

## CHAPTER 84.

## ATTACHED,

AN ACT to attach the county of Cerro Gordo to the county of Floyd, for certain purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the county Cerro Gordo is hereby attached to the county of Floyd, for election, revenue and Judicial purposes. attached to Cerro Gordo, attached to Floyd county.

§ 2. All acts and parts of acts, in conflict with this Act Repealed. are hereby repealed.

§ 8. This Act to be in force from and after its publication in the Iowa City Reporter and Republican. Take effect.

APPROVED January 23d, 1855. >

The above Act was published in the Iowa City Reporter and Republican on the 28th day of Feb. 1855.

GEO. W. McLEARY, Sec'y of State.

## CHAPTER 85.

## OSKALOOSA CITY.

AN ACT to incorporate Oskaloosa.

SEC. 1. *Be it enacted by the General Assembly of the State of Iowa*, That the corporate limits of the city of Oskaloosa, be, and are hereby established, as follows: commencing at the north-east corner of the south-east quarter of section 13, in township 75 north, range 16 west; thence east to the north-west corner of the north-east quarter, of the south-west quarter of section 18, in township 75 north, range 15 west; thence south to the south-east corner of Houts' ad- City limits. Boundaries.

dition to Oskaloosa ; thence west along the south side of the additions of Houts' and Montgomery, to the south-west corner of said Montgomery's addition ; thence north to the south-west corner of the original town plat ; thence west 40 rods ; thence north to High street ; thence west 40 rods ; thence north to Liberty street ; thence west to the south-west corner of Loughridge and Cassiday's addition ; thence north to the north-west corner of said addition ; thence east to the north-west corner of the original town plat ; thence north 40 rods ; thence east 160 rods, and thence south to the place of beginning, and situate in the county of Mahaska, and State of Iowa, with the inhabitants thereof, be, and the same hereby is constituted a city and body politic and corporate, with perpetual succession, by the name of "Oskaloosa," and by that name shall have power to sue and be sued, plead and be impleaded, contract and be contracted with, acquire, possess, hold and enjoy, whatever real, personal or mixed property may be necessary, proper, and convenient, to carry out the objects of the corporation, sell and convey the same, and shall otherwise possess and enjoy all the powers and attributes, and be subject to all the liabilities of a municipal corporation.

Mahaska co.

Incorporated.

Powers.

Legislative authority.

Voters.

Who eligible to offices.

Elections.

Time of elections.

Officers to be elected.

§ 2. The legislative authority of said city shall be vested in a city council, to be composed of a mayor, and two councilmen from each ward.

§ 3. The electors of said city shall be voters in the county of Mahaska, and residents of Oskaloosa, ten days prior to the elections.

§ 4. The officers of said city, shall be legal voters therein at the time of their election, and shall reside in the city during their term of office.

§ 5. The manner of conducting elections, shall be similar to that of township elections, by councilmen acting in the place of trustees, and the recorder in the place of township clerk, until otherwise regulated by the city council.

§ 6. The elections of said city shall be annual, on the first Monday of June, at which time there shall be elected by the electors of said city, one mayor, two councilmen from each ward, one marshal, one recorder, and one treas-

urer, and such other officers as the council may from time to time direct, who shall hold the irrelative offices one year, Term. and until their successors are elected and qualified. There shall also be elected one justice of the peace each year, J. P. who shall hold his office for the term of two years. Term.

§ 7. Each of the officers of the city shall take and sub- Qualification. scribe an oath, faithfully to discharge the duties of his office, and shall also give such bond and security as shall be re- Bond. quired by the council, conditioned faithfully to discharge the duties of his office.

§ 8. Until otherwise provided, the said city shall be Wards. divided into four wards, as follows: all that part lying north 1st Ward. of a line extending west through High street to the west side of said city, and west of a line extending north through Market street to the north side of said city, shall constitute the first ward; that portion lying south of the first ward, 2d Ward. and west of a line extending through Market street to the south side of said city, shall constitute the second ward; all 3d Ward. that part lying east of the second ward, and south of High street, and extending to the east side of said city, shall constitute the third ward; and all that portion lying north of 4th Ward. the third ward and east of the first ward, shall constitute the fourth ward.

§ 9. The mayor of said city is a conservator of the Mayor. peace, and a magistrate within the city, and shall hold a A J. P. court to be styled the mayor's court; and he is hereby in- Mayor's court. vested with full jurisdiction in all cases of breaches of the Jurisdiction. peace co-extensive with a justice of the peace, and shall have exclusive jurisdiction in all violations of the by-laws and ordinances of said city, and appeals may be taken in Appeals. all cases from the orders, judgments and decisions of the mayor, in the same manner, and within the same time, as from a justice of the peace: *Provided*, that in all cases of sick- Disability. ness, absence or inability of the mayor to act, any justice J. P. to act. of the peace within said city, shall have jurisdiction co-extensive in all cases with the mayor.

