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Passed on File.

**Senate File 99**

By WATSON of O'Brien, KNUDSON, BERG,  
McCARVILLE, WATSON of Pottawattamie,  
VAN EATON.

Passed Senate, Date.....

Vote: Ayes..... Nays.....

Passed House, Date .....

Vote: Ayes..... Nays.....

Approved .....

**A BILL FOR**

An Act relating to anti-pollution and sanitary districts, creating such district, providing for its establishment boundaries, name and legal entity, also providing for the election of trustees to administer the functions of the anti-pollution and sanitary district, describing the powers, duties and functions of the trustees, providing for the classification and assessments against lands and waters within the boundaries of the district according to the benefits received from the establishment of the improvements of the district and providing for the levy of taxes against all persons owning property within the district including the state of Iowa and its agencies and to provide for the payment and collection of such taxes levied. Further providing for an adjudication by the district court and reserving the right of appeal to all persons and providing for procedure for dismissal of proceedings.

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

1 Section 1. DEFINITIONS. Within the meaning of the Act,  
2 the following words shall mean as herein indicated.

3 BOARD. The term "board" shall embrace the board of  
4 supervisors or the joint boards of supervisors in case of an  
5 intercounty anti-pollution and sanitary district.

6 TRUSTEES. The term "trustees" shall embrace the persons

7 elected by the voters of the anti-pollution and sanitary district  
8 to act as a board of trustees for the district.

9 APPRAISERS. The term “appraisers” shall mean the men  
10 appointed and qualified to ascertain the value of all land  
11 taken and the amount of damages arising from the construction  
12 of the anti-pollution and sanitary improvements.

13 COMMISSIONERS. The term “commissioners” shall mean the men  
14 appointed and qualified to classify lands and waters, fix  
15 percentages of benefits, apportion and assess costs and  
16 expenses in any anti-pollution and sanitary district unless  
17 otherwise specifically indicated by law.

18 STATE. The term “state” shall mean the state of Iowa.

19 DISTRICT. The term “district” shall mean anti-pollution  
20 and sanitary district.

21 ENGINEER. The term “engineer” shall mean a civil engineer  
22 as designated by Chapter one hundred fourteen (114), 1950 Code of  
23 Iowa, or a registered professional drainage engineer.

24 PERSON. The term “person” shall mean any natural person,  
25 firm, partnership, association, corporation, state of Iowa, any  
26 agency of the state, municipal corporation, political subdivision  
27 of the state, legal entity, drainage district, levy district,  
28 public body, or other district or its units maintained or to  
29 be constructed by assessments, or the petitioners of a  
30 proceeding pending in any court of the state.

31 POLLUTION. The term “pollution” shall mean all substances  
32 and materials which are rendering the water detrimental to

33 public health, or unwholesome, or unfit for domestic use or  
34 as a public water supply, or deleterious to the health of  
35 animals, fish or aquatic life, or detrimental to the practicable  
36 use of the water for recreational purposes.

1 Sec. 2. DECLARATION OF POLICY. It is hereby recognized  
2 that for public benefit and for the protection of public health,  
3 property, convenience and general welfare of the state and for  
4 the promotion of the enjoyment of state owned lakes and water  
5 by the people of the state and for the protection of fish and  
6 wildlife and prevention of pollution of state owned lakes; that  
7 the state of Iowa has an obligation to its citizens to contribute  
8 to the cost of the establishment, building and maintenance of  
9 sanitary and disposal systems for the prevention of further  
10 pollution of state owned lakes.

1 Sec. 3. INCORPORATION. Whenever any area of contiguous  
2 territory contains one or more cities, towns or villages and is  
3 so situated on or near any state owned lake or lakes that the  
4 construction, maintenance and operation of a trunk sewer system  
5 and of a plant or plants for treatment of sewage and the  
6 maintenance of one or more outlets for the drainage thereof,  
7 after having been so treated by and through such plant or plants,  
8 will be conducive to the public health, comfort, convenience or  
9 welfare, such area may be incorporated as an Anti-Pollution and  
10 Sanitary District in the manner set forth in this Act.

1 Sec. 4. JURISDICTION TO ESTABLISH. The Board of  
2 of any county in which the proposed Sanitary District or the  
Supervisors

3 major portion thereof is located wherein lies a state owned lake  
4 or lakes shall have jurisdiction, power and authority at any  
5 regular, special or adjourned session to establish a benefited  
6 Anti-Pollution and Sanitary District or Districts and to locate  
7 and establish the area and boundaries thereof and have jurisdiction  
8 of the proceedings as herein provided and a decision of the  
9 majority of the members of said Board shall be necessary for  
10 adoption. All orders of the board made hereunder shall be  
11 spread at length upon the records of the proceedings of the  
12 board of supervisors but need not be published under Section  
13 three hundred forty-nine point sixteen (349.16), Code, 1950.

1 Sec. 5. PRESUMPTION. The drainage of polluted surface  
2 or subsurface water and sewage and the disposal or purification  
3 of same and preventing polluted water or sewage from entry into  
4 a state owned lake or lakes shall be presumed to be a public  
5 benefit and conducive to public health and general welfare.

1 Sec. 6. TERRITORY INCLUDED. A benefited anti-pollution  
2 and sanitary district may include any contiguous area and may  
3 include part or all of any city, town or village with or without  
4 surrounding territory and all publicly owned land and water  
5 within the designated area.

1 Sec. 7. PROCEDURE FOR ESTABLISHMENT.

2 Subsection (1). INITIATION OF ACTION. The board of super-  
3 may on its own motion and shall upon the petition of two or more  
4 owners of land named in the petition, described in subsection (2)  
5 hereof, filed in the office of the county auditor for the

6 establishment of an anti-pollution and sanitary district and  
7 directed to the board of supervisors initiate proceedings for  
8 the establishment of an anti-pollution and sanitary district.

9 No territory shall be included within more than one anti-pollution  
10 and sanitary district organized under this Act.

11 Subsection (2). PETITION. The petition shall set forth:

12 1. An intelligible description by congressional  
13 subdivisions or otherwise of the land and lakes or  
14 waters suggested for inclusion in the district.

15 2. That the lake or lakes contained in the area are  
16 state-owned and are subject to pollution.

17 3. The name of such proposed anti-pollution and  
18 sanitary district.

19 4. That the public health, comfort, convenience or  
20 general welfare will be promoted by the establishment  
21 of such anti-pollution and sanitary district.

22 5. A request that said district be established by the  
23 board of supervisors.

24 6. The signatures of the petitioners.

25 Subsection (3). BOND. There shall be filed with the  
26 petition a bond in an amount fixed and with sureties approved  
27 by the county auditor, conditioned for the payment of all costs  
28 and expenses incurred in the procedures in case the district  
29 is not finally established.

30 Subsection (4). ADDITIONAL BOND. No preliminary expense  
31 shall be incurred before the establishment of such proposed

32 district by the board in excess of the amount of bond filed by  
33 the petitioners. In case it is necessary to incur any expense  
34 in addition to the amount of such bond, the board of supervisors  
35 shall require filing of an additional bond by the petitioners  
36 and shall not proceed with the preliminary survey or authorize  
37 any additional expense until the additional bond is filed in  
38 sufficient amount to cover such expenses. Said additional bond  
39 shall be approved in the same manner as provided for the  
40 original bond.

41 Subsection (5). ENGINEER. The board shall at its first  
42 session thereafter examine the petition and if it be found  
43 sufficient shall appoint a disinterested and competent civil  
44 engineer who shall give bond to the county for the use of the  
45 proposed anti-pollution and sanitary district, if it be  
46 established, and if not established for the use of the petitioners  
47 in an amount and with sureties to be approved by the county  
48 auditor, and conditioned for the faithful and competent  
49 performance of his duties.

50 Subsection (6). COMPENSATION. Any engineer employed  
51 under the provisions of this Act shall receive such compensation  
52 per diem as shall be fixed and determined by the board of  
53 supervisors. The compensation paid shall be an advancement  
54 to the district in the event the district is established and  
55 shall be charged as a part of the cost of construction of said  
56 district and be repaid to the county.

57 Subsection (7). DISCHARGE. The board may at any time

58 terminate the contract with and discharge the engineer.

59 Subsection (8). ASSISTANTS. Assistants may be employed  
60 by the engineer only with the approval of the board which shall  
61 fix their compensation.

62 Subsection (9). RECORD OF WORK. The engineer shall keep  
63 an accurate record of the kind of work done by himself and each  
64 assistant, the place where done, and the time engaged therein  
65 and shall file an itemized statement thereof with the county  
66 auditor. No expense shall be incurred by the engineer except  
67 upon authority of the board, and voucher shall be filed with  
68 the claims therefor.

