

CHAPTER 129

CITIES AND TOWNS

S. F. 422

AN ACT to amend chapter eighty-five (85) acts of the thirty-eighth general assembly (C. C. 3974, 3978), relating to the powers of cities and towns with reference to waterworks, heating plants, gas works or electric light or electric power plants.

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

1 SECTION 1. **Trustees for public utilities.** That chapter eighty-five
2 (85) acts of the thirty-eighth general assembly (C. C. 3974, 3978) be
3 and the same is hereby amended by striking from line six (6) of sec-
4 tion one (1) the words and figures as follows: "thirty-five thousand
5 (35,000)" and substituting in lieu therefor the words and figures "fifty
6 thousand (50,000)." Also by striking from line two (2) of section
7 five (5) the words and figures "thirty-five thousand (35,000)" and in-
8 serting in lieu thereof the words and figures "fifty thousand (50,000)".

Approved March 20, A. D. 1923.

CHAPTER 130

BOARD OF WATERWORKS TRUSTEES

H. F. 671

AN ACT to amend the law as it appears in sections nine (9), eleven (11), thirteen (13) and fourteen (14) of chapter two hundred eighty-eight (288), acts of the thirty-eighth general assembly (C. C. 4002, 4004, 4006, 4007), relating to waterworks in cities now and hereafter having a population of one hundred thousand (100,000) inhabitants or over, including cities acting under the commission form of government.

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

1 SECTION 1. **Duty of trustees.** That the law as it appears in sec-
2 tion nine (9) of chapter two hundred eighty-eight (288), acts of the
3 thirty-eighth general assembly, be and the same is hereby amended
4 by striking out of said act all of said section, and inserting in lieu
5 thereof the following: "The board of waterworks trustees shall have
6 supervision over and be responsible for all details of administration
7 and operation of said waterworks, the board to determine all ques-
8 tions of engineering, mechanical and operating details, extensions of
9 mains, except as otherwise specifically provided, and other improve-
10 ments and betterments of said waterworks, and report to the council
11 at such stated periods as the council may determine all information
12 necessary for its guidance in the issuance of bonds and the perform-
13 ance of such other duties as may be required of it under said chapter
14 two hundred eighty-eight (288), acts of the thirty-eighth general
15 assembly, as amended, it being the intent and purpose of this act to

16 give such board of waterworks trustees complete management and
17 control of said waterworks, together with all land and property now
18 or heretofore held and used in connection therewith, with the right
19 to make all necessary contracts pertaining to the operation, main-
20 tenance, extensions and improvements of the same, as well as the
21 right to sue and be sued."

1 SEC. 2. Rates. That the law as it appears in section eleven (11)
2 of chapter two hundred eighty-eight (288), acts of the thirty-eighth
3 general assembly, be and the same is hereby amended by striking out
4 all of said section, and inserting in lieu thereof the following: "The
5 board of waterworks trustees, in all such cities owning and operating
6 a waterworks under this act, shall determine the rates to be charged
7 for water. In fixing the rate to be paid by the city for water for
8 public uses the board shall take into consideration the quantity used
9 and fix the rate accordingly but in no event shall such rate exceed
10 an annual rental or rate of three hundred fifty dollars (\$350.00) for
11 each mile of main pipe laid and in operation, including hydrant con-
12 nections, and not including more than one line of pipe on the same
13 street, and not including any pipe less than six inches in diameter
14 laid since August 17, 1896.

15 Rates to private consumers and to the city shall be so fixed as to
16 produce an amount which with other revenues collectible shall be
17 sufficient to cover:

18 1. Interest on the entire outstanding indebtedness of said water-
19 works including that portion that is a general obligation against the
20 city.

21 2. The cost of all operating expenses including insurance against
22 legal liability and payment of judgment resulting from such liability.

23 3. A sufficient sum by way of a depreciation fund to cover such
24 repairs and replacement as may properly be charged against such fund.

