January 22, 1951.
Passed on File.

Senate File 163

By HATTERY and DYKHOUSE.
(Nelson of Woodbury and Crosier.)

Passed Senate, Date.....
Vote: Ayes..... Nays.....
Passed House, Date .....
Vote: Ayes..... Nays.....
Approved .....

A BILL FOR

An Act relating to the general powers of municipal corporations and to repeal chapter three hundred sixty-eight (368) of the Code, relating thereto, and certain other sections of the Code, relating thereto, and to enact a substitute therefor, and to amend various sections of the Code relating thereto.

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

1 That Chapter three hundred sixty-eight (368), Code 1950,
2 is hereby repealed and sections one (1) to forty (40), inclusive,
3 hereof enacted in lieu thereof.

GENERAL POWERS OF MUNICIPAL CORPORATIONS

1 Section 1. Applicability. This Act is applicable to all
2 municipal corporations and to all forms of government thereof.
3 (New.)

1 Sec. 2. Bodies corporate—name—authority. Cities and
2 towns are bodies politic and corporate, under such name and
3 style as may be selected at the time of their organization,
4 with the authority vested in the mayor and a common council,
5 together with such officers as are in this title mentioned or may
6 be created under its authority, and shall have the general powers

7 and privileges granted, and such others as are incident to
8 municipal corporations of like character, not inconsistent with
9 the statutes of the state, for the protection of their property
10 and inhabitants, and preservation of peace and good order
11 therein, and they may sue and be sued, contract and be contracted
12 with, acquire, lease, and hold real and personal property, and
13 have a common seal. (368.1, C50, unchanged.)

1 Sec. 3. Regulation of business—police power. They shall
2 have power to regulate businesses and the operation thereof,
3 within the limits of the corporation in order to prevent them
4 from being conducted in such manner as to constitute a nuisance,
5 or become a menace to the health, safety, welfare, or morals
6 of the inhabitants of the corporation. They shall have the power
7 to inspect said businesses and operations to determine the need
8 for such regulations and to enforce compliance therewith. They
9 shall have the power to require, issue, and revoke licenses
10 and permits, as an aid to regulation, and may establish license
11 fees. They may provide fines and penalties for violation of
12 regulations. (New.)

1 Sec. 4. Use of streets and public places. They shall have
2 power to regulate the use of streets, alleys, and public places
3 and to require permits and licenses for all parades, sales, public
4 gatherings, or other special uses thereof. They shall have power
5 to require licenses for all means of transportation driven or
6 ridden upon the streets and not licensed or registered under the
7 state law, and may establish fees therefor. They shall have

8 power to regulate traffic and parking upon the streets, but no
9 such regulation shall supersede or conflict with the provisions
10 of chapter three hundred twenty-one (321). They shall have power
11 to regulate pedestrian traffic and the conduct of individuals
12 on or about the streets and public places. (New.)
13 (Streets and public grounds, see ch. 389, C50.)
14 (Bicycles, see 321.234, 389.40, C50.)
15 (Parking lots, see ch. 390, C50.)
1 Sec. 5. Nuisances. They shall have power to abate, restrain,
2 or prohibit any nuisance, public or private, and provide for the
3 assessment of the cost thereof against the property. Said
4 power shall include all nuisances as defined in section six
5 hundred fifty-seven point one (657.1) but shall in no way be
6 limited by the enumeration in six hundred fifty-seven point
7 two (657.2) or in any other enumeration. (368.2, C50, revised.)
1 Sec. 6. Collection of assessed costs. Wherever provision
2 is made in this Code that municipal corporations shall have power
3 to do or cause to be done certain acts and assess the cost there-
4 of against the property, but fails to specify the manner of
5 collection, the clerk of such municipal corporations shall
6 certify said cost to the county auditor and it shall then
7 be collected with, and in the same manner as, general property
8 taxes. (New.)
1 Sec. 7. Interpretation. Sections two (2) to six (6) are
2 intended to confer broad powers of self-determination, as to
3 purely local affairs, upon municipal corporations. No other

4 section of the Code which grants any specific power or powers to
5 municipal corporations shall be construed as narrowing or
6 restricting said broad powers, nor shall said sections be con-
7 strued as narrowing or restricting each other. However, sections
8 which provide a manner or procedure for carrying out or exer-
9 cising a given power shall be interpreted as providing the
10 exclusive manner or procedure, where no alternative is
11 specified, but failure to provide any express manner or procedure
12 for exercising a conferred power shall not prevent its exercise.
13 (New.)