69 Subsection (10). SURVEY. The engineer shall examine the  
70 lands and waters described in the petition and any other lands  
71 or waters which would be benefited by said improvement or  
72 necessary in carrying out the same. He shall locate and survey  
73 drains, conduits, treatment plants, disposal plants, pumping  
74 plants, works, ditches, channels and outlets of such capacity  
75 and character as may be required for the treatment, carrying  
76 off, and disposal of sewage and industrial waste and other  
77 drainage incidental thereto of such district and make all other  
78 necessary investigation as will be necessary, practicable or  
79 feasible in carrying out the purposes of the petition and which  
80 will be of public benefit or utility or conducive to public  
81 health, convenience or welfare.

82 Subsection (11). REPORT. The engineer shall make a full  
83 written report to the board of supervisors setting forth:

84 1. The starting point, route and terminus of each  
85 drain, conduit, ditch or channel and the outlets,  
86 capacity, character of treatment plants, disposal  
87 plants, pumping plants and other works.

88 2. Plat and profile showing all drains, conduits,  
89 ditches and channels, treatment plants, disposal  
90 plants, pumping plants and other works. The course,  
91 length and depth of each ditch and channel, the  
92 course, length, depth and size of each drain. The  
93 particular descriptions and acreage and metes and  
94 bounds of the land required as right of way together  
95 with a congressional or other description of each  
96 tract and the names of the owners thereof as shown  
97 in the transfer books in the office of the county  
98 auditor.

99 3. The boundary of the proposed district including  
100 therein by proper designation other lands that will  
101 be benefited or affected by the proposed improvement  
102 together with the name, location, description, size  
103 and elevation of all lakes, ponds and deep depressions.

104 4. The probable cost of the proposed improvements  
105 together with such other facts and recommendations  
106 as he shall deem material.

107 5. Where the proposed district contemplates as its  
108 objective flood control or soil conservation or other  
109 objective, the engineer shall include in his report

110 data describing such improvements, the nature thereof  
111 and such other additional data as shall be prescribed  
112 by the Iowa Natural Resources Council.

113 Subsection (12). PROCEDURE ON REPORT. Upon the filing of  
114 the report of the engineer recommending the establishment of the  
115 anti-pollution and sanitary district, the board shall at its  
116 first regular, special or adjourned session examine and consider  
117 the same, and, if the plan is not approved the board may employ  
118 said engineer or another disinterested engineer to qualify as  
119 provided in this Act to report another plan or make additional  
120 examination and surveys and file an additional report covering  
121 such matters as the board may direct. Additional surveys and  
122 reports must be made in accordance with the previous subsections  
123 (10) and (11). At any time prior to the final adoption of the  
124 plans they may be amended and as finally adopted by the board  
125 shall be conclusive unless the action of the board in finally  
126 adopting them shall be appealed from as hereinafter provided.

127 Subsection (13). NOTICE OF HEARING. When any plan and  
128 report of the engineer has been approved by the board, such  
129 approval shall be entered of record in its proceedings as a  
130 tentative plan only for the establishment of said improvement.  
131 Thereupon it shall enter an order fixing a date for the hearing  
132 upon the petition not less than forty days from the date of the  
133 order of approval, and directing the auditor immediately to cause  
134 notice to be given to the State of Iowa by giving notice to the  
135 governor of the state, to the Iowa Resources Council, to the

136 Iowa Tax Commission, to the Iowa Department of Health, to the  
137 Iowa Conservation Commission, to the owner of each tract of  
138 land or lot within the proposed anti-pollution and sanitary  
139 district as shown by the transfer books of the auditor's office,  
140 including railway companies having right of way in the proposed  
141 district and to each lienholder or encumbrancer of any land  
142 within the proposed district as shown by the county records,  
143 and also to all other persons whom it may concern, and without  
144 naming individuals all actual occupants of the land in the  
145 proposed district, of the pendency and prayer of the said  
146 petition, the favorable report thereon by the engineer, and  
147 that such report may be amended before final action, the  
148 approval thereof by the board as a tentative plan, and the  
149 day and the hour set for hearing on said petition and report,  
150 and that all claims for damages except claims for land required  
151 for right of way, and all objections to the establishment of  
152 said district for any reason must be made in writing and filed  
153 in the office of the auditor at or before the time set for such  
154 hearing.

155 Subsection (14). SERVICE BY PUBLICATION—PROOF. The  
156 provided in subsection (13) shall be served, except as otherwise <sup>notice</sup>  
157 hereunder provided, by publication thereof once each week for  
158 two consecutive weeks in some newspaper of general circulation  
159 published in the county, the last of which publication shall be  
160 not less than twenty days prior to the day set for hearing of  
161 the said petition. Proof of such service shall be made by

162 affidavit of the publisher, and be on file with the auditor at  
163 the time the hearing begins.

164 Subsection (15). SERVICE ON AGENT. If any person,  
165 corporation or company owning or having interest in any land  
166 or other property affected by any proposed improvement under  
167 this Act, shall file with the auditor an instrument in writing  
168 designating the name and post office address of his or its agent  
169 upon whom service of notice of said proceeding shall be made,  
170 the auditor shall, not less than twenty days prior to the date  
171 set for hearing upon said petition, send a copy of said notice  
172 by registered mail addressed to the agent so designated. Proof  
173 of such service shall be made by affidavit of the auditor filed  
174 by him in said proceeding at or before the date of the hearing  
175 upon the petition, and such service shall be in lieu of all other  
176 service of notice to such persons, corporations, or companies.

177 This designation when filed shall be in force for a period  
178 of five years thereafter and shall apply to all proceedings  
179 under this Act during such period. The person, company or  
180 corporation making such designation shall have the right to  
181 change the agent appointed therein or to amend it in any other  
182 particular.

183 Subsection (16). PERSONAL SERVICE. In lieu of publication,  
184 personal service of said notice may be made upon the state of Iowa  
185 by service upon the Governor of the state of Iowa and upon any  
186 commission or board by service upon its chairman and upon any  
187 owner of land in the proposed district, or upon any lienholder or

188 other person interested in the proposed improvement, in the manner  
189 and for the time required for service of original notices in the  
190 district court. Proof of such service shall be on file with the  
191 auditor on the date of said hearing.

192 Subsection (17). WAIVER OF NOTICE. No service of notice  
193 shall be required upon any person who shall file with the auditor  
194 a statement in writing, signed by him, waiving notice, or who  
195 enters an appearance in the proceedings. The filing of a claim  
196 for damages or objections to the establishment of said district  
197 or other pleading shall be deemed an appearance.

198 Subsection (18). WAIVER OF OBJECTIONS AND DAMAGES. Any  
199 person, company, or corporation failing to file any claim for  
200 damages or objections to the establishment of the district at or  
201 before the time fixed for said hearing, except claims for land  
202 required for right of way, shall be held to have waived all  
203 objections and claims for damages.

204 Subsection (19). ADJOURNMENT FOR SERVICE—JURISDIC-  
205 RETAINED. If at the date set for hearing, it shall appear that  
206 any person entitled to notice has not been properly served with  
207 notice, the board may postpone said hearing and set another time  
208 for the same not less than thirty days from said date, and notice  
209 of such hearing as hereinbefore provided shall be served on such  
210 omitted parties. By fixing such new date for hearing and the  
211 adjournment of said proceedings to said date, the board shall not  
212 lose jurisdiction of the subject matter of said proceeding nor of  
213 any parties already served with notice.

214 Subsection (20). HEARING OF PETITION—DISMISSAL. At the  
215 time set for hearing on said petition the board shall hear and  
216 determine the sufficiency of the petition in form and substance  
217 (which petition may be amended at any time before final action  
218 thereon), and all objections filed against the establishment of  
219 such district, and the board may view the premises included in the  
220 said district. If it shall find that the construction of the  
221 proposed improvement will not materially benefit said lakes or  
222 said lands or would not be for the public benefit or utility nor  
223 conducive to the public health, convenience, or welfare, or that  
224 the cost thereof is excessive, it shall dismiss the proceedings.

225 Subsection (21). ESTABLISHMENT—CERTIFICATION OF DAM-  
226 AGES.

226 If the board shall find that such petition complies with the  
227 requirements of law in form and substance and that such improvement  
228 would be conducive to public health, convenience, welfare,  
229 benefit or utility and that the cost thereof is not excessive and  
230 that no claim shall have been filed for damages it shall locate  
231 and establish said district in accordance with the recommendations  
232 of the engineer and the report and the plans on file. If there  
233 are claims for damages filed, then the board shall tentatively  
234 locate and establish said district in accordance with the  
235 recommendations of the engineer, the report and the plans on file  
236 and shall certify to the board of trustees of said district when  
237 elected the claims for damages on file.

