

Sec. 9. Trust created. Said certificates or bonds and interest thereon shall be secured by said assessments and levies, and shall be payable only out of the respective funds named, pledged to the payment of the same, and no certificates or bonds shall be issued in excess of taxes authorized and levied to secure the payment of the same. It shall be the duty of said city to collect said several funds with interest thereon, and to hold the same separate and apart, in trust, for the payment of said certificates or bonds and interest, and to apply the proceeds of said funds pledged for that purpose to the payment of said certificates or bonds and interest.

Approved March 31, 1924.

CHAPTER 124

MUNICIPAL CORPORATIONS

S. F. 182

AN ACT to amend, revise, and codify sections four thousand two hundred ninety-nine (4299), four thousand three hundred six (4306), four thousand three hundred ten (4310), four thousand three hundred eighteen (4318), four thousand three hundred twenty (4320) to four thousand three hundred twenty-two (4322), inclusive, four thousand three hundred twenty-four (4324), four thousand three hundred twenty-five (4325), four thousand three hundred twenty-seven (4327), four thousand three hundred thirty (4330), four thousand three hundred thirty-six (4336), four thousand three hundred forty-five (4345), four thousand three hundred forty-six (4346), four thousand three hundred forty-eight (4348) to four thousand three hundred fifty (4350), inclusive, four thousand three hundred fifty-two (4352) to four thousand three hundred fifty-five (4355), inclusive, four thousand three hundred fifty-seven (4357), four thousand three hundred fifty-nine (4359) to four thousand three hundred sixty-one (4361), inclusive, four thousand three hundred sixty-four (4364), four thousand three hundred sixty-five (4365), four thousand three hundred sixty-nine (4369), four thousand three hundred seventy-nine (4379) to four thousand three hundred eighty-three (4383), inclusive, four thousand three hundred ninety-two (4392) to four thousand three hundred ninety-five (4395), inclusive, four thousand four hundred (4400) to four thousand four hundred two (4402), inclusive, four thousand four hundred four (4404), four thousand four hundred six (4406) to four thousand four hundred eight (4408), inclusive, four thousand four hundred ten (4410), four thousand four hundred twelve (4412) to four thousand four hundred fourteen (4414), inclusive, four thousand four hundred seventeen (4417), four thousand four hundred forty (4440) to four thousand four hundred forty-four (4444), inclusive, of the compiled code of Iowa, and sections four thousand three hundred twenty-three (4323), four thousand three hundred twenty-eight (4328), four thousand three hundred twenty-nine (4329), four thousand three hundred forty-seven (4347), four thousand three hundred fifty-one (4351), four thousand three hundred fifty-six (4356), four thousand three hundred fifty-eight (4358), four thousand three hundred seventy-eight (4378), four thousand three hundred ninety-four-a one (4394-al), four thousand four hundred nine (4409), four thousand four hundred forty-a one (4440-al), four thousand four hundred sixty-eight (4468), and four thousand four hundred sixty-eight-a one (4468-al) of the supplement to said code, relating to municipal corporations, and to repeal section four thousand eighty-five (4085) of the compiled code, relating to plats.

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

That section four thousand two hundred ninety-nine (4299) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. General provisions not applicable. The provisions of this chapter shall apply only to cities acting under special charters, and no provisions of this Code, nor laws hereafter enacted, relating to the powers, duties, liabilities, or obligations of cities or towns, shall in any manner affect, or be construed to affect, cities while acting under special charters, unless the same have special reference or are made applicable to such cities. In all laws hereafter enacted such reference or application shall be in a separate section in the act.

That section four thousand three hundred six (4306) of the compiled Code of Iowa, and section four thousand three hundred fifty-six (4356) of the supplement to said Code, are amended, revised, and codified to read as follows:

Sec. 2. Definition. Whenever the words "cities organized under the general law" appear in this chapter, they refer to the law for cities organized under chapter one (1) of this title.

Sec. 3. Police matrons. Police matrons shall be appointed and paid the same compensation as in cities organized under the general law. Such appointees shall be, so far as applicable, subject to the same regulations and restrictions as policemen in such cities.

