

from \_\_\_\_\_ to \_\_\_\_\_ and issued for the purpose of defraying the cost of improving, curbing, and paving a portion of \_\_\_\_\_ street or alley (or constructing a sewer on \_\_\_\_\_ street or alley), as described in said resolution, in said city, (or town) which cost is payable by the abutting and adjacent property along said improvements, and is made by law a lien on all said property. It is payable in \_\_\_\_\_ equal annual installments, with interest on all deferred payments at the rate of five per cent (5%) per annum, but only out of the \_\_\_\_\_ fund created by the collection of said special tax, and said fund can be used for no other purpose.

It is hereby certified and recited that all the acts, conditions and things required to be done, precedent to, and in issuing this series of bonds, have been done, happened and performed, in regular and due form, as required by law and said resolution, and for the assessment, collection and payment hereon of said special tax, the full faith and diligence of said city (or town) of \_\_\_\_\_ are hereby irrevocably pledged.

In testimony whereof, the city (or town) of \_\_\_\_\_, by its council, has caused this bond to be signed by its mayor and countersigned by its city (or town) clerk, and the seal of said city (or town) to be thereto affixed, this \_\_\_\_\_ day of \_\_\_\_\_, 1\_\_\_\_\_.

\_\_\_\_\_  
City (or Town) Clerk.

\_\_\_\_\_  
Mayor.

No. \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, the city (or town) of \_\_\_\_\_, Iowa, promises to pay to bearer, as provided in said bond, the sum of \_\_\_\_\_ dollars, at the \_\_\_\_\_ bank, in the city (or town) of \_\_\_\_\_, being \_\_\_\_\_ months' interest due that day on its improvement bond No. \_\_\_\_\_, dated \_\_\_\_\_, 1\_\_\_\_\_.

Attested.

\_\_\_\_\_  
City (or Town) Clerk.

That section thirty-nine hundred sixty (3960) of the compiled Code of Iowa is amended, revised and codified to read as follows:

Sec. 6. Certificate of completion of work. No money received by the city treasurer from the sale of street improvement and sewer bonds or certificates shall be paid out, nor shall any certificate be issued to the contractor or sold, except upon the resolution of the council ordering the same, and no such resolution for the delivery of any bonds or certificates, or the payment of any of the proceeds of said bonds or certificates, shall be made until the certificate of the city engineer or other competent person selected has been filed, stating that the work contracted for or a completed part thereof, as the case may be, has been completed according to the terms and stipulations of the contract.

Approved March 13, 1924.

CHAPTER 116  
MUNICIPAL CORPORATIONS

H. F. 172

AN ACT to amend, revise, and codify sections three thousand nine hundred sixty-six (3966) to three thousand nine hundred sixty-nine (3969), inclusive, three thousand nine hundred seventy-two (3972), three thousand nine hundred seventy-six (3976), and three thousand nine hundred seventy-seven (3977) of the compiled code of Iowa, relating to municipal corporations.

That sections three thousand nine hundred sixty-six (3966) to three thousand nine hundred sixty-nine (3969), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

**Section 1. Public utilities - powers of cities and towns.** Cities and towns shall have the power to purchase, establish, erect, maintain, and operate within or without their corporate limits, heating plants, waterworks, gasworks, or electric light or power plants, with all the necessary reservoirs, mains, filters, streams, trenches, pipes, drains, poles, wires, burners, machinery, apparatus, and other requisites of said works or plants, and lease or sell the same. They may grant to individuals or private corporations the authority to erect and maintain such works or plants for a term of not more than twenty-five (25) years, and may renew, amend, or extend the terms of the grant; but no exclusive franchise shall be granted, amended, extended, or renewed. Cities with a population of less than ten thousand (10,000) may utilize the steam and excess power of such works or plants in the manufacture of artificial ice, and may install machinery and equipment therefor.

**Sec. 2. Purchase of products of utilities.** They may enter into contracts with persons, corporations, or municipalities for the purchase of heat, gas, water, or electric current for either light or power purposes for the purpose of selling the same either to residents of the municipality or to others, including corporations and shall have power to erect and maintain the necessary transmission lines therefor, either within or without their corporate limits, to the same extent, in the same manner, and under the same regulations, and with the same power to establish rates and collect rents, as is provided by law for cities having municipally owned plants.

**Sec. 3. Election required.** No such works or plants shall be authorized, established, erected, purchased, leased, or sold, or franchise granted, extended, renewed, or amended, or contract of purchase provided for in section 2 hereof shall be entered into unless a majority of the legal electors voting thereon vote in favor of the same.

**Sec. 4. Question submitted - notice.** The council may order any of the questions provided for in the three (3) preceding sections submitted to a vote at a general or municipal election, or at one specially called for that purpose, or the mayor shall submit said question to such a vote upon the petition of twenty-five (25) property owners of each voting precinct in a city, or of fifty (50) property owners of any incorporated town. Notice of the election shall be given by publication once each week for four (4) consecutive weeks in some newspaper published in the county and of general circulation in the city or town. The election shall be held on a day not less than five (5) nor more than twenty (20) days after the last publication of notice. The person asking for the granting, renewal, or extension of a franchise shall pay the costs incurred in holding the election.

**Sec. 5. Condemning land.** They shall have power to condemn and appropriate so much private property as may be necessary for the construction and operation of said works or plants, and for the purpose of constructing and maintaining dams across the nonnavigable waters and watercourses of the state in forming reservoirs and sources of water to supply such waterworks and plants, as provided for the condemnation of land for city purposes; to issue bonds for the payment of the cost of establishing the same, including the cost of land condemned on which to locate them, and to confer by ordinance the power to appropriate and condemn private property for such purpose upon any individual or corporation authorized to construct and operate such works or plants.

