

## CHAPTER 235

## SELF-DETERMINATION POWERS OF CITIES AND TOWNS

H. F. 380

AN ACT relating to the powers of cities and towns and to confer upon them broad powers of self-determination with respect to local and internal affairs.

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

1 SECTION 1. Section three hundred sixty-eight point two (368.2),  
 2 Code 1962, is amended by adding at the end thereof the following:  
 3 "It is hereby declared to be the policy of the state of Iowa that the  
 4 provisions of the Code relating to the powers, privileges, and immu-  
 5 nities of cities and towns are intended to confer broad powers of self-  
 6 determination as to strictly local and internal affairs upon such munic-  
 7 ipal corporations and should be liberally construed in favor of such  
 8 corporations. The rule that cities and towns have only those powers  
 9 expressly conferred by statute has no application to this Code. Its  
 10 provisions shall be construed to confer upon such corporations broad  
 11 and implied power over all local and internal affairs which may exist  
 12 within constitutional limits. No section of the Code which grants a  
 13 specific power to cities and towns, or any reasonable class thereof,  
 14 shall be construed as narrowing or restricting the general grant of  
 15 powers hereinabove conferred unless such restriction is expressly set  
 16 forth in such statute or unless the terms of such statute are so com-  
 17 prehensive as to have entirely occupied the field of its subject. How-  
 18 ever, statutes which provide a manner or procedure for carrying out  
 19 their provisions or exercising a given power shall be interpreted as  
 20 providing the exclusive manner of procedure and shall be given sub-  
 21 stantial compliance, but legislative failure to provide an express man-  
 22 ner or procedure for exercising a conferred power shall not prevent  
 23 its exercise. Notwithstanding any of the provisions of this section,  
 24 cities and towns shall not have power to levy any tax, assessment,  
 25 excise, fee, charge or other exaction except as expressly authorized  
 26 by statute."

1 SEC. 2. Cities and towns shall not have power to license construc-  
 2 tion contractors.

Approved May 20, 1963.

## CHAPTER 236

## FIRE-CRASH TRUCKS FOR CITIES AND TOWNS

S. F. 351

AN ACT relating to the acquisition of vehicles and equipment by cities and towns.

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

1 SECTION 1. Cities and towns are hereby authorized to lease or  
 2 otherwise acquire fire-crash trucks and other vehicles and equipment

3 from agencies of the federal government upon such terms and condi-  
 4 tions as may be imposed by such agency, and to purchase and pay  
 5 premiums on insurance protecting the city or town and its officers and  
 6 employees against any potential liability inhering in such terms or  
 7 conditions.

Approved March 29, 1963.

## CHAPTER 237

### LEASING AIRSPACE OVER STREETS

#### S. F. 293

AN ACT to amend section three hundred sixty-eight point thirty-five (368.35), Code 1962, relating to the leasing of municipal property.

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

1 SECTION 1. Section three hundred sixty-eight point thirty-five  
 2 (368.35), Code 1962, is amended by inserting after the word "prop-  
 3 erty" in line three (3) thereof the following:  
 4 "including the air space over any street, alley or public way,".

1 SEC. 2. This Act being deemed of immediate importance shall take  
 2 effect and be in force from and after its passage and publication in the  
 3 Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa  
 4 and The Sentinel, a newspaper published in Marion, Iowa.

Approved March 15, 1963.

I hereby certify that the foregoing Act, Senate File 293, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, March 18, 1963, and in The Marion Sentinel, Marion, Iowa, March 20, 1963.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 238

### MUNICIPAL DONATION OF REAL ESTATE

#### S. F. 249

AN ACT to permit cities and towns to donate real estate to the state for public use.

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

1 SECTION 1. Section three hundred sixty-eight point thirty-nine  
 2 (368.39), Code 1962, is amended by adding in line nine (9) after the  
 3 word "direct." the following:  
 4 "In addition, any city or town may donate real estate to the state  
 5 for public purposes."

Approved April 26, 1963.