

SEC. 2. Failure to comply—penalty. Any person or corporation having received a grant as above stated who fails to comply with the provisions of the preceding section shall, upon conviction thereof, be punished by a fine of not less than fifty nor more than five hundred dollars.

SEC. 3. In effect. This act being deemed of immediate importance shall take effect and be in force from and after its passage and approval and publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa, said publication to be without expense to the state.

Approved April 7, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 8, A. D. 1909.

W. C. HAYWARD,
Secretary of State.

CHAPTER 95.

PERMANENT ROADS.

S. F. 217.

AN ACT to promote the building of permanent roads in the state and providing for the establishing of districts, and providing for the construction of roads, and prescribing the method for so doing, and providing for assessment and collection of a portion of the cost of the same, and issuing improvement certificates therefor and providing for a tax in aid thereof. [Additional to chapter one (1) of title eight (VIII) of the code, relating to establishment, alteration and vacation of roads.]

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

SECTION 1. Permanent road improvement districts. The board of supervisors of any county shall have jurisdiction, power and authority at any regular, special or adjourned session, to establish permanent road improvement district or districts and to cause to be constructed as hereinafter provided, by grading, guttering and curbing and paving or macadamizing permanent highways, and to provide for the making and reconstruction of any such highway improvement and to assess not less than fifty per cent of the cost thereof on abutting or adjacent property as provided in this act.

SEC. 2. Petition—survey—notice of hearing. Such highway improvement district may be ordered or established whenever a petition of persons residents in the county owning a majority of the acres of land within said proposed improvement district shall be first filed in the office of the county auditor, setting forth the necessity for the same, the starting point, route and terminus, and the lands to be included within said district. The auditor shall thereupon place a copy of the petition in the hands of the county surveyor or a competent engineer, as selected by the board, who shall make a survey of the proposed improvement and return a plat and profile thereof to the auditor, which return shall set forth a full and detailed description thereof, its availability, necessity and probable cost, with a description of each tract of land owned by different persons within said proposed improvement district and such other lands as in his opinion should be included, with such other facts as he may deem material, which shall be submitted to the board for its approval. If said report is approved the board shall direct the auditor immediately thereafter to cause notice in writing to be served on the owner of each tract of land within said improvement district who is a resident of the county, of the pendency and prayer of said petition and of the recommendations of the engineer and the session of the board of supervisors at which the same will be heard, which notice shall be served ten days prior to said session, in the same manner that original notices are required to be served. In case any such owner is a non-resident of the county such notice as to him shall be

published once each week for two consecutive weeks in some newspaper published in the county, proof thereof being made by affidavit as in case of legal notices published in newspapers, and like notice shall be served on those in possession of said land and mortgages of record, which proof shall be filed with the board and the expense of said service shall be paid out of the money collected by the tax herein provided.

SEC. 3. District located and established. The board at the session set for hearing said petition shall thereupon proceed to establish and determine the petition and if necessary view the premises and if they shall find that said proposed improvement is a necessary improvement they shall locate and establish the same on the route specified in the plat and return of the county surveyor or engineer but no such improvement shall be made or ordered unless the same starts at some county seat or other business center or unless said district connects with some improvement district which has already been ordered by the said supervisors within the county in which said improvement district is asked to be established.

SEC. 4. Division into sections. When the board shall have established said improvement it shall divide the same into suitable sections, and prescribe the time within which work upon each section shall be begun and completed.

SEC. 5. Letting work—payment—failure to perform work. The auditor shall cause notice to be given of the time and place of letting the contracts and the time fixed for its completion, by a publication once each week for four consecutive weeks in some newspaper printed in said county and shall let it upon each separate section to the lowest bidder therefor, who shall be required to execute a bond with sufficient sureties, in an amount equal to twenty per cent of the estimated cost of the work so let, or deposit such amount in cash with the auditor as security for the performance of his contract. When the work shall have been completed the engineer in charge shall furnish the contractor an estimate of the amount of work done under the contract and the cost thereof, which said estimate he shall also file with the county auditor and when said work has been approved by the engineer and board of supervisors, the auditor shall issue a warrant on the treasurer for the portion of the expense of said improvement to be paid by the said county and the balance shall be paid out of the special taxes levied upon the improvement district as provided by this act. If any person to whom a portion of said work has been let shall fail to perform the same as and in the time specified in his contract, the cash deposited by him shall be forfeited to or the penalty named in the bond may be recovered in an action thereon by the county auditor for the benefit of the improvement district on said contract as liquidated damages and it shall be relet by the auditor in the manner as hereinbefore provided.

SEC. 6. Compensation of engineer—fees or costs—how paid. The engineer shall be allowed for his services such sum as may be fixed by the board of supervisors and all other fees or costs shall be the same as is provided for by law for like services in relation thereto, all of which, together with damages assessed, shall be paid out of the county treasury from the funds collected for that purpose, upon the order of the county auditor.