That section four thousand three hundred ten (4310) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 5. Deposit city funds. The treasurer shall deposit city funds in his possession in the same manner and under the same terms as treasurers in cities organized under the general law.

Sec. 5-a. Expense of treasurer's bond. If the treasurer shall request it, the city shall pay the reasonable expense of procuring a bond for the treasurer, not to exceed one-half ($1/2$) of one per cent (1%) per annum upon the amount thereof.

That sections four thousand three hundred eighteen (4318), four thousand three hundred twenty-one (4321), four thousand three hundred twenty-two (4322), and four thousand three hundred twenty-four (4324) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 6. Ordinances and resolutions. Ordinances and resolutions shall be adopted and signed, recorded, published, and evidenced and be subject to veto by the mayor as in cities organized under the general law.

Sec. 6-a. Fines recovered. Fines and penalties may in all cases be recovered by action before a justice of the peace or other court of competent jurisdiction, and in the name of the proper municipal corporation. In any such action, where pleading is necessary, it shall be sufficient to declare generally for the amount claimed to be due in respect to the violation of the ordinance, referring to its title and the date of its adoption or passage, and showing, as near as may be, the facts of the alleged violation. All fees, fines, forfeitures, costs and expenses collected shall be turned over to the city treasurer by the officer collecting the same on or before the 10th day of each succeeding month, and the city treasurer shall forthwith pay to the county treasurer for the benefit of the school fund the portion of fines and forfeitures collected for the violation of state laws.

Sec. 7. Prosecutions. In any prosecution or proceeding for the violation of any ordinance, the defendant shall not be entitled to a trial by jury or to a change of venue, except on appeal, but shall be tried by the court or magistrate before when the action is commenced; except in cities where a municipal court has been established, when such trials shall be governed by the law applicable to municipal courts.

That sections four thousand three hundred twenty (4320) and four thousand three hundred twenty-five (4325) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 8. Limitation of prosecutions. All suits for the recovery of fines and prosecutions for the commission of offenses made punishable as herein provided, shall be barred in one (1) year after the commission of the offense for which the fine is sought to be recovered or the prosecution is commenced.

Sec. 9. Municipal courts. The law relative to municipal courts shall apply to special charter cities.

That sections four thousand three hundred twenty-seven (4327), and four thousand three hundred thirty (4330) of the compiled Code of Iowa, and sections four thousand three hundred twenty-eight (4328), and four thousand three hundred twenty-nine (4329) of the supplement to said Code are amended, revised, and codified to read as follows:

Sec. 10. Juvenile playgrounds. The law relative to juvenile playgrounds in cities organized under the general law shall apply to special charter cities.

Sec. 11. City halls. The law relative to city halls in cities organized under the general law shall apply to special charter cities.

Sec. 12. Public libraries. The law relative to public libraries in cities organized under the general law shall apply to special charter cities.

Sec. 13. Soldiers', sailors', and marines' memorial buildings. The law relative to soldiers', sailors', and marines' memorial buildings in cities organized under the general law shall apply to special charter cities.

Sec. 13-a1. Chapter 5 of this title as amended, revised and codified by the Extra Session of the 40th General Assembly shall apply to cities acting under special charter except those parts thereof specially applicable to cities having a population of more than 100,000.

That sections four thousand three hundred forty-five (4345), four thousand three hundred forty-six (4346), four thousand three hundred forty-eight (4348) to four thousand three hundred fifty (4350), inclusive, four thousand three hundred fifty-two (4352) to four thousand three hundred fifty-five (4355), inclusive, four thousand three hundred fifty-seven (4357), four thousand three hundred fifty-nine (4359) to four thousand three hundred sixty-one (4361), inclusive, four thousand three hundred thirty-six (4336), four thousand four hundred twelve (4412) to four thousand four hundred fourteen (4414), inclusive, and four thousand four hundred forty (4440) to four thousand four hundred forty-two (4442), inclusive, of the compiled Code of Iowa, and sections four thousand three hundred forty-seven (4347), four thousand three hundred fifty-eight (4358), four thousand three hundred twenty-three (4323), four thousand three hundred fifty-one (4351), four thousand three hundred seventy-eight (4378), and four thousand four hundred forty-a one (4440-a1) of the supplement to said Code, are amended, revised, and codified to read as follows:

Sec. 14. General powers. Chapter eight (8) of this title, and sections forty-two hundred thirteen-a twenty-three (4213-a23) to forty-two hundred thirteen-a twenty-five (4213-a25), inclusive, of the supplement to the compiled Code of Iowa, are applicable to special charter cities.

