

CHAPTER 172

FLOOD PROTECTION IN CITIES AND TOWNS

H. F. 8

AN ACT to amend chapter three hundred ninety-five (395), Code 1946, relating to protection from floods by cities and towns, by amending sections three hundred ninety-five point one (395.1), three hundred ninety-five point two (395.2), three hundred ninety-five point twelve (395.12), three hundred ninety-five point eighteen (395.18), and three hundred ninety-five point twenty-five (395.25), and by adding additional provisions to said chapter.

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

1 SECTION 1. Section three hundred ninety-five point one (395.1),
 2 Code 1946, is amended by striking all of said section and by sub-
 3 stituting in lieu thereof the following: "Cities and towns are hereby
 4 empowered to establish a flood control system for the protection or
 5 reclamation of property situated within the limits of such cities or
 6 towns, from floods or highwaters and to protect property in such
 7 cities from the effects of flood water, whenever the establishment of
 8 such a flood control system shall, in the judgment of the city council,
 9 or other governing body, of such city, be conducive to public conven-
 10 ience and welfare, and such cities and towns may in accordance with
 11 the provisions of this chapter, deepen, widen, straighten, alter, change,
 12 divert, or otherwise improve watercourses within their limits, by
 13 constructing levees, embankments, or conduits, and improve, widen
 14 and establish streets, alleys, and boulevards across and adjacent to
 15 the abandoned or new channel or conduit and provide for the pay-
 16 ment of the cost and maintenance of such flood control activities under
 17 the terms of this chapter.

18 "The establishment, construction and operation of a flood control
 19 system as authorized by this section is declared to be a local improve-
 20 ment, conferring special benefits upon property affected thereby."

1 SEC. 2. Section three hundred ninety-five point two (395.2), Code
 2 1946, is amended by adding after the word "may" in line one (1) the
 3 following: ", acquire by gift"; and by striking from line three (3)
 4 the words "outside of" and by substituting in lieu thereof the words
 5 "within or without"; and by adding to said section the following:
 6 "All provisions of the law relating to the condemnation of lands for
 7 public purposes shall apply to the provisions hereof in and so far as
 8 applicable."

1 SEC. 3. Section three hundred ninety-five point twelve (395.12),
 2 Code 1946, is amended by striking from line seven (7) thereof the
 3 figures "391.37" and by substituting in lieu thereof the words and
 4 figures "391.34 to 391.37 inclusive".

1 SEC. 4. Section three hundred ninety-five point eighteen (395.18),
 2 Code 1946, is amended by striking all of said section and by substitut-
 3 ing in lieu thereof the following: "The title to all lands purchased,
 4 condemned or donated hereunder for the purposes of establishing a
 5 flood control system for the protection or reclamation of property
 6 shall be taken in the name of the city or town and if thereafter
 7 it shall be deemed advisable to sell any portion of the land purchased,

8 condemned or otherwise acquired, the proceeds of such sale shall be
 9 placed to the credit of the flood control system and shall be applied to
 10 the cost of construction and operation of the system. Any income
 11 from any such lands, while title is held by the city or town shall be
 12 placed to the credit of the flood control system and shall be applied to
 13 the cost of the construction and operation of the system."

1 SEC. 5. Section three hundred ninety-five point twenty-five
 2 (395.25), Code 1946, is amended by striking from lines one (1) and
 3 two (2) thereof the words "Cities having twenty-five thousand popu-
 4 lation or more" and by substituting in lieu thereof the following:
 5 "Cities and towns and special charter cities".

1 SEC. 6. Chapter three hundred ninety-five (395), Code 1946, is
 2 amended by adding thereto the following: "Any city or town that
 3 shall establish a flood control system pursuant to this chapter may for
 4 the purpose of providing funds for the operation and maintenance
 5 thereof levy an annual special assessment against all real property
 6 in the area comprising the improvement district. Such special assess-
 7 ment shall be apportioned among the several lots or parcels of real
 8 property in the benefited area, in proportion to the benefit conferred.
 9 Such special assessment for the operation and maintenance of any
 10 flood control system authorized by this chapter shall be made in the
 11 same limitations as required by this chapter for the original special
 12 assessment for any such improvement."