SEC. 7. Apportionment of costs—hearing—assessment of costs—compensation of commissioners. When any improvement district has been located and established as provided in this act or when it shall be necessary to cause the same to be repaired the board of supervisors shall appoint three persons, one of whom shall be a competent civil engineer and two of whom shall be resident freeholders of the county, not living within the township or townships where the improvement is or is to be located and not interested therein or in a like question nor related to any party whose land is affected thereby, who shall inspect and classify all the lands benefited by the proposed improvement and shall make an equitable apportionment of the costs, expenses, cost of construc-

tion and fees assessed for the construction of said improvement, or repairing or reopening the same and make report thereof in writing to the board of supervisors and file the same with the county auditor who shall immediately thereafter fix a time for hearing the objections thereto before the board of supervisors and cause to be served upon the owner of each tract of land or lot described in said report, as shown by the transfer books in the auditor's office, notice in writing of the filing and pendency of said report, the amount of special assessment apportioned to such owner, the day set for hearing the same, and that all objections thereto must be made in writing and filed with the county auditor on or before noon of the day set for such hearing, which notice as to residents of the county shall be served not less than ten days prior to the day set for such hearing, in the same manner that original notices are required to be served, and as to non-residents of the county such notice shall be served by publishing the same in some newspaper published in the county, in the same manner as for notices of improvement districts. When the day set for hearing has arrived the board of supervisors shall proceed to hear all objections made and filed to said report and may increase, diminish, annul or affirm the apportionment made in said report or any part thereof as may appear to the board to be just and equitable, which apportionment shall be assessed among the owners of the land within said improvement district to be benefited thereby and in proportion to the benefit to each of them and levied upon the lands of the owners so benefited in such proportions and collected in the same manner as other taxes are levied and collected for county purposes, and when so collected shall be kept separate from other county funds and shall be paid out only for purposes properly connected with such improvement on the order of the board of supervisors. The engineer shall receive for each day's services while so engaged five dollars (\$5.00) and the other commissioners shall each receive two dollars (\$2.00) per day, to be paid out of the funds so collected; provided, however, that not to exceed fifty per cent of the entire cost of the improvement shall be paid by the said assessment on the property within said improvement district, the balance of the cost of said improvement to be paid by the county out of the funds hereinafter provided in this said act.

SEC. 8. Appeal. An appeal may be taken to the district court from the order of the board in fixing the assessment upon lands in the same manner appeals may be taken in the location of roads and within the same time but on such appeal it shall not be competent to show that the lands assessed were not benefited by the improvement.

SEC. 9. Levy and collection of special assessment—payable in installments. The special assessment for benefits made by the commissioners appointed for that purpose, as corrected and approved by the board of supervisors, shall be levied at one time by the board against the property so benefited, and when levied and certified shall be payable at the office of the county treasurer. If the owner of any parcel of land, lot or premises against which any such levy shall have been made and certified, which is embraced in any certificate provided for in this section, shall within thirty days from the time of such assessment promise and agree in writing endorsed upon such certificate or in a separate agreement, that in consideration of having the right to pay his assessment in installments he will not make any objections of illegality or irregularity as to the assessment of benefits or levy of such tax upon and against his property, but will pay said assessment with interest thereon at such rate, not exceeding six per cent per annum, as shall be prescribed by resolution of the board, such tax so levied against the land, lot or premises of such owner shall be payable in ten equal installments, the first of which with interest on the whole assessment shall mature and be payable on the dates of such assessment, and the others with interest on the whole amount unpaid annually there-

after at the same time and in the same manner as the March semi-annual payment of ordinary taxes but where no such terms and agreement in writing shall be made by the owner of any land, lot or premises, then whole of said special assessment, so levied upon and against the property of such owner, shall mature at one time and be due and payable with interest from the date of such assessment and shall be collected at the next succeeding March semi-annual payment of ordinary taxes. All of said taxes with interest shall become delinquent on the first day of March next after maturity and shall bear the same rate [of] interest with the same penalty as ordinary taxes.

SEC. 10. Board of supervisors may recall assessment and levy and proceed anew. Where the assessment and levy on account of any highway improvement has been made by the board of supervisors of any county under the provisions of this act without notice or legal notice to the owner of the land affected thereby and the whole or any part thereof remains unpaid, the board of supervisors shall have the authority to recall the assessment or levy thus made without notice and proceed anew as provided in this act to apportion and levy the cost of such improvement among the owners and upon the lands benefited thereby, taking as a basis the original apportionment and report of the commissioners upon which the board had theretofore acted and the new assessment and levy made upon notice and hearing in such cases shall be certified by the county auditor to the county treasurer, re-entered upon the tax list and collected as other taxes for county purposes, and all payments made under the prior assessment and levy shall be credited upon the new assessment and levy.

