

[99] CHAPTER 62.

COMMISSIONER OF DESMOINES RIVER IMPROVEMENT.

AN ACT to authorize the commissioner of the Des Moines river improvement to sell certain lands.

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

SECTION 1. Commissioner to sell—\$1.25 per acre—county seat. That the commissioner of the Des Moines river improvement, be and he is hereby authorized to sell at one dollar and twenty-five cents per acre to the county judge of Boone county, for the use of the seat of justice of said county, the northwest quarter of section twenty-nine, of township eighty-four, north of range twenty-six west.

SEC. 2. Take effect. This act to take effect and be in force from and after its passage.

Approved, January 24, 1853.

CHAPTER 63.

IOWA CITY.

AN ACT to incorporate Iowa City.

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

SECTION 1. Boundaries. That the town of Iowa City, situated in section ten and the northwest quarter of section fifteen, in township seventy-nine, north of range six west, in Johnson county, is hereby declared to be a city, by the name of "Iowa City."

SEC. 2. Incorporation. The said city is made a body corporate, and is invested with all the powers and attributes of a municipal corporation.

SEC. 3. Council. The legislative authority of the city is vested in a city council, consisting of a mayor and board of aldermen, composed of three from each ward of the city.

SEC. 4. Wards—may be changed. The said city shall be divided into three wards, as follows, to wit: That portion lying south of Burlington street, [100] shall constitute the first ward; that portion lying north of Burlington street, and south of Jefferson street, shall constitute the second ward; and all that portion lying north of Jefferson street, shall constitute the third ward: provided, that the said city council may change, unite, or divide the said wards, or any of them, whenever they shall think it for the interest of the city.

SEC. 5. Qualification of voters. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the city six months, and of the ward in which he offers his vote ten days next preceding a city election, is declared a citizen of the said city, and is entitled to vote at all the elections thereof.

SEC. 6. Conducting elections. The elections of the city (for officers) shall be conducted in a manner as similar to that in which the elections are conducted in the townships as the nature of the case permits.

SEC. 7. Challenge—oath. A person offering to vote may be challenged, as in other elections in the townships, and an oath may be administered to him in like manner, naming the qualifications herein prescribed.

SEC. 8. Eligible to office. No person shall be eligible to any elective office mentioned in this act, unless he be a legal voter of the city, and has been a resident thereof for one year next preceding his election.

SEC. 9. Election—council—quorum—term. That the qualified electors of said city shall, on the first Monday of April, A. D. 1853, and annually, on the same day, thereafter, elect a mayor, and at the same time nine aldermen, a recorder, assessor, treasurer, and marshal; and the mayor and aldermen so elected, when assembled together, and duly organized, shall constitute the city council, a majority of whom shall be necessary to constitute a quorum for the transaction of business. They shall be elected for the term of one year, and until their successors are elected and qualified. The mayor, recorder, assessor, treasurer, and marshal shall be elected by the legal voters of said city.

SEC. 10. Three aldermen to each ward. Three aldermen shall be elected in each ward by the legal voters thereof.

SEC. 11. Duty of mayor. It shall be the duty of the mayor to see that the laws [101] and ordinances of the city are executed, and their violation punished; to superintend and direct the official conduct of the subordinate officers; to sign and seal all commissions, licenses and permits granted by the city council, and to perform such duties and exercise such powers as pertain to the office of the mayor of a city, and such as may be granted or imposed by the ordinances of the city, consistent with law.

SEC. 12. Mayor ex-officio justice of peace—jurisdiction. He shall be a conservator of the peace within the city, and ex-officio a justice of the peace, and is invested with exclusive original jurisdiction, for the violation of the ordinances of the city, and with criminal jurisdiction of offences against the laws of the state, committed within the city, and with civil jurisdiction, limited to the city in the same manner as that of justices is or may be limited to their townships. He shall not be disqualified from acting in such judicial capacity by any proceeding being in the name of or behalf of the city.