Sec. 6. Acquiring utilities - special condemnation proceedings. When any city or town shall have voted at an election to purchase, establish, erect, maintain, and operate heating plants, waterworks, gasworks, or electric light or power plants, or when it has voted to contract an indebtedness and issue bonds therefor, and in such city or town there shall then exist any such utility, or incomplete parts thereof or more than one (1), not publicly owned, and the contract or franchise of the owner of which utility has expired or been surrendered, and such owner and the city or town cannot agree upon terms of purchase, it may, by resolution, proceed to acquire by condemnation, any one (1) or more of such utilities or incomplete parts thereof. When so acquired it may apply the proceeds of the bonds in payment therefor and in making extensions and improvements to such works or plants so acquired, but not more than one utility may be so acquired when such municipality is indebted in excess of the statutory limitation of indebtedness for such purposes for any such acquired property.

Sec. 7. Court of condemnation - appointment. Upon the passage of the resolution as provided in the preceding section and the presentation of a certified copy thereof to the supreme court while in session, or to the chief justice of the supreme court, the said court or chief justice shall within five (5) days thereafter appoint as a court of condemnation three (3) district court judges from three (3) judicial districts, of whom one (1) shall be from the district wherein the city or town is located, if not a resident of the city or town, and shall enter an order requiring said judges to attend as such court of condemnation at the county seat of the county in which said city or town is located within ten (10) days thereafter, and the said district court judges shall so attend and shall constitute a court of condemnation.

Sec. 8. Procedure. Said court when it meets to organize or at any time during the proceedings, which may be adjourned from time to time for any purpose, may fix the time for the appearance of any person or persons that any party desires to have joined in the proceedings, and whom the court deems necessary. The time for appearance shall be sufficiently remote to serve notice upon such parties, but if the time for appearance occur after the proceedings are begun, such proceedings may be reviewed by the court to give all parties a full opportunity to be heard.

Sec. 9. Appearance. Persons not voluntarily appearing, but having any right, title, or interest in or to the property which is the subject of condemnation, or any part thereof, including all leaseholders, mortgagees, and trustees of bondholders, who are to be made parties to the proceedings shall be served with notice thereof and of the time and place of meeting of said court in the same manner and for the same length of time as for the service of original notice, either by personal service, or by service by publication, the time so set being the time at which the parties so served are required to appear, and actual personal service of the notice within or without the state shall supersede the necessity for publication.

Sec. 10. Powers of court. The court of condemnation shall have power to summon and swear witnesses, take evidence, order the taking of depositions, require the production of any books or papers, and may appoint a shorthand reporter. It shall perform all the duties of commissioners in the condemnation of property. Such duties and the method of procedure and condemnation, including provisions for appeal, shall, except as herein otherwise specifically provided, be, as nearly as may be, as provided for the taking of private property for works of internal improvement. The clerk of the district court of the county where the city or town is located shall perform all of the duties required of the sheriff in such condemnation, and in case of a vacancy in the court, such vacancy shall be

filled in the manner in which the original appointment was made. When necessary by reason of such vacancy, the court may review any evidence in its records.

That section three thousand nine hundred seventy-two (3972) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 11. Sale of products - rates - taxes. They may sell the products of municipal heating plants, waterworks, gasworks, or electric light or power plants to any municipality, individual, or corporation outside the city or town limits, as well as to individuals or corporations within its limits, and may with the consent of the board having jurisdiction thereof erect in the public highway the necessary poles upon which to construct transmission lines, and shall from time to time in such manner as they deem equitable, assess upon each tenement or other place supplied with heat, water, gas, light, or power, reasonable rents or rates fixed by ordinance, and shall levy a tax as provided by law to pay or aid in paying expenses of running, operating, renewing, and extending such works, and the interest on any bonds issued to pay all or any part of their construction.

That sections three thousand nine hundred seventy-six (3976) and three thousand nine hundred seventy-seven (3977) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 13. Mayor to appoint trustees - terms - compensation. If a majority of the votes cast at such election are in favor of placing the management and control of any or all of the said utilities in the hands of trustees, the mayor shall, within ten (10) days after such election, appoint a board of three (3) trustees, which appointments shall be approved and confirmed by the council. The first appointees shall hold office, one (1) for two (2) years, one (1) for four (4) years, and one (1) for six (6) years, and their successors shall be appointed for a term of six (6) years. All vacancies occurring on said board shall be filled in the manner original appointments are made. The compensation of each trustee shall be not more than one hundred dollars (\$100.00) per year, and each trustee shall execute and furnish to the city an official bond in the sum of twenty-five hundred dollars (\$2,500.00) to be approved by the mayor and filed with the city clerk.

Sec. 14. Powers of trustees. The board of trustees shall have all the power and authority in the management and control of the utilities mentioned in the question submitted to the voters at such election as is conferred upon waterworks trustees appointed as provided in chapter twenty-eight (28) of this title.

Approved April 9, 1924.

#### CHAPTER 117

#### MUNICIPAL CORPORATIONS

#### S. F. 173

AN ACT to amend, revise, and codify sections three thousand nine hundred eighty-seven (3987) and three thousand nine hundred ninety (3990) to three thousand nine hundred ninety-two (3992), inclusive, of the compiled code of Iowa, and sections three thousand nine hundred eighty-two (3982), and three thousand nine hundred eighty-eight (3988) of the supplement to said code, relating to municipal corporations.

Be It Enacted by the General Assembly of the State of Iowa: