

1     **SEC. 2.** Section four hundred seven point three (407.3), Code 1950,  
 2 is amended by striking from line three (3) of subsection five (5) the  
 3 word "or" and inserting in said line after the words "fire stations" the  
 4 following: ", or garages for the storage, repair and servicing of city  
 5 or town motor vehicles and other equipment".

Approved March 30, 1951.

## CHAPTER 151

### GENERAL POWERS OF MUNICIPAL CORPORATIONS

S. F. 163

AN ACT relating to the general powers of municipal corporations and to repeal chapter three hundred sixty-eight (368) of the Code, relating thereto, and certain other sections of the Code, relating thereto and to enact a substitute therefor, and to amend various sections of the Code relating thereto.

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

1     That Chapter three hundred sixty-eight (368), Code 1950, except  
 2 sections three hundred sixty-eight point five (368.5), three hundred  
 3 sixty-eight point six (368.6), three hundred sixty-eight point seven  
 4 (368.7) and three hundred sixty-eight point eight (368.8), is hereby  
 5 repealed and sections one (1) to thirty-five (35), inclusive, hereof  
 6 enacted in lieu thereof.

### GENERAL POWERS OF MUNICIPAL CORPORATIONS

1     **SECTION 1. Applicability.** This Act is applicable to all municipal  
 2 corporations and to all forms of government thereof.

1     **SEC. 2. Bodies corporate—name—authority.** Cities and towns are  
 2 bodies politic and corporate, under such name and style as may be  
 3 selected at the time of their organization, with the authority vested  
 4 in the mayor and a common council, together with such officers as are  
 5 in this title mentioned or may be created under its authority, and shall  
 6 have the general powers and privileges granted, and such others as  
 7 are incident to municipal corporations of like character, not incon-  
 8 sistent with the statutes of the state, for the protection of their prop-  
 9 erty and inhabitants, and the preservation of peace and good order  
 10 therein, and they may sue and be sued, contract and be contracted  
 11 with, acquire, lease, and hold real and personal property, and have a  
 12 common seal.

1     **SEC. 3. Nuisances.** They shall have power to abate, restrain, or  
 2 prohibit any nuisance, public or private, and provide for the assess-  
 3 ment of the cost thereof against the property. Said power shall include  
 4 the authority to abate all nuisances as defined in section six hundred  
 5 fifty-seven point one (657.1) and in section six hundred fifty-seven  
 6 point two (657.2) or in any other statutory enumeration.

1     **SEC. 4. Collection of assessed costs.** Wherever provision is made  
 2 in this Code that municipal corporations shall have power to do or  
 3 cause to be done certain acts and assess the cost thereof against the  
 4 property, but fails to specify the manner of collection, the clerk of  
 5 such municipal corporations shall certify said cost to the county

6 auditor and it shall then be collected with, and in the same manner  
7 as, general property taxes.

1     **SEC. 5. Buildings.** They shall have power to adopt a building code,  
2 and they may provide for the regulation and inspection of all con-  
3 struction, major repairs and remodeling, and the installation of elec-  
4 trical, heating, ventilating, air conditioning, and plumbing fixtures,  
5 apparatus, and equipment. They shall have power to provide for the  
6 removal, repair, or dismantling of any dangerous building or struc-  
7 ture and to assess the cost thereof against the property. They shall  
8 have power to require the numbering of buildings and, in the event said  
9 requirement is not complied with, to cause the same to be done and  
10 assess the cost thereof against the property.

1     **SEC. 6. Building lines.** They shall have power to establish by  
2 ordinance building lines on private or public property for the protec-  
3 tion of public health or safety, and to prohibit any building or other  
4 structure from being erected between such line and the street or high-  
5 way line, upon the following procedure:

6     1. Preliminary approval of a proposed ordinance by the council  
7 establishing the proposed building lines.

