

SEC. 2. **Council--how composed.** That section six hundred and forty-five (645) of the code be and is hereby amended by striking out the words "a mayor" in the second line thereof, and also by striking out the words "a mayor and" at the beginning of the fourth line thereof.

SEC. 3. **In effect.** 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 printed and published at Des Moines, Iowa.

Approved April 2, 1902.

I hereby certify that the foregoing Act was published in the Iowa State Register and the Des Moines Leader, April 3, 1902.

W. B. MARTIN,  
*Secretary of State.*

## CHAPTER 30.

### ASSESSORS IN CITIES AND TOWNS.

H. F. 273.

AN ACT to amend section six hundred sixty-one (661) and section six hundred seventy-four (674) of the code, relating to assessors in cities and towns.

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

SECTION 1. **Supplies--office--deputies.** That section six hundred sixty-one (661) of the code relating to assessors in cities and towns be and the same is hereby amended by inserting after the period in the fourth line the following:

"Except that in cities of the first class having a population of sixty thousand or over the board of supervisors of the county shall furnish the assessor with supplies and an office. And said assessor shall appoint such number of deputies as the board of supervisors may authorize, such appointments to be approved by the said board."

SEC. 2. **Compensation of assessors and deputies.** That section six hundred seventy-four (674) of the code relating to assessors in cities and towns be and the same is hereby amended by adding thereto the following:

"Except, that in cities of the first class having a population of sixty thousand or over the compensation of the assessor shall not be more than fifteen hundred dollars per annum to be fixed by the board of supervisors, and that of the deputies at not more than two dollars and fifty cents (\$2.50) per calendar day, Sundays excepted to be fixed by the board of supervisors."

Approved April 5, 1902.

## CHAPTER 31.

### BOARD OF POLICE AND FIRE COMMISSIONERS.

S. F. 250.

AN ACT creating a board of police and fire commissioners in cities of the first class having a population of more than sixty thousand, and defining the powers and duties of such board. [Additional to chapter two (2), of title five (V) of the code, relating to organization and officers of cities and towns.]

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

SECTION 1. **Board created.** That there is hereby created and established a board of police and fire commissioners in cities of the first class which, according to any state or national census heretofore or hereafter taken, are shown to have a population of more than sixty thousand.

SEC. 2. **Commissioners--terms--vacancies.** Said board of police and fire commissioners shall consist of three members, who shall be citizens of the state of Iowa and who shall have been residents of the city in which they are

appointed for more than five years next preceding their appointment; they shall, except as hereinafter specified, hold their office for six years and until their respective successors have been appointed and qualified. All vacancies in such board by death, resignation, removal, or for any other cause, shall be filled as soon as practicable in the same manner as provided for appointment. Said commissioners shall receive no compensation for their services.

**SEC. 3. Commissioners must qualify.** Before entering upon the duties of their office each of said commissioners shall take and subscribe an oath, which shall be filed and kept in the office of the city clerk, to support the constitution of the United States and of the state of Iowa, to obey the laws, and in all of his official acts and judgments to aim only to secure and maintain an honest and efficient police and fire force, free from partisan distinction or control, and to perform the duties of his office to the best of his ability, and shall execute a bond payable to the city in which he is appointed, in the penal sum of five thousand dollars, with sureties to be approved by the city council of said city. The expense for said bond shall be paid by said city.

**SEC. 4. Mayor to appoint—terms—how selected—quorum—removal.** Immediately upon the taking effect of this act the mayor of such city shall appoint said board of police and fire commissioners, who shall be confirmed by the city council, and the said commissioners so appointed shall hold their office, one of them until the first Monday in April, 1904, one of them until the first Monday in April, 1906, and one of them until the first Monday in April, 1908; and on the last Monday in March, 1904, and on the same day in each even numbered year thereafter, the mayor shall appoint one commissioner in such city to take the place of the commissioner whose term of office expires the first Monday in April following such appointment, and the members so appointed shall serve for the term of six years following the said first Monday in April. The chairman of the board for each biennial period shall be the member whose term first expires. The said commissioners shall be selected from the two leading political parties, so that, as far as practicable, two members of the board shall be members of the dominant political party and one member of the board shall be a member of the political party next in numerical strength, as shown by the votes cast at the last state or national election. And any commissioner who during his term of office becomes a candidate for or accepts any other place of public trust or emolument, or who during the same period knowingly consents to his nomination for any office elective by the people, or fails to publicly decline the same within twenty days succeeding such nomination, shall be deemed to have thereby vacated his office, and a successor shall be appointed as provided in this act. The majority of said board shall constitute a quorum for the transaction of business. Any of said commissioners may be removed for misconduct or malfeasance in office, by the mayor of said city, with the consent and approval of a majority of the city council.

**SEC. 5. Examinations—results certified—preference given.** Said board shall, on the first Monday of April and October of each year, or oftener if they shall deem it necessary, under such rules and regulations as it may prescribe, hold examinations for the purpose of determining the qualifications of applicants for positions on the police and fire force of said city, which examinations shall be practical in their character and shall relate to those matters which will fairly test the fitness of the persons examined to discharge the duties of the position to which they seek to be appointed; such examinations shall cover the physical, as well as other qualifications of the applicants. Said board shall, as soon as possible after such examinations, certify to the chief of police and the chief of the fire department the names of the ten persons who, according to its records, have the highest standing as a result of said examination, and all vacancies which occur in the police and fire force prior to the date of the next regular examination shall be filled from said list so certified; provided, however, that should said list for any cause become reduced to less

than three, then the chief of police or the chief of the fire department, as the case may be, may temporarily fill a vacancy until the next examination of the board. In all examinations and appointments under the provisions of this act honorably discharged soldiers, sailors or marines of the regular or volunteer army or navy of the United States shall be given a preference, if otherwise qualified.

