

CHAPTER 100

HIGHWAYS

AN ACT to repeal sections forty-six hundred eighty-six (4686) and forty-eight hundred forty-three (4843), code, 1927, and to amend sections forty-five hundred sixty (4560), forty-six hundred seven (4607), forty-six hundred eight (4608), as amended by the forty-third (43rd) general assembly, chapter twenty (20), section sixty-seven (67), forty-six hundred fifty-seven (4657), forty-seven hundred fifty-five-b twenty-seven (4755-b27), forty-eight hundred thirty-one-b one (4831-b1), forty-eight hundred forty-two (4842), forty-eight hundred forty-seven (4847), forty-eight hundred sixty-two (4862), fifty-one hundred fifty-one (5151), fifty-five hundred fifty-six (5556), fifty-five hundred eighty-five (5585), code, 1927, and chapter twenty-two (22), acts of the forty-third (43rd) general assembly, and to repeal sections forty-six hundred twenty-seven (4627), forty-six hundred twenty-eight (4628), forty-six hundred twenty-nine (4629), forty-eight hundred thirty-four (4834), forty-eight hundred thirty-seven (4837), forty-eight hundred thirty-eight (4838), forty-eight hundred forty-five (4845), forty-eight hundred fifty-six (4856), forty-eight hundred fifty-seven (4857), forty-eight hundred fifty-eight (4858), code, 1927, and to enact substitutes therefor, relating to the establishment, vacation, alteration, change, construction, use, and maintenance of highways and to the funds and donations set apart and expended for highway purposes, to the duties of the state highway commission and other public officers and public employees with reference to highways, to obstructions in and along highways and the removal of such obstructions, and to coordinate and harmonize the law of this state on the subject of highways.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section forty-five hundred sixty (4560), code, 1927,
2 is amended by inserting in line two (2) and immediately before the
3 word "roads", the following word, to wit: "secondary".

1 SEC. 2. Section one (1) of chapter twenty-two (22), acts of the
2 forty-third (43rd) general assembly, is amended by striking from
3 line five (5) the words "county road" and by inserting in lieu thereof
4 the following words, to wit: "secondary road construction".

1 SEC. 3. Section forty-six hundred seven (4607), code, 1927, is
2 amended:

3 1. By inserting the word "secondary" in lines two (2), six (6),
4 and eight (8) immediately before the word "road".

5 2. By striking out in the last line the words "a public" and by
6 inserting in lieu thereof the word "such".

1 SEC. 4. Section forty-six hundred eight (4608), code, 1927, as
2 amended by the forty-third (43rd) general assembly, chapter twenty
3 (20), section sixty-seven (67), is amended by striking out all parts
4 of said section following the word "paid" in line three (3), and by
5 inserting in lieu thereof the following words, to wit: "from the sec-
6 ondary road funds."

1 SEC. 5. Sections forty-six hundred twenty-seven (4627), forty-
2 six hundred twenty-eight (4628), and forty-six hundred twenty-nine
3 (4629), code, 1927, are hereby repealed, and the following is enacted
4 in lieu thereof, to wit:

5 "4627. **Guide and warning signs.** Said commission shall establish,
6 erect and maintain a system of uniform guide and warning signs upon
7 the primary road system, and pay the necessary expense thereof from
8 the primary road fund."

1 SEC. 6. Section forty-six hundred fifty-seven (4657), code, 1927,
2 is amended:

3 1. By inserting in line six (6) and immediately before the word
4 "highways", the word "secondary".

5 2. By striking from lines eight (8), nine (9), and ten (10), the
6 following words, to wit:

7 "and to pay for the same out of the primary or county road funds".

8 3. By adding to said section the following words, to wit:

9 "and in either case pay for the same out of the secondary road
10 funds."

1 SEC. 7. Section forty-six hundred eighty-six (4686), code, 1927,
2 is hereby repealed.

1 SEC. 8. Section forty-seven hundred fifty-five-b twenty-seven
2 (4755-b27), code, 1927, is amended by inserting immediately after
3 the word "therefor" in line eight (8) the following words, to wit:

4 "and for the condemnation of land, including a sufficient roadway
5 to such land by the most reasonable route, for the purpose of obtain-
6 ing gravel or other suitable material with which to improve such
7 roads."

1 SEC. 9. Section forty-eight hundred thirty-one-b one (4831-b1),
2 code, 1927, is amended by striking from lines four (4) and five (5)
3 the words "county road fund" and by inserting in lieu thereof the
4 following words, to wit: "secondary road funds".

1 SEC. 10. Section forty-eight hundred thirty-four (4834), code,
2 1927, is repealed and the following is enacted in lieu thereof, to wit:
3 "4834. **Removal.** The state highway commission and the board
4 of supervisors shall cause all obstructions in highways, under their
5 respective jurisdictions, to be removed."

1 SEC. 11. Section forty-eight hundred thirty-seven (4837), code,
2 1927, is repealed and the following is enacted in lieu thereof, to wit:
3 "4837. **Refusal to remove.** All such fences and poles shall, within
4 the time named, be removed to such line on the highway as the state
5 highway engineer or county engineer may designate, as the case may
6 be. If there be no county engineer, the board of supervisors, in case
7 of secondary roads, shall designate said line. If not so removed, the
8 public authorities may forthwith remove them."