8     2. Publication of said proposed ordinance once each week for two  
9 consecutive weeks in the manner provided by section six hundred  
10 eighteen point fourteen (618.14) and the time and place of a public  
11 hearing on same.

12     3. At such hearing the proposed ordinance may be amended but  
13 it shall not be adopted until the next regular council meeting.

14     4. If such ordinance is adopted the municipal corporation shall  
15 compensate owners of property for any loss of use or enjoyment  
16 caused thereby.

17     5. The amount of compensation to be paid by the municipal corpo-  
18 ration shall be determined by agreement with the property owner,  
19 or in the manner provided by chapter four hundred seventy-two (472).

1     **SEC. 7. Fire protection.** They shall have power to provide for  
2 the protection of life and property against fire and to establish, house,  
3 equip, staff, uniform and maintain a fire department. They may  
4 establish fire limits. They may consistent with code standards pro-  
5 mulgated by nationally recognized fire prevention agencies regulate  
6 the storage, handling, use, and transportation of all inflammables,  
7 combustibles, and explosives, within the corporate limits, and inspect  
8 for and abate fire hazards. They may provide conditions upon which  
9 the fire department will answer calls outside the corporate limits and  
10 the corporation shall have the same governmental immunity as when  
11 operating within the corporate limits. Firemen operating equipment  
12 on calls outside the corporate limits shall be entitled to the benefits of  
13 chapters four hundred ten (410) and four hundred eleven (411).

1     **SEC. 8. Joint facilities.** They shall have the power, when author-  
2 ized by a majority vote of the electors thereof at a regular or special  
3 election called for that purpose, upon notice as required by law, to  
4 own, use, or operate jointly with any other city, town or township,  
5 fire apparatus, equipment, or facilities and to provide for the purchase,  
6 rental, or maintenance of such equipment, facilities, or services.

1     **SEC. 9. Short courses.** Municipal corporations may require the  
2 attendance and pay the expenses of firemen, policemen, and other  
3 employees at conferences and short courses designed to increase the  
4 efficiency of such personnel.

1     **SEC. 10. Volunteer firemen—insurance.** Municipal corporations  
2 maintaining a volunteer fire department may insure the members  
3 thereof against death or injury. Dependents of such volunteer firemen  
4 shall be the beneficiaries.

1     **SEC. 11. Police protection.** They shall provide for the preservation  
2 of the peace and enforcement of law within the corporate limits, and  
3 may establish, house, equip, staff, uniform and maintain a police de-  
4 partment, of which the marshal shall be chief. They shall have power  
5 to establish, erect, and maintain a jail, and such number of station  
6 houses as circumstances require. They shall have power, when author-  
7 ized by a majority vote of the electors thereof, to maintain a joint  
8 police department with any contiguous municipal corporation.

1     **SEC. 12. Plumbing.** All cities having a population of six thousand  
2 or more shall, and other cities and towns may, by ordinance, adopt a  
3 set of plumbing regulations not inconsistent with state law or state  
4 administrative regulations, and provide for the inspection of plumbing  
5 installations. They shall have authority to examine and license plumb-  
6 ers, but such licenses shall be valid only in the municipal corporations  
7 where issued, provided, however, that any such license issuing au-  
8 thority may issue a license without examination to any plumber hold-  
9 ing a license from another municipal corporation recognized by such  
10 authority as having similar licensing standards.

1     **SEC. 13. Municipal buildings and property.**

2     1. They shall have power by a three-fourths majority vote of the  
3 council to acquire, erect, or purchase buildings and building sites to  
4 the extent necessary to house and carry on authorized governmental  
5 functions or purposes of the municipal corporation, but any proposed  
6 expenditures in connection with the exercise of such power which  
7 exceed one thousand dollars or the amount which would be raised by  
8 a three-fourths mill levy at current valuations, whichever amount  
9 is greater, must be approved by the electorate of the corporation at  
10 a general or special election.

11     2. They shall have power to maintain and keep in repair all mu-  
12 nicipally owned buildings and property.

1     **SEC. 14. Joint city and county buildings.** A city or town in which  
2 a county seat is located and such county may contract one with the  
3 other for the joint purchase, acquisition, ownership and control of  
4 real and other property suitable as the site of a building or buildings  
5 for use and occupancy by such city or town and such county jointly,  
6 and any such county or city or town owning a site or any interest  
7 therein, may, upon such terms as shall appear fair and just to the  
8 board of supervisors of such county and to the council or other gov-  
9 erning body of such city or town, contract with reference to the joint  
10 acquisition, ownership, control, improvement, use and occupancy of  
11 such property, and with reference to the construction, use and oc-

12 cupancy of a building or buildings thereon. Such contract shall set  
13 forth the amount of money to be contributed by the county and by the  
14 city or town toward the acquisition of such site and the improvement  
15 thereof, or the proportion of their respective contributions and the pur-  
16 pose or purposes for which the building or buildings to be erected  
17 thereon are to be used. Such contract may provide for the amount of  
18 money to be contributed annually by the county and by the city or  
19 town for the upkeep, maintenance, and operation of such property,  
20 and the building or buildings thereon, or it may provide for the re-  
21 spective proportions of such expense which the county and the city or  
22 town shall pay, and may provide for an adjustment at stated periods  
23 of the amounts or proportions to be so paid. Such contract may specify  
24 the part or parts of such property and building or buildings to be used  
25 and occupied by the county and by the city or town. All such con-  
26 tracts shall be made on behalf of the county only when approved by  
27 resolution of the board of supervisors thereof and on behalf of the  
28 city or town when approved by ordinance adopted by the council or  
29 other governing body of such city or town, and when made shall be  
30 binding upon such county and city or town during the period specified  
31 in such contract unless modified or abrogated by mutual consent.

1     **SEC. 15. Bonds issued.** When such county and such city or town  
2 have agreed upon their respective portions or proportions of the cost  
3 of any such building or buildings, including the site or sites therefor,  
4 they may, for the purpose of paying their respective portions of such  
5 cost and for the purpose of equipping the portions of the building or  
6 buildings to be used and occupied by them, issue their bonds as here-  
7 inafter permitted; provided, no such bonds shall be issued by such  
8 county or city or town unless and until the proposition to issue same  
9 shall have been approved by at least a majority of the votes cast for  
10 and against the proposition at an election called and held as herein-  
11 after provided. Such proposition may be submitted at a general, reg-  
12 ular, or special election when ordered pursuant to a resolution of the  
13 board of supervisors of such county and of the council or other gov-  
14 erning body of the city or town. Notice of such election setting forth  
15 forth the proposition as it is to be voted upon shall be given by pub-  
16 lication once each week for at least three consecutive weeks in a news-  
17 paper having general circulation in the county, and if the proposi-  
18 tions of issuing bonds by the county and also by the city or town are  
19 submitted on the same date of election, then, if either or both of the  
20 elections be unfavorable the proposition may be submitted at a sub-  
21 sequent election or elections. To the extent not otherwise herein pro-  
22 vided the general election laws shall be applicable to an election where-  
23 at such proposition is submitted.

1     **SEC. 16. Interest on bonds—tax levy.** All such bonds issued pur-  
2 suant to such election or elections may bear interest at a rate not ex-  
3 ceeding four percent per annum payable semi-annually and the prin-  
4 cipal thereof shall be scheduled to mature in not more than twenty  
5 years from the date of such bonds. Whenever a county or city or town  
6 has issued bonds under the provisions of section fifteen (15) there  
7 shall be thereafter annually levied on all of the taxable property in the  
8 county, or in the city or town, a tax sufficient to pay the interest on

9 and principal of said bonds as the same will become due, and each such  
 10 county and city or town is further authorized to levy taxes sufficient  
 11 to pay their respective portions of the cost of operating, maintaining  
 12 and keeping insured the building or buildings acquired or constructed  
 13 under the provisions hereof.

