

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,

three thousand five hundred twenty-one (3521), three thousand five hundred twenty-two (3522), three thousand five hundred thirty (3530) to three thousand five hundred thirty-three (3533), inclusive, three thousand five hundred thirty-five (3535), three thousand five hundred thirty-six (3536), three thousand five hundred forty-one (3541), three thousand five hundred fifty (3550), three thousand five hundred fifty-one (3551), three thousand five hundred fifty-three (3553), three thousand five hundred fifty-four (3554), three thousand six hundred forty (3640), and three thousand seven hundred sixty-six (3766) of the compiled code of Iowa and section thirty-five hundred eleven-a one (3511-a1) of the supplement to said code, relating to municipal corporations.

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

That sections three thousand five hundred eight (3508) and three thousand five hundred nine (3509) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Change of class - loss of population. Within six (6) months after the publication of any state or federal census, the executive council shall cause a statement and list of each city or town affected thereby in its class as a corporation to be published in some newspaper at the seat of government and in each city or town, the class of which is changed. No city shall be affected in its classification by a subsequent loss of population, unless, in a city of the second class, it shall have dropped below fifteen hundred (1,500) or in a city of the first class, below ten thousand (10,000).

Sec. 2. Necessary ordinances to be passed. Before the next election in a city or town after a change of class, the council shall make and publish such ordinances as may be necessary to perfect such organization in respect to the election, duties, and compensation of officers. All assets and property of the corporation shall be held and administered as provided by law for its new class as a corporation. Upon the change of a town to a city, the council shall, for the purpose of holding the first election, divide the same into wards.

That sections three thousand five hundred eleven (3511) to three thousand five hundred eighteen (3518), inclusive, three thousand five hundred fifty-three (3553), and three thousand five hundred fifty-four (3554) of the compiled Code of Iowa and section thirty-five hundred eleven-a one (3511-a1) of the supplement to said Code, are amended, revised, and codified to read as follows:

Sec. 3. Regular elections - qualifications of voters. Regular city and town elections shall be held on the last Monday in March, and elective officers shall be chosen biennially to succeed officers whose terms expire. The voting places shall be fixed by the council, at least one (1) polling place for each precinct or ward as the case may be, and the election shall be conducted in the manner provided by law for general elections.

Sec. 3-a1. Residence in precinct - exception. Each qualified elector may vote at said election, who, for ten (10) days has been a resident of the precinct in which he offers to vote. Electors who are registered, and otherwise qualified and who change residence from the precinct where registered to another precinct within ten (10) days preceding the election, may vote in the precinct where registered except at elections when council-

men are to be elected by the voters of a ward or district.

Sec. 4. Tie votes - contesting elections. A tie vote for any city or town office shall be determined as provided in the title on elections. The election of any person to a city or town office may be contested on the same grounds and in the same manner provided for contesting elections to county offices, so far as applicable. The mayor shall be the presiding officer of the court, but if his election is contested, the council shall select one (1) of its members to act in his place.

Sec. 5. Qualifications of officers. Every officer elected or appointed in a city or town shall be a qualified voter thereof, and every officer elected by any ward or district of a city or town shall reside within the limits of said ward or district.

Sec. 6. Council - how composed - election. Councils shall be composed in towns, of five (5) councilmen at large, and in cities, except as otherwise provided, of two (2) councilmen at large and one (1) councilman from each ward; but if any city embraces within its limits the whole or part of two (2) or more townships, two (2) of which parts contain one thousand (1,000) or more electors, only one (1) councilman at large shall be chosen from any one (1) township.

Sec. 7. Officers elected by entire electorate. In all cities and towns, the mayor, treasurer, and assessor, and in cities of the first class, the solicitor, auditor, city engineer, and where there is no municipal or superior court, the police judge, shall be elected by the entire electorate.

That section three thousand five hundred twenty-one (3521) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 8. Officers appointed by the mayor. The officers to be appointed by the mayor shall be:

1. A marshal, and such police and other officers as may be provided by ordinance; and in emergencies such special policemen as he may think proper, reporting such appointments to the council at its next regular meeting. Such special appointments shall continue in force until such meeting, unless sooner terminated by the mayor.

2. A health physician.

3. A street commissioner, but if there is a board of public works, such board shall make such appointment.

4. In cities of the first class, when necessary, a wharfmaster.

That sections three thousand five hundred thirty (3530) to three thousand five hundred thirty-three (3533), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 9. Depository - daily balances - interest. Treasurers of cities and towns shall, with the approval of the council as to place and amount of deposit, by resolution entered of record, deposit city and town funds in any bank or banks in the city or town to which the funds belong, at interest at the rate of not less than two and one-half per cent ($2\frac{1}{2}\%$) per annum on ninety per cent (90%) of the daily balances, payable at the end of each month. Interest shall accrue to the benefit of the general fund.

Sec. 10. Bond - action on bond. Before such deposit is made in any bank, it shall file a bond in a sum to be fixed by the council, which shall

not be less than double the amount which it is estimated will be on deposit at any one (1) time, with sureties to be approved by the treasurer and city council and conditioned to hold the treasurer harmless from all loss by reason thereof, provided that in case an approved surety company's bond is furnished, such bond may be accepted in an amount ten per cent in excess of the estimated deposits. All bonds shall be filed with the city clerk and action thereon may be brought by the treasurer or the city, as the council may elect.

Sec. 11. Failure of local bank to accept funds. If no such bank will accept said deposits, under the conditions set forth, then said funds may be deposited in any bank in the state which will accept them under said conditions.

Sec. 12. Private use of funds prohibited. No treasurer shall loan or in any manner use for private purposes any funds coming into his hands as treasurer.

Sec. 13. Expense of bond. If the treasurer request it, the city or town shall pay the reasonable expense of procuring the bond for the city treasurer, at a premium not exceeding one-half (1/2) of one per cent (1%) per annum of the amount thereof.

That sections three thousand five hundred twenty-two (3522), three thousand five hundred thirty-five (3535) and three thousand five hundred thirty-six (3536) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 14. Marshal - duties. The marshal shall be ex officio chief of police and may appoint one (1) or more deputy marshals, who may perform his duties, and who, in cities of the first class, shall be members of the police force. He shall have the supervision and general direction of the police force, and shall be the ministerial officer of the corporation. He shall attend upon the sittings of the mayor's and police court, execute within the county and return all writs and other processes directed to him from the mayor's and police court, suppress all riots, disturbances, and breaches of the peace, arrest all disorderly persons in the city or town and all persons committing any offense against the ordinances thereof, and forthwith bring such persons before the proper court for examination or trial. He shall pursue and arrest any person fleeing from justice, and shall diligently enforce all laws, ordinances, and regulations for the preservation of the public welfare and good order, and shall have the same powers and duties as constables in similar cases.

That sections three thousand five hundred forty-one (3541), three thousand six hundred forty (3640), and three thousand seven hundred sixty-six (3766) of the compiled Code of Iowa are amended, revised and codified to read as follows:

Sec. 15. Powers of council and officers. All legislative and other powers granted to cities and towns shall be exercised by the councils, except those conferred upon some officer by law or ordinance. All executive functions and powers shall be exercised by the mayor and other officers and boards, and neither the council nor the members thereof shall exercise any executive function unless expressly conferred by law.

Sec. 16. City and town councils - duties and powers. City and town councils shall:

