

11 1. Issuing general obligation sewer bonds authorized by section
 12 three hundred ninety-six point twenty-two (396.22), Code 1958, or
 13 any other applicable provision of the Code now or hereafter adopted;
 14 2. Issuing revenue bonds in accordance with chapter three hundred
 15 ninety-four (394) of the Code;
 16 3. Establishing rates or charges for the maintenance and for the
 17 use of and the service rendered by the sanitary sewer system and/or
 18 sewage disposal facility in accordance with the provisions of chapters
 19 three hundred ninety-three (393) and three hundred ninety-four
 20 (394) of the Code."

1 SEC. 3. This Act being deemed of immediate importance shall
 2 take effect and be in force from and after its passage and publication
 3 in *The Marion Sentinel & Linn County Farmer*, a newspaper published
 4 at Marion, Iowa, and in *The Cedar Rapids Gazette*, a newspaper
 5 published at Cedar Rapids, Iowa.

Approved March 30, 1961.

I hereby certify that the foregoing Act, Senate File 357, was published in *The Marion Sentinel & Linn County Farmer*, Marion, Iowa, April 13, 1961, and in *The Cedar Rapids Gazette*, Cedar Rapids, Iowa, April 6, 1961.

MELVIN D. SYNHORST, *Secretary of State*.

CHAPTER 211

MUNICIPAL SEWER BONDS

H. F. 148*

AN ACT relating to the issuance of joint municipal sewer bonds.

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

1 SECTION 1. Section three hundred ninety-two point eleven
 2 (392.11), Code 1958, is amended by striking from line nine (9) the
 3 figures "408.10" and inserting in lieu thereof the figures "408.17".

Approved March 6, 1961.

*This Act cannot be applied. See chapter 210, §2.

CHAPTER 212

SEWERS AND WATERWORKS

S. F. 191

AN ACT to amend, clarify, broaden and improve the laws of the state of Iowa concerning municipal sanitary sewer and waterworks systems.

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

1 SECTION 1. Section three hundred ninety-three point one (393.1),
 2 Code 1958, is amended by inserting immediately following the word
 3 "works" in line five (5) of said section the words, "or is contracting
 4 with an adjoining or nearby municipality for the use of all or part of
 5 the sanitary sewer system of said other municipality,".

1 SEC. 2. Section three hundred ninety-three point seven (393.7),
2 Code 1958, is hereby repealed and the following enacted in lieu
3 thereof:

4 "Said sewer rentals, charges or rates may supplant or replace, in
5 whole or in part, any millage levy taxes which may be, or have been,
6 authorized by resolution of the council of the municipality for any
7 of the following purposes:

8 "1. To meet interest and principal payments on bonds legally au-
9 thorized for the financing of such sanitary utilities in any manner;

10 "2. To pay any costs of the construction, maintenance or repair
11 of such sanitary facilities or utilities, including payments to be made
12 under any contract between municipalities for either the joint use of
13 sewerage or sewage facilities, or for the use by one municipality of
14 all or a part of the sewerage or sewer system of another municipality.

15 "And when such sewer rental ordinance has been passed and put
16 into effect, prior ordinances or resolutions providing for millage taxes
17 against real and personal property for such purposes, or the portion
18 thereof replaced, may be rescinded, repealed or rendered inactive."

1 SEC. 3. Section three hundred ninety-three point eight (393.8),
2 Code 1958 is hereby repealed and the following enacted in lieu thereof:

3 "Any and all funds, rentals, charges or rates collected under the
4 provisions of this chapter shall be remitted or turned over to the city
5 treasurer, at regularly established intervals by the officer charged
6 with their collection and all such collections shall be kept in a separate
7 and distinct part of the Sanitation Fund, to be known as the 'Sewer
8 Rentals Fund' and disbursed only for the purposes set forth, either
9 expressly or by reference, in this chapter, as such purposes may be
10 further limited by the town or city council pursuant to ordinance
11 duly adopted thereby."

1 SEC. 4. Any municipality in which is located a state institution
2 of higher learning under the control of the board of regents may
3 purchase a privately owned waterworks and its entire distribution
4 system, including such portions of the system which are located in
5 nearby or adjacent municipalities and areas. Any such municipality
6 shall finance, maintain and operate such waterworks under the pro-
7 visions of chapters three hundred ninety-seven (397), three hundred
8 ninety-eight (398) and three hundred ninety-nine (399), where appli-
9 cable, except as otherwise provided in sections five (5) through eight
10 (8) of this Act.

1 SEC. 5. When any such municipality described in section four (4)
2 of this Act purchases a waterworks, any right, title or interest in the
3 waterworks property may be transferred to such municipality in-
4 cluding property located in nearby or adjacent municipalities and
5 areas. Such municipality is hereby authorized to acquire any right,
6 title or interest of such waterworks property.

1 SEC. 6. Any such municipality described in section four (4) of
2 this Act which purchases a privately owned waterworks may contract
3 with persons, corporations and municipalities located in nearby or
4 adjacent areas to provide water services and extensions of water
5 services to such areas. The provisions of section three hundred

6 ninety-seven point twenty-seven (397.27) of the Code shall not apply
7 to such municipalities.

1 SEC. 7. Any contract for water services between the municipali-
2 ties described in section six (6) of this Act shall not become effective
3 until the following procedures have been followed:

4 1. The proposed contract shall be adopted by the council of both
5 municipalities.

6 2. Notice of the adoption of such contract shall be published in at
7 least one newspaper of general circulation in the county where the
8 municipalities are located at least once each week for two consecutive
9 weeks. Such notice shall set forth the terms of the proposed contract.

10 3. If within twenty days of the first publication of the notice, a
11 petition is filed with the clerk of either municipality requesting that
12 the question of whether to approve such proposed contract be sub-
13 mitted to an election, such election shall be held in the municipality
14 whose qualified voters make such petition. The petition must be
15 signed by a number of qualified voters of such municipality at least
16 equal to twenty percent of the votes cast by such municipality for
17 governor at the last general election. Notice and time of such elec-
18 tion shall be governed by section three hundred ninety-seven point
19 seven (397.7) of the Code. The contract shall become effective only
20 if a majority of the votes cast in such election are in favor of such
21 contract.

22 4. If a petition is not filed within twenty days as provided in sub-
23 section three (3) of this section, the contract shall become effective
24 without a vote of the electors.

1 SEC. 8. Cities and towns which are located nearby or adjacent to
2 institutions under the control of the state board of regents shall have
3 power to acquire, own, construct, establish, purchase, maintain, alter
4 and operate a waterworks plant, distribution lines, or any part there-
5 of, in cooperation with any institution under the control of the state
6 board of regents, located nearby or adjacent to said city or town, and
7 receive from any such state-controlled institution, financial grants and
8 assistance for the purchase, construction, operation, and maintenance
9 of such waterworks utility, and to serve said state-controlled institu-
10 tion as a customer upon such terms and conditions as may be made
11 between such institution and the city or town, and to do all acts nec-
12 essary for carrying out the purposes of this section, whether said
13 state-controlled institution and the waterworks utility or any part
14 thereof, lies within or without the corporate limits of any such city
15 or town, and to finance the cost thereof by the issuance of bonds
16 under the provisions of chapters three hundred ninety-seven (397),
17 three hundred ninety-eight (398) and three hundred ninety-nine
18 (399), as the same may be applicable.

Approved May 2, 1961.