

CHAPTER 165

CITIES UNDER SPECIAL CHARTER AND SPECIFIC FORMS OF
GOVERNMENT

S. F. 32

AN ACT to make all general laws pertaining to municipal corporations applicable to cities organized under special charter (with certain exceptions and limitations) as well as to cities organized under other specific and exceptional forms of municipal government; and to repeal various sections of chapter four hundred twenty (420), Code 1950, relating to cities organized under special charter; and to enact substitutes for certain of the sections so repealed; and to amend various other sections of the Code by striking therefrom references to cities organized under special charter or organized under other specific and exceptional forms of municipal government; and to authorize editorial revisions of the Code to strike such references in general.

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

1 SECTION 1. Section four hundred twenty point forty (420.40),
2 Code 1950, is hereby repealed and the following enacted in lieu
3 thereof: "Municipal corporations organized under special charter
4 shall have all of the powers and privileges of municipal corporations
5 of like population organized under the general law and having the
6 mayor-council form of government."

1 SEC. 2. Section four hundred twenty point forty-one (420.41),
2 Code 1950, is hereby repealed and the following enacted in lieu thereof:

3 "1. Except as hereinafter in this section provided, the provisions
4 of this Code which, by their terms, are made applicable to all municipal
5 corporations, shall be applicable to cities organized under special
6 charter, and the provisions of this Code, applicable by their terms to
7 municipal corporations of a certain population, shall be applicable to
8 cities under special charter of like population, and except as herein-
9 after in this section provided, said special charters shall have no
10 further force and effect.

11 "2. To whatever extent provisions made applicable by subsection
12 one (1) of this section to cities organized under special charter shall
13 be inconsistent with the provisions of this chapter, the provisions so
14 made applicable shall be construed to provide additional rights,
15 powers and privileges to such cities or to provide alternative proce-
16 dures which such cities may adopt or avail themselves of at the election
17 of their respective governing bodies or appropriate officers, insofar
18 as such provisions, so made applicable, are susceptible to such con-
19 struction. Insofar as such provisions, so made applicable, are not
20 susceptible to such construction the provisions of this chapter shall
21 be controlling.

22 "3. Notwithstanding the provisions of subsection one (1) of this
23 section, nothing herein contained shall be deemed to impair, alter or
24 affect the provisions of any such special charter or any existing amend-
25 ment thereto in any of the following respects:

26 "(a) As an Act of incorporation or as evidence thereof.

27 "(b) In respect of authority to license, tax and regulate various
28 persons, occupations, amusements, places and objects, as said general
29 subjects of licensing, taxing and regulation are more specifically set
30 forth in the respective charters of such cities.

31 “(c) In respect of the levy and collection of taxes for city purposes,
 32 in accordance with provisions of the respective charters of such cities
 33 and other provisions of law relating to such levy and collections in-
 34 cluding, but without limitation, provisions relating to liens, distraint,
 35 tax sales, redemptions, tax deeds and other provisions incident to the
 36 levy and collection of taxes; provided that this paragraph shall apply
 37 only with respect to cities which prior to and currently with the taking
 38 effect of this Act collect general city taxes directly or by or through
 39 their own officers, rather than indirectly and by or through any other
 40 public body or officer thereof.

41 “(d) In respect of the election or appointment of a clerk, treasurer,
 42 police magistrate and marshal or in respect of the authority, functions,
 43 duties or compensation of any thereof.

44 “(e) In respect of the power or authority of any such city to borrow
 45 and expend money and issue bonds or other evidences of indebtedness
 46 therefor.

47 “(f) In respect of the appropriation, condemning or taking of lands
 48 and property by any such city for public purposes and in respect of
 49 procedure and appeals in connection with any such taking.

50 “(g) In respect of the power to enact, make, adopt, amend and
 51 repeal ordinances necessary or proper in connection with any provi-
 52 sions referred to in paragraphs (a) to (f) inclusive, of this sub-
 53 section.”

1 SEC. 3. The following sections of the Code of 1950 are hereby re-
 2 pealed: Sections four hundred twenty point one (420.1) to four hun-
 3 dred twenty point thirteen (420.13), inclusive; four hundred twenty
 4 point seventeen (420.17) to four hundred twenty point thirty
 5 (420.30), inclusive; four hundred twenty point thirty-two (420.32);
 6 and four hundred twenty point thirty-three (420.33).

1 SEC. 4. The following sections of the Code of 1950 are hereby re-
 2 pealed: Sections four hundred twenty point forty-two (420.42); four
 3 hundred twenty point forty-seven (420.47) to four hundred twenty-
 4 point fifty-eight (420.58), inclusive; four hundred twenty point sixty-
 5 two (420.62) to four hundred twenty point one hundred fifty-four
 6 (420.154), inclusive; four hundred twenty point one hundred fifty-
 7 nine (420.159); four hundred twenty point one hundred ninety
 8 (420.190) to four hundred twenty point two hundred three (420.203),
 9 inclusive; four hundred twenty point two hundred eight (420.208) to
 10 four hundred twenty point two hundred twelve (420.212), inclusive;
 11 four hundred twenty point two hundred forty-nine (420.249); and
 12 four hundred twenty point two hundred seventy-two (420.272).

1 SEC. 5. Section twenty point five (20.5), Code 1950, is amended
 2 as follows:

- 3 1. By striking from lines five (5) and six (6) of subsection two (2)
 4 the words “including cities acting under special charter.”
- 5 2. By striking from lines two (2) and three (3) of subsection three
 6 (3) the words “including cities acting under a special charter.”
- 7 3. By striking from lines ten (10) and eleven (11) of subsection
 8 three (3) the words “including cities acting under special charters.”

1 SEC. 6. Section twenty-three point one (23.1), Code 1950, is
2 amended by striking from lines nine (9) and ten (10) the words "in-
3 cluding cities acting under special charter,".

1 SEC. 7. Section forty-seven point one (47.1), Code 1950, is
2 amended by striking from lines three (3) and four (4) the words "in-
3 cluding cities acting under special charter;".

1 SEC. 8. Section forty-seven point four (47.4), Code 1950, is
2 amended by striking from lines two (2) and three (3) the words "in-
3 cluding cities under special charter,".

1 SEC. 9. Section eighty point twelve (80.12), Code 1950, is amended
2 by striking from line thirteen (13) the words "including cities under
3 special charter,".

1 SEC. 10. Section eighty-five point sixty-one (85.61), subsection
2 one (1), Code 1950, is amended by striking from lines three (3) to five
3 (5) the words "city under special charter and under the commission
4 form of government,".

1 SEC. 11. Section one hundred twenty-four point three (124.3),
2 Code 1950, is amended by striking from line ten (10) of the second
3 paragraph the words "including cities under special charter,".

1 SEC. 12. Section one hundred twenty-four point four (124.4),
2 Code 1950, is amended as follows:

3 1. By striking from line three (3) the words "including special
4 charter cities".

5 2. By striking from line three (3) of the second paragraph the
6 words "including special charter cities".

7 3. By striking from line four (4) of the fourth paragraph the words
8 "including special charter cities".

9 4. By striking from lines nine (9) and ten (10) of the fourth para-
10 graph the words "special charter cities".

11 5. By striking from line twenty-four (24) of the fourth paragraph
12 the words "including special charter cities".

1 SEC. 13. Section one hundred twenty-four point five (124.5), Code
2 1950, is amended by striking from lines six (6) and seven (7) the
3 words "including cities under special charter".

1 SEC. 14. Section one hundred twenty-four point fifteen (124.15),
2 Code 1950, is amended by striking from line two (2) the words "in-
3 cluding cities under special charter".

1 SEC. 15. Section one hundred twenty-four point sixteen (124.16),
2 subsection one (1), Code 1950, is amended as follows:

3 1. By striking from line three (3) the comma (,) before the word
4 "town" and inserting in lieu thereof the word "or".

5 2. By striking from line three (3) the words "or special charter
6 city".

1 SEC. 16. Section one hundred twenty-four point thirty-four
2 (124.34), Code 1950, is amended as follows:

3 1. By striking from lines four (4) and five (5) the words "includ-
4 ing cities under special charter,".

5 2. By striking from lines twenty-three (23) and twenty-four (24)
6 the words "including cities under special charter,".

1 SEC. 17. Section one hundred twenty-four point thirty-nine
2 (124.39), subsection one (1), Code 1950, is amended by striking from
3 lines four (4) and five (5) the words "including cities or towns organ-
4 ized under special charter,".

1 SEC. 18. Section one hundred twenty-seven point nineteen
2 (127.19), Code 1950, is amended by striking from lines three (3) and
3 four (4) the words "including cities under special charter,".

1 SEC. 19. Section two hundred fifteen point nine (215.9), Code
2 1950, is amended by striking from lines four (4) to six (6) the words
3 "or city under special charter or under the commission form of
4 government".

1 SEC. 20. Section two hundred forty-nine point thirty-six (249.36),
2 Code 1950, is amended by striking from lines two (2) and three (3) of
3 the second paragraph the words "and special charter cities".

1 SEC. 21. Section two hundred ninety-four point eleven (294.11),
2 Code 1950, is amended by striking from line four (4) the words "act-
3 ing under special charter".

1 SEC. 22. Section three hundred point one (300.1), Code 1950, is
2 amended as follows:

3 1. By striking from lines three (3) to five (5) the words "of the
4 first and second class, cities under special charter, or cities under the
5 commission plan of government,".

6 2. By striking from lines twenty-six (26) to twenty-eight (28) the
7 words "of the first and second class, cities under special charter, or
8 cities under the commission plan of government".

1 SEC. 23. Section three hundred point two (300.2), Code 1950, is
2 amended by striking from lines three (3) to five (5) the words "of the
3 first or second class, city under special charter, or city under the com-
4 mission plan of government".

1 SEC. 24. Section three hundred thirteen point twenty-one (313.21),
2 Code 1950, is amended by striking from lines five (5) and six (6) the
3 words "including cities under special charter,".

1 SEC. 25. Section three hundred thirteen point thirty-six (313.36),
2 Code 1950, is amended by striking from lines three (3) and four (4)
3 of the second paragraph the words "including cities under special
4 charter,".

1 SEC. 26. Section three hundred thirteen point forty-one (313.41),
2 Code 1950, is hereby repealed.

1 SEC. 27. Section three hundred twenty-one point four hundred
2 ninety-five (321.495), Code 1950, is amended by striking from lines
3 one (1) and two (2) the words "including those operating under
4 special charter,".

1 SEC. 28. Section three hundred twenty-one point four hundred
2 ninety-seven (321.497), Code 1950, is amended by striking from lines
3 one (1) and two (2) the words "including those operating under
4 special charter,".

1 SEC. 29. Section three hundred forty point one (340.1) subsection
2 fourteen (14), Code 1950, is amended by striking therefrom the last
3 sentence.

1 SEC. 30. Section three hundred forty point three (340.3), sub-
2 section fourteen (14), Code 1950, is amended by striking therefrom
3 the last sentence.

1 SEC. 31. Section three hundred seventy point twenty-eight
2 (370.28), Code 1950, is amended by striking from lines two (2) and
3 three (3) the words "including cities acting under special charter,".

1 SEC. 32. Section three hundred seventy-two point one (372.1),
2 Code 1950, is amended by inserting a period in line two (2) after the
3 word "cities" and striking all that follows said period.

1 SEC. 33. Section three hundred seventy-three point one (373.1),
2 Code 1950, is amended by striking from lines two (2) and three (3) the
3 words "including commission governed cities and special charter
4 cities,".

1 SEC. 34. Section three hundred seventy-nine point one (379.1),
2 Code 1950, is amended by striking from lines two (2) and three (3)
3 the words "including cities acting under special charter,".

1 SEC. 35. Section three hundred seventy-nine-A point one (379A.1),
2 Code 1950, is amended by striking from lines one (1) and two (2) the
3 words "including special charter cities".