1 SEC. 12. Section forty-eight thirty-eight (4838), code, 1927, is
2 repealed and the following is enacted in lieu thereof, to wit:

3 "4838. **New lines.** New lines, or parts of lines hereafter con-
4 structed, shall, in case of secondary roads, be located by the county
5 engineer upon written application filed with the county auditor, and
6 in case of primary roads, by the state highway engineer upon written
7 application filed with the state highway commission, and shall there-
8 after be removable according to the provisions of this chapter. If
9 there be no county engineer, the board of supervisors, in case of
10 secondary roads, shall designate said location."

1 SEC. 13. Section forty-eight hundred forty-two (4842), code, 1927,
2 is amended by striking out the first line thereof and by inserting in
3 lieu thereof the following, to wit:

4 "The state highway commission, and the board of supervisors".
 5 Said section is farther amended by striking out the following words,
 6 to wit:
 7 "including the county, in case the action is brought by the trustees."

1 SEC. 14. Section forty-eight hundred forty-three (4843), code,
 2 1927, is hereby repealed.

1 SEC. 15. Section forty-eight hundred forty-five (4845), code, 1927,
 2 is repealed and the following is enacted in lieu thereof, to wit:

3 "4845. **Enforcement.** Boards of supervisors and county attorneys
 4 as to secondary roads, and the state highway commission and the
 5 attorney general as to primary roads, shall enforce the last preceding
 6 section by appropriate civil or criminal proceeding or by both such
 7 proceedings."

1 SEC. 16. Section forty-eight hundred forty-seven (4847), code,
 2 1927, is amended by striking out paragraphs numbered one (1), two
 3 (2), and three (3), and by inserting in lieu thereof the following,
 4 to wit:

5 "1. By the state highway commission, in case of primary roads.
 6 2. By the board of supervisors, in case of secondary roads."

1 SEC. 17. Sections forty-eight hundred fifty-six (4856), forty-eight
 2 hundred fifty-seven (4857), and forty-eight hundred fifty-eight
 3 (4858), code, 1927, are repealed and the following is enacted in lieu
 4 thereof:

5 "4858. **Water and gas mains, sidewalks, and cattleways.** The state
 6 highway commission in case of primary roads, and the board of super-
 7 visors in case of secondary roads, on written application designating
 8 the particular highway and part thereof, the use of which is desired,
 9 may grant permission:

10 1. To lay gas and water mains in highways outside cities and
 11 towns.
 12 2. To construct and maintain cattleways over or under such high-
 13 ways.
 14 3. To construct sidewalks on and along such highways."

1 SEC. 18. Section forty-eight hundred sixty-two (4862), code, 1927,
 2 is amended by striking out the last sentence thereof and by inserting
 3 in lieu thereof the following:

4 "It shall be the duty of the state highway commission and of the
 5 board of supervisors, as regards the highways under their respective
 6 jurisdictions, to enforce the provisions of this section and the laws
 7 relating thereto."

1 SEC. 19. Section fifty-one hundred fifty-one (5151), code, 1927,
 2 is amended by striking out paragraph fifteen (15) thereof and by
 3 inserting in lieu thereof the following:

4 "15. The amount of warrants drawn on each of the various funds
 5 of the county."

1 SEC. 20. Section fifty-five hundred fifty-six (5556), code, 1927,
 2 is amended by striking out all of line five (5).

1 SEC. 21. Section fifty-five hundred eighty-five (5585), code, 1927,

2 is amended by striking out the last sentence thereof and by inserting
3 in lieu thereof the following:

4 "All license fees shall be paid to the township clerk who shall in
5 return pay the same to the county treasurer who shall issue duplicate
6 receipts therefor, one of which shall be filed with the county auditor.
7 Said fees shall be credited to the secondary road maintenance fund."

Senate File No. 139. Approved May 8, 1931.

CHAPTER 101

SECONDARY ROAD FUND

AN ACT to amend section eleven (11) of chapter twenty (20) of the laws of the forty-third general assembly, relating to the use of secondary road construction fund.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. That section eleven (11) of chapter twenty (20), acts
2 of the forty-third general assembly, be amended by adding thereto
3 the following:

4 7. To the payment of county road bonds authorized under chap-
5 ter two hundred forty-two (242) code of 1927, or 1924, prior to
6 July 4, 1929.

1 SEC. 2. This act is deemed of immediate importance and shall be
2 in force and effect from and after its publication in two newspapers
3 of this state as provided by law.

Senate File No. 16. Approved March 2, 1931.

I hereby certify that the foregoing act was published in the Des Moines Daily Record March 5, 1931, and the Des Moines Plain Talk March 5, 1931.

G. C. GREENWALT, *Secretary of State.*

CHAPTER 102

SECONDARY ROADS

AN ACT to amend chapter twenty (20) of the laws of the forty-third general assembly relating to the improvement of secondary roads.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. That section thirty-five (35) of chapter twenty (20)
2 of the laws of the forty-third general assembly, is hereby amended
3 by inserting after the word "roads" and preceding the period (.) in
4 line three (3) of said section, the following: "to be paid for from
5 the thirty-five per cent of the secondary road construction fund which
6 is dedicated to local county roads".

1 SEC. 2. That section thirty-five (35) of chapter twenty (20) of
2 the laws of the forty-third general assembly, is amended by adding
3 preceding the period (.) in line five (5) of said section, the following:
4 "except as it applies to the sixty-five (65) per cent of the secondary
5 road construction fund to be expended under the direction of the
6 board of supervisors."