1 Sec. 8. Animals. They shall have power to regulate the
2 keeping and running at large of animals within the corporate
3 limits, and may provide for the licensing and inoculation of
4 animals. They shall have power to impound stray, unlicensed,
5 or mistreated animals, and to provide for their care or disposi-
6 tion. They may establish pounds or in lieu thereof enter into a
7 contract with any humane society, for the care and disposition
8 of stray, unlicensed, or mistreated animals. (368.7(5), 368.8
9 (4), C50, revised and combined.)

1 Sec. 9. Buildings. They shall have power to adopt a build-
2 ing code, and they may provide for the regulation, licensing, and
3 inspection of all construction, repairs and remodeling, and the
4 installation of electrical, heating, ventilating, air condition-
5 ing, and plumbing fixtures, apparatus, and equipment. They shall
6 have power to provide for the removal, repair, or dismantling of
7 any dangerous building or structure and to assess the cost thereof

8 against the property. They shall have power to require the
9 numbering of buildings and, in the event said requirement is
10 not complied with, to cause the same to be done and assess the
11 cost thereof against the property. (368.18 to 368.24, 368.44,
12 C50, revised and combined.)
13 (Collection of assessed costs, see sec. 6 above.)
1 Sec. 10. Building lines. They shall have power to
2 establish by ordinance building lines on private or public prop-
3 erty for the protection of public health or safety, and to
4 prohibit any building or other structure from being erected
5 between such line and the street or highway line, upon the
6 following procedure:
7 1. Preliminary approval of a proposed ordinance by the
8 council establishing the proposed building lines.
9 2. Publication of said proposed ordinance once each week
10 for two consecutive weeks in the manner provided by section six
11 hundred eighteen point fourteen (618.14) and the time and place
12 of a public hearing on same.
13 3. At such hearing the proposed ordinance may be amended
14 but it shall not be adopted until the next regular council
15 meeting.
16 4. If such ordinance is adopted the municipal corporation
17 shall compensate owners of property for any loss of use or
18 enjoyment caused thereby.
19 5. The amount of compensation to be paid by the municipal
20 corporation shall be determined by agreement with the property

21 owner, or in the manner provided by chapter four hundred seventy-
22 two (472). (368.21, C50, revised.)

1 Sec. 11. Fire protection. They shall have power to provide
2 for the protection of life and property against fire and to
3 establish, house, equip, staff, and maintain a fire department.
4 They may establish fire limits. They may regulate the storage,
5 use, and transportation of all inflammables, combustibles, and
6 explosives, within the corporate limits, and inspect for and
7 abate fire hazards. They may provide conditions upon which the
8 fire department will answer calls outside the corporate limits
9 and the corporation shall have the same governmental immunity
10 as when operating within the corporate limits. Firemen
11 operating equipment on calls outside the corporate limits shall
12 be entitled to the benefits of chapters four hundred ten (410)
13 and four hundred eleven (411). (368.23 to 368.31, C50, revised
14 and combined.)

1 Sec. 12. Joint facilities. They shall have the power, when
2 authorized by a majority vote of the electors thereof at a regular
3 or special election called for that purpose, upon notice as
4 required by law, to own, use, or operate jointly with any other
5 city, town or township, fire apparatus, equipment, or facilities
6 and to provide for the purchase, rental, or maintenance of such
7 equipment, facilities, or services. (368.31, C50, revised.)

1 Sec. 13. Short courses. Municipal corporations may require
2 the attendance and pay the expenses of firemen, policemen, and
3 other employees at conferences and short courses designed to

4 increase the efficiency of such personnel. (368.32, C50,
5 revised.)

1 Sec. 14. Volunteer firemen—insurance. Municipal corpora-
2 tions maintaining a volunteer fire department may insure the
3 members thereof against death or injury. Dependents of such
4 volunteer firemen shall be the beneficiaries. (368.34, Code C50,
5 revised.)

6 (Group insurance, see 509.1 (1d), C50.)

1 Sec. 15. Police protection. They shall provide for the
2 preservation of the peace and enforcement of law within the
3 corporate limits, and may establish, house, equip, staff, and
4 maintain a police department, of which the marshal shall be
5 chief. They shall have power to establish, erect, and maintain
6 a jail, and such number of station houses as circumstances
7 require. (363.30 to 363.32, 363.36 (11), 368.40, C50, revised
8 and combined.)

