

CH. 162.] CHAPTER LXXVIII. [H. F. 359.

WATER-WORKS IN CITIES AND TOWNS.

APRIL 20.

AN ACT Authorizing Cities, incorporated Towns, and Villages, to construct, or cause to be constructed, Water-works.

Cities, towns, and villages may construct and maintain water-works: or may authorize the same by individuals.

Provido: vote of the people, or four-fifths of council, necessary.

Corporations may go beyond corporate limits for water.

May protect same by ordinance.

Corporate Jurisdiction extended for this purpose.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all cities, incorporated towns, and villages are hereby authorized and empowered to construct, maintain, and operate water-works, for the purpose of supplying pure water to such corporations and the citizens thereof, for domestic and manufacturing purposes, and the extinguishment of fires, and for such other purposes as may be thought desirable; or they may in their discretion authorize the construction, maintenance, and operation of such works by individuals or corporations, on such terms as may be agreed upon: *Provided,* That no such water-works shall be ordered to be erected, or any contract entered into for the erection and maintaining of such water-works, except the same shall be ordered to be done by an affirmative vote of a majority of all the votes cast at any general or special city or town election, or by the affirmative vote of not less than four-fifths of the members of the council or trustees of such city or incorporated town.

SEC. 2. That in the construction of such works, and the maintenance and operation thereof, such cities, towns, and villages, or the persons or corporations authorized to construct the same, are hereby empowered to go beyond the corporate limits of such city, town, or village, for the purpose of erecting, maintaining, and operating such works, and to procure a supply of pure water.

SEC. 3. That said cities, towns, and villages may pass all needful rules and regulations for the protection of such works and for preventing the stream, source of supply, or reservoirs, from which water is taken and supplied to such works, from being polluted or in any way rendered impure, and may enforce such regulations by fine and imprisonment.

SEC. 4. That for the purpose of erecting and maintaining such works, and protecting the same from injury and the water from pollution, the jurisdiction of the city, incorporated town, or village (whether said works are constructed by said city, town, or village, or authorized to be constructed by persons or corporations,) shall extend over the territory occupied by such works, and all reservoirs, streams, trenches, pipes, and drains, used in and

necessary for the construction, maintenance, and operation of such works, and over the stream or source from which water is taken, for five miles above the point from which such water is taken: *Provided*, That such jurisdiction is granted for no other purpose than as above specified.

Proviso.

Sec. 5. That, whenever the right to build, maintain, and operate such works is granted to or conferred upon private individuals or incorporated companies by said cities, towns, and villages, they may make such grant to inure for a term of not more than twenty-five years, and authorize such individual or company, so constructing such works, to charge and collect from each and every person supplied by them with water, such water-rent or rents as may be agreed upon between said person or corporation so building said works, and said city, town, or village granting such right; and such cities, incorporated towns, and villages are hereby authorized and empowered to enter into a contract, with said individual or company constructing said works, to supply said city, town, or village with water for fire purposes, and for such other purposes as may be necessary for the health and safety of such municipal corporations, and to pay therefor such sum or sums as may be agreed upon between said contracting parties.

Grants to private companies to inure for not more than twenty-five years.

Water-rents.

Water for fires, and sanitary purposes.

Sec. 6. Said cities, towns, or incorporated villages are hereby authorized to take and condemn and appropriate so much private property as shall be necessary for the construction and operation of said water-works; and, when they shall authorize the construction, maintenance, and operation thereof by individuals or corporations, they may confer, by ordinance, upon such person or corporation, the said power to take and appropriate private property for said purposes.

Corporation may condemn property, or may authorize grantee to do so.

Sec. 7. If the owner of property which shall be required for the construction and operation of said works, shall refuse to grant the same, and the damages therefor cannot be settled by agreement, all damages which the owner, or any person having an interest in or improvement upon the property to be taken, will sustain by reason of the appropriation of said property, shall be assessed, and said property taken on the application of either party under the provisions of article three, chapter fifty-five, of the Revision of 1860, and the laws amendatory thereof.

Proceedings in condemnation.

Revision: ch. 55, art. 3.

Sec. 8. That all cities, incorporated towns, and villages, constructing such works, are hereby authorized to

Water-rents to be assessed.

Special tax au-
thorized.

Tax not to exceed
five mills, nor to
be levied on prop-
erty wholly be-
yond protection
of works.

Act retrospec-
tive.

Proviso: exist-
ing contracts not
impaired.

In force when.

assess from time to time, in such manner as they shall deem equitable, upon each tenement or other place supplied with water, such water-rents as may be agreed upon; and at the regular time of levying taxes in each year, said city, town, and [or] village is hereby empowered to levy and cause to be collected, in addition to the taxes now authorized to be levied, a special tax on the taxable property in said city, town, or village, which tax, with the water-rents hereby authorized, shall be sufficient to pay the expenses of running and operating such works, and, if the right to build, maintain, and operate such works is granted to or conferred upon private individuals or incorporated companies by such cities, towns, or villages, and said cities, towns, and villages shall contract with said individuals or companies to supply them with water for any purpose, it shall be the duty of such city, town, or village entering into such contract, to levy each year, and cause to be collected, a special tax as provided for above, sufficient to pay off such water-rents so agreed to be paid to said individual or company constructing said works: *Provided, however,* That said tax shall not exceed the sum of five mills on the dollar for any one year; nor shall the same be levied upon the taxable property of said city, which lies wholly without the limits of the benefit or protection of such works, which limit shall be fixed by the city council each year before making such levy.

SEC. 9. This act shall apply to all cities, towns, or villages, in the State of Iowa, which have now constructed, or are constructing, water-works, or have authorized individuals or corporations to construct the same: *Provided, however,* That it shall not interfere with vested rights, or in any way impair contracts already made with such cities, incorporated towns, and villages in regard to the construction of such works.

SEC. 10. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily Iowa State Register, and Daily State Leader, newspapers published in Des Moines, Iowa.
Approved, April 20th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 25, and in the *Daily State Leader*, April 27, 1872.

ED WRIGHT, *Secretary of State.*