

4 "If the court finds that there is an affirmative showing that the  
5 municipal corporation is capable of extending into such territory sub-  
6 stantial municipal services and benefits not theretofore enjoyed by such  
7 territory, so that the proposed annexation will not result merely in  
8 increasing the revenue from taxation of such municipal corporation;  
9 and if the court finds further that all of the proceedings and conditions  
10 precedent to annexation as required hereinbefore by subsections one  
11 (1) through five (5) inclusive have been duly instituted and carried  
12 out as provided therein, the court shall decree the annexation. No costs  
13 shall be taxed against any defendant who fails to make a defense."

Approved April 29, 1953.

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## CHAPTER 163

### NONPARTY NOMINATIONS

#### H. F. 5

AN ACT relating to election procedure in those cities nominating candidates for municipal office by nonparty political organizations and by petition.

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

1 SECTION 1. Section twenty (20) of chapter one hundred forty-five  
2 (145), Acts of the Fifty-fourth General Assembly, is amended by add-  
3 ing at the end thereof the following:

4 "Any such city, under one hundred thousand (100,000) population,  
5 may by ordinance provide that all candidates for all elective city offices  
6 shall be nominated under the provisions of chapter forty-four (44)  
7 and chapter forty-five (45), Code 1950. In such event nomination  
8 for all such offices by primary shall not be authorized."

Approved March 25, 1953.

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## CHAPTER 164

### MUNICIPAL GOVERNMENT CHANGE

#### S. F. 66

AN ACT to amend chapter one hundred forty-five (145), Acts of the Fifty-fourth General Assembly, relating to elections to change the form of a municipal government.

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

1 SECTION 1. Chapter one hundred forty-five (145), Acts of the  
2 Fifty-fourth General Assembly, is amended by striking all of section  
3 thirty-six (36) and inserting in lieu thereof the following:

4 "Sec. 36. Question submitted. At such election, the proposition  
5 submitted shall be: 'Shall the proposition to change the form of mu-  
6 nicipal government of the city (or town) of .....  
7 ..... to the .....  
8 (Name of municipal corporation)

9 ..... be adopted?", and  
 10 (Name of form of municipal government proposed)  
 11 the election thereupon shall be conducted, the vote canvassed, and the  
 12 result declared in the same manner as provided by law in respect to  
 13 other municipal elections."

Approved February 3, 1953.

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## CHAPTER 165

### ALDERMEN IN CITIES

H. F. 83

AN ACT to amend section two (2) of chapter one hundred forty-six (146) of the Acts of the 54th General Assembly, relating to general powers of cities and towns, and the mayor-council form of city government.

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

1 SECTION 1. Amend section two (2) of chapter one hundred forty-  
 2 six (146) of the Acts of the 54th General Assembly by inserting after  
 3 the words "two councilmen" in line six (6), the words "or alderman"\*  
 4 and by inserting after the words "one councilman" in line six (6), the  
 5 words "or alderman".

Approved March 31, 1953.

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## CHAPTER 166

### COMMISSION CITIES AND TOWNS

H. F. 467

An Act to amend chapter one hundred sixty-three (163), Acts of the Fifty-fourth General Assembly relating to the government of cities and towns under the commission form of government.

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

1 SECTION 1. Section three (3), chapter one hundred sixty-three  
 2 (163), Acts of the Fifty-fourth General Assembly, is amended by  
 3 striking from lines five (5) and six (6) the words "in this chapter"  
 4 and inserting in lieu thereof the words "then by law".

1 SEC. 2. Section eleven (11), chapter one hundred sixty-three (163),  
 2 Acts of the Fifty-fourth General Assembly, is amended by striking  
 3 from line three (3) the word "ordinance" and inserting in lieu there-  
 4 of the word "resolution".

Approved April 7, 1953.

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\*According to enrolled Act.