1 **SEC. 17. Contracts—conditions.** All contracts for the construc-  
 2 tion of any building or buildings under the provisions of sections four-  
 3 teen (14) to sixteen (16), inclusive, which involve the expenditure  
 4 of five thousand dollars or more shall be entered into pursuant to ad-  
 5 vertisement for bids in such manner as may be approved and author-  
 6 ized by both the board of supervisors of the county and the council  
 7 or other governing body of the city or town. Any county and any  
 8 city or town may apply for and accept federal aid in the construc-  
 9 tion of any building or buildings under the provisions of said sec-  
 10 tions, subject to such conditions and stipulations as may be imposed  
 11 in connection with such federal aid and as may be approved by the  
 12 board of supervisors for the county, and by the council or other gov-  
 13 erning body of the city or town.

1 **SEC. 18. Rule of construction.** Sections fourteen (14) to seventeen  
 2 (17), inclusive, and this section shall be construed as a complete and  
 3 independent law for providing joint county and municipal buildings  
 4 and for the issuance of bonds in connection therewith.

1 **SEC. 19. Garbage disposal.** They shall have power to provide for  
 2 the collection and disposal of garbage and refuse and to establish,  
 3 erect or purchase garbage and refuse disposal plants and grounds and  
 4 equip, operate and maintain same.

1 **SEC. 20. Milk inspection.** They shall have power to provide for  
 2 the inspection of all milk or milk products sold for human consumption  
 3 within the corporate limits, and to compel the tuberculin and other  
 4 tests by an accredited veterinarian for dairy cattle supplying such milk.  
 5 They may provide for the pasteurization and sanitary handling of milk  
 6 and milk products sold for human consumption. However nothing in  
 7 this section shall be construed as giving municipal corporations power  
 8 to provide regulations or standards in conflict with state law.

1 **SEC. 21. Drains and sewers.**

2 1. They shall have power to provide drainage systems for flood  
 3 and other surface waters and to regulate the connection of private  
 4 drains thereto. They may order connections thereto from abutting  
 5 private property when public health or safety requires such connection  
 6 and in the event such orders are not complied with they may cause the  
 7 work to be done and the cost thereof to be assessed against the prop-  
 8 erty.

9 2. They shall have power to provide sewer systems and sewage dis-  
 10 posal plants and to regulate sewer connections to private property.  
 11 They may order sanitary toilet facilities to be installed by any property  
 12 owner whose property abuts on a sewer line and the abandonment and  
 13 removal of all other toilet facilities and in the event such order is not  
 14 complied with may cause the work to be done and the cost to be

15 assessed against the property, which assessment may be spread over a  
16 period not to exceed ten years.

17 3. Municipal corporations having a population of less than fifty  
18 thousand are hereby authorized to place the management of munic-  
19 ipally owned sewage works in the hands of a board of trustees. The  
20 provisions of sections three hundred ninety-seven point twenty-seven  
21 (397.27) to three hundred ninety-seven point thirty-five (397.35) shall  
22 be applicable to such boards.

1 SEC. 22. **Veterans housing—jurisdiction.** They shall have power  
2 to establish and regulate health and safety measures for and operate  
3 veterans housing projects upon federally or state owned land, either  
4 within or without any such municipal corporation, and when any estab-  
5 lished school, college, or university has established a veterans housing  
6 project for its students, for the housing of veterans of World War II,  
7 or their families.

1 SEC. 23. **Certain proprietary functions.** They shall have power  
2 to establish and regulate markets, public scales, wharves, docks, piers,  
3 basins, ferries, and an infirmary and to fix rates in connection there-  
4 with.

