distribution and assumption of the liabilities of such city or town which have accrued during the time such territory has been a part thereof, as between such city or town and the severed territory.

3. The commissioners shall receive evidence on the question from the parties interested and submit their findings to the court at the next term thereof and any interested party may file objections thereto and the court shall determine the matter by trial de novo and enter a decree in

accordance with the very right of the matter.

Sec. 8-a6. Filing of records. When any territory has been annexed to or severed from any city or town the clerk thereof shall make and certify a transcript of such part of the records of such city or town as shows the final action of the council and shall file the same for record in the office of the recorder of the county in which the city or town is located and also in the office of the secretary of state. And in like manner the clerk of the district court shall make and file a certified copy of the record of the final action of the court on such proceedings and when such certified copies have been filed the annexation or severance, as the case may be, shall be complete and all persons shall be bound to take notice thereof.

That section three thousand four hundred ninety-seven (3497) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 9. Changing name - question submitted. The corporate name of any city or town may be changed as follows: The council may, by resolution, propose such change of name, setting forth therein the proposed new name, which shall not be the same as that of any city, town, or postoffice existing in the state at the time of the passage of such resolution. The question shall then be submitted to a vote of the qualified electors at the next regular city or town election, or at a special election, as the council may provide. Notice that a change of name is to be voted on at any election shall be published in a newspaper published in said city or town; if none be republished then in one published in the county or counties in which said city or town is situated.

That section three thousand five hundred four (3504) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 10. Officers elected - ordinances - resubmission. If a majority of the votes cast be in favor of the adoption of the proposition, the charter shall be abandoned. Prior to the holding of the next succeeding city election, the mayor shall issue his proclamation and an election shall be held and officers chosen in the city or town under the provisions of the chapter relating to the election of officers for cities or towns, of the class to which the corporation will belong when the charter is abandoned. Upon the election and qualification of such officers, the charter of the city or town shall be deemed abandoned, and it shall be held organized under this chapter. All ordinances in force at the time of the abandonment of the charter not inconsistent or in conflict with the laws of the state shall remain in force until amended or repealed. If a majority of the votes be against the abandonment of the charter, the question shall not be again submitted until after the expiration of one (1) year from the time of such election.

Approved April 21, 1924.

CHAPTER 102

25

MUNICIPAL CORPORATIONS

H. F. 154

AN ACT to amend, revise, and codify sections three thousand five hundred eight (3508), three thousand five hundred nine (3509), three thousand five hundred eleven (3511) to three thousand five hundred eighteen (3518), inclusive,