**Sec. 6. Police and fire departments—officers—salaries—clerk of board—record.** The officers of the police force in said city shall be a marshal who shall be ex-officio chief of police, and shall be appointed by the mayor of said city, and such other officers as the city council may designate; and the officers of the fire department shall be chief of the fire department, who shall be elected by the city council, and such other officers as the city council may designate. The city council of said city shall fix the salary of the marshal and of the chief of the fire department, and shall fix the number of policemen and firemen for the police and fire force, and shall fix the salaries to be paid to each. The city council shall also provide a suitable room in which the said board of police and fire commissioners may hold its meetings, and the board may appoint a clerk, whose salary shall be fixed by the city council. Said board shall keep a record of all its meetings and proceedings.

**Sec. 7. Appointments—how and by whom made.** As soon as practicable after the passage of this act the chief of police shall appoint the police force for said city and the chief of the fire department shall appoint the fire force for said city. In the first instance the chief of police and the chief of the fire department may appoint on the police and fire force, without examination, the persons who have been in the employ of the city in these capacities for more than three consecutive years next preceding the creation of said board, and as soon as said appointments are made the chief of police and chief of the fire department shall notify the board of the number of policemen or firemen necessary to fill his department, and the board shall proceed to hold an examination of applicants for said positions, and at this examination the board may consider the experience and service in the case of persons who are on the police and fire force of said city at the time of the passage of this act, and if said persons are found to have been efficient, and are otherwise qualified, they shall be given a preference for continuance in such employment or place. The board shall certify to the chief of police and the chief of the fire department a list of persons double the number necessary to fill said force, who have passed a satisfactory examination, and who by its records have the highest standing as the result of said examination, from which list the chief of police and chief of the fire department shall appoint the number necessary to fill his respective force, and thereafter additions to said police and fire force, and removals therefrom, shall be made only in accordance with other sections of this act.

**SEC. 8. Removals and discharges—appeal.** All police officers and policemen, except the chief of police, and all firemen, except the chief of the fire department, shall be subject to removal by the board of police and fire commissioners for misconduct or failure to perform their duty, under such rules and regulations as may be adopted by said board whenever said board shall consider and declare said removal necessary for the proper management or discipline of said department; but the chief of police or the chief of the fire department may peremptorily suspend or discharge any member of his force for misconduct or neglect of duty or disobedience of orders; provided, that any person so suspended or discharged, within five days thereafter may appeal to said board and said board shall investigate the causes of his removal or discharge, and if the same are found insufficient, he shall be reinstated. The board shall have the power to enforce the attendance of witnesses and the production of books and papers and to administer oaths in the same manner and with like effect and under the same penalties as in the case of magistrates exercising civil or criminal jurisdiction under the statutes of Iowa.

**SEC. 9. Qualifications of appointees—political contributions.** No person shall be appointed or employed on the police or fire force of said city who is not a citizen of the United States and who has not been a resident of said city for more than one year next preceding said appointment, and who is not able to read and write the English language, and who is not of good moral character, or who is addicted to the use of intoxicating liquor as a beverage. No member of said police or fire force shall directly or indirectly contribute any money to any person for nomination or election purposes, and no person shall be appointed to or removed from said police or fire force on account of his political beliefs.

**SEC. 10. Penalty.** Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall pay a fine not to exceed one hundred dollars (\$100), or be imprisoned in the county jail not to exceed thirty days.

Approved March 26, 1902.

## CHAPTER 32.

PUBLICATION OF NOTICE OF QUESTIONS SUBMITTED TO THE VOTERS OF CITIES AND TOWNS.

S. F. 11.

AN ACT amending section seven hundred twenty-one (721) of the code, relating to the publication of notice of questions submitted to the voters of cities and incorporated towns.

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

**SECTION 1. Notices to be posted—when.** That section seven hundred twenty-one (721) of the code be, and the same is hereby amended by inserting after the word "weeks" in the eighth line of said section the following:

"But if no such newspaper is published within the limits of the corporation, then such notice may be given by posting copies thereof in three public places within the limits of said corporation, two of which places shall be the postoffice and the mayor's office of such city or town."

Approved April 10, 1902.

## CHAPTER 33.

POWERS OF CITIES AND TOWNS.

S. F. 202.

AN ACT to amend section seven hundred and twenty-four (724) of the code of Iowa, as amended [by chapter nineteen (19) of the acts of the Twenty-eighth General Assembly], relating to certain powers of cities and towns.

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

**SECTION 1. Taxes.** That section seven hundred and twenty-four (724) of the code of Iowa, as amended by chapter nineteen (19) of the acts of the Twenty-eighth General Assembly, be, and is hereby, amended by inserting in the sixth (6th) line thereof, after the word "operating" the words "renewing, extending".

**SEC. 2. In effect.** 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 printed and published at Des Moines, Iowa.

Approved April 4, 1902.

I hereby certify that the foregoing Act was published in the Iowa State Register and the Des Moines Leader, April 5, 1902.

W. B. MARTIN,  
Secretary of State.