1 Sec. 8. ORDER FOR ELECTION OF TRUSTEES. Within thirty  
2 after the establishment, or tentative establishment, of an anti- days

3 pollution and sanitary district under this act, the board of  
4 supervisors which had jurisdiction of the proceedings of its  
5 establishment together with the board of supervisors of any other  
6 county, if any, in which any part of said district is located,  
7 shall order an election to be held in the district on a date not  
8 more than sixty days after the date of the order, for the purpose  
9 of electing a board of trustees, consisting of three members, for  
10 the government, control and management of the affairs and business  
11 of such benefited anti-pollution and sanitary district.

1     Sec. 9. NOTICE OF ELECTION. In its order for such election,  
2 the board of supervisors shall direct the county auditor of the  
3 county whose board of supervisors had jurisdiction of the proceed-  
4 ings, to cause notice of such election to be given by posting at  
5 least five copies of such notice in public places in such proposed  
6 district at least twenty days before the date of election and by  
7 publication of such notice once each week for three consecutive  
8 weeks in some newspaper of general circulation published in such  
9 district, or, if no such paper is published within said district,  
10 then in such a newspaper published in the county in which the major  
11 part of such district is located, the last publication to be at  
12 least twenty days prior to the date of election. Such notice shall  
13 state the time and place of holding the election and the hours  
14 when the polls open and close, the purpose of the election and  
15 the method by which trustees shall be selected and shall set forth  
16 briefly the limits of each voting precinct and the location of  
17 the polling places therein. Proof of giving such notice shall

18 be made by affidavit of the publisher or affidavit of person who  
19 posted such notice and such proof shall be on file at the county  
20 auditor at the time of election.

1 Sec. 10. QUALIFICATIONS, ELECTION AND TERMS OF  
2 OFFICE.

3 Each trustee shall be a citizen of the United State, not less  
4 than twenty-one years of age, and a resident within said sanitary  
5 district. Each voter at said election may write in upon the ballot  
6 the names of not more than three persons whom he desires for  
7 trustees and may cast not more than one vote for each of said  
8 three persons, and the three persons receiving the highest number  
9 of votes cast shall constitute the first board of trustees of the  
10 district. The term of office of the first board of trustees shall  
11 be for the period extending to the second secular day of January  
12 following the next regular biennial election. Three trustees to  
13 succeed the first board of trustees shall be nominated and  
14 elected at the next primary and regular biennial election following  
15 establishment of the district, in the same manner as provided by  
16 the primary and general election laws of this state for the  
17 nomination and election of offices to be filled by the voters  
18 of any subdivision of a county. Said trustees shall be elected  
19 for terms of two, four, and six years respectively, and their  
20 terms shall commence on the second secular day of January next  
21 thereafter At each succeeding biennial election one trustee  
22 shall be nominated and elected in the manner herein provided for  
23 a six year term to succeed the trustee whose term next expires.  
In all elections for trustees each qualified voter resident within

24 the district may vote one vote for each office of trustee to be  
25 filled at the election. At all elections for trustees subsequent  
26 to the election of the first board the names of all candidates for  
27 trustees of such sanitary district shall be printed on the same  
28 ballot with candidates for other offices to be filled at such  
29 election. In case a regular election precinct includes territory  
30 lying partly within and partly without the sanitary district, it  
31 shall be the duty of the officers charged with the printing and  
32 furnishing of ballots to furnish to the election judges of such  
33 precinct two sets of official ballots, one set including the names  
34 of candidates for trustees of such sanitary district, and one  
35 set without such names. All provisions of the primary and general  
36 election laws of Iowa shall govern the nomination and election of  
37 trustees hereunder, so far as applicable, and except as modified  
38 hereby.

39 Vacancies in the office of trustees of a sanitary district  
40 shall be filled by the remaining members of the board for the  
41 period extending to the second secular day of January following  
42 the next biennial election, when a trustee shall be elected to  
43 fill such vacancy for the unexpired term.

1 Sec. 11 TRUSTEE'S BOND. Each trustee shall, before entering  
2 upon the duties of his office, execute a bond payable to the  
3 district, with security to be approved by the board of supervisors  
4 which has jurisdiction of the petition for establishment of the  
5 district, in such form and amount as said board of supervisors  
6 may determine, which bond shall be filed with the county auditor

7 of said county.

1     Sec. 12. CLERK. The trustees may select one of their  
2 own number as chairman and another as clerk or may select some  
3 other taxpayer of the district as clerk of the board of trustees  
4 who shall serve during the pleasure of the trustees.

1     Sec. 13. TAXES—POWER TO LEVY AND TAX SALES. The  
2 shall have control, supervision and management of the district <sup>trustees</sup>  
3 for which they are elected and shall be clothed with all the  
4 powers now conferred on boards of supervisors for the control,  
5 management and supervision of drainage and levy districts under  
6 the laws of the state of Iowa, including the right to levy  
7 annually for corporate purposes a tax upon all state owned  
8 lakes and waters or other state owned property and upon all  
9 other property within the territorial limits of such anti-pollution  
10 and sanitary district according to the benefits received by all  
11 such property by the improvements.

12     All taxes thus levied by the trustees shall be certified  
13 by the clerk on or before the first day of September to the  
14 county auditor of each county wherein any of the property  
15 included within the territorial limits of said district is  
16 located, and shall by said auditor or auditors be placed upon  
17 the tax list for the current year; and the county treasurer,  
18 or treasurers, shall collect all taxes so levied in the same  
19 manner as other taxes, and when delinquent they shall draw  
20 the same interest and penalties. All taxes so levied and  
21 collected shall be paid over by the officer collecting the

22 same to the treasurer of the district or kept by the treasurer  
23 of the county in a separate fund to the credit of the district  
24 for which it is collected and shall be expended only upon the  
25 orders of the trustees, signed by the president of the board  
26 of trustees, upon which warrants shall be drawn by the county  
27 auditor upon the county treasurer.

28 Sales for delinquent taxes owing to such anti-pollution  
29 and sanitary district shall be made at the same time and in  
30 the same manner as such sales are made for other taxes, and  
31 all provisions of the laws of this state relative to sale of  
32 property for delinquent taxes shall be applicable so far as  
33 may be, to such sales.

1 Sec. 14. CERTIFICATES AND BONDS. The board of trustees  
2 of any district shall have the same power to issue improvement  
3 certificates and anti-pollution and sanitary bonds under the  
4 same conditions and with like tenor and effect as is provided  
5 by the law regulating the issuance by boards of supervisors  
6 in drainage and levy districts except that in the case of  
7 issuance of anti-pollution and sanitary bonds the same shall  
8 be submitted to the district court in the county or counties  
9 in which the district lies and an order approving said bonds  
10 be obtained from a judge of said court which approval shall be  
11 endorsed upon such bonds before being negotiated. (As provided  
12 in Sec. 66 of this Act.)

1 Sec. 15. RECORDS AND DISBURSEMENTS. The clerk of each  
2 district shall keep a record of all of the proceedings and

3 actions of the trustees. No claim shall be paid or disbursement  
4 made until it has been duly audited and approved by the board of  
5 trustees.

1 Sec. 16. GRANDFATHER CLAUSE. Any sanitary district now  
2 established under Chapter three hundred fifty-eight (358), Code  
3 of Iowa, the boundaries of which surrounds or is adjacent and  
4 contiguous to any state owned lake or lakes, the establishment of  
5 which would prevent or tend to prevent, further pollution of said  
6 state owned lake or lakes, shall without further procedure under  
7 this chapter be incorporated and established as if all the  
8 requirements required by this Act had been complied with and the  
9 duly elected trustees of any such sanitary district may proceed  
10 forthwith under the same authority as granted by this Act and shall  
11 have all the powers granted by this Act with respect to assessments  
12 for benefits against state owned land and waters except that the  
13 trustees of said district shall comply with the requirements for  
14 the hiring of engineers, surveys, procedure on engineer's reports,  
15 hearing and notices of hearings provided for by this Act. The  
16 boundaries of such sanitary district shall be extended to include  
17 the state owned waters of the lake or lakes.

1 Sec. 17. ANTI-POLLUTION AND SANITARY DISTRICT TO  
2 BE A BODY CORPORATE. Each anti-pollution and sanitary district  
3 organized under this Act shall be a body corporate and politic  
4 with the name and style under which it was organized and by such  
5 name and style may sue and be sued, contract and be contracted  
6 with, acquire and hold real and personal property necessary for

7 the corporate purposes, adopt a corporate seal and alter the same  
8 at pleasure and exercise all the powers conferred by this Act.  
9 All courts of this state shall take judicial notice of the  
10 existence of anti-pollution and sanitary districts organized  
11 hereunder.

1 Sec. 18. BOARD OF TRUSTEES—POWERS. The trustees  
2 in pursuance of the foregoing provisions of this Act shall  
3 constitute a board of trustees for the district by which they  
4 are elected, which board of trustees is hereby declared to be  
5 the corporate authority of such sanitary district, and shall  
6 exercise all the powers and manage and control all the affairs  
7 and property of such district. A majority of the board of trustees  
8 shall constitute a quorum, but a smaller number may adjourn from  
9 day to day. Said board of trustees shall have the right to elect  
10 a president from their own number and, from without their own  
11 number, such employees as the board may deem necessary, who  
12 shall hold their employment during the pleasure of the board,  
13 and shall prescribe the duties and fix the compensation of all  
14 employees of said sanitary district and the amount of bond to be  
15 filed by any employee for which they may require bond, provided,  
16 however, that the compensation of members of the board of trustees  
17 is hereby fixed at not to exceed five dollars (\$5.00) per day for  
18 each day the board is actually in session and five dollars (\$5.00)  
19 per day when not in session but employed on committee service,  
20 and seven cents (7c) for every mile traveled in going to and from  
21 sessions of the board and in going to and from the place of

22 performing committee service; provided further, that members of  
23 said board shall not receive compensation for more than sixty days  
24 of session and committee service each year.

25 Said board of trustees shall have full power to pass all  
26 necessary ordinances, resolutions, rules and regulations for  
27 the proper management and conduct of the business of said board  
28 of trustees and of said corporation and for carrying into effect  
29 the objects for which such sanitary district is formed.

1 Sec. 19. ORDINANCES—PUBLICATION OR POSTING—TIME  
2 OF TAKING

3 EFFECT. All ordinances, resolutions, orders, rules and  
4 regulations adopted by the Board shall take effect five days  
5 from and after their adoption and publication. The publication  
6 thereof shall be by one publication in a newspaper published  
7 in the district or by posting copies thereof in five public  
8 places within the district.

1 Sec. 20. PROOF OF ORDINANCES. All ordinances, resolutions,  
2 orders, rules and regulations, and the date when same became  
3 effective, may be proven by the certificate of the clerk, under  
4 the seal of the corporation, if one has been adopted, and when  
5 printed in book or pamphlet form and purporting to be published  
6 by the board of trustees such book or pamphlet shall be received  
7 as evidence of the passage and legal publication or posting  
8 thereof as of the dates mentioned therein, in all courts and  
9 places, without further proof.

1 Sec. 21. PERSONAL INTEREST IN CONTRACTS. No trustee of  
2 such district shall be directly or indirectly interested in any

3 contract, work, or business of the district, or in the sale of  
4 any article the expense, price, or consideration of which is  
5 paid by such district; nor in the purchase of any real estate  
6 or other property belonging to the district, or which shall  
7 be sold for taxes or assessments, or by virtue of legal process  
8 at the suit of said district; provided, that nothing herein  
9 shall be construed as prohibiting the selection of any person  
10 as trustee because of his ownership of real estate in the district  
11 or because he is a taxpayer in the district.

1 Sec. 22. POWER TO PROVIDE FOR SEWAGE DISPOSAL. The board  
2 of trustees of any district organized under this Act shall  
3 have power to provide for the disposal of the sewage thereof,  
4 including the sewage and drainage of any city, town, or  
5 village within the boundaries of such district; to acquire,  
6 lay out, locate, establish, construct, maintain, and operate  
7 one or more drains, conduits, treatment plants, disposal  
8 plants, pumping plants, works, ditches, channels, and outlets  
9 of such capacity and character as may be required for the  
10 treatment, carrying off, and disposal of the sewage and  
11 industrial wastes and other drainage incidental thereto of  
12 such district; to lay out, establish, construct, maintain, and  
13 operate all such adjuncts, additions, auxiliary improvements,  
14 and works as may be necessary or proper for accomplishment of  
15 the purposes intended, and to procure supplies of water for  
16 operating, diluting, and flushing purposes; to maintain, repair,  
17 change, enlarge, and add to such facilities, improvements, and

18 works as may be necessary or proper to meet the future requirements  
19 for the purposes aforesaid; and, when necessary for such purposes.  
20 any such facilities, improvements, and works and the maintenance  
21 and operation thereof may extend beyond the limits of such  
22 district, and the rights and powers of said board of trustees  
23 in respect thereto shall be the same as if located within said  
24 district, provided, no taxes shall be levied upon any property  
25 outside of such district; and provided further, that the district  
26 shall be liable for all damages sustained beyond its limits in  
27 consequence of any work or improvement authorized hereunder.

28 Nothing contained herein shall be construed to authorize  
29 or empower such board of trustees to operate a system of  
30 waterworks for the purpose of furnishing water to the inhabitants  
31 of the district, or to construct, maintain, or operate local  
32 municipal sewerage facilities, or to deprive municipalities within  
33 the district of their powers to construct and operate sewers for  
34 local purposes within their limits.

1 Sec. 23. POWER TO ACQUIRE AND DISPOSE OF PROPERTY. **Any**

2 district organized under this Act may acquire by purchase,  
3 condemnation, or otherwise, any and all real and personal  
4 property, rights of way and privileges, either within or without  
5 its corporate limits, required for its corporate purposes.

6 Condemnation proceedings shall be conducted in the same manner,  
7 as near as may be, as provided for condemnation by counties  
8 under the laws of Iowa. Said sanitary districts shall have power  
9 to sell, convey, or otherwise dispose of any of the properties

10 belonging to them when no longer required for their purposes.

1     Sec. 24. FURTHER INVESTIGATION. After the trustees  
2. have qualified and organized their board it may direct the  
3 engineer or another one employed for that purpose to make  
4 further examination, surveys, plats, profiles and reports for  
5 the modification of said plans or for new plans in accordance  
6 with subsections (10) and (11) of Section 7 and may continue  
7 further hearing to a fixed date. All parties over whom the  
8 board of supervisors then has, or has had, jurisdiction shall  
9 take notice of such further hearing and any new parties  
10 rendered necessary by any modification or change of the  
11 plans shall be served with notice as for the original establishment  
12 of a district. The board of trustees shall appoint three  
13 appraisers as provided for in Section 25 of this Act to assess  
14 the value of the right of way required for the improvements  
15 and any claims for damages filed with the board of supervisors  
16 and certified to the board of trustees as provided in subsection  
17 (21) Section 7.

1     Sec. 25. APPRAISERS. If the trustees shall find that  
2 such improvement will materially benefit said lakes and lands,  
3 will be conducive to the public health, convenience, welfare,  
4 benefit or utility and that the law has been substantially complied  
5 with as to form and substance of the petition, the service of  
6 notice and the survey and report of the engineer, and that said  
7 improvements should be made, then if any claims for damages  
8 shall have been certified to them by the board of supervisors,

9 further proceedings shall be continued to an adjourned, regular  
10 or special session, the date of which shall be fixed at the  
11 time of adjournment, and of which all interested parties shall  
12 take notice. The three appraisers appointed by the trustees,  
13 one of whom shall be an engineer, and two freeholders of the  
14 county or counties in which the district lies who shall not  
15 be interested in or related to any person interested in the  
16 proposed improvement or claims for damages, and the said  
17 appraisers shall take and subscribe an oath to examine said  
18 premises, ascertain and impartially assess all damages to  
19 their best judgment, skill and ability.

1 Sec. 26. ASSESSMENT—REPORT—ADJOURNMENT—OTHER  
2 APPRAISERS.

3 The appraisers appointed to assess damages shall view the  
4 premises and determine and fix the amount of damages to which  
5 each claimant is entitled and shall place a separate valuation  
6 upon the acreage of each owner taken for right of way for any  
7 open ditches or channels, drains, conduits, treatment plants,  
8 disposal plants, pumping plants or other works, as shown by  
9 the plat of the engineer and shall, at least five days before  
10 the day fixed by the trustees to hear and determine the same,  
11 file with the clerk of the board of trustees reports in  
12 writing, showing the amount of damage sustained by each  
13 claimant. Should the report not be filed in time, or should  
14 any good cause for delay exist, the trustees may postpone the  
15 trustees may appoint other appraisers.

1     Sec. 27. AWARD BY TRUSTEES. At the time fixed for  
2 hearing and after the filing of the report of the appraisers,  
3 the trustees shall examine said report, and may hear evidence  
4 thereon, both for and against each claim for damages and  
5 compensation, and shall determine the amount of damages and  
6 compensation due each claimant, and may affirm, increase, or  
7 diminish the amount awarded by the appraisers.

1     Sec. 28. COMPENSATION AND DISCHARGE OF APPRAISERS.  
2 final award of damages assessed by the appraisers the trustees  
3 may discharge the appraisers and fix their compensation based  
4 on the amount of work performed by them. <sup>Upon</sup>

1     Sec. 29. DISMISSAL OR ESTABLISHMENT. After the award  
2 has been made by the trustees, a joint meeting of the trustees  
3 and the board or boards of supervisors shall be held to  
4 consider the cost of construction of said improvement as  
5 shown by the reports of the engineer and the amount of damages  
6 and compensation awarded by the trustees to all claimants and,  
7 if, in the opinion of the joint boards, such costs of construction  
8 and amount of damages awarded create a greater burden than  
9 should justly be borne by the lands and waters benefited by  
10 the improvement, the board of supervisors shall then dismiss  
11 the petition and assess the costs to the petitioners and their  
12 bondsmen; but if the joint boards find that such costs and  
13 expense is not a greater burden than should be justly borne  
14 by the lands and waters benefited by the improvement the  
15 board of supervisors shall finally and permanently locate and

16 establish said district and improvement.

