

money on hand, how invested, all moneys received and paid out, which said report shall be filed with the city clerk.

Approved April 7, A. D. 1909.

## CHAPTER 63.

### PUBLICATION OF STATE AUDITOR'S REPORT OF MUNICIPAL ACCOUNTS.

S. F. 373.

AN ACT to amend section ten hundred fifty-six-a nine (1056-a9) of the supplement to the code, 1907, relating to the publication of the state auditor's report of municipal accounts.

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

**SECTION 1. Number to be printed.** That section ten hundred fifty-six-a9 (1056-a9) supplement to the code, 1907, be amended by striking out the word "three" in the eighth line of said section, and inserting in lieu thereof the word "two".

Approved April 15, A. D. 1909.

## CHAPTER 64.

### GOVERNMENT OF CERTAIN CITIES.

H. F. 2.

AN ACT to repeal sections ten hundred fifty-six-a seventeen (1056-a17), ten hundred fifty-six-a eighteen (1056-a18), ten hundred fifty-six-a twenty-one (1056-a21) and ten hundred fifty-six-a twenty-six (1056-a26), of chapter fourteen-c (14-c) of the supplement to the code, 1907, and to enact substitutes therefor, and to amend sections ten hundred fifty-six-a nineteen (1056-a19), ten hundred fifty-six-a twenty (1056-a20), ten hundred fifty-six-a twenty-four (1056-a24), ten hundred fifty-six-a twenty-five (1056-a25), ten hundred fifty-six-a twenty-eight (1056-a28), ten hundred fifty-six-a thirty-two (1056-a32), and ten hundred fifty-six-a thirty-nine (1056-a39) of chapter fourteen-c (14-c) of the supplement to the code, 1907, all relating to the government of certain cities.

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

**SECTION 1. Repeal—cities affected.** That section ten hundred fifty-six-a seventeen (1056-a-17) of chapter fourteen-c (14-c) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"Cities having by the last preceding state or national census a population of seven thousand or over, including any such city acting under special charter, may become organized as a city under the provisions of this act by proceeding as hereinafter provided."

**SEC. 2. Repeal—petition—question submitted—result certified—election of officers.** That section ten hundred fifty-six-a eighteen (1056-a 18) of chapter fourteen-c (14-c) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"Upon petition of electors equal in number to twenty-five per centum of the votes cast for all candidates for mayor at the last preceding city election of any such city, the mayor shall, by proclamation, submit the question of organizing as a city under this act at a special election to be held at a time specified therein, and within two months after said petition is filed; provided,

however, that in case any city is located in two or more townships said petition shall be signed by twenty-five per centum of the qualified electors of said city residing in each of said townships. If said plan is not adopted at the special election called, the question of adopting said plan shall not be re-submitted to the voters of said city for adoption within two years thereafter, and then the question to adopt shall be re-submitted upon the presentation of a petition signed by electors as hereinbefore provided, equal in number to twenty-five per centum of the votes cast for all candidates for mayor at the last preceding general city election. At such election, the proposition to be submitted shall be, "Shall the proposition to organize the city of (name the city), under chapter fourteen-c (14-c) of the supplement to the code, 1907, as amended by the acts of the thirty-third general assembly, be adopted?", and the election thereupon shall be conducted, the vote canvassed, and the result declared in the same manner as provided by law in respect to other city elections. If the majority of the votes cast shall be in favor thereof, cities having a population of twenty-five thousand and over shall thereupon proceed to the election of a mayor and four councilmen, and cities having a population of seven thousand, and less than twenty-five thousand, shall proceed to the election of a mayor and two councilmen, as hereinafter provided. Immediately after such proposition is adopted, the mayor shall transmit to the governor, to the secretary of state, and to the county auditor, each a certificate stating that such proposition was adopted. At the next regular city election after the adoption of such proposition there shall be elected a mayor and councilmen. In the event, however, that the next regular city election does not occur within one year after such special election the mayor shall, within ten days after such special election by proclamation call a special election for the election of a mayor and councilmen, sixty days notice thereof being given in such call; such election in either case to be conducted as hereinafter provided."