1. Organization - quorum. On the first Monday after their election, assemble at 12 o'clock noon and organize. A majority of the whole number of members to which the corporation is entitled shall be necessary to constitute a quorum.
2. Meetings. Determine the time and place of holding their meetings which shall at all times be open to the public, and in the absence of the mayor or clerk appoint a temporary chairman or clerk, as the case may be, from their own number, which appointment shall be entered of record.
3. Special meetings. Hold special meetings when called by the mayor or any three (3) members of the council. Notice thereof shall be given personally or left at the usual place of residence of each member of the council, and a record of the service of notice made by the clerk.
4. Rules - journal. Determine the rules of their own proceedings, and cause to be kept a journal thereof which shall be open to public inspection.
5. Attendance of members. Have power to compel the attendance of absent members in such manner and under such penalties as they may prescribe.
6. Seal. Cause to be provided a seal in the center of which shall be the name of the city or town, and around the margin the words "city seal" or "town seal", as the case may be, which shall be affixed to all transcripts, orders, or certificates which it may be necessary or proper to authenticate.
7. Election of officers. Make, viva voce, all appointments or election of officers, except for the purpose of filling vacancies in offices not filled by election by the council, and a concurrence of a majority of the whole number of members of the council shall be required. On the vote resulting in an election or appointment, the name of each member and for whom he voted shall be recorded.
8. Election for filling vacancies. Elect by ballot persons to fill vacancies in offices not filled by election by the council, and the person receiving a majority of the votes of the whole number of members shall be declared elected to fill the vacancy.
9. Terms of officers. Fix by ordinance the terms of service which shall not exceed two (2) years, of all officers whose terms are not prescribed by law.
10. Powers of officers. Prescribe by ordinance the powers to be exercised and duties performed by officers in so far as such powers and duties are not defined by law.
11. Police force. Have power to establish a police force and organize the same under the general supervision of the marshal, and to provide one (1) or more stationhouses.
12. Custody of women and children. Appropriate annually in cities having a population of twenty-five thousand (25,000) inhabitants or more, such sums as may be necessary to secure separate care and confinement in stationhouses of all women and children under arrest, and for the appointment, salaries, and maintenance of police matrons.
13. Community civic congress. In any city or town erecting a soldiers', sailors', and marines' memorial building, appoint a community civic congress to serve without compensation, composed of three (3) residents especially fitted for and interested in community work, who may cooperate with the council in all matters pertaining to community improvement, child welfare, social, and recreational activities. Such congress may be appointed in any city or town.
14. Control of finances. Provide for the management and control of the finances and of the property, real and personal, belonging to the city or town.

15. Advertise for supplies. In cities, advertise in at least two (2) newspapers published and of general circulation in the city for three (3) weeks by one (1) insertion in each newspaper per week, for bids for furnishing all supplies for the several departments of the city not required to be advertised for by the board of public works. The last publication of said advertisement shall be two (2) weeks before the beginning of the fiscal year.

16. Appropriations. Make separate appropriations in cities for all the different expenditures of the city government for each fiscal year at or before the beginning thereof, and it shall be unlawful for it or any officer, agent, or employee of the city to issue any warrant, enter into any contract, or appropriate any money in excess of the amount thus appropriated during the year for which the appropriation is made. No city shall appropriate in the aggregate an amount in excess of its annual legally authorized revenue, but cities may anticipate their revenues for the year for which appropriation is made, or bond or refund their outstanding indebtedness.

That sections three thousand five hundred fifty (3550) and three thousand five hundred fifty-one (3551) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 17. No change of compensation during term. No member of any city or town council shall, during the time for which he has been elected, be appointed to any municipal office which has been created or the emoluments of which have been increased during the term for which he was elected, nor shall the emoluments of any city or town officer be changed during the term for which he has been elected or appointed, unless the office be abolished. No person who shall resign or vacate any office shall be eligible to the same during the time for which he was elected or appointed, when, during the time, the emoluments of the office have been increased.

Approved February 27, 1924.

CHAPTER 103
MUNICIPAL CORPORATIONS

S. F. 155

AN ACT to amend, revise, and codify chapter five (5) of title thirteen (13) of the compiled code of Iowa and of the supplement to said code, and section forty-two hundred thirty-two (4232) of the compiled code of Iowa, and sections forty-two hundred ninety-seven-a one (4297-a1) to forty-two hundred ninety-seven-a nineteen (4297-a19), inclusive, of the supplement to said code, relating to municipal corporations.

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

That chapter five (5) of title thirteen (13) of the compiled Code of Iowa and of the supplement to said Code, and section forty-two hundred thirty-two (4232) of the compiled Code of Iowa, and sections forty-two hundred ninety-seven-a one (4297-a1) to forty-two hundred ninety-seven-a nineteen (4297-a19), inclusive, of the supplement to said Code are amended, revised, and codified to read as follows: