

L A W S
OF THE
TWENTY-SECOND GENERAL ASSEMBLY
OF THE
STATE OF IOWA,

PASSED AT THE REGULAR SESSION THEREOF, AT DES MOINES, THE
CAPITAL OF THE STATE, BEGUN ON THE NINTH DAY OF
JANUARY, AND ENDED ON THE TENTH DAY OF APRIL,
A. D. MDCCLXXXVIII, IN THE FORTY SECOND
YEAR OF THE STATE.

PART I—GENERAL LAWS.

CITIES.

CHAPTER 1.

CREATING A BOARD OF PUBLIC WORKS.

AN ACT Creating in all Cities of the First Class having a Population According to any Legally Authorized Census of more than Thirty Thousand Inhabitants, a Board of Public Works; and Defining the Powers and Duties of its Members. H. F. 381.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. There shall be established and created in every city of the first class, having a population according to any legally authorized census of more than thirty thousand inhabitants, a board of public works, which shall consist of two members, residents of such city, to be appointed by the mayor, by

Board of public works created.

and with the approval of the city council, on or before the first Monday of April, 1889. One member shall be appointed for the term of two years, and the other for the term of three years, and they shall hold their office until their successors are duly appointed and qualified, and their successors shall be appointed in the manner hereinbefore provided for the term of three years. The mayor shall fill all vacancies occurring in said board by and with the approval of the city council but no member of the city council or city officer shall be appointed a member of said board.

Salary of members of board.

SEC. 2. The salary of each member of such board of public works shall be not less than fifteen hundred dollars (\$1500.) and not more than twenty-five hundred dollars (\$2500.) per year, as may be fixed by the city council, but the salary shall not be reduced during the term of office of any member. Each member of said board before entering upon the discharge of his duties, shall take an oath to faithfully discharge the duties of his office, and enter into a bond with the city with two or more good and sufficient sureties to be approved by the city council, in a sum not less than twenty thousand dollars (\$20,000). The conditions of said bond shall be for the faithful performance of the duties of such members, and no member of said board shall ever be directly or indirectly interested in any contract entered into by them, on behalf of such city, nor shall they be interested either directly or indirectly in the purchase or sale of any material to be used or applied in or about the uses and purposes contemplated by this act.

Consultation with city engineer.

SEC. 3. Said board shall consult the city engineer of such cities in regard to the plans, specifications and advisability of making any improvements, or doing any work contemplated by the provisions of this act, and the city engineer shall furnish said board, from time to time, estimates of the cost of material for any improvement to be ordered or advertised for by said board together with the plans and specifications therefor.

SEC. 4. Contracts for all public improvements made by said board of public works, shall be drawn by the city solicitor of such cities and he shall charge not less than three nor more than ten dollars for each contract, and said money shall be collected by him from the contractors, and pay the same monthly to the city treasurer for the use of such cities, and said charge shall include a copy of said contract and specifications to be furnished to such contractors.

Bids, contracts, etc.

SEC. 5. Said board of public works shall advertise for bids and make all contracts on behalf of the city, for all material and work for public improvements in excess of two hundred dollars (\$200.), whenever the same shall be ordered by the city council, or voted for at some general or special election, by the voters of such cities, and proposals for bids shall be published, at least two weeks, in two of the daily newspapers in such cities, and said publication shall be completed at least two weeks before the making and entering into any contract by said

board. The proposals for bids shall state the amount and different kinds of material to be furnished and kind of improvement, and the time and conditions upon which bids shall be received. The board shall have power to reject any or all bids. All such contracts shall be made with the lowest bidder, but it shall not be necessary before proposals are published or bids received to determine specifically the kind of material to be used. All contracts made and entered into by said board shall be subject to the approval of the city council.

SEC. 6. Said board shall advertise for bids and make contracts for the lighting of streets, alleys and public places of such cities and for the removal of all garbage.

SEC. 7. Said board shall superintend the performance of all public work, and the erection or construction of all improvements contemplated by this act. It shall approve the estimates of the city engineer, which may be made from time to time, of the cost of work as the same progresses, to accept any work done or improvement made, when the same shall be fully completed, according to contract, subject to the approval of the city engineer, and they shall perform such other duties, as may be devolved upon them by ordinance or resolution of such city. Superintendent of public works.

SEC. 8. Whenever said board shall disapprove of the plans, specifications or estimates furnished by the city engineer, they shall report said fact at once in writing to the city council and state their reasons for such disapproval. Disapproval of plans.

SEC. 9. Said board shall take special charge of the construction, repairing and superintendence of all streets, alleys, highways, sidewalks, public grounds, cleaning streets and alleys, lamps and light for lighting the streets, alleys, highways, parks, public places and public buildings of such cities.

SEC. 10. It shall take special charge of the construction, repairing and superintendence of all paving, sewers, bridges, viaducts, public buildings and grading of streets and alleys, subject to the approval of the city engineer.

SEC. 11. Said board of public works shall control and direct all expenditures to be made by its department, and sign and draw orders for the same, and all orders given, bills and accounts created by said board of public works, shall first be endorsed by each of the members thereof, and approved by the city council. or they shall state their reasons in writing why they have not endorsed the same, before the same shall be ordered paid. Expenditures.

SEC. 12. Said board shall not order any extra work in excess of that contained in any contract, or pay out any money for any extras whatsoever, without submitting and recommending the same to the city council and receiving its authority therefor. Work in excess of contract.

SEC. 13. It shall have power to appoint agents and employes, subject to the approval of the city council, absolutely necessary for the doing of the work of said board, but such agents or employes shall be actually engaged in the construction or improvement of the public works of such city, and shall not include Appointing powers of board.

any assistants, superintendents, bookkeepers or secretaries, but said last named offices shall be filled and duties connected therewith performed by said board of public works, without extra compensation.

Plans for improvements must be approved by board.

SEC. 14. It shall require all plans and specifications for all buildings costing over five thousand dollars (\$5,000), according to the estimate of the contractor or builder, to be submitted to them for the joint approval of said board, and the city engineer, and no such building shall be erected until the above requirements have been complied with. It shall require any person before erecting any building or improvement within said city to first obtain a permit from said board of public works, and said board shall charge not more than one mill on the dollar of the cost of the construction of any such building or improvement, to be based on the architect's or builder's estimate, and the money derived and collected by said board for such purpose shall be by them monthly paid to the city treasurer for the benefit of the city.

As to fire protection.

SEC. 15. Said board shall have the power to require fire proof roofs to be used on all buildings erected in squares or blocks of such cities, when the outer walls thereof are constructed of non-combustible materials, and to require non-combustible material to be used in the outer walls of all buildings built or erected in such squares or blocks within the fire limits of such cities.

Mains.

SEC. 16. It shall have power and be required by and with the advice of the city engineer to superintend the laying of all water, gas, and steam heating mains and all connections therefor, and laying of telephone, telegraph, district telegraph and electric wires in the manner provided by the ordinances of such city.

Fire escape.

SEC. 17. It shall be the duty of such board to regulate the size, number and manner of construction of fire escapes, doors and stairways of theaters, tenement houses, audience rooms and all public buildings, whether now built or hereafter to be built, used for the gathering of a large number of people, so that there may be convenient, safe and speedy exit in case of fire.

Semi-annual report of board.

SEC. 18. Said board shall on the first day of April and the first day of December in each year, and at the expiration of the term of office of any member of said board, submit a full, complete and detailed statement to the city council of all work done by it, giving the amount of expenditures, and the names of the persons who have received any pay on account of such public work, and the amount of such pay, and for what the same was paid, and the number of permits issued, and the amounts received therefor. Such report shall further state that since the last report no member of said board has been directly or indirectly interested in any contract let by said board, or work ordered or superintended by them; that they have not been interested in the sale or purchase of any material used in the construction of said work or improvements, and that they have not

received, or expect to receive any presents or compensation from any contractor, or other person interested in said work or improvement, and said report shall be duly sworn to by each member of said board.

SEC. 19. Said board shall keep a full and complete record ^{Record.} and copies of all contracts, plans, maps, specifications, plats, and record of every kind whatsoever, growing out of any work or improvement made or superintended by said board, and the number of all building permits issued, and the location and cost of such buildings and improvements, and shall keep a full account of all expenditures made by it since its last report. No member of said board shall purchase any material of any kind whatsoever, without giving a written order therefor, signed by at least one member of said board.

SEC. 20. Any member of such board may at any time be removed from office by a vote of two thirds of the city council for sufficient cause, and the proceedings in that behalf shall be entered in the records of the council; *provided* that the council shall previously cause a copy of the charges against such member or members sought to be removed to be served upon him or them, together with a notice of the time and place of hearing the same at least ten days previous to the time assigned and opportunity to be given him or them to make his or their defense. ^{Removal of members of board.}

SEC. 21. Said board shall be provided with a suitable office ^{Office.} with fuel, lights, stationary, (stationery) apparatus, utensils, etc., at the expense of the city.

SEC. 22. Said board shall have such further powers and perform such duties as the city council may lawfully from time to time prescribe by ordinance not inconsistent with the provisions of this act. ^{Further powers.}

Approved April 9, 1888.

CHAPTER 2.

POWERS AND DUTIES OF MAYORS EXTENDED.

AN ACT Extending to Cities Organized Under Special Charters, the Provisions of Chapter 192 of the Acts of the Twentieth General Assembly. ^{H. F. 332.}

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the provisions of chapter one hundred and ninety-two (192) of the acts of the Twentieth General Assembly relating to the powers and duties of mayors of cities of the first and second class, shall be and are hereby made applicable to cities organized under special charters. ^{Applicable to cities under special charter}

Approved March 12, 1888.