

A BILL

FOR AN ACT SUPPLEMENTARY TO CHAPTER 162, OF THE ACTS OF THE SEVENTEENTH GENERAL ASSEMBLY, ENTITLED "AN ACT TO AUTHORIZE CITIES OF THE FIRST CLASS TO PROVIDE FOR THE CONSTRUCTION OF SEWERS, ADDITIONAL TO CODE, CHAPTER 10, TITLE 4, CONCERNING CITIES AND INCORPORATED TOWNS."

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

SECTION 1. That all cities of the first class authorized by section 1, of chapter 162, of the acts of the Seventeenth General Assembly, to provide by ordinance for the construction of sewers shall have the powers and be subject to conditions and requirements hereinafter provided.

SEC. 2. In all cases wherein it shall be determined to assess the whole or any part of the cost of any such sewer on the lots adjacent thereto, such determination shall be by resolution of the council, and if part only of the cost is to be assessed the resolution shall fix the proportion thereof to the whole cost, and in either case shall also fix the location of the sewer, designating the terminal points, and the council shall from the free-holders of the corporation appoint three assessors whose duty it shall be to make, with the assistance of the city engineer, a careful estimate of the aggregate cost so to be assessed and to report the same to the council, together with an estimated assessment thereof on the adjacent lots to be charged therewith in proportion as nearly as may be to the benefits which in their opinion will result from such sewer to such lots respectively, a copy of which apportionment shall be filed in the office of the city clerk for public inspection.

SEC. 3. Before adopting the assessment so made the council shall publish notice for three consecutive weeks in some newspaper of general circulation in the corporation, that such assessment has been made and that the same is on file in the office of said clerk for the inspection and examination of persons interested therein.

SEC. 4. If any person shall object to the assessment he shall file his objections in writing with said clerk within two weeks after the expiration of said notice, and thereupon the council shall appoint three disinterested free-holders of the corporation to act as an equalizing board.

SEC. 5. On the day appointed by the council for that purpose, the board shall, after taking a proper oath before a proper officer, honestly and impartially to discharge their

3 duties, shall hear and determine all objections to the assessment and equalize the same as
4 they may think proper; which equalized assessment shall be reported to the council which
5 shall have power to confirm the same or set it aside and cause a new assessment to be made
6 and appoint a new equalizing board, possessing the same qualifications, which shall proceed
7 in the same manner as above provided.

SEC. 6. When the assessment is confirmed by the council it shall be complete and final.

SEC. 7. The concurrence of two thirds of the members of the council shall be necessary
2 in appointing the equalizing board and in confirming its assessment.

SEC. 8. Special assessments, as herein and by the act to which this act is supplementary
2 authorized, shall be so restricted as that the same territory shall not be assessed within any
3 period of five years in such amounts as shall in the aggregate exceed 25 per centum of the
4 value thereof exclusive of improvements, but the aggregate of all such assessments shall be
5 presumed to be within that limit unless and until questioned in writing by the owner or
6 owners of any lot or lots, filed with the said clerk, in which case such value shall be conclu-
7 sively determined by the sworn appraisal of said assessors or of any two of them, which
8 shall be in writing and filed with said clerk, and if by such appraisal it shall appear
9 that such limit has not been exceeded, the owner or owners causing such appraisal shall
10 pay the cost thereof, and if not otherwise paid the same shall be included and collected
11 with the assessment of such owner or owners.

SEC. 9. In estimating the benefits to result from any such sewer no account shall be
2 taken of improvements but each lot shall be considered as if wholly unimproved.

SEC. 10. The cost of any improvement contemplated in this chapter shall include the
2 cost and expense of the proceedings for assessment, of drawings, of printing and public
3 notices, including notice of assessment and any other necessary expenditures, and the cost
4 of construction.

SEC. 11. When it shall appear to the council that a special assessment is invalid by reason
2 of informality or irregularity in the proceedings, or when any assessment shall be adjudged
3 to be illegal by a court of competent jurisdiction, the council may order a re-assessment
4 whether the sewer has been made or not.

SEC. 12. Proceedings upon a re-assessment and for the collection thereof shall be con-
2 ducted in the same manner as is provided for with respect to the original assessment.

SEC. 13. If an assessment prove insufficient to pay for the sewer and expenses incident
2 thereto, the council may under the limits prescribed for such assessment make an addi-
3 tional pro rata assessment to supply such deficiency, and in case a larger amount is collected
4 than is necessary the same shall be returned to the persons from whom it was collected in
5 proportion to the amounts collected from such persons respectively, but this section shall
6 be subject to the limitations contained in other sections of this act.

SEC. 14. When it is deemed necessary to make any such sewer the council shall declare
2 by resolution the necessity therefor, and shall give twenty days written notice of its pass-
3 age to the owners of the property abutting upon the street or streets on which the same is
4 constructed, or to the persons in whose name it may be assessed for taxation on the tax list
5 who may be residents of the county, and publish the resolution not less than two nor more
6 than four consecutive weeks in some newspaper of general circulation in the corporation;
7 *provided*, that all plans and profiles relating to any such sewer shall be kept on file in the
8 office of the city engineer or clerk and open to inspection of all parties interested, and the
9 council may appoint a person to serve the notice provided for by this section, who shall
10 make the return of the time and manner of such service and verify the same by affidavit,
11 which shall be filed with the city clerk, and the same or a certified copy thereof shall be
12 *prima facie* evidence of the service of the notice as therein stated.