SEC. 13. Appeals—fees—preside. Appeals to the district court in the same county, shall be allowed from the judgments and decisions of the mayor, in the same cases, time and manner as may at any time be allowed by law from those of other justices, and they shall be tried as in other cases. He will be entitled to demand and receive the same fees as are at the time allowed by law to justices of the peace. He shall be the presiding officer of the city council, when present, and shall give the casting vote when there is a tie; and in his absence the council may appoint a president for the time being from their own body.

SEC. 14. Council judge of the election, etc., of members—record. The council shall be the judge of the qualifications and election of its own members; it may determine the rules of its own proceedings, and shall keep a record thereof, which shall be open to the inspection of every citizen, and may compel the attendance of its members in such manner, and by such penalties, as it may adopt.

SEC. 15. Marshal's duty—deputies—fees. The marshal shall be a conservator of the peace, and is the executive officer of the mayor's court, and shall execute and return all process directed to him by the mayor; and in cases for the violation of the city ordinances, and of the criminal laws of the state, may execute the same in any part of the county; and he shall

have the same authority within [102] the city to quell riots and disturbances, to prevent crimes, and to arrest offenders, that the sheriff has within his county, and may, in the same cases, and under the same penalties, require the aid of the citizens, and perform all duties imposed by the council; he may, with the approval of the council, appoint one or more deputies, and discharge them, and he shall be responsible for their doings, when acting officially. For the service of legal process, he shall be entitled to the same fees as a constable, and for services required by the council, such compensation as it may allow.

SEC. 16. Bond. The treasurer, recorder, assessor and marshal shall give such bond, perform such duties, and exercise such powers as may be required of them by ordinances not inconsistent with law.

SEC. 17. Proclamation—elections. In all elections for city officers, the mayor shall issue a proclamation to the voters of the city, or of the several wards, as the case may require, naming the time and place or places for election, and the officers to be chosen, and cause a copy to be posted up in each ward, at least ten days previous to the day of election. The poll shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open till four o'clock in the afternoon. Within two days after the election, the judges of the election shall make their returns to the president of the city council, who shall examine them at their next meeting, and cause an abstract of the votes to be recorded in a book to be kept for that purpose.

SEC. 18. Ineligible. No member of the city council shall be eligible to any office within the gift of the council during the time for which he is elected, nor shall he be interested directly or indirectly, in the profit of any contract, or job of work, or services to be performed for the city.

SEC. 19. Ordinances—publication—recorded. Ordinances passed by the city council shall be signed by the mayor, attested by the recorder, and before they take effect, be published in one or more newspapers, published in the city, at least ten days; and if there be no such newspaper, they shall be posted up in each ward the same length of time. They shall also be recorded in a book, to be kept for that purpose, and signed by the mayor, and attested by the recorder.

[103] **SEC. 20. Recorder's duty.** It is the duty of the city recorder to keep a true record of all the official proceedings of the city council, and such record shall at all times be open to the inspection of any citizen.

SEC. 21. Oath—who may administer. The mayor, aldermen, marshal, treasurer, recorder, and assessor, shall take an oath to support the constitution of the United States, and of the state of Iowa, and faithfully and impartially to perform their duty to the best of their knowledge and ability. Other officers shall qualify in such manner as may be prescribed by the council. The oath of office may be administered by the mayor or recorder, when he is qualified; and in the transaction of the business of the corporation, those officers, and the president for the time being, may administer oaths, which shall have the same effect as if administered by other officers authorized thereto.

SEC. 22. Fees. The recorder, marshal, and assessor shall receive such fees as the city council deem right, not exceeding the amount allowed county or township officers for such services.

SEC. 23. Meeting of council. The council may hold its meetings as it sees fit, having fixed stated times, or provide the manner of calling them by ordinance; and its meetings shall be public.

SEC. 24. Council may appoint certain officers. The council may appoint in such manner as it determines, and during its pleasure, street commis-

sioners, a clerk of the market, city surveyor, health officers, and such other officers as it deem advisable, and may prescribe their duties, powers, and qualifications, and may prescribe for the election of any such officers by the citizens.

SEC. 25. **Vacancy.** When a vacancy occurs in any of the elective city officers, the council may fill the vacancy by appointment of record until the next election, and the qualification of the successor.