**SEC. 3. Statutes relating to cities of second class applicable.** That section 1056-a19 of chapter 14-c of the supplement to the code, 1907, be and the same is hereby amended by inserting after the word "first" and before the word "class" in the first line thereof the words "and second".

**SEC. 4. Elective officers.** That section 1056-a 20 of chapter 14-c of the supplement to the code, 1907, be and the same is hereby amended by striking out the first sentence of said section and inserting in lieu thereof the following:

"In every city having a population of twenty-five thousand and over there shall be elected at the regular biennial municipal election a mayor and four councilmen, and in every city having a population of seven thousand and less than twenty-five thousand, there shall be elected at such election a mayor and two councilmen."

**SEC. 5. Repeal—candidates—how nominated—primary election—ballot—canvass of vote—result published—municipal election.** That section ten hundred fifty-six-a twenty-one (1056-a 21) of the supplement to the code, 1907, be repealed and the following enacted in lieu thereof:

"Candidates to be voted for at all general municipal elections at which a mayor and councilmen are to be elected under the provisions of this act shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those selected in the manner hereinafter prescribed. The primary election for such nomination shall be held on the second Monday preceding the general municipal election. The judges of election appointed for the general municipal election shall be the judges of the primary election, and it shall be held at the same place, so far as possible, and the polls shall be opened and closed at the same hours, with the same clerks as are required for said general municipal election. Any person desiring to become a candidate for mayor or councilman shall, at least ten days prior to said primary election,

file with the said clerk a statement of such candidacy, in substantially the following form:

STATE OF IOWA, {  
 .....COUNTY, { ss.

I (—) being first duly sworn, say that I reside at....street, city of..... county of....., state of Iowa; that I am a qualified voter therein; that I am a candidate for nomination to the office of (mayor or councilman) to be voted upon at the primary election to be held on the.....Monday of..... 19., and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for such office.

(Signed).....

Subscribed and sworn to (or affirmed) before me by.....on this.....day of.....19...

(Signed).....

and shall at the same time file therewith the petition of at least twenty-five qualified voters requesting such candidacy. Each petition shall be verified by one or more persons as to the qualifications and residence, with street number, of each of the persons so signing the said petition, and the said petition shall be in substantially the following form:

PETITION ACCOMPANYING NOMINATING STATEMENT.

The undersigned, duly qualified electors of the city of.....and residing at the places set opposite our respective names hereto, do hereby request that the name of (name of candidate) be placed on the ballot as a candidate for nomination for (name of office) at the primary election to be held in such city on the.....Monday of.....19... We further state that we know him to be a qualified elector of said city and a man of good moral character and qualified in our judgment for the duties of such office.

Names of Qualified Electors.	Number.	Street.
.....		

Immediately upon the expiration of the time of filing the statements and petitions for candidacies, the said city clerk shall cause to be published for three successive days in all the daily newspapers published in the city, in proper form, the names of the persons as they are to appear upon the primary ballot, and if there be no daily newspaper, then in two issues of any other newspapers that may be published in said city; and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a fac-simile of his signature. Upon the said ballot the names of the candidates for mayor, arranged alphabetically, shall first be placed, with a square at the left of each name, and immediately below the words, "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for councilmen, with a square at the left of each name, and below the names of such candidates shall appear the words, "Vote for four", or "Vote for two" as the case may be. The ballot shall be printed upon plain, substantial white paper, and shall be headed:

CANDIDATES FOR NOMINATION FOR MAYOR AND COUNCILMEN OF.....  
 CITY AT THE PRIMARY ELECTION

but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

(Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions.)

OFFICIAL PRIMARY BALLOT.

CANDIDATES FOR NOMINATION FOR MAYOR AND COUNCILMEN OF..... CITY AT THE PRIMARY ELECTION.

For Mayor

[ ] (Name of candidate) (Vote for one)

For Councilman

[ ] (Name of candidate) (Vote for four) or (Vote for two) as the case may be.

Official ballot attest.

(Signature) ..... City Clerk.