1 SEC. 24. **Burials, cemeteries—crematories.** They shall have power  
2 to regulate the burial of the dead; to provide places for the interment  
3 of the dead; to cause any body interred contrary to such regulations to  
4 be taken up and buried in accordance therewith; to exercise over all  
5 cemeteries within their limits, and those without their limits estab-  
6 lished by their authority, the powers conferred upon township trustees  
7 with reference to cemeteries; or they may, by ordinance, transfer such  
8 duties and the general management of such cemeteries to a board of  
9 trustees; and to authorize the establishment of crematories for the  
10 cremation of the dead, within or without the limits of such corporation  
11 and regulate the same.

1 SEC. 25. **Parks—recreation facilities.** They shall have power to  
2 establish, purchase, maintain, and regulate the use of parks and play-  
3 grounds, and to provide recreational and playground facilities, such as  
4 are necessary and proper in respect to the size and circumstances of  
5 the corporation. They shall have power to lease a portion of any  
6 park under their jurisdiction for such time or times not to exceed six  
7 consecutive months as the council shall deem proper for the purpose of  
8 permitting the playing of baseball and other athletic games and con-  
9 tests, and under such conditions as to charging a fee for the use of  
10 same and for the attendance at same as the council shall determine. In  
11 municipal corporations having a park board or park commission such  
12 lease shall require the approval of such board or commission. This  
13 section shall not apply to cities which have established permanent park  
14 boards, under the provisions of chapter 371 of the Code of Iowa, 1950,  
15 now or hereafter having a population of 125,000 or more according to  
16 the last federal census.

1 SEC. 26. **Destruction of weeds.** They shall have power by ordi-  
2 nance to provide for the cutting or destroying by the property owners,

3 of all weeds, vines, brush or other growth which constitute a health,  
4 safety or fire hazard and to provide for such destruction by the city  
5 or town and for the assessment of the cost and expenses thereof to the  
6 property in the event of the owner's failure to comply after due notice.

1 **SEC. 27. Trees and shrubbery.** Municipal corporations shall have  
2 power by ordinance to assume charge, custody and control of all trees  
3 and shrubbery upon the public streets, and to plant, prune, care for,  
4 remove, and maintain all trees and shrubbery upon the public streets.  
5 They may by ordinance confer such charge, control, custody, and au-  
6 thority to plant, prune, care for, remove and maintain trees and shrub-  
7 bery upon the park board or commission, and may further confer upon  
8 said park board or commission the exclusive charge, custody and con-  
9 trol of all property outside the lot and property lines and inside the  
10 curb lines upon the public streets, and the right to determine the loca-  
11 tion of permanent sidewalks outside the lot or property lines and upon  
12 the public streets. They may similarly put responsibility for such  
13 maintenance upon the abutting property owner.

1 **SEC. 28. Snow, ice, and accumulations—removal.** It shall be the  
2 responsibility of the abutting property owner to promptly remove  
3 snow, ice, and accumulations from the sidewalks, but in the event that  
4 such snow, ice, or accumulations are permitted to remain on said side-  
5 walks for more than a reasonable length of time, then the municipal  
6 corporation shall have power to remove them and to assess the actual  
7 cost thereof against the said property.

1 **SEC. 29. Notice to person liable over.** When any action is brought  
2 against a municipal corporation for personal injuries alleged to have  
3 been caused by its negligence, said municipal corporation may notify  
4 in writing any person or corporation by whose negligence it claims the  
5 injury was caused. Said notice shall state the pendency of said action,  
6 the name of the plaintiff, the name and location of the court where the  
7 action is pending, a brief statement of the alleged facts from which  
8 the cause arose, that said municipal corporation believes that the  
9 person or corporation so notified is liable to it for any judgment ren-  
10 dered against said municipal corporation, and asking such person or  
11 corporation to appear and defend. Thereupon, any judgment obtained  
12 in such suit shall be conclusive in any action by the municipal corpo-  
13 ration against any person or corporation so notified, as to the existence  
14 of the defect or other cause of the injury or damage, as to the liability  
15 of the municipal corporation to the plaintiff in the first named action  
16 in consequence thereof, and as to the amount of the damage or injury  
17 occasioned thereby; and every such municipal corporation is hereby  
18 empowered to maintain an action against the person or corporation  
19 so notified to recover the amount of any such judgment together with  
20 all the expenses incurred by such municipal corporation in such suit.

