

House File No. 333.

Roads and highways.

BY WILSON AND GUNDERSON.

February 21, 1919.

## A BILL FOR AN ACT

To amend section fifteen hundred and twenty-seven-s eight (1527-s8) of the supplemental supplement to the code, 1915, and to repeal section fifteen hundred and twenty-eight (1528) of the supplement to the code, 1913, and to repeal sections fifteen hundred and twenty-nine (1529); fifteen hundred and thirty-six (1536), fifteen hundred and thirty-seven (1537), fifteen hundred and thirty-nine (1539), fifteen hundred and forty-three (1543), fifteen hundred and forty-four (1544), fifteen hundred and forty-seven (1547), fifteen hundred and forty-eight (1548), fifteen hundred and forty-nine (1549), fifteen hundred and fifty-two (1552), fifteen hundred and fifty-five (1555), fifteen hundred and fifty-six (1556), fifteen hundred and fifty-seven (1557), fifteen hundred and fifty-eight (1558), fifteen hundred and fifty-nine (1559), of the code, fifteen hundred and sixty-one (1561) of the supplement to the code, 1913, and to repeal sections fifteen hundred and thirty-two (1532), fifteen hundred and thirty-three (1533), fifteen hundred and thirty-eight (1538), fifteen hundred and forty-a (1540-a), fifteen hundred and forty-two-a (1542-a), fifteen hundred and forty-five (1545), fifteen hundred and fifty (1550), fifteen hundred and fifty-one (1551), fifteen hundred and fifty-four (1554), fifteen hundred and sixty-b (1560-b), fifteen hundred and sixty (1560), to the supplement to the code, 1913, and to repeal sections fifteen hundred and twenty-seven-s nine (1527-s9), fifteen hundred and twenty-seven-s thirteen (1527-s13), fifteen hundred and twenty-seven-s thirteen a (1527-s13a), fifteen hundred and twenty-seven-s fourteen (1527-s14), fifteen hundred and twenty-seven-s sixteen (1527-s16), and fifteen hundred and twenty-seven-s twenty (1527-s20), of the supplemental supplement, 1915, and to repeal chapter three hundred and fifty-five (355) of the acts of the thirty-seventh (37) general assembly, and to provide for the working, improving and dragging of all roads by the board of supervisors, and to provide for tax levy for the purpose of raising money to carry out the provisions of this act, and to provide for the levy by the board of supervisors of a poll tax, and to provide for the collection of the same and authorizing actions for the collection of such poll tax to be brought in the district court or justice court of the county in which

payable or in which the defendant resides, and to provide that judgments for poll taxes may be enforced against property otherwise exempt from execution, and to provide the duty of the board of supervisors with reference to trimming trees along the highway and draining highways and with reference to defects in the highways.

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

1 Section 1. From and after January 1st, 1920, the  
2 improvement, repair and dragging of all roads, now desig-  
3 nated as township roads, shall be placed under the super-  
4 vision and control of the board of supervisors and all  
5 work upon township roads, including repair work and drag-  
6 ging, shall be done by the board of supervisors, and all  
7 provisions of the law with reference to the improvement,  
8 working and dragging of county roads shall hereafter apply  
9 to township roads except that the designation of highways  
10 as "county roads" and "township roads" shall be continued.

1 Sec. 2. To enable the board of supervisors to  
2 carry out the provisions of this act, the board of super-  
3 visors, in addition to the taxes now authorized by law, is  
4 authorized to levy upon the taxable property of the county  
5 outside of the corporate limits of cities and towns, at the  
6 same time that other taxes are levied, a tax not to exceed  
7 five (5) mills for the improvement, working and repair of  
8 township roads, and a tax not exceeding two (2) mills for  
9 dragging such roads.

1 Sec. 3. The board of supervisors shall also levy,  
2 at the same time other taxes are levied, a tax of three

3 (\$3.00) dollars per year upon every able-bodied male person  
4 between the ages of twenty-one and forty-five years of such  
5 county at the time of such levy, and residing outside the  
6 corporate limits of any city or town, to be collected in  
7 the same manner that other taxes are collected. However,  
8 delinquent poll taxes may be collected by action brought  
9 in the district court or justice court of the county in  
10 which payable or in which the defendant resides and no  
11 change of the place of trial in such actions shall be  
12 allowed except from one justice court to another within  
13 the same county, and no exemptions from execution granted  
14 by the laws of this state shall be allowed against any  
15 execution issued to collect any judgment rendered for such  
16 tax. All money collected under the provisions of this  
17 section shall be expended by the board of supervisors in  
18 the same manner that the five (5) mill road tax, authorized  
19 in section two (2) hereof, is expended.

1 Sec. 4. The board of supervisors shall, expend upon  
2 the roads of each township an amount equal to the taxes raised  
3 in each township, and the funds received from each township  
4 pursuant to such levy shall be kept by the county treas-  
5 urer in a fund designated as the treasurer's road fund of  
6 each township and the cost of all work done by the board of  
7 supervisors in each township shall be paid out of the road  
8 fund of that township in the hands of the treasurer. Pro-  
9 vided, however, that the county shall not make any charge

10 as part of such cost for the use of the county's road equip-  
11 ment except the actual cost of the operation of same.

1 Sec. 5. All road work upon, or improvement of town-  
2 ship roads by the board of supervisors under the provisions  
3 of this act shall be advertised and let at public letting,  
4 or done by day labor, or may be let privately, but if done  
5 by day labor, or if let privately, the cost shall not exceed  
6 the engineer's estimate.

