

1 SEC. 8. Sections three hundred sixty-three point forty-one
 2 (363.41), three hundred sixty-three point forty-four (363.44), and
 3 three hundred sixty-three point forty-five (363.45), Code 1950, are
 4 hereby repealed.

Approved May 2, 1951.

CHAPTER 147

GENERAL POWERS OF MUNICIPAL OFFICERS

S. F. 164

AN ACT to define the general powers and duties of municipal officers and to repeal various sections of the Code relating thereto and to enact substitutes therefor.

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

GENERAL POWERS AND DUTIES OF MUNICIPAL OFFICERS

The Administration

1 SECTION 1. The council. In all municipal corporations, except
 2 when otherwise provided by laws relating to a specific form of mu-
 3 nicipal government, the council shall:

4 1. *First meeting.* After taking office, assemble, organize and ap-
 5 point a clerk.

6 2. *Meetings.* Determine the time and place of holding their meet-
 7 ings, which at all times shall be open to the public, and in the absence
 8 of the mayor or clerk appoint a temporary chairman or clerk, as the
 9 case may be, from their own number, which appointment shall be en-
 10 tered of record. A majority of the whole number of members to which
 11 the corporation is entitled shall be necessary to constitute a quorum.

12 3. *Special meetings.* Hold special meetings when called by the
 13 mayor or a majority of the members of the council. Notice thereof
 14 shall be given personally or left at the usual place of residence of each
 15 member of the council, and a record of the services of notice made
 16 by the clerk.

17 4. *Rules—journal.* Determine the rules of their own proceedings,
 18 and cause to be kept a journal thereof which shall be open to public
 19 inspection.

20 5. *Attendance of members.* Have power to compel the attendance
 21 of absent members in such manner and under such penalties as they
 22 may prescribe.

23 6. *Seal.* Cause to be provided a seal in the center of which shall
 24 be the name of the city or town, and around the margin the words
 25 "city seal" or "town seal", as the case may be, which shall be affixed
 26 to all transcripts, orders, or certificates which it may be necessary
 27 or proper to authenticate.

28 7. *Appointments.* Have power to appoint an attorney, city clerk,
 29 engineer, health officer, and such other officers, assistants and em-
 30 ployees as are provided by ordinance and are necessary for the proper
 31 and efficient conduct of the affairs of the municipal corporation, and
 32 fix the terms of employment which may include vacations, retirement
 33 plans and sick leave.

34 8. *Election for filling vacancies.* Elect by ballot persons to fill va-
35 cancies in offices not filled by election by the council, and the person
36 receiving a majority of the votes of the whole number of members
37 shall be declared elected to fill the vacancy.

38 9. *Terms of officers.* Fix by ordinance the terms of service, which
39 shall not exceed two years, of all officers whose terms are not pre-
40 scribed by law.

41 10. *Powers of officers.* Prescribe by ordinance the powers to be
42 exercised and duties performed by officers insofar as such powers and
43 duties are not defined by law.

44 11. *Defend employees.* Have power to direct the city attorney, or to
45 employ an attorney, to defend any municipal officer or employee in
46 any cause of action arising out of or in the course of the performance
47 of the duties of his office or employment and to pay the costs of such
48 defense.

49 12. *Liability insurance.* Have power to purchase and pay the
50 premiums on liability and property damage insurance covering and
51 insuring municipal employees while in the performance of their duties
52 and operating an automobile, truck, road grader, machinery or other
53 vehicles owned or used by the municipal corporation, which insurance
54 shall insure, cover, and protect against any liability the municipal
55 employee or the municipal corporation may incur.

56 13. *Surety bond.* Have power to purchase a surety bond running
57 to the municipal corporation and covering all municipal officers and
58 employees for the purpose of indemnifying the municipal corporation
59 against any loss occasioned through embezzlement of municipal funds
60 by any municipal officer or employee.

1 SEC. 2. **The mayor.** In all municipal corporations, the mayor shall
2 have the following powers and perform the following duties except
3 when otherwise provided by laws relating to specific forms of municip-
4 al government.