1 **SEC. 30. Lease of municipal property.** Any municipal corporation  
2 may lease, for a period not to exceed five years, any municipal prop-  
3 erty which in the opinion of the council is not likely to be sooner needed  
4 for municipal purposes, upon a two-thirds vote of the council. Pro-  
5 vided, however, that when the period of such lease is for more than

6 three years, the council shall cause a notice of the terms of the pro-  
7 posed lease to be published once in the manner provided by section six  
8 hundred eighteen point fourteen (618.14), together with the date,  
9 time, and place of a public hearing at which the council will hear  
10 objectors against and proponents for the lease. If, after such hearing,  
11 the council is of the opinion that such lease is in the best interests  
12 of the public, it may, by a two-thirds vote in favor thereof, cause said  
13 lease to be executed.

1 **SEC. 31. Purchase on execution.** Municipal corporations shall have  
2 power to acquire real estate, or any interest therein, as a purchaser  
3 at an execution sale, when judgment is entered in favor of the corpo-  
4 ration, or when it has a lien thereon, or is otherwise interested therein.

1 **SEC. 32. Condemnation—power.** Municipal corporations shall have  
2 power to purchase or provide for the condemnation of, pay out of the  
3 general fund or the specific fund, as may be provided, enter upon and  
4 take any lands within or without the territorial limits of the corpora-  
5 tion for such public purposes and as an incident to such other powers  
6 and duties conferred upon such corporations as make necessary or  
7 reasonable the acquisition of such land by said municipal corporations.

1 **SEC. 33. Condemnation—procedure.** The procedure for the con-  
2 demnation of land by municipal corporations shall be that provided  
3 by chapter four hundred seventy-two (472).

1 **SEC. 34. Disposal of lands and streets.** They shall have power to dis-  
2 pose of the title or interest of such corporation in any real estate, or  
3 any lien thereon, or sheriff's certificate therefor, owned or held by it,  
4 including any street or portion thereof vacated or discontinued, how-  
5 ever acquired or held, in such manner and upon such terms as the  
6 council shall direct. However, where exercise of said power deprives  
7 or restricts the abutting property owners from free access to their  
8 property, so as to decrease the value thereof, the corporation shall be  
9 liable in damages therefor. Notice of any proposal to dispose of real  
10 property under the provisions of this section shall be given by publica-  
11 tion, once each week for two consecutive weeks in the manner provided  
12 by section six hundred eighteen point fourteen (618.14). The last of  
13 said publications shall appear not less than ten days before the meeting  
14 of the council at which said proposal is to be acted on.

1 **SEC. 35. Right of appeal.** Whenever the council of any municipal  
2 corporation enters into an agreement for the sale, lease, or disposal  
3 by other means of any municipal property, any elector of such mu-  
4 nicipal corporation shall have the right to appeal from the action of  
5 the council to the district court, within thirty days of the final action  
6 thereon by the council, on the ground that such agreement is not in  
7 the public interest. All such agreements shall be voidable pending  
8 the decision of the court.

1 **SEC. 36. Nuisance enumeration.** Section six hundred fifty-seven  
2 point two (657.2), Code 1950, is amended by adding thereto the follow-  
3 ing new subsections:

4 10. The depositing or storing of inflammable junk, such as old rags,



5 rope, cordage, rubber, bones, and paper, by dealers in such articles  
6 within the fire limits of any city, unless it be in a building of fireproof  
7 construction, is a public nuisance.

8 11. The emission of dense smoke, noxious fumes, or fly ash in cities  
9 is a nuisance and cities may provide the necessary rules for inspection,  
10 regulation and control.