Sec. 17. Bonds and certificates. Chapter thirty-four (34) of this title is applicable to special charter cities.

Sec. 18. Limitation of action. No action shall be brought questioning the legality of any bond or certificate authorized in the preceding section, or any other bond or certificate authorized by this chapter, from and after three (3) months from the time the same are ordered issued by the proper authority.

Sec. 19. Smoke nuisance. The emission of dense smoke within the corporate limits of special charter cities having a population of sixteen thousand (16,000) or over is hereby declared a nuisance.

Sec. 20. Streets and public grounds. Chapter twenty-two (22) of this title, except sections three thousand eight hundred twenty-four (3824) and three thousand eight hundred twenty-five (3825) are applicable to special charter cities.

Sec. 21. Application of certain terms. Whenever the words "boards of supervisors", "county auditor or recorder of deeds", and "county treasurer" are used in any section made applicable by this chapter to special charter cities, the words "city council", "city clerk" or "city recorder", and "city collector or treasurer" shall be respectively substituted. This section shall not be construed as depriving boards of supervisors, county auditors and county treasurers of their powers to spread tax levies and collect taxes certified by cities acting under special charter as provided in section forty-four hundred twenty-nine (4429) of the compiled Code.

Sec. 22. Permanent sidewalks. Special charter cities having a population of twenty-five thousand (25,000) or over may confer upon the park commission by ordinance, the right to determine the location of permanent sidewalks outside lot or property lines, and upon the public streets.

Sec. 23. Regulations of electric wires. Special charter cities shall have power to regulate telegraph, district telegraph, telephone, street car, electric light and power poles, subways and wires, and provide the manner in which and the places where the same shall be placed, including the right to construct subways under and erect poles upon and along the streets, alleys, and public places; and to compel companies having wires on the same street or alley to use the same poles or subways upon reasonable terms.

That section four thousand three hundred sixty-nine (4369) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 24. Street railways. Chapter thirty (30) of this title is applicable to special charter cities.

That sections four thousand three hundred ninety-two (4392), four thousand three hundred sixty-four (4364), four thousand three hundred sixty-five (4365), four thousand three hundred seventy-nine (4379) to four thousand three hundred eighty-three (4383), inclusive, four thousand three hundred ninety-three (4393) to four thousand three hundred ninety-five (4395), inclusive, four thousand four hundred (4400) to four thousand four hundred two (4402), inclusive, of the compiled Code of Iowa, and section four thousand three hundred ninety-four-a one (4394-a1) of the supplement to said Code, are amended, revised, and codified to read as follows:

Sec. 26. Street improvements and sewers. Chapter twenty-three (23) of this title is applicable to special charter cities in so far as the subject matter of said chapter is not specifically provided for in this chapter.

Sec. 27. Plat and estimate. Before the council orders any street improved or sewer constructed, it shall direct the engineer to prepare a plat, showing the location and general nature of the improvement, the extent thereof, the kinds of material, or, in case of sewers, the size and kinds of material to be used, and an estimate of the cost thereof, and the amount assessable upon any railway or street railway and upon each lot or parcel of land adjacent to such improvement or sewer per square foot in area, and file such plat and estimate in the office of the clerk or recorder.

Sec. 28. Publication of notice. Notice of its intention to make such improvement or sewer shall be published by the city clerk or recorder in three (3) consecutive issues of a newspaper of such city, stating that such plat is on file, and, generally, the nature of the improvement, its location, the kinds of material to be used, and the estimate of its cost, and fixing the time before which objections thereto can be filed, which time shall not be less than five (5) days after the last publication of such notice.

Sec. 29. Passage of resolution. The council, after considering such objections, shall determine what changes, if any, shall be made in the plan shown by such plat, and may, by resolution, order such improvement or sewer, prescribing generally the extent of the work, the kinds of material, and in case of sewers, the size and kinds of material to be used, when the work shall be completed, the terms of payment, and provide for the publication of notice asking proposals for doing such work, and the time the same will be acted upon.