SEC. 26. **City council's authority—ordinances—fines.** The city council is invested with authority to make ordinances to secure the inhabitants against fire, against violations of the law and the public peace; to suppress riots, gambling and drunkenness, or indecent or disorderly conduct, to punish lewd behavior in public places, and generally to provide for the safety and prosperity and good order of the city, and the health, morals, comfort and convenience of the inhabitants, and to impose penalties for the violation of its ordinances, not exceeding one hundred dol- [104] lars, which may be recovered by civil action in the name of the city, or by complaint before the mayor as in criminal proceedings before a justice of the peace, and the laws of the state relating to carrying into effect a judgment of a justice of the peace imposing a fine, shall be applied to judgments in the above cases, but the charges thereof must be borne by the city.

SEC. 27. **Same—wharf.** The council is authorized to establish and organize fire companies, and to provide them with fire engines and other apparatus; and it has the control of the landing on the Iowa river, and may regulate the landing, wharfage, and dockage of all water crafts, goods, lumber, and other things landed or taken from the same.

SEC. 28. **Powder.** The council may regulate the keeping and sale of gunpowder within the city.

SEC. 29. **License—shows, etc.—gaming tables—exceptions—liquor.** The council have the exclusive authority to provide for the license, regulation and prohibition of all exhibitions, shows and theatrical performances; billiard tables, ball and ten pin alleys, and places where games of skill or chance are played; but the above authority extends to no exhibition of a purely literary or scientific character—when the laws of the state permit or refuse licenses for the sale of intoxicating liquors, that matter shall be within the exclusive authority of said council, and it may at all times prohibit the retail of such liquors, unless such prohibiting would be inconsistent with the laws of the state, at the time existing; and the said council is authorized to revoke or suspend any of the above licenses, when it deems that the good order and welfare of the city require it.

SEC. 30. **Health—drains—city may.** The council may make all necessary ordinances in relation to the cleanliness and health of the city; and may require the owners of lots, on which water becomes stagnant, to drain or fill up the same; and in default thereof, after reasonable notice, may cause the same to be done at the expense of the city, and assess the costs thereof on the specific lots and cause them to be sold by the collector of the city, as in the case of taxes; and the owner may redeem from such sale as in case of a sale for tax.

SEC. 31. **Drayage, etc.—hogs, etc.** It may regulate the system of cartage and drayage within the city, and may issue license therefor; and may pro- [105] hibit hogs from running at large within the city, and may prohibit other animals from running at large from the first day of November to the first day of April.

SEC. 32. **Moneys—publish.** The council shall provide by ordinance for the keeping of the public moneys of the city, and the manner of disbursing

the same, and shall audit all claims against the city, and all officers of the city are accountable to the council in such manner as it directs. It shall publish annually a particular statement of the receipts and expenditures of the city and of all debts owing to and from the same.

SEC. 33. **Grade of wharves and streets.** It has the exclusive authority to establish the grades of wharves, streets and alleys of the city, and may change the same upon the petition of two-thirds the value of the real property on both sides of the street, when it is desired to change.

SEC. 34. **Imprisonment.** Imprisonment for the violation of any ordinance shall not exceed fifteen days, and the county jail shall be the place of imprisonment, but at the expense of the city.

SEC. 35. **Taxes—exempt improvements by vote—limit—dogs—limitation of tax.** The city council is authorized to levy and collect taxes, not exceeding one-half of one per cent. on all property within the city, which is liable for state and county taxes, including improvements on such property; and it may exempt such improvements, when it is so determined by a vote of a majority of all the voters of the city; but when such an exemption takes place, the rate of tax on personal property shall not exceed that above named, and the rate on realty shall not exceed one and one-half of one per cent. on the valuation; the council may also levy a tax on dogs, or may prohibit their running at large in the city; provided, that the tax thus levied and collected, when improvements are included, shall not exceed one-fourth of one per cent., and when improvements are exempt as above named, one-fourth of one per cent. on personal property, and one per cent. on real property, until otherwise determined by the qualified electors of the city, at an annual election or a special election, held for that purpose.

