

## CHAPTER 66.

## ADDITIONAL POWERS OF CITIES ORGANIZED UNDER COMMISSION PLAN OF GOVERNMENT.

H. F. 473.

AN ACT to confer additional powers on certain cities organized under chapter forty-eight (48) of the acts of the thirty-second general assembly of Iowa as the same appears in chapter fourteen-c (14-c) of title five (V) of the supplement to the code, 1907, and transferring to the city councils of such cities the powers conferred on river front improvement commissions organized in such cities under chapter two hundred ten (210) of the acts of the twenty-ninth general assembly of Iowa as the same appears in chapter nine-a (9-a) of title five (V) of the supplement to the code, 1907, and empowering the council of such cities to appoint river front improvement commissions and define their duties. Also providing for the issuance of tax deeds by the county treasurer of the county in which such cities are located on sales of property for taxes heretofore made by the treasurers of such cities, and providing for special assessments and the levy of special taxes for the improvement of the beds and banks of rivers and other purposes connected therewith. Also providing for the division of such cities into road districts and the levy of a special tax for the use and benefit thereof, also for the levy of a special tax for the benefit of the fire department, and authorizing the transfer of certain special taxes heretofore levied to the fire department fund or general fund.

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

**SECTION 1. River front improvement.** That all cities, which have heretofore been organized and acting under special charters and which have heretofore, or shall hereafter adopt the plan of government provided in chapter forty-eight (48) of the acts of the thirty-second general assembly of Iowa, as the same appears in chapter 14-c, title V of the supplement to the code, 1907, and in which river front improvement commissions have been or shall hereafter be organized, under chapter two hundred ten (210) of the acts of the twenty-ninth general assembly of Iowa, as the same appears [in] chapter 9-a, title V of the supplement to the code, 1907, shall have and may exercise all the rights and powers conferred by said act on the said river front improvement commission, and all such rights and powers are hereby transferred to and vested in the city council of any such city or cities. Said council shall have the power to elect and shall elect a commission of three persons, to be known as the "river front improvement commission," whose duties shall be to carry out the powers and duties with respect to the beds and banks of streams in such cities, herein conferred upon said city council, or such limited powers in respect thereto as the council may prescribe by ordinance. Said commission shall be elected biennially on the first Tuesday in May, and shall hold office for a term of six years and until their successors are elected and qualified. The members of the river front improvement commission shall be elected, one for two years, and one for four years, and one for six years.

**SEC. 2. Control over meandered streams—assessment of benefits—tax levy.** Every city specified in section one (1) of this act shall have control of all the meandered streams within the boundaries thereof, and of the beds, banks and waters of such streams. Said cities shall have power to prevent the placing or maintenance of nuisances and obstructions in such streams, or on or along the banks thereof, and to abate and remove such nuisances or obstructions therefrom, and to recover the expense thereof from the person or persons causing, placing or maintaining such nuisances therein or thereon; to deepen, widen, straighten or change the channels of such streams; to improve and beautify the banks of such streams; to construct levees, embankments and other works to protect the city and its property and its inhabitants and their property from floods; to acquire and take by purchase or condemnation any real property necessary for any such works or improvements; to assess upon property benefited by any such works or improvements, the cost thereof, to

the extent of the special benefits conferred thereby, but not in excess of such special benefit and not in excess of twenty-five (25%) per cent of the actual value of the property benefited; to provide funds for any of the expenditures herein authorized, by levy upon all the taxable property in such city of a continuous tax of not more than two mills on the dollar, each year for not more than ten years, and to issue bonds in anticipation of such tax, and to pledge the proceeds of said tax to the payment of said bonds. The said special tax levy and the issuance of bonds in anticipation thereof and the general plans recommended by the river front improvement commission and the estimated costs of said improvement based upon surveys, plans and estimates made by the city engineer, shall be provided for by ordinance.

**SEC. 3. Tax sales.** Whenever any property shall have been heretofore sold for any taxes or special assessment by any city specified in section one (1) of this act, or by the treasurer thereof, the county treasurer shall have the power and it shall be his duty to collect said taxes and on any such sale to issue tax sale deeds therefor in the same manner and under the same provisions of law as are or may hereafter be applicable to tax sales made by the county treasurer, and any tax sale deed heretofore or hereafter issued on any such sale shall have the same force and effect as though the tax sales had been made by the county treasurer. Redemptions from such tax sales shall be made as from sales made by the county treasurer.

**SEC. 4. Road districts—special tax.** The council, or any city specified in section one (1) of this act, shall have the power to divide the city into not less than five (5) road districts for the purpose of cleaning, sprinkling and repairing the streets and public places, or any of said purposes and to provide for the manner of doing the same and for the payment of the cost thereof out of the district road fund, and shall determine the amount of money necessary for such purposes in each district; and such city council may levy a special tax not exceeding two (2) mills on the dollar on all taxable property in each of said road districts, to be known as the "road district fund" and to be used only to pay the cost of cleaning, sprinkling and repairing the streets and public places in such districts.

**SEC. 5. Fire department—special tax—aggregate levy.** The council of any city, specified in section one (1) of this act, shall have the power to levy a special tax upon all taxable property in said city, not exceeding six (6) mills on the dollar each year, for the purpose of acquiring property for the use of the fire department and equipping and maintaining such department. But the levies of general and special taxes in such cities shall not exceed, in the aggregate forty-eight (48) mills on the dollar of the taxable value of the property therein.

**SEC. 6. Transfer of special taxes heretofore levied.** That, in order to adjust the finances of any city specified in section one (1) of this act, the city council thereof may, by a three-fourths ( $\frac{3}{4}$ ) vote of all its members, transfer any special tax heretofore, but not hereafter, levied from the improvement and grading fund, when the same is not needed and cannot be used therein for the best interests of the city, to the fire department fund or general fund.

**SEC. 7. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published in Des Moines, Iowa, and the Cedar Rapids Republican and the Evening Gazette, newspapers published at Cedar Rapids, Iowa.

Approved April 1, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader April 2, A. D. 1909, in the Cedar Rapids Gazette April 2, A. D. 1909, and in the Cedar Rapids Republican April 3, A. D. 1909.

W. C. HAYWARD,  
Secretary of State.