

A BILL

FOR AN ACT TO REPEAL SECTION 1214, CHAPTER 2, TITLE 10, OF THE CODE, IN RELATION TO DRAINS AND DITCHES, AND TO ENACT A SUBSTITUTE THEREFOR.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 1214, of chapter 2, title 10, of the Code, be and the same is hereby
2 repealed, and the following enacted in lieu thereof :

3 Sec. 1214. Whenever any such ditch, drain or change in the direction of any water
3 course shall have been located and established as provided in the preceding section, or
4 when it shall be necessary to cause any such ditches, drains or water courses to be re-
5 opened and repaired, the auditor shall commission and appoint six disinterested free-
6 holders of the county not interested in a like question, who shall, within twenty days
7 after such appointment, personally inspect and classify as "dry," "low," "wet" or
8 "swamp," all the land benefitted by the location and construction of such ditch, drain or
9 water course, or the repairing or reopening of the same and shall make an equitable
10 apportionment of the cost, expense, costs of construction, fees and compensation for
11 property appropriated, or damages sustained by the construction of any such ditch,
12 drain, change of direction of such water course, or of repairing and reopening and
13 repairing the same and make report thereof in writing to the board of supervisors,
14 which apportionment shall accrue and be assessed among the owners of the land
15 benefitted by the location, construction or the reopening and repairing of such
16 ditch, drain or water course in proportion to the benefit to each of them through,
17 along the line, or in the vicinity of whose lands the same may be located, con-
18 structed or reopened and repaired respectively, and the same may be levied upon
19 the lands of the owner so benefitted, in said proportions, and collected in the same
20 manner that other taxes are levied and collected for county purposes, and the
21 amount so assessed and collected shall be paid out of the county treasury from the
22 funds collected for that purpose on the order of the county auditor. Any such ditch,
23 drain or water course, which is now or that may hereafter be constructed, so as to
24 prevent the surplus and overflow waters from the adjacent land from entering the
25 same is hereby declared a nuisance, and the same may be abated as provided in title 20,
26 chapter 5, of the Code of Iowa, and the diverting, obstructing, impeding or filling up of

27 such drains, ditches or water courses in any manner by any person without legal
28 authority is hereby declared a nuisance, and any person convicted of such crime shall
29 be punished as provided in title 24, chapter 15, of the Code, for the punishment of
30 nuisances. Nothing in this chapter contained shall be construed so as to prohibit any
31 land owner from appealing from the order of the board in assessing his land for any of
32 the purposes mentioned in this section to the Circuit Court of the county in the same
33 manner that appeals are taken in the location of highways, nor shall the same be con-
34 structed so as to prohibit the maintenance of an action for the recovery of any taxes
35 erroneously or wrongfully assessed for any of the purposes mentioned in this section,
36 and in order to show that such assessment was erroneous or wrongful, it shall only be
37 necessary to prove that such lands so assessed were not benefitted by the location, con-
38 struction or maintenance of such ditch, drain or water course.

SEC. 2. This act being deemed of immediate importance, shall be in force from and after
2 its publication in the Iowa State Register and the Des Moines Leader, newspapers pub-
3 lished in Des Moines, Iowa.