Having caused said ballots to be printed, the said city clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election for mayor. The persons who are qualified to vote at the general municipal election shall be qualified to vote at such primary election, and challenges can be made by not more than two persons, to be appointed at the time of opening the polls by the judges of election; and the law applicable to challenges at a general municipal election shall be applicable to challenges made at such primary election. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precinct for each of the candidates, and make return thereof to the city clerk, upon proper blanks to be furnished by the said clerk, within six hours of the closing of the polls. On the day following the said primary election, the said city clerk shall canvass said returns so received from all the polling precincts, and shall make and publish in all the newspapers of said city, at least once, the result thereof. Said canvass by the city clerk shall be publicly made. The two candidates receiving the highest number of votes for mayor shall be the candidates, and the only candidates, whose names shall be placed upon the ballot for mayor at the next succeeding general municipal election, and in cities having a population of twenty-five thousand and over, the eight candidates receiving the highest number of votes for councilman, or all such candidates if less than eight, and in cities having a population of seven thousand and less than twenty-five thousand, the four candidates receiving the highest number of votes for councilman, or all such candidates if less than four, shall be the candidates, and the only candidates whose names shall be placed upon the ballot for councilman at such municipal election. All electors of cities under this act who by the laws governing cities of the first and second class and cities acting under special charter would be entitled to vote for the election of officers at any general municipal election in such cities, shall be qualified to vote at all elections under this act; and the ballot at such general municipal election shall be in the same general form as for such primary election, so far as applicable, and in all elections in such city the election precinct, voting places, method of conducting election, canvassing the vote and announcing the results, shall be the same as by law provided for election of officers in such cities, so far as the same are applicable and not inconsistent with the provisions of this act."

SEC. 6. Council—quorum. That section 1056-a 24 of chapter 14-c of the supplement to the code, 1907, be and the same is hereby amended by striking out all of said section beginning with the word "every" in the first line thereof down to and including the word "act" in the seventh line of said section and inserting in lieu thereof the following:

"Every city having a population of twenty-five thousand and over shall be governed by a council consisting of the mayor and four councilmen, and every city having a population of seven thousand and less than twenty-five thousand shall be governed by a council consisting of the mayor and two councilmen, chosen as provided in this act, each of whom shall have the right to vote on all questions coming before the council. In cities having four councilmen three members of the council shall constitute a quorum, and in cities having two councilmen, two members of the council shall constitute a quorum, and in cities having four councilmen the affirmative vote of three members, and in cities having two councilmen the affirmative vote of two members shall be necessary to adopt any motion, resolution or ordinance, or pass any measure unless a greater number is provided for in this act."

**SEC. 7. Council—powers and duties.** That section 1056-a 25 of chapter 14-c of the supplement to the code, 1907, be and the same is hereby amended by striking out all of said section beginning with the word "The" in the first line thereof and closing with the word "charter" in the eighth line thereof and inserting in lieu thereof the following:

"The council shall have and possess, and the council and its members shall exercise all executive, legislative and judicial powers and duties now had, possessed and exercised by the mayor, city council, solicitor, assessor, treasurer, auditor, city engineer and other executive and administrative officers in cities of the first and second class, and in cities under special charter, and shall also possess and exercise all executive, legislative and judicial powers and duties now had and exercised by the board of public works, park commissioners, the board of police and fire commissioners, board of water works trustees, and board of library trustees in all cities wherein a board of public works, park commissioners, board of police and fire commissioners, board of water works trustees, and board of library trustees now exist or may be hereafter created."