SEC. 11. Re-assessment and re-levy, when. When any improvement district is or shall hereafter be established by any board of supervisors of this state and contract or contracts let therefor and the improvement wholly or partly constructed, the improvement bonds issued on account thereof and the proceedings or taxes therefor have been or shall be for any cause found invalid and the board of supervisors has found or shall find that said improvement will be a public improvement and for the convenience and welfare, such board is authorized to provide for the completion of the work and the payment therefor and for the payment of the work already done and of the improvement certificates issued and to that end shall recall the tax already levied and shall re-assess the costs and expenses of such improvement and after a notice and hearing as provided in this act shall assess and levy the same upon the lands benefited thereby and the said board and other county officers shall proceed as provided by the sections heretofore provided in this act. Such re-assessment and re-levy of taxes shall be in proportion to and not in excess of benefits, and all taxes theretofore paid upon such improvement shall be credited as provided in this act. Such assessment shall fix the proportion for all future levies on account of such improvement or repair of the same and may be levied in one year or apportioned among a series of years and improvement certificates issued therefor as provided for in this act and appeals may be taken as provided in this said act.

SEC. 12. Levy of tax for permanent roads—mulet tax. The board of supervisors of each county may at the time of levying taxes for other purposes levy a tax of not more than two mills on the dollar of the assessed value of the taxable property in the county, including all taxable property in cities and incorporated towns, which shall be collected at the same time and in the same manner as other taxes and when collected shall be used only for making permanent improvements of highways as in this bill provided; and provided further that in paying for said improvements in those counties in which a mulet tax is collected by the county, said tax or such portions thereof as the board of supervisors may deem to the best interests of said county may also be used in the payment of permanent improvements.

SEC. 13. Not applicable—when. The provisions of this act shall not be applicable, nor shall any levy be made hereunder by the board of supervisors if the levy provided for in section fifteen hundred thirty (1530) of the supplement to the code, 1907, is made by the board of supervisors as therein provided.

Approved April 1, A. D. 1909.

CHAPTER 96.

DESTRUCTION OF WEEDS.

S. F. 71.

AN ACT providing for the destruction of weeds and noxious weeds on the public highways and lands adjacent thereto; and the destruction of noxious weeds on railway right-of-ways and grounds and making it the duty of the township trustees and county supervisors to enforce the provisions of this act; amending the law as it appears in sections one thousand five hundred and twenty-eight (1528) of the supplement to the code, 1907, and repealing the law as it appears in sections one thousand five hundred and sixty-two (1562) and one thousand five hundred and sixty-two-a (1562-a) of the supplement to the code, 1907, and sections one thousand five hundred and sixty-four (1564), one thousand five hundred and sixty-five (1565) and five thousand and twenty-four (5024) of the code.

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

SECTION 1. Land owners or tenants to destroy weeds—when. It shall be the duty of every person, firm or corporation owning, occupying or controlling lands, town and city lots, land used as right of way, depot grounds or for other purposes to cut, burn or otherwise entirely destroy all weeds of the kinds mentioned in section two (2) hereof at such times in each year and in such manner as shall prevent the said weeds from blooming or coming to maturity.

SEC. 2. Noxious weeds. The following weeds are hereby declared to be noxious weeds, namely, quack grass (*agropyron repens*), Canada thistle (*cirsium arvense*), cocklebur (*xanthium canadense*), wild mustard (*brassica arvensis*), sour or curled dock (*rumex crispus*), smooth dock (*rumex altissimus*), buckhorn or ribbed plantain (*plantago lanceolata*), and wild parsnip (*pastinaca sativa*), horse nettle (*solanum carolinense*), and velvet weed or button weed (*abutilon theophrasti*) and burdock (*arctium lappa*).

SEC. 3. Destruction on highways—neglect or refusal to destroy. It shall be the duty of the township trustees or other officers responsible for the care of public highways in each township or county in this state to destroy or cause to be destroyed all noxious weeds mentioned in section two (2) hereof or unnecessary brush on the highways in such a manner as to effectually prevent the production of their seeds or their propagation in any other manner, to warn out labor or to employ labor for this purpose in the same manner as for repairs to the highways, and for neglect or failure to perform this work they shall be subjected to the penalties in this act. If any occupant of lands adjacent to the public highways neglect or refuse to destroy the noxious weeds upon his land, or shall fail to prevent the said noxious weeds from blooming or coming to maturity, when such weeds are likely to be the means of infesting the public highway, or upon complaint of any land owner to the township trustees that his lands have been or are likely to be infested by weeds from the lands of another including railway right of way, the trustees shall make investigation of such condition or complaint and if the same appears to be well founded they shall make an order fixing the time within which the weeds shall be prevented from maturing seed, and an order that