1     Sec. 30. BOND DISCHARGE. Upon the establishment of the  
2 anti-pollution and sanitary district by the board of supervisors,  
3 the bond and additional bond of the petitioner shall be  
4 discharged by the board of supervisors and the bondsmen  
5 exonerated.

1     Sec. 31. DISSOLUTION. When for a period of two years  
2 from and after the date of the establishment of a sanitary  
3 district, or when an appeal is taken or litigation brought  
4 against said district within two years from the date such  
5 appeal or litigation is finally determined, no contract shall  
6 have been let or work done or drainage certificates or bonds  
7 issued for the construction of the improvements in such  
8 district, a petition may be filed in the office of the auditor,  
9 addressed to the board of supervisors, signed by a majority  
10 of the persons owning land in such district and who, in the  
11 aggregate, own sixty percent or more of all the land embraced  
12 in said district, setting forth the above facts and reciting  
13 that provision has been made by the petitioner for the payment  
14 of all costs and expenses incurred on account of such district.  
15 The board shall examine such petition at its next meeting after  
16 the filing thereof, and if found to comply with the above  
17 requirements, shall dissolve and vacate said district by  
18 resolution entered upon its records, to become effective upon  
19 the payment of all the costs and expenses incurred in relation  
20 to said district. In case of such vacation and dissolution



5 district, bond to be approved by clerk in such form as the  
6 trustees may fix, conditioned for the faithful discharge of  
7 his duties.

1     Sec. 36. ADVERTISEMENT FOR BIDS. The trustees shall  
2 cause notice to be given for publication once each week for  
3 two consecutive weeks in some newspaper published in the county,  
4 or counties, wherein such improvement is located, and such  
5 additional advertisement and publication elsewhere as they  
6 deem necessary, of the time and place of letting the work of  
7 construction of said improvement specifying the approximate  
8 type and amount of work to be done in each numbered section  
9 of the district, the time fixed for the commencement and  
10 completion thereof, that bids will be received on the entire  
11 work and in sections or divisions thereof, and that each bidder  
12 will be required to deposit with his bid cash or certified  
13 check payable to the clerk or his order at his office in an  
14 amount equal to ten percent of the bid and in no case to exceed  
15 one hundred thousand dollars (\$100,000.00). When the estimated  
16 cost of the improvement exceeds fifteen thousand dollars (\$15,000)  
17 the board shall make additional publication for two consecutive  
18 weeks in some contractor's journal of general circulation, giving  
19 only the type of proposed construction or repairs, estimated  
20 amount, date of letting, amount of bidder's bond and the name and  
21 address of the clerk. All notices shall fix the date to which  
22 bidders will be received and upon which said work will be let.

1     Sec. 37. BIDDERS—LETTING OF WORK. The trustees shall

2 award contract or contracts for each section of the work to  
3 the lowest responsible bidder or bidders therefor, bids to be  
4 submitted, received and acted on separately as to ditches and  
5 channels, pumping plants, treatment plants, disposal plants and  
6 other works, exercising their own discretion as to letting such  
7 work as a whole or in divisions or sections, and reserving the  
8 right to refuse any and all bids and readvertise the letting of  
9 the work.

1 Sec. 38. MANNER OF MAKING BIDS—DEPOSIT. Each bid shall be  
2 in writing, specifying the portion of the work upon which the bid  
3 is made, and filed with the clerk accompanied with a deposit of  
4 cash or a certified check payable to the clerk according to  
5 Section 36 of this Act. The cash or checks of unsuccessful  
6 bidders shall be returned to them but the cash or checks of  
7 successful bidders shall be held as a guarantee that they will  
8 enter into a contract in accordance with their bids.

1 Sec. 39. PERFORMANCE BID—RETURN OF DEPOSIT. Each  
2 successful bidder shall be required to execute a bond with  
3 sureties approved by the clerk in favor of the district and  
4 all persons entitled to liens for labor or material in an amount  
5 not less than seventy-five percent (75%) of the contract price,  
6 condition for timely, efficient, and complete performance of his  
7 contract, and the payment, as they become due, on all just claims  
8 for labor and material. Where such contract is executed and bond  
9 approved, the cash or certified check deposited with the bid  
10 shall be returned to the bidder.

1     Sec. 40.   CONTRACTS.   All agreements and contracts for  
2   work or materials in constructing the improvements of such  
3   district shall be in writing, signed by the chairman of the  
4   board of trustees on behalf of the district, and the parties  
5   who are to perform the work or furnish the materials specified  
6   in such contract.   Such contract shall specify the particular  
7   work to be done or materials furnished, the time when it  
8   shall begin and when it shall be completed, the amount to be  
9   paid and the times of payment, with such other terms and  
10  conditions as to details necessary to a clear understanding  
11  of the terms thereof.

1     Sec. 41.   COMMISSIONERS TO CLASSIFY AND ASSESS.  
2   district shall have been located and finally established, and <sup>When a</sup>  
3   the contracts for construction let or unless otherwise provided  
4   by law, when the required proceedings have been taken and  
5   contracts for construction let or the required proceedings  
6   have been had to enlarge the district, annex additional lands,  
7   or extend the improvements in the district, the board of  
8   trustees shall appoint three commissioners to assess benefits  
9   and classify the lands and waters affected by such improvement.  
10  One of such commissioners shall be a competent civil engineer,  
11  one shall be a resident freeholder of the county in which the  
12  district is located but not living within or interested in any  
13  lands included in said district, nor related to any party whose  
14  land is affected thereby and one shall be a resident freeholder  
15  of the state but not living within the county or counties in

16 which the district is located nor interested in any lands  
17 included in said district or related to any party whose land  
18 is affected thereby. Commissioners shall take and subscribe  
19 an oath of their qualifications and to perform the duties of  
20 classification of said lands and waters, fix the percentages  
21 of benefits and apportion and assess the costs and expenses  
22 of construction of the improvement according to law and their  
23 best judgment, skill and ability. If said commissioners or  
24 any of them fail or neglect to act or perform the duties in  
25 the time and as required of them by law or retire from said  
26 board by resignation or death or become disqualified, the  
27 trustees shall appoint others with like qualifications to take  
28 their place and perform said duties.

1 Sec. 42. DUTIES, TIME FOR PERFORMANCE AND SCALE  
2 OF  
3 BENEFITS. At the time of appointing said commissioners, the  
4 trustees shall fix a time within said assessment, classification,  
5 and apportionment shall be made, which time may be extended for  
6 good cause. Within twenty days after their appointment, the  
7 commissioner shall begin to inspect and classify all the lands  
8 and waters within said district, or any change, extension,  
9 enlargement, or relocation thereof as the case may be, in  
10 tracts of forty acres or less according to the legal or  
11 recognized subdivisions, if land; and in the whole body of  
12 water if a lake, in a graduated scale of benefits to be  
13 numbered according to the benefit to be received by each of  
such tracts of land or body of water from such improvement and

14 shall pursue said work continuously until completed.

15 When this work is completed, the commissioners shall make  
16 a full accurate detailed report thereof and file the same with  
17 the clerk. The lands and waters receiving the greater benefit  
18 shall be marked on a scale of one hundred (100), and those  
19 benefited in a less degree with such percentage of one hundred  
20 (100) as the benefits received bear in proportion thereof.

21 They shall make an equitable apportionment of the cost, expense,  
22 fees and damages computed on the percentages fixed.

1 Sec. 43. PUBLIC HIGHWAYS AND RAILROAD PROPERTY. When  
2 any public highway or railroad extends into or through an  
3 anti-pollution and sanitary district, the commissioners to  
4 assess benefits shall determine and assess the benefits to  
5 the property of the highway and railroad other than right of  
6 way, but shall not assess the benefits to the highway or  
7 railroad right of way proper. The assessments shall be  
8 charged and collected as provided in the case of levee and  
9 drainage districts in Section four hundred fifty-five point  
10 forty-nine (455.49) and Section four hundred fifty-five  
11 point fifty (455.50), Code, 1950.

1 Sec. 44. REPORT OF COMMISSIONERS. The commissioners  
2 within the time fixed or as extended, shall make and file  
3 with the trustees a written verified report in tabulated  
4 form as to each tract of land or body of water within the  
5 district setting forth:

6 (1) The names of the owners as shown by the transfer

7 books of the county auditor's office or the reports of the  
8 engineer on file showing an entire classification of the  
9 lands and waters in said district for anti-pollution and  
10 sanitary facilities.

