

LAWS  
OF THE  
**Twenty-fourth General Assembly**  
OF THE  
STATE OF IOWA.

PASSED AT THE REGULAR SESSION THEREOF, AT DES MOINES, THE  
CAPITAL OF THE STATE, BEGUN ON THE ELEVENTH DAY  
OF JANUARY, AND ENDED ON THE THIRTIETH DAY  
OF MARCH A. D., 1892, IN THE FORTY-  
SIXTH YEAR OF THE STATE.

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GENERAL LAWS.

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CHAPTER 1.

BOARD OF PARK COMMISSIONERS ESTABLISHED.

AN ACT to establish a Board of Park Commissioners in certain cities of the first class, defining their powers, and prescribing their duties. S. F. 194.

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

SECTION 1. There shall be elected by the qualified voters of each city of the first class, organized under the general incorporation laws of this state, and containing, according to any legally authorized census or enumeration, a population of 35,000, at the time of the city election in 1892, three park commissioners; whose terms of office shall be six years, except that the commissioners first elected, shall by lot determine who shall serve two and four years respectively, and thereafter, there shall at each city election in even numbered years, be elected one commissioner, who shall hold office for the full

Cities with  
35,000 popula-  
tion may elect  
park commis-  
sioners.

How elected.	<p>term of six years. In case of a vacancy in said office the city council may elect a commissioner to fill said vacancy, until the time for the election of a commissioner when the vacancy shall be filled by election. The mayor of each of said cities, shall at least ten days before each election for park commissioners, make proclamation thereof; and the names of the candidates for park commissioners, may be placed on the tickets with candidates for city officers, and the votes cast for commissioners shall be canvassed and returned, and certificates of election issued, by the same officers who shall canvass votes for members of the city council.</p>
Qualification.	<p>SEC. 2. Said commissioners shall within ten days after the receipt of their certificates of election, qualify by taking the oath of office, and shall organize as a board by the election of one of their number as chairman, and one as secretary.</p>
Treasurer.	<p>They shall also elect a treasurer, who shall not be a commissioner, and who shall give bonds in the sum of \$25,000; but the commissioners may increase the penalty of said bond. The treasurer shall receive, keep and pay out, all moneys belonging to, or under the control of said commissioners, as ordered by them.</p>
Bond, \$25,000.	
Amount of tax deemed necessary.	<p>SEC. 3. Said commissioners may on or before the first Monday in September of each year, certify to the county auditor, the per cent of taxes which they may deem necessary for park purposes, but which shall in no case exceed one mill on the dollar of the assessed valuation of the taxable property of said city. And the county auditor shall place the same on the tax books of the county, in the same manner as other taxes are placed thereon, and said taxes shall be collected by the county treasurer, shall be payable, become due, and be delinquent, at the same time as state and county taxes; and in all things relating to the collection of the same, and the sale of real or personal property therefor, said treasurer is authorized and required, to proceed according to the provisions of the statute relating to the collection and sale of property for state and county taxes, and all sales made by virtue of this act, shall be of the same validity, and shall in all respects be deemed and treated as though made for delinquent state or county taxes exclusively.</p>
Duty of county auditor.	
Powers conferred on commissioners.	<p>SEC. 4. Said board of park commissioners shall have all the powers conferred by, and shall be subject to all the provisions of this act, they are empowered and authorized to acquire real estate or other property within the city for park purposes, by donation, purchase or condemnation, and to sell or exchange any real estate acquired by them which they shall find unfit or not desirable for such purposes. They shall keep a record of all their transactions and shall have exclusive control of all the parks and pleasure grounds acquired by them, and also of any other grounds owned by the city and set apart</p>
Records.	

for like purposes. They may make contracts and be contracted with, sue and be sued, but shall incur no indebtedness, in excess [excess] of the amount of taxes already levied by them and available for the payment thereof, except, bonds hereby authorized, and they shall annually publish in some newspaper published in the city, or otherwise, an itemized statement of all moneys paid out or expended by them, and of all sums by them owing and unpaid. For the purpose of paying for real estate, said commissioners are authorized to issue bonds in such sums and amounts, as they may deem necessary, *provided*, that the aggregate annual interest on all bonds issued by them and at any time outstanding, shall not exceed four-fifths of the amount of the annual tax authorized by this act.

