

Reported Recommending .....  
Ind. Postponed .....  
Passed Senate .....  
Failed to Pass Senate .....  
Passed House .....  
Failed to Pass House .....

**Senate File 270**

February 17, 1947.  
Passed on File.

By SKOURUP.

## **A BILL FOR**

An Act to repeal sections three hundred ninety two point two (392.2), three hundred ninety two point six (392.6), three hundred ninety two point seven (392.7), three hundred ninety two point eight (392.8), three hundred ninety two point nine (392.9) and three hundred ninety two point eleven (392.11), Code 1946, and to enact substitutes therefor, relating to the joint use of municipal sewers, construction of such sewers, and the levy of special assessments and issuance of bonds or certificates in connection with such construction.

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

1 Section 1. Section three hundred ninety two  
2 point two (392.2), Code 1946, is hereby repealed and the  
3 following substituted in lieu thereof:  
4 "When any two such cities or towns shall have  
5 so contracted with each other for the joint use of such  
6 sanitary sewer system for out letting purposes, the city  
7 or town obligating itself to pay a consideration for the  
8 use of the sanitary sewer system of the other city or  
9 town, shall have the authority (1) to build the necessary  
10 line or lines of sanitary sewer to connect the sanitary  
11 sewer system of such city or town with the sanitary sewer

12 system of such other city or town, and its council shall  
13 have authority to levy, by resolution, a special  
14 assessment against all of the property in such city or  
15 town which abuts upon any line of sanitary sewer therein  
16 or which is adjacent thereto, for the payment in whole  
17 or in part, of the cost of constructing such connecting  
18 line or lines, and the amount agreed to be paid for the  
19 use of the sanitary sewer system of such other city or  
20 town as an outlet, and costs incident thereto, hereinafter  
21 spoken of as the project cost, and its council shall have  
22 authority to establish, by resolution, a joint sewer  
23 district or districts, including therein such property  
24 within its corporate limits, as its council may determine  
25 will be benefited, and its council may annually levy a  
26 tax thereon, of not to exceed five mills for a joint  
27 sewer fund, provided, that if anticipation of the  
28 collection of such tax be proposed by said council,  
29 such anticipated tax may be levied at one time for  
30 current and succeeding years not exceeding twenty, but  
31 that the levy of such tax for any such year shall not  
32 exceed said five mills.”

1 Sec. 2. Section three hundred ninety two point  
2 six (392.6), Code 1946, is hereby repealed, and the  
3 following substituted in lieu thereof:

4 “In case the city or town council desires to pay  
5 the whole or any part of the project cost from the proceeds

6 of special assessments, it shall, before the preparation  
7 of the plat and schedule, describe, in a proposed  
8 resolution, the property abutting upon or adjacent to  
9 any line of sanitary sewer in such city or town, which  
10 it contemplates to so specially assess, and state in  
11 said resolution the aggregate amount of such special  
12 assessments and the estimated project cost to be borne  
13 by said city or town, and if the said city or town proposes  
14 to pay the whole or any part of the project cost from the  
15 proceeds of a joint sewer fund tax, such city or town  
16 council shall, in such proposed resolution, establish a  
17 joint sewer district or districts upon which it proposes  
18 to levy such tax, and the aggregate amount of joint sewer  
19 fund tax it proposes to levy thereon, and if it is proposed  
20 to anticipate the collection of such tax for more than one  
21 year, it shall state such fact, and state the total  
22 estimated project cost to be borne by said city or town,  
23 in said resolution. If it be proposed to pay part of the  
24 project cost from the proceeds of special assessment and  
25 part from the proceeds of a joint sewer tax, it shall be  
26 so stated in said proposed resolution.”

1 . Sec. 3. Section three hundred ninety two point  
2 seven (392.7), Code 1946, is hereby repealed, and the  
3 following substituted in lieu thereof:

4 “Hearing shall be had upon the proposed resolution  
5 at a date fixed by the city council. Said hearing shall

6 not be less than twenty days after the date of the  
7 completed giving of notice thereof. At such hearing or  
8 any adjournment thereof, the proposed resolution may be  
9 passed as proposed, or amended and passed.”

1 Sec. 4. Section three hundred ninety two point  
2 eight (392.8), Code 1946, is hereby repealed, and the  
3 following substituted in lieu thereof:

4 “Said notice shall describe the property proposed  
5 to be assessed, if any, and describe the district or  
6 districts wherein it is proposed to levy a joint sewer  
7 tax, if any, and advise the tax payers of the city or  
8 town of the date when hearing shall be had on the proposed  
9 resolution.”

1 Sec. 5. Section three hundred ninety two point  
2 nine (392.9), Code 1946, is hereby repealed, and the  
3 following substituted in lieu thereof:

4 “Notice of said hearing shall be given by two  
5 publications in each of two newspapers published in said  
6 city or town, if there be that number, and if there be  
7 only one newspaper published in said city or town, by two  
8 publications therein, and if there be no newspaper published  
9 in such city or town, such notice shall be published in  
10 a newspaper designated by the council, and having a general  
11 circulation in such city or town, provided, in such case,  
12 three copies of such notice be posted in three public places  
13 therein, one of which shall be at the Mayor’s office.”

1     **Sec. 6.** Section three hundred ninety two point  
2 eleven (392.11), Code 1946, is hereby repealed, and the  
3 following substituted in lieu thereof:  
4     “Sewer certificates or sewer bonds may be issued  
5 in anticipation of the special assessments authorized  
6 herein and their issuance and sale shall be in accordance  
7 with the provisions of Chapter three hundred ninety six.  
8 Joint sewer bonds may be issued in anticipation of the  
9 collection of the joint sewer fund tax authorized herein  
10 under the terms provided in the second paragraph of  
11 section four hundred eight point ten, and such bonds and  
12 certificates may be sold to provide funds to meet the  
13 project cost in whole or in part.”