SEC. 36. **Collector—notice.** The marshal, or in case of his absence or disability, such person as the council may appoint in his stead, shall be the collector of taxes; and before proceeding to collect the [106] same, shall give thirty days notice of the assessment and levy of the tax, and the rate thereof, in general terms, without the names or description of property, in a newspaper printed in the city, if there be one, and if not, then by three months notice in the most public places in each ward.

SEC. 37. **Appeal.** During the thirty days, any person aggrieved by this assessment or taxation, may appear before the council, which may correct the same if found erroneous.

SEC. 38. **Distrain—sell.** The marshal may distraint upon personal property liable to taxation, and sell the same for payment, if not paid in reasonable time after demanded, as constables may sell personal property on execution.

SEC. 39. **Lien—sale.** Taxes on real property shall be a lien thereon, and it may be sold therefor, when the taxes remain unpaid for six months after posting the notice of the tax.

SEC. 40. **Notice of sale—purchaser.** Such sale must be at auction, and there must be thirty days' notice prior to the sale, given as above provided for, notifying the assessment and tax. In such sale, he who bids to pay the amount due for the least quantity of land will be the highest bidder; and the manner of ascertaining the portion bid for, shall be as in the state revenue law.

SEC. 41. **Deed.** The marshal shall execute and deliver to the purchaser a deed, running in the name of the state, which shall have the same force and effect as the deed of the treasurer of the county in like circumstances on sales for county and state taxes.

SEC. 42. Powers of council—pavements—road tax—working roads—super-visors. The council have the control of the streets and alleys and public grounds of Iowa City, and may cause sidewalks to be paved in the same, and to this end, it may require the owners of lots to pave or repair the same, contiguous to their respective lots, and in case of neglect after reasonable time named in the order, the same may be done by the city, and the expense of the same assessed on the contiguous lots, which shall have the effect of a tax levied thereon, and the same may be sold therefor as for a tax, subject to the same right of redemption. All road tax which may hereafter be paid upon any property in Iowa City, in lieu of labor, shall be paid to the proper authorities of said city, for the improvement of the streets thereof; any person being a resident of [107] said city, subject by the laws of this state to do work upon roads and highways, shall be required to do and perform, or cause the same to be done, under the direction of the proper authorities, upon the streets of said city, or public roads and highways leading thereto, as said authorities may direct. The city council shall supercede the road supervisor in all jurisdiction within the corporate limits, and perform all of their duties.

SEC. 43. Schools. The city council is hereby invested with full control and authority over the common schools in said city, and shall receive and disburse all the school tax levied upon property within said city, or receive from the school fund for distribution therein, within the limits of said city.

SEC. 44. Borrow money. The council are authorized to borrow money for any object in its discretion, if at a regular notified meeting, under notice stating distinctly the nature and object of the loan, and the amount thereof, as nearly as practicable, the voters of the city determine in favor of the loan by a majority vote of two-thirds of the votes given at the election, and said loan can in no case be diverted from the specified object.

SEC. 45. Charter submitted to a vote of the city—election of officers—court house—time. On the passage of this act the trustees of Iowa City township, shall cause a vote to be taken on the acceptance of this charter, in the manner in which township elections are now called and holden; in which the vote shall be "for the charter" or "against the charter," and shall be by ballot, and at the same time and place, and by said trustees, an election shall be held for the election of a mayor and nine aldermen, three aldermen from each ward; also, for a recorder, treasurer, marshal and assessor; if said vote result in favor of said charter, the result shall be so declared and entered of record, and thenceforth the same is accepted. The foregoing election shall be held at the court house, in Iowa City, on the first Monday of April, A. D., 1853, shall be opened between the hours of nine and ten o'clock, a. m. and kept open until 4 o'clock, p. m., of said day.

SEC. 46. Take effect. This act to take effect from and after its passage.
Approved, January 24th, 1853.

[108] CHAPTER 64.

COUNCIL BLUFFS CITY.

AN ACT to incorporate the City of Council Bluffs.

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

SECTION 1. Boundaries—city of Council Bluffs. That the town of Council Bluffs, in the county of Pottawattamie, in this state, which town is situated on the following described land, to-wit: the north half of the west half, of