1 Sec. 16. Plumbing. Cities shall, and towns may, by ordi-
2 nance, adopt a set of plumbing regulations not inconsistent with
3 state law or state administrative regulations, and provide for
4 the inspection of plumbing installations. They shall have
5 authority to examine and license plumbers, but such licenses
6 shall be valid only in the municipal corporations where issued;
7 provided, however, that any such license issuing authority may
8 issue a license without examination to any plumber holding a
9 license from another municipal corporation recognized by such
10 authority as having similar licensing standards. (368.44 to

11 368.52, C50, revised.)

1 Sec. 17. Municipal Buildings and Property.

2 1. They shall have power by a three-fourths majority vote
3 of the council to acquire, erect, or purchase buildings
4 and building sites to the extent necessary to house and
5 carry on authorized governmental functions or purposes of the
6 municipal corporation, but any proposed expenditures in
7 connection with the exercise of such power which exceed one
8 thousand dollars or the amount which would be raised by a three-
9 fourths mill levy at current valuations, whichever amount is
10 greater, must be approved by the electorate of the corporation
11 at a general or special election.

12 2. They shall have power to maintain and keep in repair
13 all municipally owned buildings and property. (368.42, 368.56,
14 C50, revised.)

1 Sec. 18. Joint city and county buildings. A city or town
2 in which a county seat is located and such county may contract
3 one with the other for the joint purchase, acquisition, owner-
4 ship and control of real and other property suitable as the
5 site of a building or buildings for use and occupancy by such
6 city or town and such county jointly, and any such county or
7 city or town owning a site or any interest therein, may, upon
8 such terms as shall appear fair and just to the board of super-
9 visors of such county and to the council or other governing
10 body of such city or town, contract with reference to the joint
11 acquisition, ownership, control, improvement, use and occupancy

12 of such property, and with reference to the construction, use
13 and occupancy of a building or buildings thereon. Such contract
14 shall set forth the amount of money to be contributed by the
15 county and by the city or town toward the acquisition of such
16 site and the improvement thereof, or the proportion of their
17 respective contributions and the purpose or purposes for which
18 the building or buildings to be erected thereon are to be used.
19 Such contract may provide for the amount of money to be contrib-
20 uted annually by the county and by the city or town for the
21 upkeep, maintenance, and operation of such property, and the
22 building or buildings thereon, or it may provide for the
23 respective proportions of such expense which the county and the
24 city or town shall pay, and may provide for an adjustment at
25 stated periods of the amounts or proportions to be so paid.
26 Such contract may specify the part or parts of such property
27 and building or buildings to be used and occupied by the county
28 and by the city or town. All such contracts shall be made on
29 behalf of the county only when approved by resolution of the
30 board of supervisors thereof and on behalf of the city or town
31 when approved by ordinance adopted by the council or other
32 governing body of such city or town, and when made shall be
33 binding upon such county and city or town during the period
34 specified in such contract unless modified or abrogated by mutual
35 consent. (368.57, C50, unchanged.)

1 Sec. 19. Bonds issued. When such county and such city
2 or town have agreed upon their respective portions or proportions

3 of the cost of any such building or buildings, including the
4 site or sites therefor, they may, for the purpose of paying
5 their respective portions of such cost and for the purpose
6 of equipping the portions of the building or buildings to be used
7 and occupied by them, issue their bonds as hereinafter permitted;
8 provided, no such bonds shall be issued by such county or city
9 or town unless and until the proposition to issue same shall
10 have been approved by at least a majority of the votes cast for
11 and against the proposition at an election called and held as
12 hereinafter provided. Such proposition may be submitted at a
13 general, regular or special election when ordered pursuant to
14 a resolution of the board of supervisors of such county and of
15 the council or other governing body of the city or town. Notice
16 of such election setting forth the proposition as it is to be
17 voted upon shall be given by publication once each week for at
18 least three consecutive weeks in a newspaper having general
19 circulation in the county, and if the propositions of issuing
20 bonds by the county and also by the city or town are submitted
21 on the same date of election, then, if either or both of the
22 elections be unfavorable the proposition may be submitted at a
23 subsequent election or elections. To the extent not other-
24 wise herein provided the general election laws shall be
25 applicable to an election whereat such proposition is submitted.
26 (368.58, C50, unchanged.)