11 12. Dense growth of all weeds, vines, brush, or other vegetation in  
12 any city or town so as to constitute a health, safety, or fire hazard is  
13 a public nuisance.

14 Further amend section six hundred fifty-seven point two (657.2) by  
15 striking from lines two (2) and three (3) of subsection eight (8) the  
16 words "acting under special charter of more than fifty thousand pop-  
17 ulation".

1 SEC. 37. **Flood control.** Chapter three hundred ninety-five (395),  
2 Code 1950, is hereby amended by adding the following section:

3 "Whenever in any municipal corporation proceedings have been or  
4 shall be begun for the purpose of providing flood protection under the  
5 provisions of this chapter, the council shall have power, after the  
6 election provided for in this chapter has been held, and without again  
7 submitting the matter at an election, to divide the work into parts,  
8 sections, or districts, and determine what property would be benefited  
9 by the work or improvement in each part, section, or district; to omit  
10 parts of said work or any part, section or district; and to contract for  
11 any part, section, or district separately and proceed therewith the  
12 same as if the entire work or improvement was contracted for, done,  
13 or made. Whenever the tax provided for in this chapter has not been  
14 levied beginning on the date fixed in the resolution of necessity and  
15 in the proposition submitted to a vote of the electors, and a part of  
16 the period in which such levy is authorized to be made by such vote has  
17 expired without such levy having been made, and no certificates or  
18 bonds have been issued or sold for the payment of the improvement as  
19 provided in this chapter, the council shall have the power to continue  
20 the levy provided for in this chapter and in the proposition theretofore  
21 submitted to a vote of the electors, for a period not exceeding twenty  
22 years, including the several years, if any, for which such tax has  
23 heretofore been levied; and it is hereby made the duty of the council  
24 to make the levy in the manner provided in section three hundred  
25 ninety-five point twenty-two (395.22) and to appropriate and apply the  
26 proceeds collected from such tax so levied to the payment of flood  
27 protection bonds issued by such city under section three hundred  
28 ninety-five point twenty-five (395.25) if any such there be."

1 SEC. 38. **Gravel pits.** Chapter three hundred eighty-nine (389)  
2 of the Code is amended by adding the following section:

3 "They shall have power to purchase or provide for the condemnation  
4 of, pay for out of the funds available for street purposes of the mun-  
5 icipal corporation, lands within or without the territorial limits of  
6 the corporation, including a suitable roadway thereto by the most  
7 reasonable route, for the purpose of obtaining gravel, stone, or other  
8 suitable material with which to improve the streets and alleys of said  
9 city or town."