1 SEC. 7. Chapter three hundred ninety-five (395), Code 1946, is
 2 further amended by adding thereto the following: "All special as-
 3 sessments for the purpose of providing funds for the operation and
 4 maintenance of a flood control system shall be levied at one time by
 5 resolution of the council on property affected thereby. The provi-
 6 sions of section three hundred ninety-one point sixty-one (391.61),
 7 Code 1946, shall apply to the certification of such levy. The provisions
 8 of sections three hundred ninety-one point fifty-eight (391.58), three
 9 hundred ninety-one point sixty (391.60), three hundred ninety-one
 10 point sixty-two (391.62), three hundred ninety-one point sixty-three
 11 (391.63), three hundred ninety-one point sixty-four (391.64), three
 12 hundred ninety-one point sixty-five (391.65), three hundred ninety-
 13 one point sixty-six (391.66), three hundred ninety-one point sixty-
 14 seven (391.67), and three hundred ninety-one point sixty-eight
 15 (391.68), Code 1946, shall apply to the collection of such assessments,
 16 provided, in the case of special assessments for maintenance and
 17 operation of any flood control system, such assessments shall be due
 18 and payable within thirty (30) days after the certification of such
 19 levy if the amount of the assessment is ten dollars (\$10.00) or less,
 20 and the entire amount of such assessment if in excess of ten dollars
 21 (\$10.00) shall be due and payable at the same time and in the same
 22 manner as the March semi-annual payment of ordinary taxes. The
 23 provisions of sections four hundred four point twenty-two (404.22)
 24 and four hundred four point twenty-three (404.23), Code 1946, shall
 25 apply to special assessments as provided by this act."

1 SEC. 8. Chapter three hundred ninety-five (395), Code 1946, is
 2 further amended by adding thereto the following: "Any city or town

3 may contract with any railroad company for the use of railway rights
 4 of way, and embankments, and other railroad property which can be
 5 utilized for the purpose of flood protection or control by such city,
 6 as part of its flood control system, for any period not exceeding
 7 ninety-nine years."

Approved March 16, 1949.

CHAPTER 173

BRIDGES AND VIADUCTS IN CITIES AND TOWNS

S. F. 265

AN ACT to authorize a city or town to issue bonds for the payment of its portion of the cost of construction of bridges, viaducts, and grade separations on primary road extensions.

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

1 SECTION 1. Whenever the state highway commission constructs or
 2 aids in the construction of bridges, viaducts and grade separations
 3 on extensions of primary roads in any city or town, such city or town
 4 is hereby authorized to contract indebtedness and issue bonds in the
 5 manner provided in chapter three hundred ninety-six (396), Code
 6 1946, for the payment of its portion of the cost of such construction
 7 including damages to abutting property owners.

1 SEC. 2. This Act being deemed of immediate importance shall be
 2 in full force and effect upon and after its publication in the Nonpareil,
 3 a newspaper published at Council Bluffs, Iowa, and The Oakland
 4 Acorn, a newspaper published at Oakland, Iowa.

Approved March 30, 1949.

I hereby certify that the foregoing act was published in the Nonpareil, April 5, 1949, and in The Oakland Acorn, April 7, 1949.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 174

OFF-STREET PARKING TAX

S. F. 337

AN ACT to amend chapters four hundred four (404) and four hundred eight (408), Code 1946, relating to powers of cities and towns to levy taxes for off street parking facilities and issue bonds in anticipation of such taxes.

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

1 SECTION 1. Amend section four hundred four point five (404.5),
 2 Code 1946, by adding thereto the following:
 3 "34. Whenever parking lots shall have been authorized or estab-
 4 lished as provided in chapter two hundred six (206), Acts of the
 5 Fifty-second General Assembly, in lieu of the tax provided for in