

CHAPTER 142

TOWNSHIP TRUSTEES

H. F. 323

AN ACT relating to the duties of the township trustees and to amend section three hundred fifty-nine point seventeen (359.17), Code 1950.

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

1 SECTION 1. Section three hundred fifty-nine point seventeen
2 (359.17), Code 1950, is amended by striking all of the second sentence
3 in lines four (4), five (5), and six (6) of said section and inserting in
4 lieu thereof the following, "The trustees shall act as overseers of the
5 poor and as fence viewers."

Approved April 5, 1951.

CHAPTER 143

TOWNSHIP CEMETERIES

S. F. 109

AN ACT to amend section three hundred fifty-nine point thirty-five (359.35), Code 1950, relating to use of cemetery funds by township trustees.

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

1 SECTION 1. Section three hundred fifty-nine point thirty-five
2 (359.35), Code 1950, is hereby amended by striking the period (.) at
3 the end of line six (6) and adding thereto the following: "and, when
4 any such cemetery has been so utilized for more than twenty-five (25)
5 years and has been maintained by township funds, the township trus-
6 tees of the township where the cemetery is located shall continue to
7 improve and maintain the same."

Approved April 11, 1951.

CHAPTER 144

INCORPORATION OF CITIES AND TOWNS AND CHANGE OF BOUNDARIES

S. F. 93

AN ACT relating to municipal corporations, including their incorporation, discontinuance, annexation or severance of territory and the changing of names thereof and to repeal various sections of chapter three hundred sixty-two (362), Code 1950, relating thereto and to enact substitutes therefor.

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

1 SECTION 1. Section three hundred sixty-two point five (362.5),
2 Code 1950, is amended by striking the comma (,) after the word "in-
3 corporation" in line four (4), inserting a period (.) in lieu thereof,
4 and striking the balance of the section.

5 Further amend said section by adding the following sentence:
6 "Such notice shall state the time and place of holding the elections, a
7 description of the geographical limits of the proposed municipal cor-

8 poration, that a plat and description of such limits are on file in the
9 office of the clerk of the district court, and shall be published once each
10 week for three (3) consecutive weeks in the manner provided by
11 chapter six hundred eighteen (618).”.

1 SEC. 2. Section three hundred sixty-two point seven (362.7), Code
2 1950, is amended by striking therefrom the sentence beginning with
3 the word “The” in line six (6) and ending with the word “town” in
4 line thirteen (13), and inserting in lieu thereof the following sen-
5 tence: “The commissioners shall cause notice of the time and place of
6 holding the election to be published once each week for three con-
7 secutive weeks in the manner provided by chapter six hundred
8 eighteen (618).”.

1 SEC. 3. Section three hundred sixty-two point eleven (362.11),
2 Code 1950, is amended by striking the comma (,) after the word
3 “election” in line eleven (11) and inserting a period (.) in lieu thereof.

4 Further amend said section by striking from lines eleven (11) to
5 sixteen (16) the words commencing with “by publication” in line
6 eleven (11) and ending with the word “therein” in line sixteen (16),
7 and inserting in lieu thereof the following sentence: “Such notice shall
8 be published once each week for three consecutive weeks in the manner
9 provided by chapter six hundred eighteen (618).”.

1 SEC. 4. Section three hundred sixty-two point fifteen (362.15),
2 Code 1950, is hereby amended by striking therefrom the last sentence
3 in lines six (6) to twelve (12), inclusive, and inserting in lieu thereof
4 the following: “All court records of any mayor or other officer shall
5 be deposited with the clerk of the district court in the county where the
6 office of the mayor or other officer is situated, and the judge of said
7 court shall have authority to execute and complete all unfinished
8 business standing on the same.”.

1 SEC. 5. Section three hundred sixty-two point sixteen (362.16),
2 Code 1950, is amended by striking from lines five (5) to seven (7) the
3 words “for four consecutive weeks in the county where the court is
4 held” and inserting in lieu thereof the following: “for three consecu-
5 tive weeks in the manner provided by chapter six hundred eighteen
6 (618).”.

1 SEC. 6. Section three hundred sixty-two point nineteen (362.19),
2 Code 1950, is amended by striking the last sentence thereof from lines
3 twelve (12) to twenty-four (24) and inserting in lieu thereof the
4 following: “Thereupon a copy of the ordinance, together with a
5 statement that both councils have adopted the same, shall be published
6 once each week for three consecutive weeks in the manner provided by
7 chapter six hundred eighteen (618). The date of the third publication
8 shall be not less than one week nor more than two weeks prior to the
9 election.”.

