

- 3 a newspaper published in Des Moines, Iowa, and the Council Bluffs
 4 Nonpareil, a newspaper published in Council Bluffs, Iowa.

House File No. 66. Approved March 11, A. D. 1929.

I hereby certify that the foregoing act was published in the Plain Talk March 14, 1929, and the Council Bluffs Nonpareil March 14, 1929.

ED. M. SMITH, *Secretary of State.*

CHAPTER 182

PAVING ALONG STREET RAILWAY TRACKS

AN ACT relating to the construction of the tracks of street railway companies and providing for the payment of said companies of certain portions of the cost of pavement within and along their tracks in cities and towns, including cities under special charter; providing for the letting of contracts for such work and the assessment of the cost thereof; amending sections six thousand fifty-two (6052) and six thousand fifty-four (6054) of the code, 1927; repealing sections six thousand fifty-seven (6057) and six thousand fifty-eight (6058) of the code of 1927; and making said act applicable to cities acting under special charter.

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

1 SECTION 1. Street railway companies operating upon the streets,
 2 avenues and public places of cities and towns, including cities under
 3 special charter, shall provide a suitable foundation for the track of a
 4 width equal to their ties, but in no case less than the width comprised
 5 between lines lying one foot outside of each rail of the track, and
 6 shall be assessed for the construction or reconstruction of paving
 7 between the rails of their track or tracks, and for one foot outside of
 8 each rail thereof, in the amount that the cost of such pavement per
 9 yard of area exceeds the cost per yard of the remainder of the paving
 10 upon such street. In the making of assessments for paving upon
 11 streets, avenues, or public places of cities and towns, including cities
 12 acting under special charter, along or upon which a street railway
 13 track or tracks are located, in the event that the track or tracks also
 14 are to be paved or re-paved; the engineer shall make an estimate of
 15 the cost of building such improvement, and he shall, also, make an
 16 estimate of the cost of building such an improvement upon said street,
 17 avenue or public place as it would be in the event that the street car
 18 tracks did not there exist; and the street railway company shall be
 19 charged with the difference in said estimates of cost and shall pay
 20 the same as other special assessments are paid.

21 Separate bids shall be taken in case of single track upon that por-
 22 tion of the street between the rails and one foot outside of each rail
 23 and in case of double track upon the entire portion of the street in-
 24 cluded between lines parallel to and one foot outside of the outer rail
 25 of each track. The street railway company shall be permitted to bid
 26 upon this portion of the pavement and, if the lowest bidder thereupon
 27 shall be awarded the contract therefor. One-third of the remaining
 28 cost of the improvement for the area between the rails of the tracks
 29 of the street railway company and one foot outside thereof shall be
 30 assessed against the street railway company, one-third thereof shall
 31 be assessed against the abutting property and the owner thereof, and

32 one-third thereof shall be paid for by the city either out of the im-
33 provement fund or general fund of the city.

34 All repairs or maintenance between and one (1) foot outside the
35 rails made necessary by the operation of the street railway and any
36 other repairs or maintenance made necessary by the operation of the
37 street railway shall be made by the street railway company and if
38 not so made, the city shall have the power to make such repairs and
39 assess the cost thereof to such company. All construction assess-
40 ments herein provided for shall be made in the manner provided for
41 the assessment of such costs against abutting property and the owner
42 thereof.

1 SEC. 2. The word "paving" as used in the preceding section shall
2 include any kind of hard surfacing, gravel or macadamizing together
3 with the necessary paving base.

1 SEC. 3. Section six thousand fifty-two (6052), code, 1927, is
2 amended by striking from line two (2) the words "and street rail-
3 way"; and by striking from lines nine (9) and twelve (12) the words
4 "or street railway". Section six thousand fifty-four (6054), code,
5 1927, is amended by striking the words "or street railway" wherever
6 they appear.

1 SEC. 4. Sections six thousand fifty-seven (6057) and six thousand
2 fifty-eight (6058) of the code, 1927, are hereby repealed.

1 SEC. 5. The provisions of the act shall apply to cities acting under
2 special charter.

1 SEC. 6. This act being deemed of immediate importance shall be
2 in full force and effect from and after its passage and publication in
3 the Howard County Times, a newspaper published at Cresco, Iowa,
4 and the Daily American Tribune, a newspaper published at Dubuque,
5 Iowa.

Senate File No. 311. Approved April 16, A. D. 1929.

I hereby certify that the foregoing act was published in the Howard County Times
April 24, 1929, and the Dubuque Daily American Tribune April 20, 1929.

ED. M. SMITH, *Secretary of State.*

CHAPTER 183

CITIES AND TOWNS. UTILITIES

AN ACT to amend sections sixty-one hundred fifty-one-b one (6151-b1) to sixty-one
hundred fifty-one-b three (6151-b3), inclusive, code, 1927, relating to the use of
surplus earnings of certain municipality owned public utilities.

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

1 SECTION 1. Sections sixty-one hundred fifty-one-b one (6151-b1)
2 and sixty-one hundred fifty-one-b two (6151-b2), code, 1927, are
3 amended by inserting immediately after section sixty-one hundred
4 fifty-one-b two (6151-b2) the following section, to wit:
5 "6151-c1. **Exceptions.** In all cities having a population of five