§ 10. The mayor shall be president of the city council, Preside. but shall not vote, except in cases of a tie vote; he shall Duties. sign all ordinances, deeds, contracts, orders for the payment

of money, commissions, and permits granted, or authorized by the city council, and see that the laws and ordinances are faithfully executed.

**Council.**            § 11. The city council shall be the judge of the elections  
**Powers.**            and qualifications of its members, and all other city officers;  
**Pro tem.**            it shall elect a president pro tem., and may determine rules  
**Rules.**                for its own proceedings, and compel the attendance of its  
**Vacancy.**            members; it may fill any vacancy in any of the offices  
                           herein named: *Provided*, that in case of vacancy of the  
**Mayor.**              office of mayor, the president pro tem. shall succeed to that  
**Appointment.**    office; the council may also constitute and appoint such  
                           subordinate officer and officers, as may from time to time  
                           be necessary and proper: *Provided*, that all such offices shall  
                           become vacant at the second regular meeting after the an-  
                           nual election.

**By-laws and**        § 12. The city council shall have power to establish  
**Ordinances.**        such by-laws, and ordinances, as may be necessary and  
                           proper, for the good, regulation, health, and safety of the  
**Fire and mis-**     citizens, and cleanliness of the city; to provide against fire,  
**demeanors.**        gambling, breaches of the peace, and disorderly and in-  
**License.**            decent conduct and houses; to license, regulate or prohibit  
                           shows and exhibitions; to establish grades and regulate and  
**Streets.**            improve the streets, side-walks, and alleys; and provide for  
                           drains, sewers, and public wells; to provide for the manner  
**Elections.**        of calling and conducting elections; and may make any  
**Police regula-**     other ordinary, suitable and proper police regulation; and  
**tions.**                impose fines and penalties for the violation of any such  
**Violations.**        regulations, by-laws, and ordinances, not inconsistent with  
                           the laws of this State; the council shall also have further  
**Taxes.**              power to levy and collect taxes for city purposes, upon all  
                           property within the limits of the corporation, which is not,  
                           by the laws of the State, exempt from taxation: *Provided*,  
**Limit.**                that said tax shall not exceed four mills on the dollar in any  
                           one year, on the assessed value of said property; and the  
                           council shall, by ordinance, prescribe the manner of levying  
**Collecting.**        and collecting the same, by measures not more stringent  
                           and summary than those used for collecting State and coun-  
                           ty revenue.

**Pavements.**        § 13. The city council is authorized to require the pro-

erty holders of any street, or part of street, to pave the side walks thereof, each in front of his own property. whenever the owners of two thirds of the lots on such street, or part of a street, petition therefor; and upon the neglect of any such owner, after a reasonable time and notice, to pave his portion of the side walk, in the manner prescribed by the council, the council may cause the same to be paved and collect the expense thereof from the owner of the lot or part of lot, by action, in the name of the city, and until paid it shall be a lien on the lot, or part of lot, in front of which the same is paved: *Provided*, That not less than one block in length shall be construed to be a part of a street: *And provided further*, That in all cases the curbstons shall be put in at the expense of the city: *And provided further*, That after the city council shall have caused the curbstone to be set in front of any block, at the expense of the city, it shall then have full power to direct the property holders of said block to construct a brick pavement, each in front of his own property, and on neglect or refusal so to do, the council may proceed as above provided.

§ 14. The council may regulate its own meetings, but shall meet at least once each month, on a time to be fixed by ordinance; and may adjourn from time to time; the mayor or any five councilmen, may call a special meeting of the council, giving the members notice, in writing, of the time and object of the meeting; but no business shall be transacted at such meeting, except what is expressed in the notice; all meetings shall be public, and a majority shall constitute a quorum for business.

§ 15. Every ordinance shall fix the time for its taking effect; but it shall not be in force until it has been published in some newspaper published in said city, or written copies posted up in three public places in said city.

§ 16. All contracts shall be made, or approved and ratified by the council before the same shall be legally binding; and all deeds and contracts shall, by direction of the council, be signed by the mayor, and countersigned and sealed by the recorder.

**Debt's** § 17. The city council shall never have power to contract a debt, beyond the amount of the city revenue, for the current year, or borrow money on the credit of the city, unless the question of borrowing money or indebtedness, shall first have been submitted to the legal voters, at a regular or special election, and approved by a majority vote, of the votes cast; and in no case whatever shall it have power to create an indebtedness in the aggregate beyond ten thousand dollars.

**Borrow money**  
**Submitted.**  
**Election.**  
**Majority.**  
**Limitation.**  
**Present laws remain.**

§ 18. The by-laws, ordinances, and regulations of the present city of Oskaloosa, are hereby declared to be in force and full effect in Oskaloosa from and after the taking effect of this charter, till the same are altered, amended or repealed; and all contracts with, and liabilities to the present city of Oskaloosa, shall be liabilities against, and discharged by, Oskaloosa; and the officers of the present city of Oskaloosa, shall hold their offices till the annual election herein provided for, and until their successors are elected and qualified.

**Contracts and liabilities**  
**Officers of present city.**  
**Recorder's duty.**  
**Record.**  
**Minute Book.**  
**Attend meetings.**  
**Record of proceedings, &c.**

§ 19. It shall be the duty of the Recorder, to keep a true record of all the official proceedings of the city council; he shall record all the by-laws and ordinances in a book, to be called the ordinance book; he shall also keep a minute book, in which he shall insert the number, date and amount of each order drawn on the Treasurer, and shall attend all meetings of the council, and act as clerk thereof, and keep a full record of all the proceedings, in a book, to be called the journal; and shall perform such other duties as the council may require.

**Treasurer Duty of. Money.**  
**Pay out.**  
**Account**  
**Settlement**

§ 20. It shall be the duty of the Treasurer to receive and safely keep, without using or lending, any and all money which may legally come to his possession by virtue of his office; and shall pay none out, except by order of the council, signed by the Mayor, and countersigned by the Recorder; he shall keep a book in which he shall keep a correct account of all money by him received, and from whom paid; and on the payment of money, the order shall be delivered up to the Treasurer to be cancelled, and shall be his voucher, on settlement: He shall make settlement with the council, whenever required so to do by the council.

§ 21. The Marshal is the ministerial officer of the city, Marshal. and a conservator of the peace; he shall execute all orders Duti s. and process directed to him by the Mayor, and in all cases of violation of the city ordinances, may execute the same in any part of the county, and in violation of criminal laws, he shall have such powers as are now, or may be given by statute: *Provided*, That in any case of his inability to act, any constable of said city may act in his place; the Marshal Constable. is also the tax collector of the city, and is empowered and Collector, required to collect all taxes for the city, and shall pay the same over to the Treasurer; he shall receive such fees for Fees. service of process, as are, by law, allowed to constables, and such as the council shall prescribe for collecting taxes, not exceeding four per cent. on the whole taxes assessed, and shall be liable for all taxes assessed, unless released therefrom by the city council; he shall also attend all meetings of the Attend meet. council, and perform such duties as the council may direct, ings. and shall receive such reasonable fees therefor, and for extra services as the council shall, from time to time, allow.

§ 22. Oskaloosa is hereby constituted a road district, un Road District der the entire control of the city council; and the road reve Road Tax, nue of said city, including labor, shall be expended within the limits of said city, or upon the roads and highways within one mile thereof, under the supervision and control of the city council; and the council is hereby invested with full Road Fund. authority to receive from the County Treasurer all road revenue belonging to said city, and receipt for the same, which receipt shall be the Treasurer's voucher.

§ 23. Each and all the officers of said city, shall receive Salarie, such salaries, fees, and compensation, as the council may Fees, &c. deem proper, which may be changed as circumstances require.

§ 24. The city council may propose amendments to this Amendments, charter, which shall be submitted to the legal voters at the Submitted, annual election; and if a majority of the votes cast for and B- come part against the amendment be for it, the amendment shall there Pub'lished. upon become a part of this chapter: *Provided*, That such amendment shall be published as herein provided for publish- Pub'lished. ing ordinances, before it is submitted for approval.

- Present charter, § 25. The present charter for the city of Oskaloosa shall become void, and be superceded by the taking effect of this charter.
- Charter submitted. § 26. Within three months after the passage of this Act, the present authorities of the city of Oskaloosa shall order an election for a vote on the acceptance or rejection of this charter, which election shall be called and conducted in the manner in which elections of said city are now called and conducted: *Provided*, that all the legal voters included in the district contemplated in this Act shall be permitted to vote at said election; said vote shall be "for the charter," or "against the charter," and shall be by ballot, and if the vote be in favor of its acceptance, such result shall be declared, and be entered on the record of the present city, after which said city authorities shall cause this act to be published in some newspaper published within said corporation; after which the same shall be the charter of said Oskaloosa.
- Election called and conducted. "Outsiders." "For" or "vs." Result. Publication. Take effect § 27. This Act to take effect from and after its passage.
- APPROVED January 24, 1855.

## CHAPTER 86.

## WALLS IN COMMON.

AN ACT entitled an Act respecting Walls in common.

- Walls. SEC. *Be it enacted by the General Assembly of the State of Iowa*, That in cities, towns, and other places, surveyed into building lots, the plats whereof are recorded, he who is about to build contiguous to the land of his neighbor, may, if no wall be on the line between, rest one-half of his wall on his neighbor's land: *Provided*, he build of brick or stone, at least as high as the first story: *And provided*, the whole thickness of such wall, above the cellar wall, do not exceed eighteen inches, not including the plastering, which, for the purposes of this act, is not to be considered as part of the
- On line. Brick or stone size of walls.