Contracts.

May issue bonds.

Sec. 5. The bonds issued by said commissioners, shall mature at such time as they may determine, but not earlier than twenty-five nor later than fifty years from their date. And there may be reserved therein, the right to refund at such time as the commissioners may determine, in case they can be refunded at a lower rate of interest, and all refunding bonds shall mature at the same time as those refunded. It shall be the duty of said commissioners, each year for fifteen years before the maturity of said bonds, to set aside, out of the tax levied by them, a sum equal to one-fifteenth of the principal of said bonds, which sum so set aside, shall be applied in payment of said principal, whenever the amount thereof on hand shall be sufficient to pay one or more of said bonds; and the right to so pay, upon such notice to the holders, as shall therein be prescribed, shall be reserved in said bonds.

Maturity of bonds.

Payment of bonds.

Sec. 6. The bonds issued under the provisions of this act, shall be a lien upon all the real estate acquired by the commissioners with the proceeds of said bonds, and said proceeds, shall be used for the purchase of real estate only. Said commissioners shall have power to mortgage said real estate to a trustee, for the purpose of securing the payment of said bonds, and there shall be pledged for the payment of the interest thereon, so much of the annual tax by this act authorized, as shall be necessary for the payment thereof, and the residue of said tax, may be used by the commissioners in the purchase of real estate or improvement of the parks and pleasure grounds hereinbefore mentioned.

Bonds a lien.

Payment secured.

Sec. 7. The title to all real estate acquired under the provisions of this act, shall be held by the commissioners in trust for the public, shall be exempt from taxation, of every kind and nature, and from all debts and liabilities of the city. That portion of the annual tax levied by said commissioners and pledged for the payment of interest on, or set apart for the payment of principal of said bonds, shall be used for no other purpose whatever, and it shall be the duty of said com-

Title to real estate.

Payment of interest.

missioners, to annually levy and certify to the county auditor, a tax sufficient to provide for such payments, and if they shall neglect or fail so to do, the board of supervisors shall make a levy sufficient for such purposes.

Relation of townships and districts.

SEC. 8. Where any such city, shall contain more than one organized township, at least one commissioner, shall be a resident of each of said townships; and, unless all of the commissioners shall agree upon the location of one park for a whole city, each township shall constitute a separate district for park purposes, and the proceeds of the bonds issued under this act, shall be apportioned to, and expended in each district, in proportion to the tax levied thereon, and all funds received from taxes collected, shall be expended in the same manner.

Disagreement of commissioners.

SEC. 9. If said commissioners and the owners of any property desired by them for park purposes, cannot agree as to the price to be paid therefor, the commissioners may cause the same to be condemned, in the same manner provided by law, for the condemnation of right of way for railroads, and all the provisions of law, relating to the condemnation of right of way for railroads, including the right of appeal, are hereby made applicable to such proceedings.

Property condemned.

SEC. 10. All acts or parts of acts in conflict herewith, are hereby repealed.

Repealing clause.

SEC. 11. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Iowa State Register, and the Des Moines Leader, newspapers published at Des Moines, Iowa.

Publication clause.

Approved March 24, 1892.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Des Moines Leader*, March 25, 1892.

W. M. MCFARLAND, *Secretary of State*.

## CHAPTER 2.

### BOARD OF PARK COMMISSIONERS, ADDITIONAL.

S. F. 402.

AN ACT to amend an act entitled "An Act to Establish a Board of Park Commissioners in certain cities of the first class defining their powers, and prescribing their duties," passed March 24, 1892, and approved March 25, [24] 1892.

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

Section 1, chapter 1, twenty-fourth general assembly amended

SECTION 1. That section one of an act entitled "an act to establish a board of park commissioners in certain cities of the first class defining their powers and prescribing their duties,"