5 1. *Executive officer—magistrate.* He shall be a conservator of the
6 peace, and, within the limits of the corporation, shall have all the
7 powers conferred upon sheriffs to suppress disorders. He shall be the
8 chief executive officer thereof, and it shall be his duty to enforce all
9 regulations and ordinances; he may, upon view, arrest anyone guilty
10 of a violation thereof, or of any crime under the laws of the state, and
11 shall, upon information supported by affidavit, issue process for the
12 arrest of any person charged with violating any ordinance of the
13 corporation; shall supervise the conduct of all corporate officers, ex-
14 amine into the grounds of complaint made against them, and cause
15 all neglect or violation of duty to be corrected, or report the same to
16 the proper tribunal, that they may be dealt with as provided by law.

17 2. *Office.* He shall keep an office at some convenient place in the
18 city or town, to be provided by the council, and provide for the keeping
19 of the corporate seal thereof.

20 3. *Signature.* He shall sign all commissions, licenses, and permits
21 granted by the authority of the council, and do such other acts as by
22 law or ordinance may require his signature or certificate.

23 4. *Treasurer—appointment.* He shall appoint the treasurer and
24 such appointment shall be subject to approval by the council. However,
25 in lieu of such appointment, the council may, by ordinance, provide for
26 the election at large of the treasurer at the regular municipal election.

27 5. *Other duties.* He shall also perform such other duties compatible
28 with the nature of his office as the council may from time to time
29 require.

30 6. *Presiding officer—vote.* He shall be the presiding officer of the
31 council with the right to vote only in case of a tie.

1 SEC. 3. **The clerk.** In all municipal corporations the clerk shall
2 perform the following duties:

3 1. Attend all meetings of the council, but in no event have the right
4 to vote on any question before it.

5 2. Make an accurate record of and have custody of all proceedings
6 had, rules and ordinances adopted by the council, and the same shall
7 at all times be open to the public.

8 3. Immediately following a regular or special meeting of the city
9 or town council, the clerk shall prepare a condensed statement of the
10 proceedings of said council, including the total expenditure from each
11 municipal fund, and cause the same to be published in a newspaper of
12 general circulation in the city or town. Said statement shall include a
13 list of all claims allowed and a summary of all receipts, providing
14 however that in cities having more than one hundred fifty thousand
15 (150,000) population the council shall each month print in pamphlet
16 form a detailed itemized statement of all receipts and disbursements
17 of the city, and a summary of its proceedings during the preceding
18 month, and furnish copies thereof to the state library, the city library,
19 the daily newspapers of the city and to persons who shall apply
20 therefor at the office of the city clerk, and such pamphlet shall con-
21 stitute publication as required herein. Failure by the clerk to make
22 such publication shall constitute a misdemeanor.

23 4. Supply the treasurer with a statement of all warrants issued
24 after each meeting, giving the number and amounts of each.

25 5. Upon order of the council, destroy all records and papers, other
26 than proceedings, ordinances, and instruments having to do with real
27 estate and bond issues, which are more than ten years old, or offer
28 such of same as may be of historical interest to a historical society or
29 public library.

30 6. Perform such duties as may be required by the council.

31 7. Perform such duties in respect to elections and other matters as
32 are required by law.

1 SEC. 4. **The treasurer.** In all municipal corporations the treasurer
2 shall perform the following duties:

3 1. He shall receive all money payable to the corporation, and dis-
4 burse same only on warrants drawn and signed by the proper officer.

5 2. He shall make returns monthly, or oftener if required by the
6 council, to the officer drawing such warrants, showing the warrants
7 paid and the amount of principal and interest paid.

8 3. He shall make a written report under oath to the council at its

9 first regular meeting in each month, showing the balance in each fund
10 of the corporation at the end of the preceding month.

11 4. He shall not loan or in any manner use for private purposes any
12 funds coming into his hands as treasurer.

13 5. He shall give bond in such sum as is fixed by the council and the
14 cost of said bond, not to exceed one per cent per annum, shall be paid
15 by the municipal corporation.

Accounts and Accounting Officers.