**SEC. 8. Repeal—department superintendents—officers and assistants.** That section 1056-a 26 of chapter 14-c of the supplement to the code, 1907, be and the same is hereby repealed, and the following enacted in lieu thereof:

"The mayor shall be superintendent of the department of public affairs, and the council shall at the first regular meeting after election of its members designate by majority vote one councilman to be superintendent of the department of accounts and finances; one to be superintendent of the department of public safety; one to be superintendent of the department of street and public improvements; and one to be superintendent of the department of parks and public property; provided, however, that in cities having a population of less than twenty-five thousand there shall be designated to each councilman two of said departments. Such designation shall be changed whenever it appears that the public service would be benefited thereby. The council shall, at said first meeting, or as soon as practicable thereafter, elect by majority vote the following officers: A city clerk, solicitor, assessor, treasurer, auditor, civil engineer, city physician, marshal, chief of fire department, market master, street commissioner, three library trustees, and such other officers and assistants as shall be provided for by ordinance and necessary to the proper and efficient conduct of the affairs of the city; provided, however, that in cities having a population of less than twenty-five thousand such only of the above named officers shall be appointed as may, in the judgment of the mayor and councilmen be necessary for the proper and efficient transaction of the affairs of the city. In those cities of the first class not having a superior court, the council shall appoint a police judge. In cities of the second class not having a superior court the mayor shall hold police court, as now provided by law. Any officer or assistant elected or appointed by the council may be removed from office at any time by vote of a majority of the members of the council, except as otherwise provided for in this act."

**SEC. 9. Office in city hall—salaries.** That section ten hundred fifty-six-a twenty-eight (1056-a 28) of chapter fourteen-c (14-c) of the supplement to the code, 1907, be and the same is hereby amended by striking out all of said section beginning with the word "The" in the first line thereof, and ending with the figures and dollar mark "\$3,000", in the third line from the top of page 214 as the same appears in the supplement to the code, 1907, and inserting in lieu thereof the following:

"The mayor and councilmen shall have an office at the city hall, and their total compensation shall be as follows: In cities having by the last preceding state or national census a population of 7,000 and less than 10,000 the mayor's annual salary shall be \$600.00, and each councilman \$450.00. In cities having by such census a population of 10,000 and less than 15,000 the mayor's annual salary shall be \$1,200.00 and each councilman \$900.00. In cities having by such census a population of 15,000 and less than 25,000 the mayor's annual salary shall be \$1,500.00 and each councilman \$1,200.00. In cities having by such census a population of 25,000 and less than 40,000 the mayor's annual salary shall be \$2,500.00 and each councilman \$1,800.00. In cities having by such census a population of 40,000 and less than 60,000, the mayor's annual salary shall be \$3,000.00, and each councilman \$2,500.00, and in cities having by such census a population of 60,000 or more the mayor's annual salary shall be \$3,500.00 and that of councilman \$3,000.00."

**SEC. 10. Civil service commissioners—terms.** That section 1056-a 32 of chapter 14-c of the supplement to the code, 1907, be and the same is hereby amended by striking out the first two sentences thereof and inserting in lieu thereof the following:

"In cities having a population of twenty-five thousand and over the council shall, and in cities having a population of seven thousand and less than twenty-five thousand, the council may, immediately after organizing, by ordinance appoint three civil service commissioners who shall hold office, one until the first Monday in April of the second year after his appointment, one until the first Monday in April of the fourth year after his appointment, and one until the first Monday in April of the 6th year after his appointment; provided, however, that in all cases in which no civil service commissioners are appointed by the council, the council shall have the same powers and shall exercise and perform all the duties devolving upon such commissioners, as provided for in this act. In cities wherein civil service commissioners have been appointed under the provisions of this act each succeeding council shall, as soon as practicable after organizing, appoint one commissioner for six years, who shall take the place of the commissioner whose term of office expires."

**SEC. 11. Abandonment of commission plan of government.** That section 1056-a 39 of chapter 14-c of the supplement to the code, 1907, be and the same is hereby amended by striking out all of that portion of said section beginning with the word "Shall" in the ninth line thereof and closing with the word "charter" in the twelfth line and inserting in lieu thereof the following: "Shall the city of (name of city) abandon its organization under chapter 14-c of the supplement of the code, 1907, as amended by the acts of the thirty-third general assembly, and become a city under the general law governing cities, or if now organized under special charter shall resume said special charter?"

**SEC. 12. In effect.** This act being deemed of immediate importance shall take effect and be in full force from and after its publication in the Register & Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved March 30, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 1, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.