11 (2) The amount and percentage of benefits to each of  
12 the tracts of land and water and the apportionment of cost  
13 and expense against each: (a) for ditches and channels (b)  
14 for conduits and drains (c) treatment plants (d) disposal  
15 plants (e) pumping plants and (f) other works.

16 (3) The aggregate amount of all assessments for any  
17 specific benefits other than those derived from anti-pollution  
18 or sanitary system shall be separately stated.

1 Sec. 45. NOTICE OF HEARING. The trustees shall fix a  
2 time for a hearing upon the report of the commissioners, and  
3 the auditor shall cause notice to be served upon the state of  
4 Iowa by giving notice to the governor of the state, to the  
5 Iowa Resources Council, to the Iowa Tax Commission, to the  
6 Iowa Department of Health, to the Iowa Conservation Commission  
7 and upon each person whose name appears as owner, naming him,  
8 and also upon the person or persons in actual occupancy of any  
9 tract of land without naming him, of the day and hour of such  
10 hearing, which notice shall be for the same time and served  
11 in the same manner as is provided for the establishment of a  
12 anti-pollution and sanitary district, and shall state the  
13 amount of assessment of costs and expenses of construction  
14 apportioned to the state of Iowa and to each owner upon each

15 forty-acre tract of land or less, and that all objections  
16 thereto must be in writing and filed with the auditor at or  
17 before the time set for such hearing.

1     Sec. 46. HEARING AND DETERMINATION. At the time fixed  
2 or at an adjourned hearing, the trustees shall hear and  
3 determine all objections filed to said report and shall  
4 fully consider the said report, and may affirm, increase  
5 or diminish the percentage of benefits or the apportionment  
6 of costs and expenses made in said report against any body of  
7 water or tract of land in said district as may appear to the  
8 board to be just and equitable.

1     Sec. 47. EVIDENCE—CONCLUSIVE PRESUMPTION. At such  
2 hearing, the trustees may hear evidence both for and against  
3 the approval of said report or any portion thereof, but it shall  
4 not be competent to show that any of the lands or waters in  
5 said district assessed for benefits or against which an  
6 apportionment of costs and expenses has been made will not  
7 be benefited by such improvement in some degree. Any interested  
8 party may be heard in argument by himself or counsel.

1     Sec. 48. NOTICE OF INCREASED ASSESSMENT. The trustees  
2 shall cause notice to be served upon the state of Iowa and  
3 upon the owner of any tract of land against which it is proposed  
4 to increase the assessment, requiring him to appear at a fixed  
5 date, not less than ten nor more than twenty days from the date  
6 of service, and show cause why such assessment should not be  
7 so increased, which notice shall be served in the same manner

8 as an original notice upon residents of the county or  
9 counties in which the district is located; and upon nonresidents  
10 of the county or counties by service on any tenant or occupant  
11 of the land affected, and upon any agent of any railroad  
12 company affected, and upon the governor of the state of Iowa.

1 Sec. 49. CLASSIFICATION AS BASIS FOR FUTURE ASSESS-  
2 MENTS.

3 A classification of land and water for anti-pollution and  
4 sanitary purposes, when finally adopted, shall remain the  
5 basis of all future assessments for the purpose of said district  
6 unless revised by the board in the manner provided for  
7 reclassification.

1 Sec. 50. LEVY-INTEREST. When the trustees have finally  
2 determined the matter of assessments of benefits and apportionment,  
3 it shall levy such assessments as fixed by it upon the lands  
4 and state owned water and lakes within such district, and all  
5 assessments shall be levied at that time as a tax and shall  
6 bear interest at four percent per annum from that date, payable  
7 annually, except as hereinafter provided as to cash payments  
8 thereof within a specified time.

1 Sec. 51. LIEN OF TAX. Such taxes shall be a lien upon  
2 all premises against which they are assessed as fully as taxes  
3 levied for state and county purposes.

1 Sec. 52. ASSESSMENT AGAINST STATE OWNED LAND AND  
2 WATERS.

3 The district shall assess the proportionate part of the cost  
4 of the improvement upon lands owned by the state within the  
5 district, and shall assess the proportionate part of the cost

5 of the improvement found to benefit the lake and waters thereof  
6 owned by the state, to the state of Iowa and the state through  
7 the executive council shall pay such portion of the cost of  
8 making and maintaining the improvement as provided hereinafter.  
9 Payment of such assessment shall be made by the executive  
10 council from any funds of the state not otherwise appropriated.

11 The trustees shall assess the cost of making and maintaining  
12 the improvement against the state owned lands and waters  
13 as would be legally assessable against the lands and waters  
14 were such lands and waters otherwise privately owned, which  
15 amount shall have been determined by the commissioners as  
16 provided by this Act.

17 Any district in which a state owned building may be  
18 situated shall permit the officers in charge of such building  
19 and the persons constructing or improving the same to construct  
20 sewers therefor and connect the same with its sewer system  
21 under the same regulations that are provided for sewer connections  
22 to private property.

1 **Sec. 53. LEVY FOR DEFICIENCY.** If the first assessment  
2 made by the trustees for the original cost or for repairs of  
3 any improvement is insufficient, the board shall make an  
4 additional assessment and levy in the same ratio as the first  
5 for either purpose, payable at the next taxpaying period after  
6 such indebtedness is incurred.

1 **Sec. 54. RECORD OF ANTI-POLLUTION AND SANITARY**  
2 **TAXES.** All anti-pollution and sanitary tax assessments shall be

3 entered in the records of the district to which they apply  
4 and also upon the tax records of each county.

1 Sec. 55. FUNDS—DISBURSEMENT—INTEREST—Such taxes when  
2 collected shall be kept in a separate fund known as the anti-  
3 pollution and sanitary fund of the district to which they  
4 belong, and shall be paid out only for purposes properly  
5 connected with and growing out of anti-pollution or sanitary  
6 improvement of such district and on order of the trustees.  
7 Interest collected by the county treasurer on the funds of  
8 the district shall be credited to the district to which such  
9 funds belong.

1 Sec. 56. PAYMENT BEFORE BONDS OR CERTIFICATES IS-  
2 SUED.  
3 All assessments for benefits as corrected and approved by the  
4 trustees shall be levied at one time against the properties  
5 and state owned waters benefited and when levied and certified  
6 by the trustees or clerk shall be payable at the office of the  
7 county treasurer. Each person or corporation shall have the  
8 right, within twenty days after the levy of the assessments,  
9 to pay his or its assessment in full without interest, and  
10 before any improvement certificate or drainage bond is issued  
11 therefor. Installment payments may be made in accordance  
12 with provisions in Sections four hundred fifty-five point  
13 sixty-three (455.63), four hundred fifty-five point sixty-  
14 four (455.64), four hundred fifty-five point sixty-five  
15 (455.65), four hundred fifty-five point sixty-six (455.66)  
and four hundred fifty-five point sixty-seven (455.67),

16 1950 Code of Iowa, regulating the installment payment of levy  
17 and district bonds.

1     Sec. 57. SURPLUS FUNDS. When all construction work has  
2 been completed and all costs paid, and it is ascertained that  
3 there will be a surplus in the district fund, the trustees  
4 shall have authority to retain such surplus for a sinking fund  
5 to pay future maintenance and repair costs. The trustees shall  
6 also have authority in assessing on a basis of the benefits a  
7 fund for depreciation after having first set up a schedule  
8 of depreciation over a period of years based on the life of  
9 the improvement.

1     Sec. 58. RECLASSIFICATION. After an anti-pollution and  
2 sanitary district has been established and the improvements  
3 thereof constructed and put in operation, if the trustees shall  
4 find that the original assessments are not equitable as a  
5 basis for the expense of any repair, improvement or extension  
6 which may have become necessary, they shall order a new  
7 classification of all land and waters in such district by  
8 resolution, and shall appoint three commissioners who shall  
9 have the qualifications as provided in Section 41 of this Act.

1     Sec. 59. BIDS REQUIRED. In case the trustees shall  
2 finally determine that any such changes shall be made  
3 involving an expenditure of five thousand dollars (\$5,000.00)  
4 or more, said work shall be let by bids in the same manner  
5 as is provided for the original construction of such  
6 improvements.

1     Sec. 60. PROCEDURE GOVERNING RECLASSIFICATION. The  
2     proceedings for such reclassification shall in all particulars  
3     be governed by the same rules as for original classification.  
4     The commissioners shall fix the percentage of actual benefits  
5     and make an equitable apportionment of the costs and expenses  
6     of such repairs, improvements or extensions and file a report  
7     thereof with the auditor in the same form and manner as for  
8     original classification. Thereafter, all the proceedings in  
9     relation thereto as to notice, hearing, and fixing of percentage  
10    of benefits and amount of assessments shall be as in this Act  
11    provided in relation to original classification and assessments,  
12    and at such hearing the trustees may affirm, increase, or  
13    diminish the percentage and assessment of benefits and  
14    apportionment of costs and expenses so as to make them just  
15    and equitable, and cause the record of the original classification,  
16    percentage of benefits, and assessments to be modified accordingly.