1 **SEC. 5. Accounts.** All cities and towns shall establish and keep
2 their accounts so the same shall exhibit a true and detailed statement
3 of all public funds collected, received, and expended on account of such
4 municipal corporation for any purpose whatever, by any and all public
5 officers, employees or other persons. Such accounts shall show the
6 receipt, use, and disposition of all public property, and the income, if
7 any, derived therefrom, and of all sources of public income and the
8 amount due and received from each source. All receipts, vouchers,
9 and other documents kept, or that may be required to be kept, neces-
10 sary to prove the validity of every transaction and the identity of
11 every person having any beneficial relation thereto, shall be filed and
12 preserved in the office of the clerk or recorder as the case may be.

1 **SEC. 6. Separate accounts.** Separate accounts shall be kept for
2 every appropriation, showing date and manner of each payment made
3 out of the funds provided by such appropriation, the name and address
4 of each person or corporation to whom paid, and for what purpose paid.

5 Separate accounts shall be kept for each department, public im-
6 provement, or undertaking, and for each public utility owned or oper-
7 ated by the said municipality.

8 Said separate accounts for each public utility shall show the true
9 and entire cost of the said utility and the operation thereof, the amount
10 collected annually by general or special taxation for the services ren-
11 dered to the public, and the amount and character of the services
12 rendered therefor, and the amount collected annually from private
13 users, if any, for the services rendered to them, and the amount and
14 character of the services rendered therefor.

1 **SEC. 7. Accounting officers—reports.** All accounting officers of all
2 boards, commissions, departments, and offices within the municipal
3 corporation receiving or disbursing public funds shall file with the
4 auditor or clerk within thirty days from the expiration of the municip-
5 al fiscal year, a detailed report in writing showing the receipts and
6 disbursements of all funds in the department, board, or commission in
7 question for said fiscal year.

1 **SEC. 8. Penalty.** The failure to make the said report shall consti-
2 tute a misdemeanor.

1 **SEC. 9. Annual reports.** Each city or town shall, through its chief
2 accounting and warrant issuing officer, make an annual public report
3 which shall contain an accurate statement in summarized form of all
4 collections made or receipts of the municipal corporation from all
5 sources, all accounts due the public but not collected, and all expendi-
6 tures for every purpose, and, except as otherwise provided by law, a

7 statement in detail of the cost of operation and income of each public
8 utility operated or owned by the municipality. It shall show in detail
9 the entire public debt of the municipality and the amount of debt
10 which it may under the law contract for the year in which the report
11 is made.

1 **SEC. 10. Enforcement of duty.** The auditor or clerk may institute
2 legal proceedings to enforce the making of said reports.

1 **SEC. 11. Publication.** The annual report shall be published in a
2 newspaper of general circulation in the city or town except where
3 there is no Iowa newspaper of general circulation in the town, said
4 annual report may be posted in three (3) public places.

1 **SEC. 12. Report to state auditor.** On or before the first secular day
2 in February of each year, the official making the report for each city
3 or town shall forward to the auditor of state a certified copy of the
4 annual report. If such official fails to file his report with the auditor of
5 state within the time prescribed, the auditor may send an examiner or
6 examiners to make the report and the expenses thereof shall be
7 charged against the delinquent city or town.

1 **SEC. 13. Report—by whom made.** It shall be the duty of the
2 auditor or clerk who served in the capacity during the time covered
3 by the report, to prepare and file the same, and if said official has
4 retired from office, the council shall allow him such compensation for
5 preparing the report as may be deemed proper.

1 **SEC. 14. Warrants—how drawn.** The auditor, clerk, or other offi-
2 cer of cities and towns whose duty it is to draw the warrants thereof,
3 shall not draw any such warrant except upon the vote of the council.

1 **SEC. 15. List of warrants.** The officer drawing such warrants
2 shall, on or before the tenth day of each month, furnish the council
3 a sworn and complete list of all warrants, and the amount thereof,
4 drawn by him during the preceding month, which list shall state on
5 whose account and the object and purpose for which each warrant
6 was drawn.

1 **SEC. 16. Prohibitions as to warrants.** All the provisions of sections
2 three hundred thirty-four point three (334.3), three hundred thirty-
3 four point four (334.4), three hundred forty-three point seven (343.7)
4 to three hundred forty-three point nine (343.9), inclusive shall be
5 applicable to cities and towns, their officers and employees, subject
6 only to such modifications as may be necessary therefor.