Sec. 30. Street improvement fund. When the whole or any part of the cost of the making or reconstruction of any street improvement shall be ordered paid from the city improvement or grading fund, it shall have power, after the completion of the work, by resolution, to levy at one time, the whole or any part of the cost of such improvement upon all the taxable property within such city, and determine the whole percentage of taxes necessary to pay the same, and the percentage to be paid each year, not exceeding the maximum annual limit of said taxes, and the number of years, not exceeding ten (10), given for the maturity of each installment thereof; but no part of such cost shall be levied against any property owned by the city, county, or state.

Sec. 31. Sewer fund. When the whole or any part of the cost of the making or reconstruction of any sewer shall be ordered paid from the district or city sewer fund, the council may, after the completion, by resolution, levy at one time, the whole or any part of the cost of such sewer upon all taxable real property within such sewer district or within the city, and determine the whole percentage of taxes necessary to pay the same, and the percentage to be paid each year, not exceeding the maximum annual limit of said taxes, and the number of years, not exceeding ten (10) given for the maturity of each installment; but no part of such cost shall be levied against the property owned by the city, county, or state.

Sec. 32. Certificates of levies. Certificates of levies provided for in the two (2) preceding sections shall be filed with the collector or treasurer, setting forth the amount or percentage and maturity of said taxes and each installment thereof, with a sufficient description of the boundaries of the particular sewer district, and of the real property of the sewer district or city upon which taxes are levied; duly certified as correct by the clerk or recorder, and thereupon said taxes shall be placed on the tax books of the city and collected as provided for the collection of other special taxes.

Sec. 33. Sewer outlets and purifying plants. Special charter cities may acquire real estate and easements therein for constructing and maintaining sewer outlets and purifying plants as authorized in cities organized under the general law.

That sections four thousand four hundred four (4404), four thousand four hundred six (4406), and four thousand four hundred seven (4407) of the compiled Code of Iowa, are amended, revised, and codified to read as follows:

Sec. 34. Sewer bonds and certificates. Chapter twenty-six (26) of this title is applicable to special charter cities in so far as the subject matter of said chapter is not specifically provided for in this chapter.

That sections four thousand four hundred eight (4408) and four thousand four hundred ten (4410) of the compiled Code of Iowa, and section four thousand four hundred nine (4409) of the supplement to said Code are amended, revised, and codified to read as follows:

Sec. 35. Park commissioners. Chapter nine (9) of this title is applicable to special charter cities.

That section four thousand four hundred seventeen (4417) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 36. Condemnation of land. They shall have power to purchase and provide for the condemnation of, and pay for out of the general or grading fund, or assess and levy the whole or any part of the cost thereof upon the property benefited thereby, and enter upon and take any lands within or without the territorial limits of such city, for the following purposes:

1. For parks, commons, cemeteries, crematories, hospital grounds, natatoriums, or public baths.

2. For establishing, laying out, widening, straightening, narrowing, extending and lighting streets, avenues, highways, alleys, landing places, public squares, public grounds, public markets, or market places, and public slaughterhouses.

3. For obtaining gravel, stone, or other suitable material with which to improve their streets and alleys, including a suitable roadway thereto by the most reasonable route.

4. For any other purposes, where such purchase or condemnation is herein, or in the charters of such cities, or may hereafter be, authorized.

That sections four thousand four hundred forty-three (4443) and four thousand four hundred forty-four (4444) of the compiled Code of Iowa, are amended, revised, and codified to read as follows:

Sec. 37. Plats. Chapter thirty-five (35) of this title is applicable to special charter cities.

That sections four thousand four hundred sixty-eight (4468) and four thousand four hundred sixty-eight-a one (4468-a1) of the supplement to the compiled Code of Iowa, are amended, revised, and codified to read as follows:

Sec. 38. Pensions for disabled and retired firemen and policemen. Chapter thirty-seven-A (37-A) of this title is applicable to special charter cities.

Sec. 39. That section four thousand eighty-five (4085) of the compiled Code be and the same is hereby repealed.

Approved April 17, 1924.