- 1 SEC. 39. Sections three hundred sixty-three point thirty-four  
2 (363.34) and three hundred sixty-three point thirty-six (363.36) sub-  
3 section eleven (11), Code 1950, are hereby repealed.
- 1 SEC. 40. Section three hundred eighty-nine point nineteen  
2 (389.19), Code 1950, is hereby repealed.
- 1 SEC. 41. Chapter four hundred three (403), Code 1950, is hereby  
2 repealed.
- 1 SEC. 42. Sections four hundred sixteen point ninety-seven (416.97)  
2 to four hundred sixteen point ninety-nine (416.99), inclusive, Code  
3 1950, are hereby repealed.
- 1 SEC. 43. Section four hundred sixteen point ninety-two (416.92),  
2 Code 1950, is hereby repealed.
- 1 SEC. 44. Section four hundred sixteen point one hundred five  
2 (416.105), Code 1950, is hereby repealed.
- 1 SEC. 45. Sections four hundred sixteen point one hundred seven  
2 (416.107) and four hundred sixteen point one hundred eight (416.108),  
3 Code 1950, are hereby repealed.
- 1 SEC. 46. Sections four hundred sixteen point one hundred twenty  
2 (416.120) to four hundred sixteen point one hundred twenty-three  
3 (416.123), inclusive, Code 1950, are hereby repealed.
- 1 SEC. 47. Section four hundred sixteen point one hundred twenty-  
2 seven (416.127), Code 1950, is hereby repealed.
- 1 SEC. 48. Section four hundred sixteen point one hundred twenty-  
2 nine (416.129), Code 1950, is hereby repealed.
- 1 SEC. 49. Section four hundred sixteen point one hundred thirty-  
2 one (416.131), Code 1950, is hereby repealed.
- 1 SEC. 50. Section four hundred sixteen point one hundred thirty-  
2 eight (416.138), Code 1950, is hereby repealed.
- 1 SEC. 51. Section four hundred sixteen point one hundred thirty-  
2 nine (416.139), Code 1950, is hereby repealed.
- 1 SEC. 52. Section four hundred sixteen point one hundred forty  
2 (416.140), Code 1950, is hereby repealed.
- 1 SEC. 53. Section four hundred nineteen point sixty-six (419.66),  
2 Code 1950, is hereby repealed.
- 1 SEC. 54. Section four hundred nineteen point seventy-three  
2 (419.73), Code 1950, is hereby repealed.
- 1 SEC. 55. Section four hundred twenty point forty-seven (420.47),  
2 Code 1950, is hereby repealed.
- 1 SEC. 56. Sections four hundred twenty point forty-nine (420.49)  
2 to four hundred twenty point fifty-eight (420.58), inclusive, Code 1950,  
3 are hereby repealed.

1 SEC. 57. Sections four hundred twenty point one hundred twenty-  
2 one (420.121) to four hundred twenty point one hundred twenty-five  
3 (420.125), inclusive, Code 1950, are hereby repealed.

1 SEC. 58. Section four hundred twenty point one hundred forty-nine  
2 (420.149), Code 1950, is hereby repealed.

1 SEC. 59. Amend section three hundred sixty-three point sixty  
2 (363.60) by striking all following "municipalities" in line four (4), up  
3 to and including "dollars." in line twenty-four (24), and insert in lieu  
4 thereof the following: "provided, however, that the sum total of  
5 annual dues collected by the league from municipalities shall not  
6 exceed thirty-five thousand dollars (\$35,000.00)."

Approved May 2, 1951.

## CHAPTER 152

### SIoux CITY AUDITORIUM TRUSTEES

S. F. 343

AN ACT to provide for the appointment of a board of auditorium trustees in municipal corporations and to prescribe the organization, powers, and duties of such boards.

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

1 SECTION 1. **Board appointed.** In any municipal corporation having  
2 a population of eighty thousand or more and operating under the com-  
3 mission form of government in which a municipal auditorium has  
4 been established under the provisions of section three hundred sixty-  
5 eight point fifty-six (368.56)\* there shall be appointed a board of  
6 auditorium trustees.

1 SEC. 2. **Original appointments.** The council, by a majority vote of  
2 the members, shall appoint five (5) qualified resident electors of the  
3 municipal corporation, who shall constitute the original board; one of  
4 said board members to serve for a one-year term; one to serve for a  
5 two-year term; one to serve for a three-year term; one to serve for a  
6 four-year term; and one to serve for a five-year term. Each person  
7 originally appointed shall serve until July 1 of the year in which the  
8 period of such original appointment shall expire.

1 SEC. 3. **Appointments.** Each year, and on or before the first day  
2 of June, the council, by a majority vote, shall appoint one qualified  
3 elector of the municipal corporation, to serve for a five-year term as  
4 a member of the board, such term to commence on the first day of July  
5 of the year of appointment.

1 SEC. 4. **Vacancies.** In the event a vacancy occurs on the board by  
2 reason of death, disability, or removal from the corporate limits of any  
3 member, such vacancy shall be filled by a majority vote of the members  
4 of the city council for the unexpired term.

1 SEC. 5. **Compensation.** The members of the board of auditorium  
2 trustees shall serve without compensation.

\*Repealed by chapter 151.