1 Sec. 6. That section fifteen hundred and twenty-  
2 seven-s eight (1527-s8) of the supplemental supplement to  
3 the code, 1915, be and the same is hereby amended by strik-  
4 ing out all of said section following the period after the  
5 word "commission" in the seventh (7) line from the bottom  
6 thereof.

1 Sec. 7. That section fifteen hundred and twenty-eight  
2 (1528) of the supplement to the code, 1913, be and the same  
3 is hereby repealed and the following is enacted in lieu  
4 thereof:

5 "The township trustees of each township shall meet  
6 on the first Monday in April, or as soon thereafter as the  
7 assessment book is received by the township clerk. At such  
8 meetings they shall determine and certify to the board of  
9 supervisors a tax on the assessed property in the township  
10 of not exceeding five mills on a dollar of such assessment,  
11 which shall be applied, or so much thereof as may be necessary,  
12 in paying drainage taxes heretofore levied and still unpaid

13 or for the payment of any drainage assessments that may be  
14 hereafter levied against the township on account of benefits  
15 to highways under the provisions of section sixteen of  
16 chapter one hundred eighteen of the acts of the thirty-  
17 third general assembly of Iowa, and the balance of such  
18 levy or the whole thereof in case there be no such drain-  
19 age taxes due from the township, may be applied in paying  
20 the expense of draining highways of the township or in  
21 cooperating with those owning land in the township in  
22 securing the drainage of such highways; but in the event  
23 that the amount to be expended in any one place exceeds  
24 the sum of fifty dollars, the township shall not pay more  
25 than its just proportion of the benefits to be ascertained  
26 by a competent civil engineer and duly set forth in his  
27 report approving of such drainage, which report shall be  
28 filed with the township clerk before any money is paid  
29 out for such drainage."

1 Sec. 8. The township trustees at the April meeting shall file a written  
2 board of supervisors stating therein the conditions of report with the  
3 the various roads in the township and making their recom-  
4 mendations as to what improvements should be made and work  
5 done during said year, and said board of supervisors shall  
6 act with reference thereto in its discretion.

1 Sec. 9. That chapter three hundred and fifty-five  
2 (355) of the acts of the thirty-seventh (37) general  
3 assembly be and the same is hereby repealed.

1     Sec. 10. The board of supervisors shall not cut  
2 down or injure, or cause to be cut down or injured, any  
3 tree growing by the wayside which does not obstruct the  
4 road or which stands in front of any town lot enclosure  
5 or cultivated field or upon ground reserved for public use,  
6 and shall not enter upon any lands for the purpose of  
7 taking timber therefrom without first receiving permission  
8 from the owner or owners of said lands, nor destroy or  
9 injure the ingress or egress to any property or turn the  
10 natural drainage of the surface water to the injury of  
11 adjoining owners, but it shall be the duty of the board  
12 of supervisors to use strict diligence in draining the  
13 surface water from the public road in its natural channel  
14 and to this end they may enter upon the adjoining lands  
15 for the purpose of removing obstructions from such natural  
16 channel that impede the flow of such water.

1     Sec. 11. Whenever the county auditor is notified  
2 in writing that any portion of a public road is unsafe,  
3 the county shall be liable for all damages resulting from  
4 such unsafe condition, after allowing a reasonable time  
5 for repairing the same.

1     Sec. 12. That sections fifteen hundred and twenty-  
2 nine (1529), fifteen hundred and thirty-six (1536), fifteen  
3 hundred and thirty-seven (1537), fifteen hundred and thirty-  
4 nine (1539), fifteen hundred and forty-three (1543), fifteen  
5 hundred and forty-four (1544), fifteen hundred and forty-

6 seven (1547), fifteen hundred and forty-eight (1548), fif-  
7 teen hundred and forty-nine (1549), fifteen hundred and  
8 fifty-two (1552), fifteen hundred and fifty-five (1555), fif-  
9 teen hundred and fifty-six (1556), fifteen hundred and fifty-  
10 seven (1557), fifteen hundred and fifty-eight (1558), fifteen  
11 hundred and fifty-nine (1559) of the code, fifteen hundred and  
12 sixty-one (1561) of the supplement to the code, 1913, and  
13 section fifteen hundred and twenty-eight (1528), fifteen  
14 hundred and thirty-two (1532), fifteen hundred and thirty-  
15 three (1533), fifteen hundred and thirty-eight (1538),  
16 fifteen hundred and forty-a (1540-a), fifteen hundred and  
17 forty-two-a (1542-a), fifteen hundred and forty-five (1545)  
18 fifteen hundred and fifty (1550), fifteen hundred  
19 and fifty-one (1551), fifteen hundred and fifty-four  
20 (1554), fifteen hundred and sixty (1560), fifteen hun-  
21 dred and sixty-b (1560-b), of the supplement to the code,  
22 1913, and sections fifteen hundred and twenty-seven-s  
23 nine (1527-s9), fifteen hundred and twenty-seven-s thir-  
24 teen (1527-s13), fifteen hundred and twenty-seven-s  
25 thirteen a (1527-s13a), fifteen hundred and twenty-seven-s  
26 fourteen (1527-s14), fifteen hundred and twenty-seven-s  
27 sixteen (1527-s16), and fifteen hundred and twenty-seven-s  
28 twenty (1527-s20), of the supplemental supplement, 1915,  
29 be and the same are hereby repealed.