1     Sec. 61. DRAINAGE WARRANTS AND BONDS RECEIVED  
2     ASSESSMENTS. Bonds issued for the cost of construction, FOR  
3     maintenance or repair and warrants drawn upon the construction  
4     or maintenance funds of any district for which an assessment  
5     has been made or may be made may be acquired by any taxpayer  
6     or any group of taxpayers of such district and applied to the  
7     payment of assessments in the same manner as provided in  
8     sections four hundred fifty-five point seventy-five (455.75)  
9     and four hundred fifty-five point seventy-six (455.76), 1950  
10    Code of Iowa, regulating the payment of drainage assessments.

1     Sec. 62. IMPROVEMENT CERTIFICATES. The trustees may  
2 provide by resolution for the issuance of improvement  
3 certificates payable to bearer or to the contractors, naming  
4 them, who have constructed the said improvement or completed  
5 any part thereof, in payment or part payment of such work.

1     Sec. 63. FORM, NEGOTIABILITY, AND EFFECT. Each of  
2 such certificates shall state the amount of one or more  
3 drainage assessments or part thereof made against the property,  
4 designating it and the owner thereof liable for the payment  
5 of such assessments. Said certificates shall be negotiable  
6 and transfer to the bearer all right and interest in and to  
7 the tax in every such assessment or part thereof described  
8 in such certificates, and shall authorize such bearer to  
9 collect and receive every assessment embraced in said  
10 certificate by or through any of the methods provided by law  
11 for their collection as they mature.

1     Sec. 64. INTEREST—PLACE OF PAYMENT. Such  
2 shall bear interest not to exceed four per cent per annum, <sup>certificates</sup>  
3 payable annually, and shall be paid by the taxpayer to the  
4 county treasurer, who shall receipt for the same and cause  
5 the amount to be credited on the certificates issued therefor.

1     Sec. 65. SALE AT PAR—RIGHT TO PAY. Any person shall  
2 have the right to pay the amount of his assessment represented  
3 by any outstanding improvement certificate, with the interest  
4 thereon to the date of such payment, at any time. No  
5 improvement certificate shall be issued or negotiated for the

6 use of the drainage district for less than par value with  
7 accrued interest up to the delivery or transfer thereof. Every  
8 such certificate, when paid, shall be delivered to the treasurer  
9 and by him surrendered to the party to whose assessment it  
10 relates.

1 Sec. 66. ANTI-POLLUTION AND SANITARY DISTRICT  
2 BONDS

2 When an anti-pollution and sanitary district has been established  
3 or the making of any subsequent repair or improvement determined  
4 upon, if the trustees shall find that the cost of such improvement  
5 will create assessments against the lands and waters included  
6 therein greater than should be levied in a single year upon  
7 the lands and waters benefited by such improvement, then,  
8 instead of issuing improvement certificates as provided in  
9 Sections 62 to 65 inclusive of this Act, the trustees may  
10 fix the amount that shall be levied and collected each year  
11 until such cost and expenses are paid, and may issue anti-  
12 pollution and sanitary bonds of the district covering all  
13 assessments exclusive of assessments of twenty dollars (\$20.00)  
14 and less.

15 Before such bonds shall be issued, the trustees of the  
16 district shall cause an action for declaratory judgment to  
17 be brought in the district court of the county in which the  
18 bonds are to be issued, asking that their legality be confirmed.  
19 The court shall fix a date for hearing thereon and notice  
20 thereof shall be given to the state of Iowa by giving notice  
21 to the governor of the state and to the owners of each lot

22 or tract of land within the district, which shall be affected  
23 by an assessment to pay the proposed bonds, as shown by the  
24 transfer books in the auditor's office; also to the holders  
25 of liens of record upon said lands; and to all persons to  
26 whom it may concern without naming them specifically. Such  
27 notice shall be given by publication once each week for two  
28 consecutive weeks in a newspaper of general circulation  
29 within the county, the last publication date of which shall  
30 be not less than twenty days before the date set for such  
31 hearing. After the entry of the declaratory judgment adjudicating  
32 the validity of such bonds, the approval of the district court  
33 shall be indorsed on the bonds before their issuance.

1     Sec. 67. FORM. Each of such bonds shall be numbered  
2 and have printed upon its face that it is an "Anti-Pollution  
3 and Sanitary District Bond", stating the county and name of  
4 the district for which it is issued, the date and maturity  
5 thereof, that it is in pursuance of a resolution of the  
6 board of trustees, that it is to be paid only from taxes for  
7 anti-pollution and sanitary district improvement purposes  
8 levied and collected on the lands and waters assessed for  
9 benefits within the district for which the bond is issued.

1     Sec. 68. AMOUNT—INTEREST—MATURITY. In no case shall  
2 the aggregate amount of all bonds issued exceed the benefits  
3 assessed. Such bonds shall not be issued for a greater amount  
4 than the aggregate amount of assessments for the payment of  
5 which they are issued, nor for a longer period of maturity than

6 twenty years, and bear a rate of interest not to exceed four  
 7 percent per annum, payable semiannually, on June 1 and December 1  
 8 of each year. The trustees shall fix the amount, maturity and  
 9 interest of all bonds to be issued.

1 Sec. 69. WHEN ISSUED. The bonds issued under the  
 2 provisions of Sections 66 to 68 inclusive, or the proceeds  
 3 thereof, shall be issued in time to be available for the use  
 4 of the district at a date not later than ninety days after  
 5 the actual commencement of the work on the improvements of  
 6 such districts; but in districts where an appeal or appeals  
 7 have been taken, not later than ninety days after such appeals  
 8 have been finally determined.

1 Sec. 70. SALE OR APPLICATION AT PAR—PREMIUM. Such bonds  
 2 may be applied at par with accrued interest to the payment of  
 3 work as it progresses upon the improvements of the district,  
 4 or, the trustees may sell, through the county treasurer, said  
 5 bonds at not less than par with accrued interest and devote  
 6 the proceeds to such payment. Any premium derived from the  
 7 sale of said bonds shall be credited to the anti-pollution  
 8 and sanitary fund of the district.

1 Sec. 71. DEFICIENCY LEVY—ADDITIONAL BONDS. If  
 2 of assessments is not sufficient to meet the interest and any levy  
 3 principal of outstanding bonds, or if default shall occur by  
 4 reason of nonpayment of assessments, additional assessments  
 5 may be made on the same classification as the previous ones.  
 6 Additional bond issues may be made when necessary to complete

7 full payment for improvements, by the same proceedings as  
8 previous issues.

1 Sec. 72. FUNDING OR REFUNDING INDEBTEDNESS. Anti-  
2 pollution and sanitary districts may settle, adjust, renew,  
3 or extend the time of payment of the legal indebtedness they  
4 may have, or any part thereof, in the sum of one thousand  
5 dollars (\$1,000.00) or upwards, whether evidenced by bonds,  
6 warrants, certificates, or judgments, and may fund or refund  
7 the same and issue bonds therefor in the manner provided in  
8 Section four hundred sixty-one point thirteen (461.13), Code  
9 of Iowa, 1950.

1 Sec. 73. RECORD OF BONDS. A record of the numbers,  
2 amounts, and maturities of all such bonds shall be kept by  
3 the auditor showing specifically the lands or waters embraced  
4 in the district upon which the tax has not been previously  
5 paid in full.

1 Sec. 74. ASSESSMENTS PAYABLE IN CASH. All assess-  
2 of twenty dollars (\$20.00) and less shall be paid in cash. ments

1 Sec. 75. PAYMENT BEFORE BONDS ISSUED. The trustees at  
2 the time of making the levy, shall fix a time within which all  
3 assessments in excess of twenty dollars (\$20.00) may be paid  
4 in cash, and before any bonds are issued, publish notice in  
5 an official newspaper in the county where the district is  
6 located, of such time. After the expiration of such time,  
7 no assessments may be paid except in the manner and at the  
8 times fixed by the trustees in the resolution authorizing

9 the issue of the bonds.

1 Sec. 76. APPEALS. Any person aggrieved may appeal from  
2 any final action of the board of supervisors or trustees of  
3 any district in relation to any matter involving his, her or  
4 its rights, to the district court of the county in which the  
5 proceeding was held, said appeal shall be perfected in the  
6 same manner as provided in appeals from actions of boards of  
7 supervisors in establishing drainage districts under Sections  
8 four hundred fifty-five point ninety-two (455.92) to four  
9 hundred fifty-five point one hundred and eight (455.108)  
10 inclusive, 1950 Code of Iowa, and decrees of court shall have  
11 like effects in the establishment of anti-pollution and sanitary  
12 districts.

