

A BILL

FOR AN ACT TO AMEND CHAPTERS SEVEN (7), EIGHT (8) AND FOURTEEN (14) OF TITLE FIVE (5), OF THE CODE, AND GRANT ADDITIONAL POWERS TO CITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. That all cities of this state, whether organized under general incorporation laws or special charters, shall have all the powers conferred, and be subject to all the provisions of this act; all cities organized under the general incorporation laws, shall have all the powers, and be subject to all the provisions contained in the following sections of title five (5), of the code, viz: Sections seven hundred ninety-two (792) to eight hundred forty (840), both inclusive; eight hundred forty-one (841) to eight hundred forty-nine (849), both inclusive; nine hundred sixty-one (961) to nine hundred sixty-four (964), both inclusive; nine hundred sixty-eight (968); nine hundred sixty-nine (969) to nine hundred eighty-nine (989), both inclusive; and all acts amendatory thereof, except as amended by this act. All special charter cities shall have all the powers conferred, and be subject to all the provisions contained in the following sections of title five (5), of the code, viz: Sections eight hundred twelve (812), eight hundred thirteen (813), eight hundred nineteen (819) to eight hundred twenty-two (822), both inclusive; eight hundred twenty-four (824), eight hundred twenty-eight (828), eight hundred thirty-two (832) to eight hundred thirty-five (835), both inclusive; eight hundred thirty-nine (839), and eight hundred forty (840), and all acts amendatory thereof, as well as all other laws now applicable to such cities, except as amended by this act.

Sec. 2. Whenever, in the laws enumerated in section one (1) of this act, the words "city collector" or "city treasurer" occur, they shall, in case of cities organized under general incorporation laws, be construed to mean "county treasurer."

Sec. 3. No part of the cost of any of the improvements authorized by the sections of the code enumerated in section one (1) of this act shall be assessed against any property belonging to the city, state or United States, or any public park or public cemetery; and the portion of said cost which would otherwise be apportioned to such property shall be paid in the manner and from the fund provided for paying the cost of such improvement at street intersections, or from the special improvement tax hereinafter provided for.

Sec. 4. The cost of the improvements authorized in the sections of the code enumerated in section one (1) of this act shall be apportioned in the proportion, to the extent and in the manner in said sections provided, except that no lot, tract or parcel of abutting or adjacent property shall be assessed for an amount in excess of the special benefits conferred by such improvements upon said property. In all cases the presumption shall be that the special benefits conferred upon any lot, tract or parcel of ground by any such improvement are equal to or greater than the amount in said sections authorized to be assessed to such lot, tract or parcel of ground; but this presumption may in any case be overcome, and whenever in any case it is found that the amount assessed or proposed to be assessed to any lot, tract or parcel of ground exceeds the special benefits conferred thereon, the necessary correction shall be made, at the time and in the manner provided in the laws referred to in section one (1) of this act for the correction of errors and irregularities.

The portion of the cost of any such improvement not assessable to abutting or adjacent property, because in excess of the special benefits conferred, shall be paid in the manner, and from the fund provided for paying for the cost of said improvement at street intersections, or from the special improvement tax fund hereinafter provided for.

The portion of the cost of such improvements required to be paid by railway and street railway companies, being in part consideration for the use of the streets, shall be paid in full by such companies, without any reference to special benefits conferred by the improvement.

Sec. 5. When by reason of non-conformity to any law or ordinance, or by reason of any irregularity in the method of advertising for bids, or of the letting of contracts for public work, or of giving notice of the pendency of assessment proceedings; or when, by reason of any omission, informality or irregularity, any special tax or assessment heretofore levied or hereafter levied, is invalid, or is adjudged illegal; or in case of deficiencies, the council shall have the power to correct the same by resolution or ordinance, and may re-assess and re-levy the same, as also an amount to make up such deficiencies, with the same effect as if done at the proper time, in the proper amount, and in the manner provided by law, or by the resolution or ordinance relating thereto; *provided*, however, that the aggregate of such tax or assessment so re-levied shall not exceed, inclusive of the sums paid under the original tax or assessment, the total contract price of such improvement.

The powers hereby granted may be exercised by any city of the state that has succeeded to or may be organized within the territory of any other city which has levied or has attempted to levy the defective tax or special assessment desired to be made valid, and the re-levy authorized by this act shall have the same force and effect as the original levy.

Sec. 6. Whenever in any action or proceeding in court to resist, review or enforce any
2 special assessment, it is found that the improvement was actually made, or the work or
3 material actually done or furnished, the assessment shall be sustained and a charge
4 enforced to the extent and for the amount for which the property could have been legally
5 charged and assessed if all the provisions of law had been complied with, and notwithstand-
6 ing any defect or irregularity in the municipal corporation or its officers, or in any of the
7 proceedings which resulted in the assessment, or any defect or imperfection in any statute
8 under which such proceedings were had.

9 The provisions of this act and the laws referred to in section one (1) hereof shall apply
10 to all contracts made and assessments levied in the past, as well as in the future.

Sec. 7. All of the cities embraced in this act shall have the power to levy annually, in
2 addition to the tax now authorized by law, a special improvement tax of not exceeding five
3 mills on the dollar. Said tax when so levied and collected, shall be used only for the purpose of
4 paying the difference between the contract price and the amount assessed under the provi-
5 sions of this act against railways, street railways and the abutting and adjacent property for
6 the making of the improvements referred to in this act and for paying the difference between
7 the contract price and the amount lawfully assessed against such abutting property, rail-
8 ways and street railways for improvements already made, and may anticipate said tax, and
9 pledge the proceeds thereof, and issue in payment of said portion of the cost of such
10 improvements, certificates or bonds, payable only out of the proceeds of such tax.

Sec. 8. All acts and parts of acts in conflict with this act, are hereby repealed.

Sec. 9. This act being deemed of immediate importance shall take effect and be in
2 force on and after its publication in the Iowa State Register and Des Moines Leader, news-
3 papers published in the city of Des Moines.