1 SEC. 36. Section three hundred eighty-two point one (382.1),
2 Code 1950, is amended by striking from lines two (2) and three (3)
3 the words "including cities under the commission plan,".

1 SEC. 37. Section three hundred eighty-three point one (383.1),
2 Code 1950, is amended by striking from lines two (2) and three (3)
3 the words "including cities under the commission plan,".

1 SEC. 38. Section three hundred eighty-three point ten (383.10),
2 Code 1950, is amended by striking from lines one (1) and two (2)
3 the words "including cities under the commission plan,".

1 SEC. 39. Section three hundred eighty-four point one (384.1),
2 Code 1950, is amended by striking from lines two (2) and three (3)
3 the words "including cities under the commission plan".

1 SEC. 40. Section three hundred eighty-four point three (384.3)
2 subsection three (3), Code 1950, is amended by inserting in line
3 twenty-nine (29) a period (.) after the word "board" and striking all
4 of said subsection that follows said period.

1 SEC. 41. Section three hundred eighty-six point two (386.2),
2 Code 1950, is amended by striking all of lines thirty-six (36) and
3 thirty-seven (37).

1 SEC. 42. Section three hundred eighty-eight point one (388.1),
2 Code 1950, is amended by striking from lines two (2) to four (4) the
3 words "including cities acting under the commission form of govern-
4 ment and cities acting under the city manager plan of government,".

1 SEC. 43. Section three hundred ninety-one-A point one (391A.1),
2 Code 1950, is amended by striking from lines five (5) to seven (7) the
3 words "including a city or town organized and operating pursuant to
4 special charter".

1 SEC. 44. Section three hundred ninety-one-A point thirty-six
2 (391A.36), Code 1950, is hereby repealed.

1 SEC. 45. Section three hundred ninety-six point twenty-two
2 (396.22), Code 1950, is amended by striking from lines two (2) and
3 three (3) the words "including cities operating under the commission
4 form of government".

1 SEC. 46. Section three hundred ninety-six point twenty-three
2 (396.23), Code 1950, is amended by striking from lines four (4) and
3 five (5) "including cities operating under the commission form of
4 government".

1 SEC. 47. Section three hundred ninety-seven point twenty-nine
2 (397.29), Code 1950, is amended by striking from lines one (1) to
3 four (4) the words "including cities of the first class under the com-
4 mission form of government having a population of less than fifty
5 thousand".

1 SEC. 48. Section three hundred ninety-seven point thirty-three
2 (397.33), Code 1950, is amended by striking from line two (2) the
3 words "operating under the commission plan and".

1 SEC. 49. Section three hundred ninety-seven point thirty-eight
2 (397.38), Code 1950, is amended by striking from lines four (4) and
3 five (5) the words "including cities under special charter,".

1 SEC. 50. Section three hundred ninety-seven point thirty-nine
2 (397.39), Code 1950, is amended by striking from line two (2) the
3 words "including cities under special charter,".

1 SEC. 51. Section three hundred ninety-nine point one (399.1),
2 Code 1950, is amended by striking from lines three (3) and four (4)
3 the words "including cities acting under the commission form of
4 government".

1 SEC. 52. Section four hundred eight point sixteen (408.16), Code
2 1950, is amended by striking from lines two (2) and three (3) the
3 words "of the first class, including cities under the commission form of
4 government".

1 SEC. 53. Section four hundred eleven point one (411.1), subsection
2 twenty-three (23), Code 1950, is amended by striking the comma (,)
3 after the word "chapter" in line three (3) and inserting in lieu thereof
4 a period (.).

5 Further amend said subsection by striking all of lines four (4) and
6 five (5).

1 SEC. 54. Section four hundred eleven point ten (411.10), Code
2 1950, is amended by striking from lines one (1) and two (2) the words
3 “, including special charter cities.”

1 SEC. 55. Section four hundred twelve point one (412.1), Code
2 1950, is amended by striking from lines eight (8) to ten (10) the
3 words “, including cities under commission form of government, and
4 cities under city manager plan.”

1 SEC. 56. Section four hundred thirteen point one (413.1), Code
2 1950, is amended by striking from lines three (3) and four (4) the
3 words “of the first class and cities under the commission form of gov-
4 ernment”.

1 SEC. 57. Section four hundred fourteen point one (414.1), Code
2 1950, is amended by striking from lines three (3) to five (5) the words
3 “, including cities operating under the commission plan of govern-
4 ment.”

1 SEC. 58. Section four hundred fifteen point one (415.1), Code
2 1950, is amended by striking from lines one (1) to three (3) the words
3 “of the first and second class, including cities under the commission
4 form of government.”

1 SEC. 59. Section four hundred twenty-five point one (425.1), Code
2 1950, is amended by striking all of subsection five (5).

1 SEC. 60. Section four hundred twenty-six-A point five (426A.5),
2 Code 1950, is hereby repealed.

1 SEC. 61. Section four hundred forty-six point twenty (446.20),
2 Code 1950, is hereby repealed.

1 SEC. 62. Section four hundred fifty-nine point one (459.1), Code
2 1950, is amended by striking from line five (5) the words “, including
3 cities under special charter.”

1 SEC. 63. Section four hundred eighty-four point two (484.2),
2 Code 1950, is amended by striking from lines three (3) and four (4)
3 the words “or of any city acting under special charter.”

1 SEC. 64. Section five hundred sixty-five point six (565.6), Code
2 1950, is amended by striking from lines three (3) and four (4) the
3 words “, including cities operating under special charter”.

1 SEC. 65. Section five hundred ninety-two point five (592.5), Code
2 1950, is amended by striking from lines three (3) and four (4) the
3 words “including cities acting under special charter.”

1 SEC. 66. Section six hundred three point one (603.1), Code 1950,
2 is amended by striking from lines three (3) to five (5) the words
3 “, whether organized under special charter or the general law for the
4 incorporation of cities and towns.”

1 SEC. 67. Section six hundred sixteen point sixteen (616.16), Code
2 1950, is amended by striking from lines two (2) and three (3) the
3 words “, including cities organized under special charters.”

1 SEC. 68. Section six hundred fifty-seven point two (657.2), sub-
 2 section eight (8), Code 1950, is amended by striking from lines two
 3 (2) and three (3) the words "acting under special charter."

1 SEC. 69. Wherever reference is made in the statutes, other than
 2 in this Act, to cities and such reference is followed by the phrase "in-
 3 cluding special charter cities" or by any other phrase of similar import
 4 referring to a specific form or forms of city government, the code
 5 editor is authorized to strike such reference to specific forms so that
 6 the reference will apply to cities generally.

Approved May 2, 1951.

CHAPTER 166

HOMESTEAD CREDIT CLAIMS

S. F. 44

AN ACT to amend sections four hundred twenty-five point two (425.2) and four
 hundred twenty-five point three (425.3), Code 1950, relating to the filing of claim
 for homestead credit with the assessor or the county auditor, and to place such
 filing exclusively in the office of the assessor on or before July 1 of each year.

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

1 SECTION 1. Section four hundred twenty-five point two (425.2),
 2 Code 1950, is amended as follows:

3 1. Strike from lines three (3) and four (4) thereof the words "com-
 4 mencing January 1, 1938" and insert in lieu thereof the words "on
 5 or before July 1".

6 2. Strike from line nine (9) the words "with the assessment roll"
 7 and insert the words "on July 2 of each year".

8 3. Strike from line eleven (11) the semi-colon (;) and the words
 9 "provided that" and insert in lieu thereof a period (.).

10 4. Strike all of lines twelve (12) to eighteen (18) inclusive.

11 5. Strike from line nineteen (19) the words "claimed homestead
 12 is located".

1 SEC. 2. Section four hundred twenty-five point three (425.3), Code
 2 1950, is amended as follows:

3 1. Strike from line three (3) the word "whether".

4 2. Strike from line four (4) the words "or filed with the county".

5 3. Strike from line five (5) the word "auditor".

Approved April 16, 1951.