1 Sec. 77. REASSESSMENT TO CURE ILLEGALITY. When-  
2 special assessments upon any lands or waters within any <sup>ever any</sup> district  
3 shall have been heretofore adjudged to be void for any jurisdictional  
4 defect or for any illegality or uncertainty as to the terms of  
5 any contract and the improvement shall have been wholly completed,  
6 the trustees shall have power to remedy such illegality or  
7 uncertainty as to the terms of any such contract with the  
8 consent of the person with whom such contract shall have been  
9 entered into and make certain the terms of such contract and  
10 shall then cause a reassessment of such lands or waters to be  
11 made on an equitable basis with the other lands or waters in  
12 the district by taking the steps required by law in the making  
13 of an original assessment and levying the tax in accordance

14 with such assessment, and such tax shall have the same force  
15 and effect as though the trustees had jurisdiction in the  
16 first instance and no illegality or uncertainty existed in  
17 the contract.

1     Sec. 78. MONTHLY ESTIMATE—PAYMENT. The supervis-  
2     ing engineer shall, on or before the tenth day of each calendar  
3     month, furnish the contractor and file with the trustees  
4     estimates for work done during the preceding calendar month  
5     under the contract on each section, and the clerk shall at  
6     once draw warrants in favor of such contractor on the funds  
7     of the district or give him an order directing the county  
8     treasurer to deliver to him or them improvement certificates,  
9     or anti-pollution and sanitary district bonds as the case may  
10    be, for eighty percent of the estimate on work done. Such  
11    monthly estimates shall remain on file in the office of the  
12    clerk as a part of the permanent records of the district to  
13    which they relate. Warrants, bonds or improvement certificates  
14    when so issued shall be in such amounts as the trustees  
15    determine, not, however, in amounts in excess of one thousand  
16    dollars (\$1,000.00).

17    All of the provisions of this section shall, when applicable,  
18    apply to repair work and improvement work in the same force and  
19    effect as to original construction.

1     Sec. 79. COMPLETION OF WORK—REPORT—NOTICE.     When the  
2     work to be done under any contract is completed to the satisfaction  
3     of the engineer in charge of construction, he shall so report

4 and certify to the trustees, which shall fix a day to consider  
5 said report and shall give notice of the time and purpose of  
6 such meeting by one publication in a newspaper of general  
7 circulation published in said county and the date fixed for  
8 considering said report shall be not less than five days after  
9 the date of such publication.

1 Sec. 80. OBJECTIONS. Any party interested in the said  
2 district or the improvement thereof may file objections to  
3 said report and submit any evidence tending to show said  
4 report should not be accepted.

1 Sec. 81. FINAL SETTLEMENT. If it finds the work under  
2 any contract has been completed and accepted, the trustees  
3 shall compute the balance due, and if there are no liens on  
4 file against such balance, it shall enter of record an order  
5 directing the clerk to draw a warrant in favor of said  
6 contractor upon the anti-pollution and sanitary district fund  
7 of said district or give him an order directing the county  
8 treasurer to deliver to him improvement certificates or  
9 anti-pollution and sanitary district bonds, as the case may  
10 be, for such balance found to be due, but such warrants,  
11 improvement certificates or bonds shall not be delivered  
12 to the contractor until the expiration of thirty days after  
13 the acceptance of the work.

1 Sec. 82. ABANDONMENT OF WORK. In case any contractor  
2 abandons or fails to proceed diligently and properly with the  
3 work before completion, or in case he fails to complete the

4 same in the time and according to the terms of the contract,  
5 the trustees shall make written demand on him and his surety  
6 to proceed with the work within ten days. Service of said  
7 demand may be personal, or by registered mail addressed to  
8 the contractor and the surety, respectively, at their places  
9 of residence or business, as shown by the records in the auditor's  
10 office.

1 Sec. 83. NEW CONTRACT—SUIT ON BOND. Unless the  
2 contractor or the surety on his bond shall appear and in good  
3 faith proceed to comply with the demand, and resume work under  
4 the contract within the time fixed, the trustees shall proceed  
5 to let contracts for the unfinished work in the same manner  
6 as original contracts, and apply all funds not paid to the  
7 original contractor toward the completion of the work, and  
8 if not sufficient for such purpose, may cause suit to be  
9 brought upon the bond of the defaulting contractor for the  
10 benefit of the district, and the amount of recovery thereon  
11 shall be credited to the district.

1 Sec. 84. NEW DISTRICT INCLUDING OLD DISTRICT. If any  
2 anti-pollution and sanitary district or improvement established  
3 either by legal proceeding, by private parties, or by any  
4 municipality shall be insufficient, the trustees upon their  
5 own motion or by petition as for the establishment of an  
6 original district shall have the power to establish a new  
7 district covering and including such old district or improvement  
8 together with any additional lands or waters deemed necessary.

9 All outstanding indebtedness of the old district shall be  
10 assessed only against the lands and waters included therein.

1 Sec. 85. CREDIT FOR OLD IMPROVEMENT. When such  
2 as contemplated in Section 84 and the new improvement therein <sup>district</sup>  
3 shall include the old or any part of a former improvement, the  
4 commissioners, for classification of lands and waters, for  
5 assessment of benefits and apportionment of cost and expenses.  
6 of such new improvement, shall take into consideration the  
7 value of such old improvement in the construction of the new  
8 and shall allow proper credit therefor to the parties owning  
9 the old improvement as their interests may appear. In all  
10 other respects the same proceedings shall obtain as are provided  
11 for the original establishment of the district.

1 Sec. 86. REPAIR AND IMPROVEMENT. When any anti-  
2 and sanitary district shall have been established and the <sup>pollution</sup>  
3 improvement constructed, the same shall at all times be under  
4 the supervision of the trustees and it shall be the duty of the  
5 trustees to keep the same in repair. The trustees at any  
6 time on its own motion, without notice, may order done whatever  
7 is necessary to maintain or restore an anti-pollution and  
8 sanitary improvement in its original efficiency or capacity.

9 When the trustees determine that improvements, which  
10 differ from repairs are necessary or desirable, it may appoint  
11 an engineer to make such surveys as seem appropriate and  
12 determine the nature, extent and cost of such improvements,  
13 to file a report showing that the proposed improvements are

14 recommended which reports may be amended before adoption.  
15 If the improvement cost does not exceed twenty-five percent  
16 (25%) of the original cost, the trustees may order the work  
17 done without notice.

1 Sec. 87. EMPLOYMENT OF COUNSEL. The trustees are  
2 authorized to employ counsel to advise and represent them and  
3 the district in any matter in which they are interested.

4 Attorney's fees and expenses shall be paid out of the anti-  
5 pollution and sanitary district fund of the district for which  
6 the services are rendered, or may be apportioned equitably  
7 among two or more districts. Such attorneys shall be allowed  
8 reasonable compensation for their services, also necessary  
9 traveling expenses while engaged in such business. Attorneys  
10 rendering such services shall file with the auditor an  
11 itemized, verified account of all claims therefor, and  
12 statement of expenses, and the same shall be audited and  
13 allowed by the trustees in the amount found to be due

1 Sec. 88. COMPENSATION OF APPRAISERS. Persons ap-  
2 to appraise and award damages and make classification of lands  
3 and waters and assess benefits, other than the engineer, shall  
4 receive such compensation as the trustees may fix and in  
5 addition thereto, the necessary expense of transportation  
6 of said persons while engaged upon their work. They shall  
7 file with the clerk an itemized, verified account of the  
8 amount of time employed upon said work and their expenses.

1 Sec. 89. CONSTRUCTION OF ANTI-POLLUTION AND  
SANITATION

2 LAWS. The provisions of this Act and all other laws for the  
3 anti-pollution and sanitation of state owned lakes shall be  
4 liberally construed.

1 Sec. 90. TECHNICAL DEFECTS. The collection of anti-  
2 pollution and sanitary district taxes and assessments shall  
3 not be defeated where the trustees have acquired jurisdiction  
4 of the interested parties and the subject matter, on account  
5 of technical defects and irregularities in the proceedings  
6 occurring prior to the order of the board of supervisors or  
7 trustees locating and establishing the district and the  
8 improvements therein.

1 Sec. 81. CONCLUSIVE PRESUMPTION OF LEGALITY. The  
2 order establishing such district when not appealed from, shall <sup>final</sup>  
3 be conclusive that all prior proceedings were regular and  
4 according to law.

1 Sec. 92. SEVERABILITY. This act shall not repeal any  
2 other law relating to the subject matter hereof but shall be  
3 deemed to provide a supplemental and alternative method of  
4 procedure. The provisions of this Act shall be deemed to be  
5 severable and if any provision of this Act is declared  
6 unconstitutional or the applicability thereof is invalid,  
7 the constitutionality and the validity of the remainder of  
8 this Act shall not be affected thereby.

1 Sec. 93. SPECIAL CHARTER MUNICIPALITIES. This Act  
2 shall also apply to municipalities, cities and towns organized  
3 and operating under special charters.