Police Department

1 **SEC. 17. The marshal.** The marshal shall be ex officio chief of
2 police and may appoint one or more deputy marshals, who may per-
3 form his duties, and who, in cities of fifteen thousand or more popu-
4 lation shall be members of the police force. He shall have the
5 supervision and general direction of the police force, and shall be the
6 ministerial officer of the corporation. He shall suppress all riots,
7 disturbances, and breaches of the peace, arrest all disorderly persons
8 in the city or town and all persons committing any offense against the

9 ordinances thereof, and forthwith bring such persons before the
 10 proper court for examination or trial. He shall pursue and arrest any
 11 person fleeing from justice, and shall diligently enforce all laws,
 12 ordinances, and regulations for the preservation of the public welfare
 13 and good order, and shall have the same powers and duties as con-
 14 stables in similar cases. He shall attend upon the sittings of the
 15 mayor's and police court, and execute within the county and return
 16 all writs and other processes directed to him therefrom.

1 **SEC. 18. Policemen.** The officers and members of the police force
 2 shall have such powers and perform such duties as may be provided by
 3 law or ordinance, and shall have the same powers as marshals to make
 4 arrests and suppress riots, disturbances, and breaches of the peace.

1 **SEC. 19. Police matrons.** Police matrons shall have charge of all
 2 the women and children under arrest, accompanying to court such as
 3 may require such aid. They shall be subject to the authority of the
 4 marshal and the rules and regulations prescribed by his authority, and
 5 in stations, when on duty, shall be subject to the authority of the
 6 officers in command. In cities where workhouses are established for
 7 the detention of women, or where there are houses of detention, they
 8 shall have at all times the right of entering such establishments, and
 9 shall visit them whenever in their judgment such visits may be neces-
 10 sary. A suitable place shall be provided for the police matrons, when
 11 not on duty, for rest and refreshment.

Other Officers

1 **SEC. 20. Other officers.** The city attorney, engineer, auditor,
 2 physician, and such additional officers as may be provided for, shall
 3 have such powers and perform such duties as are prescribed by law or
 4 ordinance.

General Restrictions on Municipal Officers

1 **SEC. 21. Ineligibility—change of compensation.** No member of
 2 any city or town council shall, during the time for which he has been
 3 elected, be appointed to any municipal office which has been created
 4 or the emoluments of which have been increased during the term for
 5 which he was elected, nor shall the emoluments of any city or town
 6 officer be changed during the term for which he has been elected. No
 7 person who shall resign or vacate any office shall be eligible to the same
 8 during the time for which he was elected, when, during the time, the
 9 emoluments of the office have been increased.

1 **SEC. 22. Interest in contracts.** No officer, including members of
 2 the city council, shall be interested, directly or indirectly, in any con-
 3 tract or job of work or material or the profits thereof or services to be
 4 furnished or performed for the city or town.

1 **SEC. 23. Free passes.** No such officer shall accept or receive, di-
 2 rectly or indirectly, from any person, firm, or corporation operating
 3 within the said city or town any railway, interurban railway, street
 4 railway, gasworks, waterworks, electric light or power plants, tele-
 5 graph line, or telephone exchange, or other business using a public

6 franchise, any frank, free pass, or ticket, or other service upon terms
 7 more favorable than is granted to the public generally, except where,
 8 by franchise granted by the municipal corporation to any such person
 9 or corporation, any officers of said municipal corporation are granted
 10 such privileges as part of such franchise, and except that members of
 11 the police and fire departments of any city or town shall be carried
 12 without charge. Any violation of the provisions of this section or
 13 section twenty-two of this Act shall be a misdemeanor. The provisions
 14 of this section shall not prohibit the acceptance and use of free passes
 15 under the provisions of section four hundred seventy-nine point
 16 ninety-four (479.94).

1 SEC. 24. **Publication by state auditor.** Chapter eleven (11) of the
 2 Code is amended by adding the following section:

3 "The auditor of state shall prepare the annual reports certified to
 4 him under the provisions of the Chapter on the powers and duties of
 5 municipal officers for publication in a separate volume. Said reports
 6 shall show under appropriate schedules the total receipts and expendi-
 7 tures, assets and indebtedness, and related data of all cities and towns
 8 in the state, together with comments and recommendations respecting
 9 desirable changes in the law governing financial administration in
 10 municipal corporations."