1 SEC. 7. Sections three hundred sixty-two point twenty-six
2 (362.26), three hundred sixty-two point twenty-eight (362.28), three
3 hundred sixty-two point twenty-nine (362.29), and three hundred
4 sixty-two point thirty-one (362.31), Code 1950, are hereby repealed
5 and the following enacted in lieu thereof: “Unincorporated territory

6 adjoining any city or town may be annexed thereto and become a part
7 thereof by proceeding as follows:

8 1. The clerk of the municipal corporation, on order of the council,
9 shall cause to be published, once each week for two consecutive weeks
10 in the manner provided by section six hundred eighteen point fourteen
11 (618.14), Code 1950, a notice that the council will meet at a certain
12 date, time, and place to consider a proposed resolution for the annexa-
13 tion of certain described territory and to hear objectors and pro-
14 ponents for such annexation.

15 2. The council may provide at said meeting or at a subsequent meet-
16 ing by resolution, adopted at least one month before any regular
17 municipal election, for the annexation of territory described therein.

18 3. The proposition shall be submitted to the voters of said city or
19 town at said election in the following form: "Shall the proposition to
20 annex the territory described as follows: (here set out legal descrip-
21 tion of the territory); in the resolution adopted by the council of the
22 city (or town) of, on the day of
23 be approved?" Notice of the submission of said proposition shall be
24 given by publication once each week for three consecutive weeks in the
25 manner provided by chapter six hundred eighteen (618).

26 4. If the proposition is adopted by a majority of those voting there-
27 on, the council shall cause to be filed in the district court a suit in equity
28 against the owners of the property proposed to be annexed.

29 5. The petition shall contain:

30 a. A description of the entire property proposed to be annexed and
31 of that portion thereof owned by each defendant as shown by the plat
32 books in the office of the county auditor.

33 b. The facts constituting the desirability of such annexation.

34 c. A plat of such territory showing its relation to the corporate
35 limits.

36 6. If the court finds that annexation of such territory, or any part
37 thereof is necessary for proper municipal purposes, the court may
38 decree the annexation of such territory, or any part thereof, provided
39 there is an affirmative showing that the municipal corporation is
40 capable of extending into such territory substantial municipal services
41 and benefits not theretofore enjoyed by such territory. Annexation
42 shall not be decreed merely for the purpose of increasing the revenues
43 from taxation of such municipal corporation. No costs shall be taxed
44 against any defendant who fails to make a defense.

1 SEC. 8. Section three hundred sixty-two point twenty-seven
2 (362.27), Code 1950, is hereby repealed and the following enacted in
3 lieu thereof: "Notice of the filing of the petition shall be served by
4 publication once each week for three consecutive weeks in the manner
5 provided by chapter six hundred eighteen (618)."

1 SEC. 9. Nothing in this bill shall affect pending proceedings or
2 litigation brought under any provisions of chapter three hundred sixty-
3 two (362), Code 1950, prior to the effective date of this enactment.

1 SEC. 10. Section three hundred sixty-two point thirty-three
2 (362.33), Code 1950, is hereby amended by striking from lines eight

3 (8) and nine (9) the words "and also in the office of the secretary of
4 state."

1 SEC. 11. When ten percent of the owners of territory adjoining
2 any city or town petition the council of such city or town for annexa-
3 tion such territory may be annexed by the same procedure as is pro-
4 vided by law for annexation proceedings initiated by the council, except
5 that the petitioners shall be plaintiffs and the city or town and all
6 owners of property in the territory other than petitioners shall be
7 defendants.

Approved May 2, 1951.

CHAPTER 145

CITIES AND TOWNS—GENERAL POWERS

S. F. 165

AN ACT relating to the forms of government, classification, and fiscal year of municipal corporations and to the election of officers thereof, and to repeal certain sections of chapters three hundred sixty-three (363), four hundred sixteen (416), four hundred nineteen (419), and four hundred twenty (420), Code 1950, relating thereto, and to enact a substitute therefor, and to amend various sections of the Code to conform thereto.

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

1 Sections one (1) to nine (9) and fifteen (15) to forty (40) hereof
2 are enacted as a new chapter to be added to Title XV of the Code.

FORMS OF MUNICIPAL GOVERNMENT

1 SECTION 1. **Forms enumerated.** The form of government of a
2 municipal corporation shall be one of the following:

- 3 a. Mayor-Council form,
- 4 b. Commission form,
- 5 c. Council-Manager form by ordinance,
- 6 d. Council-Manager form by popular election.

1 SEC. 2. **Applicability.** This chapter shall apply to all municipal
2 corporations, and to all forms of municipal government, except as
3 otherwise provided by laws relating to a particular form of govern-
4 ment and to elections in cities operating under chapters forty-four
5 (44) and forty-five (45), and except as provided by section forty-three
6 point one hundred twelve (43.112), Code 1950.

1 SEC. 3. **The governing body.** The governing body of all municipal
2 corporations shall be the mayor and council, chosen by the electorate
3 as provided by this chapter. All legislative and other powers granted
4 to municipal corporations shall be exercised by the council, except
5 those conferred upon some officer by law or ordinance. All executive
6 functions and powers shall be exercised by the mayor and other officers
7 and boards, and neither the council nor the members thereof shall
8 exercise any executive functions unless expressly conferred by law.