25 4. A sufficient annual provision for a sinking fund to fully pay at
26 maturity all bonds and certificates which by their terms are payable
27 out of the special tax provided for in this chapter, or out of the earn-
28 ings of the property purchased under the powers herein granted.

29 5. A surplus in addition to the requirements set out in the last
30 four (4) preceding paragraphs to be used as a working capital of not
31 to exceed one hundred twenty-five thousand dollars (\$125,000.00),
32 provided, however, that the board may absorb all surplus in excess of
33 fifty thousand dollars (\$50,000.00) by reducing water rates to con-
34 sumers and must so absorb all such surplus in excess of one hundred
35 twenty-five thousand dollars (\$125,000.00).

36 If necessary to procure funds the city is hereby authorized to levy
37 a sufficient tax as provided in paragraph five (5) of section eight hun-
38 dred ninety-four (894) of the code and the acts amendatory thereto
39 to provide funds to pay for the water used by such city for public uses.

40 The sums payable by the city for water furnished as herein pro-
41 vided shall hereafter be paid by the city in May of each year for the
42 last six months of the preceding year, and in November of each year
43 for the first six months of that current year. In any city now affected
44 by this act the first payment herein provided for shall be made in
45 May, 1924, and shall be for the last six months period of 1923.

1 SEC. 3. Free water service. That the law as it appears in section
2 thirteen (13), chapter two hundred eighty-eight (288), acts of the

3 thirty-eighth general assembly, be and the same is hereby amended
 4 by inserting in the first line thereof after the word "person" the
 5 words "or corporation" and inserting between the word "public" and
 6 the period in line three (3) the following: "except as herein provided".

1 **SEC. 4. Extension of mains.** That the law as it appears in section
 2 fourteen (14), chapter two hundred eighty-eight (288), acts of the
 3 thirty-eighth general assembly, be and the same is hereby amended
 4 by inserting after the word "extensions" in line six (6) thereof the
 5 following: "It shall be the duty of the city council, immediately after
 6 the passage of any ordinance or resolution, ordering any street im-
 7 provement or sewer upon any street or streets, in which a water main
 8 should be laid or extended prior to such improvement as indicated by
 9 a majority vote of the council, to give notice in writing to the board
 10 of waterworks trustees of such action, and to forward to said board
 11 a copy of such resolution or ordinance ordering the said improvement.
 12 On receipt of said notice, the board shall proceed without unnecessary
 13 delay to cause mains to be laid or extended in those streets affected
 14 by the resolution or ordinance."

1 **SEC. 5. Publication clause.** This act being deemed of immediate
 2 importance shall be in full force and effect on and after its passage
 3 and publication in the Evening Tribune and Des Moines Capital, news-
 4 papers published in Des Moines, Iowa.

Approved April 9, A. D. 1923.

I hereby certify that the foregoing act was published in the Evening Tribune April
 11, 1923, and the Des Moines Capital April 11, 1923.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 131

POLL TAX

S. F. 381

AN ACT to amend chapter one hundred ninety-one (191), acts of the thirty-ninth (39th)
 general assembly, (S. C. C. 4036-a1, 4036-a2, 4036-a3), relative to poll tax and pro-
 viding a penalty, for non-payment.

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

1 **SECTION 1. Demand for payment—notice—penalty.** That chapter
 2 one hundred ninety-one (191), acts of the thirty-ninth (39th) general
 3 assembly, be amended by inserting the words: "and within fifteen
 4 (15) days after receipt of the demand for payment by the clerk", after
 5 the word "year" in line eight (8), and by inserting the words: "by
 6 serving a personal notice or", after the word "made" in line fourteen
 7 (14), and by inserting the words: "and penalty of not more than two
 8 dollars" after the word "same" in line twenty-one (21), (S. C. C.
 9 4036-a1, 4036-a2, 4036-a3).

Approved April 16, A. D. 1923.