1 SEC. 25. **Utilities boards—proceedings.** Immediately following
 2 each meeting of the trustees or governing board of each municipally
 3 owned public utility, the trustees or board members shall publish by
 4 one insertion in at least one newspaper a summary of the proceedings
 5 together with a list of warrants drawn, the names of persons, firms,
 6 or corporations to whom drawn, the amount thereof, and the reason
 7 therefor. Publication shall be made in the manner provided by sec-
 8 tion six hundred eighteen point fourteen (618.14). Failure to make
 9 such publication shall constitute a misdemeanor.

1 SEC. 26. Section three hundred sixty-three point eleven (363.11),
 2 Code 1950, is hereby repealed.

1 SEC. 27. Section three hundred sixty-three point eighteen
 2 (363.18), Code 1950, is hereby repealed.

1 SEC. 28. Section three hundred sixty-three point nineteen
 2 (363.19), Code 1950, is hereby repealed.

1 SEC. 29. Sections three hundred sixty-three point twenty (363.20),
 2 to three hundred sixty-three point twenty-two (363.22), inclusive,
 3 and three hundred sixty-three point thirty-seven (363.37), Code 1950,
 4 are hereby repealed.

1 SEC. 30. Sections three hundred sixty-three point twenty-three
 2 (363.23) to three hundred sixty-three point twenty-eight (363.28),
 3 inclusive, Code 1950, are hereby repealed.

1 SEC. 31. Sections three hundred sixty-three point thirty (363.30)
 2 to three hundred sixty-three point thirty-three (363.33), inclusive,
 3 Code 1950, are hereby repealed.

1 SEC. 32. Section three hundred sixty-three point thirty-six
2 (363.36), Code 1950, is hereby repealed.

1 SEC. 33. Sections three hundred sixty-three point forty-six
2 (363.46) to three hundred sixty-three point forty-eight (363.48), in-
3 clusive, Code 1950, are hereby repealed.

1 SEC. 34. Sections three hundred sixty-three point forty-nine
2 (363.49) to three hundred sixty-three point fifty-nine (363.59), in-
3 clusive, Code 1950, are hereby repealed.

1 SEC. 35. Section three hundred sixty-six point ten (366.10), Code
2 1950, is hereby repealed.

1 SEC. 36. Sections four hundred sixteen point fourteen (416.14),
2 four hundred sixteen point forty-five (416.45), four hundred sixteen
3 point forty-nine (416.49), four hundred sixteen point fifty-three
4 (416.53), four hundred sixteen point ninety-five (416.95), and four
5 hundred sixteen point ninety-six (416.96), Code 1950, are hereby
6 repealed.

1 SEC. 37. Section four hundred sixteen point one hundred nine
2 (416.109), Code 1950, is hereby repealed.

1 SEC. 38. Section four hundred sixteen point one hundred ten
2 (416.110), Code 1950, is hereby repealed.

1 SEC. 39. Sections four hundred sixteen point fifty-eight (416.58)
2 to four hundred sixteen point sixty-one (416.61), inclusive, and four
3 hundred nineteen point forty-two (419.42), Code 1950, are hereby
4 repealed.

1 SEC. 40. Sections four hundred twenty point twenty-six (420.26)
2 to four hundred twenty point thirty (420.30), inclusive, Code 1950,
3 are hereby repealed.

1 SEC. 41. Sections four hundred nineteen point sixteen (419.16) to
2 four hundred nineteen point eighteen (419.18), inclusive, four hun-
3 dred nineteen point thirty-four (419.34), and four hundred nineteen
4 point thirty-five (419.35), Code 1950, are hereby repealed.

Approved May 2, 1951.

CHAPTER 148

MUNICIPAL ORDINANCES

S. F. 33

AN ACT relating to the ordinances of municipal corporations, and to repeal certain sections of chapter three hundred sixty-six (366), Code 1950, relating thereto, and to amend certain sections of said chapter.

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

1 SECTION 1. Section three hundred sixty-six point three (366.3),
2 Code 1950, is amended by striking from lines one (1) to three (3) the