1 Sec. 20. Interest on bonds—tax levy. All such bonds
2 issued pusuant to such election or elections may bear interest

3 at a rate not exceeding four percent per annum payable semi-
4 annually and the principal thereof shall be scheduled to mature
5 in not more than twenty years from the date of such bonds.
6 Whenever a county or city or town has issued bonds under the
7 provisions of section nineteen (19) there shall be thereafter
8 annually levied on all of the taxable property in the county,
9 or in the city or town, a tax sufficient to pay the interest on
10 and principal of said bonds as the same will become due, and
11 each such county and city or town is further authorized to levy
12 taxes sufficient to pay their respective portions of the cost of
13 operating, maintaining and keeping insured the building or
14 buildings acquired or constructed under the provisions hereof.
15 (368.59, C50, unchanged.)

1 Sec. 21. Contracts—conditions. All contracts for the
2 construction of any building or buildings under the provisions
3 of sections eighteen (18) to twenty (20), inclusive, which involve
4 the expenditure of one thousand dollars or more shall be entered
5 into pursuant to advertisement for bids in such manner as may
6 be approved and authorized by both the board of supervisors of
7 the county and the council or other governing body of the city or
8 town. Any county and any city or town may apply for and accept
9 federal aid in the construction of any building or buildings
10 under the provisions of said sections, subject to such conditions
11 and stipulations as may be imposed in connection with such
12 federal aid and as may be approved by the board of supervisors
13 for the county, and by the council or other governing body

14 of the city or town. (368.60, C50, unchanged.)

1 Sec. 22. Rule of construction. Sections eighteen (18) to
2 twenty-one (21), inclusive, and this section shall be construed
3 as a complete and independent law for providing joint county
4 and municipal buildings and for the issuance of bonds in connec-
5 tion therewith. (368.61, C50, unchanged.)

1 Sec. 23. Garbage disposal. They shall have power to provide
2 for the collection and disposal of garbage and refuse and to
3 establish, erect or purchase garbage and refuse disposal plants
4 and grounds and equip, operate and maintain same. (368.9 (2),
5 C50, revised.)

1 Sec. 24. Milk inspection. They shall have power to provide
2 for the inspection of all milk or milk products sold for human
3 consumption within the corporate limits, and to compel the
4 tuberculin and other tests by an accredited veterinarian for
5 dairy cattle supplying such milk. They may provide for the
6 pasteurization and sanitary handling of milk and milk products
7 sold for human consumption. However nothing in this section
8 shall be construed as giving municipal corporations power to
9 provide regulations or standards in conflict with state law.
10 (368.10 to 368.12, C50, revised.)

1 Sec. 25. Drains and sewers.

2 1. They shall have power to provide drainage systems for
3 flood and other surface waters and to regulate the connection
4 of private drains thereto. They may order connections thereto
5 from abutting private property when public health or safety

6 requires such connection and in the event such orders are not
7 complied with they may cause the work to be done and the cost
8 thereof to be assessed against the property.
9 2. They shall have power to provide sewer systems and
10 sewage disposal plants and to regulate sewer connections to
11 private property. They may order sanitary toilet facilities to
12 be installed by any property owner whose property abuts on a
13 sewer line and the abandonment and removal of all other toilet
14 facilities and in the event such order is not complied with may
15 cause the work to be done and the cost to be assessed against the
16 property, which assessment may be spread over a period not to
17 exceed ten years. (368.14, 168.15, 368.53 to 368.55, C50,
18 revised.)
19 (Collection of assessed costs, see sec. 6 above.)
1 Sec. 26. Veterans housing—jurisdiction. They shall have
2 power to establish and regulate health and safety measures for and
3 operate veterans housing projects upon federally or state owned
4 land, either within or without any such municipal corporation,
5 and when any established school, college, or university has
6 established a veterans housing project for its students, for the
7 housing of veterans of World War II, or their families. (368.9
8 (5), C50, revised.)
1 Sec. 27. Certain proprietary functions. They shall have
2 power to establish and regulate markets, public scales, wharves,
3 docks, piers, basins, ferries, and an infirmary and to fix rates
4 in connection therewith. (368.35 to 368.39, C50, revised.)

1 Sec. 28. Burials, cemeteries—crematories. They shall
2 have power to regulate the burial of the dead; to provide places
3 for the interment of the dead; to cause any body interred con-
4 trary to such regulations to be taken up and buried in accordance
5 therewith; to exercise over all cemeteries within their limits,
6 and those without their limits established by their authority,
7 the powers conferred upon township trustees with reference to
8 cemeteries; or they may, by ordinance, transfer such duties and
9 the general management of such cemeteries to a board of trustees;
10 and to authorize the establishment of crematories for the crema-
11 tion of the dead, within or without the limits of such corporation
12 and regulate the same. (368.13, C50, revised.)
13 (Power of township trustees, 369.28, C50, et seq.
14 State regulation, ch 141, C50.)
1 Sec. 29. Parks—recreation facilities. They shall have
2 power to establish, purchase, maintain, and regulate the use of
3 parks and playgrounds, and to provide recreational and playground
4 facilities, such as are necessary and proper in respect to the
5 size and circumstances of the corporation. They shall have power
6 to lease a portion of any park under their jurisdiction for such
7 time or times not to exceed six consecutive months as the council
8 shall deem proper for the purpose of permitting the playing of
9 baseball and other athletic games and contests, and under such
10 conditions as to charging a fee for the use of same and for the
11 attendance at same as the council shall determine. In municipal
12 corporations having a park board or park commission such lease

13 shall require the approval of such board or commission. (368.9
14 (6), C50, revised.)

1 Sec. 30. Destruction of weeds. They shall have power by
2 ordinance to provide for the cutting or destroying by the prop-
3 erty owners, of all weeds, vines, brush or other growth which
4 constitute a health, safety or fire hazard and to provide for
5 such destruction by the city or town and for the assessment of
6 the cost and expenses thereof to the property in the event of
7 the owner's failure to comply after due notice. (368.62, C50,
8 revised.)

1 Sec. 31. Trees and shrubbery. Municipal corporations shall
2 have power by ordinance to assume charge, custody and control
3 of all trees and shrubbery upon the public streets, and to
4 plant, prune, care for, remove, and maintain all trees and
5 shrubbery upon the public streets. They may by ordinance confer
6 such charge, control, custody, and authority to plant, prune,
7 care for, remove and maintain trees and shrubbery upon the park
8 board or commission, and may further confer upon said park board
9 or commission the exclusive charge, custody and contral of all
10 property outside the lot and property lines and inside the curb
11 lines upon the public streets, and the right to determine the
12 location of permanent sidewalks outside the lot or property lines
13 and upon the public streets. They may similarly put responsi-
14 bility for such maintenance upon the abutting property owner.
15 (416.138, 420.55 to 420.57, C50, revised.)
16 (Sidewalks, see 389.31 to 389.38, C50.)

1 Sec. 32. Snow, ice, and accumulations—removal. It shall
2 be the responsibility of the abutting property owner to promptly
3 remove snow, ice, and accumulations from the sidewalks, but
4 in the event that such snow, ice, or accumulations are permitted
5 to remain on said sidewalks for more than a reasonable length
6 of time, then the municipal corporation shall have power to
7 remove them and to assess the actual cost thereof against the
8 said property. (389.19, C50, revised.)

1 Sec. 33. Snow and ice—personal injuries. Neither the
2 abutting property owner, nor the municipal corporation, shall
3 be liable for injuries resultant from persons falling on snow
4 or ice covered sidewalks, where precipitation was the sole and
5 direct cause of such snow or ice being on the sidewalk. (New.)

1 Sec. 34. Notice to person liable over. When any action
2 is brought against a municipal corporation for personal injuries
3 alleged to have been caused by its negligence, said municipal
4 corporation may notify in writing any person or corporation by
5 whose negligence it claims the injury was caused. Said notice
6 shall state the pendency of said action, the name of the plain-
7 tiff, the name and location of the court where the action is
8 pending, a brief statement of the alleged facts from which the
9 cause arose, that said municipal corporation believes that the
10 person or corporation so notified is liable to it for any
11 judgment rendered against said municipal corporation, and asking
12 such person or corporation to appear and defend. Thereupon, any
13 judgment obtained in such suit shall be conclusive in any action

14 by the municipal corporation against any person or corporation
15 so notified, as to the existence of the defect or other cause
16 of the injury or damage, as to the liability of the municipal
17 corporation to the plaintiff in the first named action in
18 consequence thereof, and as to the amount of the damage or injury
19 occasioned thereby; and every such municipal corporation is
20 hereby empowered to maintain an action against the person or
21 corporation so notified to recover the amount of any such
22 judgment together with all the expenses incurred by such municipal
23 corporation in such suit. (416.92, 419.72, 420.46, C50, revised
24 to apply to all municipal corporations.)

1 Sec. 35. Lease of municipal property. Any municipal corpora-
2 tion may lease, for a period not to exceed twenty-five years, any
3 municipal property which in the opinion of the council is not
4 likely to be sooner needed for municipal purposes, upon a two-
5 thirds vote of the council. Provided, however, that when the
6 period of such lease is for more than three years, the council
7 shall cause a notice of the terms of the proposed lease to be
8 published once in the manner provided by section six hundred
9 eighteen point fourteen (618.14), together with the date, time,
10 and place of a public hearing at which the council will hear
11 objectors against and proponents for the lease. If, after such
12 hearing, the council is of the opinion that such lease is in the
13 best interests of the public, it may, by a two-thirds vote in
14 favor thereof, cause said lease to be executed. (416.108, 419.66,
15 420.113, C50, revised.)

1 Sec. 36. Purchase on execution. Municipal corporations
2 shall have power to acquire real estate, or any interest therein,
3 as a purchaser at an execution sale, when judgment is entered
4 in favor of the corporation, or when it has a lien thereon, or
5 is otherwise interested therein. (403.10, 420.47, C50, revised.)
6 (Municipal corporation as bidder, 569.1, C50.)

1 Sec. 37. Condemnation—power. Municipal corporations shall
2 have power to purchase or provide for the condemnation of, pay
3 out of the general fund or the specific fund, as may be provided,
4 enter upon and take any lands within or without the territorial
5 limits of the corporation for such public purposes and as an
6 incident to such other powers and duties conferred upon such
7 corporations as make necessary or reasonable the acquisition of
8 such lands by said municipal corporations. (403.1 to 403.8,
9 420.51, 420.59, 420.60, C50, revised.)

1 Sec. 38. Condemnation—procedure. The procedure for the
2 condemnation of land by municipal corporations shall be that
3 provided by chapter four hundred seventy-two (472). (403.09,
4 420.52, C50, revised.)

1 Sec. 39. Disposal of lands and streets. They shall have
2 power to dispose of the title or interest of such corporation
3 in any real estate, or any lien thereon, or sheriff's certificate
4 therefor, owned or held by it, including any street or portion
5 thereof vacated or discontinued, however acquired or held, in
6 such manner and upon such terms as the council shall direct.
7 However, where exercise of said power deprives or restricts

8 the abutting property owners from free access to their property,
9 so as to decrease the value thereof, the corporation shall be
10 liable in damages therefor. (403.11, 403.12, 420.49, C50,
11 revised.)

1 Sec. 40. League of municipalities. Municipal corporations
2 may pay, out of the general fund, annual dues to the league of
3 Iowa municipalities. In addition they may pay, out of the
4 general fund, the actual expenses of delegates to the annual
5 convention of the league. The league shall keep and make such
6 accounts and reports as shall be required by the state municipal
7 accounting department, and the same shall be annually checked by
8 said department and published in the volume of municipal reports.
9 (363.60 to 363.62, 420.79, revised and combined.)

1 Sec. 41. Nuisance enumeration. Section six hundred fifty-
2 seven point two (657.2), Code 1950, is amended by adding thereto
3 the following new subsections:

4 10. The depositing or storing of inflammable junk, such as
5 old rags, rope, cordage, rubber, bones, and paper, by dealers in
6 such articles within the fire limits of any city, unless it be
7 in a building of fireproof construction, is a public nuisance.

8 11. The emission of dense smoke, noxious fumes, or fly ash
9 in cities is a nuisance and cities may provide the necessary
10 rules for inspection, regulation and control.

11 12. Dense growth of all weeds, vines, brush, or other
12 vegetation in any city or town so as to constitute a health,
13 safety, or fire hazard is a public nuisance.

14 Further amend section six hundred fifty-seven point two
15 (657.2) by striking from lines two (2) and three (3) of sub-
16 section eight (8) the words "acting under special charter of
17 more than fifty thousand population". (10. 368.3, C50, un-
18 changed. 11. 368.4, C50, unchanged. 12. new.)

1 Sec. 42. Flood control. Chapter three hundred ninety-five
2 (395), Code 1950, is hereby amended by adding the following
3 section:

4 "Whenever in any municipal corporation proceedings have
5 been or shall be begun for the purpose of providing flood
6 protection under the provisions of this chapter, the council
7 shall have power, after the election provided for in this chapter
8 has been held, and without again submitting the matter at an
9 election, to divide the work into parts, sections, or districts,
10 and determine what property would be benefited by the work or
11 improvement in each part, section, or district; to omit parts
12 of said work or any part, section or district; and to contract
13 for any part, section, or district separately and proceed
14 therewith the same as if the entire work or improvement was
15 contracted for, done, or made. Whenever the tax provided for
16 in this chapter has not been levied beginning on the date fixed
17 in the resolution of necessity and in the proposition submitted
18 to a vote of the electors, and a part of the period in which
19 such levy is authorized to be made by such vote has expired
20 without such levy having been made, and no certificates or bonds
21 have been issued or sold for the payment of the improvement as

22 provided in this chapter, the council shall have the power to
23 continue the levy provided for in this chapter and in the
24 proposition theretofore submitted to a vote of the electors, for
25 a period not exceeding twenty years, including the several years,
26 if any, for which such tax has heretofore been levied; and it
27 is hereby made the duty of the council to make the levy in the
28 manner provided in section three hundred ninety-five point
29 twenty-two (395.22) and to appropriate and apply the proceeds
30 collected from such tax so levied to the payment of flood pro-
31 tection bonds issued by such city under section three hundred
32 ninety-five point twenty-five (395.25) if any such there be."
33 (416.99, C50, extended to all municipal corporations.)
1 Sec. 43. Gravel pits. Chapter three hundred eighty-nine
2 (389) of the Code is amended by adding the following section:
3 "They shall have power to purchase or provide for the con-
4 demnation of, pay for out of the funds available for street
5 purposes of the municipal corporation, lands within or without
6 the territorial limits of the corporation, including a suitable
7 roadway thereto by the most reasonable route, for the purpose
8 of obtaining gravel, stone, or other suitable material with which
9 to improve the streets and alleys of said city or town." (403.2,
10 C50, substance unchanged.)
1 Sec. 44. Section three hundred sixty-three point thirty-
2 four (363.34) and three hundred sixty-three point thirty-six
3 (363.36) subsection eleven (11), Code 1950, are hereby repealed.
4 (See Sec. 15 of this bill.)

1 Sec. 45. Section three hundred sixty-three point sixty
2 (363.60) to three hundred sixty-three point sixty-two (363.62),
3 inclusive, Code 1950, are hereby repealed. (See Sec. 40 of this
4 bill.)

1 Sec. 46. Chapter three hundred sixty-eight (368), Code
2 1950, is hereby repealed.

1 Sec. 47. Chapter four hundred three (403), Code 1950, is
2 hereby repealed. (See Secs. 35 to 39 of this bill.)

1 Sec. 48. Sections four hundred sixteen point ninety-seven
2 (416.97) to four hundred sixteen point ninety-nine (416.99),
3 inclusive, Code 1950, are hereby repealed.
4 (Library trustees, see 378.3, 378.4, C50.)
5 (Flood protection, see ch. 395, C50; also sec. 40 of this
6 bill.)

1 Sec. 49. Section four hundred sixteen point ninety-two
2 (416.92), Code 1950, is hereby repealed. (See secs. 34, 49 of
3 this bill.)
4 (Utilities, see chs. 386, 397, C50.)
5 (Franchises, see 386.3, 397.2, C50.)
6 (Regulations of electric wires, see 386.1, C50.)
7 (River front improvements, see ch. 372.)

1 Sec. 50. Section four hundred sixteen point one hundred
2 five (416.105), Code 1950, is hereby repealed.
3 (Park commissioners, see 370.1, C50.)

1 Sec. 51. Sections four hundred sixteen point one hundred
2 seven (416.107) and four hundred sixteen point one hundred eight

3 (416.108), Code 1950, are hereby repealed.

4 (Police stations and jails, see sec. 15 of this bill.)

5 (Lease of city property, see sec. 35 of this bill.)

1 Sec. 52. Sections four hundred sixteen point one hundred

2 twenty (416.120) to four hundred sixteen point one hundred twenty-

3 three (416.123), inclusive, Code 1950, are hereby repealed.

4 (Garbage plants, power, see sec. 23 of this bill.)

5 (Garbage plants, financing, see chs. 391 and 404 as amended.)

1 Sec. 53. Section four hundred sixteen point one hundred

2 twenty-seven (416.127), Code 1950, is hereby repealed.

3 (Care of streets, see 389.1, 389.12, C50.)

1 Sec. 54. Section four hundred sixteen point one hundred

2 twenty-nine (416.129, Code 1950, is hereby repealed. (See

3 secs. 11 and 15 of this bill.)

1 Sec. 55. Section four hundred sixteen point one hundred

2 thirty-one (416.131), Code 1950, is hereby repealed.

3 (Lease of municipal property, see sec. 35 of this bill.)

1 Sec. 56. Section four hundred sixteen point one hundred

2 thirty-eight (416.138), Code 1950, is hereby repealed.

3 (Trees and shrubbery, see sec. 31 of this bill.)

1 Sec. 57. Section four hundred sixteen point one hundred

2 thirty-nine (416.139), Code 1950, is hereby repealed.

1 Sec. 58. Section four hundred sixteen point one hundred

2 forty (416.140), Code 1950, is hereby repealed. (See sec 25

3 of this bill.)

4 (Financing public improvements, see ch. 391 as amended.)

1 Sec. 59. Section four hundred nineteen point sixty-six
2 (419.66), Code 1950, is hereby repealed.
3 (Lease of municipal property, see sec. 35 of this bill.)
1 Sec. 60. Section four hundred nineteen point seventy-three
2 (419.73), Code 1950, is hereby repealed.
3 (Limit of indebtedness, see ch. 407, C50; Also see Const.
4 Iowa, XI, 3.)
1 Sec. 61. Section four hundred twenty point forty-seven
2 (420.47), Code 1950, is hereby repealed.
3 (Purchase on execution, see sec. 36 of this bill.)
1 Sec. 62. Sections four hundred twenty point forty-nine
2 (420.49) to four hundred twenty point sixty-one (420.61), inclu-
3 sive, Code 1950, are hereby repealed.
4 (Conveyance of land, see sec. 39 of this bill.)
5 (Condemnation, see secs. 37 and 38 of this bill.)
6 (Smoke nuisance, see sec. 41 of this bill.)
7 (Trees and shrubbery, see sec. 31 of this bill.)
8 (Property inside curb lines, see sec. 31 of this bill.)
9 (Permanent sidewalks, see 389.31 to 389.38, C50; also see
10 sec 31 of this bill.)
11 Drains and sewers, see sec. 25 of this bill; also ch. 391
12 as amended.)
1 Sec. 63. Section four hundred twenty point seventy-nine
2 (420.79), Code 1950, is hereby repealed.
3 (League of municipalities, see sec. 40 of this bill.)
1 Sec. 64. Sections four hundred twenty point one hundred

2 twenty-one (420.121) to four hundred twenty point one hundred
3 twenty-five (420.125), inclusive, Code 1950, are hereby repealed.
4 (Establishment of utilities, see 397.1, C50.)
5 (Election necessary, see 397.5, C50.)
6 (Power to grant franchise, see 386.1 to 386.3, 397.2, C50.)
7 (Question submitted, see 386.3, 397.6, C50.)
8 (Notice—costs, see 386.4, 386.7, 397.9, C50.)
1 Sec. 65. Section four hundred twenty point one hundred
2 forty-nine (420.149), Code 1950, is hereby repealed.
3 (Regulation of electric wires, see 386.1, C50.)
1 Sec. 66. The explanatory material, notes and historical
2 references incorporated in this bill shall not be considered as
3 any part of the enactment hereof and shall not be included in
4 the enrolled Act.

Senate File 163

By NELSON of Woodbury and CROSIER,
(Hattery and Dykhouse).
(AS PASSED BY THE SENATE).

Passed Senate, Date .....

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

Passed House, Date .....

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

Approved .....

A BILL FOR

An Act relating to the general powers of municipal corporations and to repeal chapter three hundred sixty-eight (368) of the Code, relating thereto, and certain other sections of the Code, relating thereto, and to enact a substitute therefor, and to amend various sections of the Code relating thereto.

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

1 That Chapter three hundred sixty-eight (368), Code 1950,
2 is hereby repealed and sections one (1) to forty (40), inclusive,
3 hereof enacted in lieu thereof.

GENERAL POWERS OF MUNICIPAL CORPORATIONS

1 Section 1. Applicability. This Act is applicable to all
2 municipal corporations and to all forms of government thereof.
3 (New.)

1 Sec. 2. Bodies corporate—name—authority. Cities and
2 towns are bodies politic and corporate, under such name and
3 style as may be selected at the time of their organization,
4 with the authority vested in the mayor and a common council,
5 together with such officers as are in this title mentioned or may
6 be created under its authority, and shall have the general powers

7 and privileges granted, and such others as are incident to
8 municipal corporations of like character, not inconsistent with
9 the statutes of the state, for the protection of their property
10 and inhabitants, and preservation of peace and good order
11 therein, and they may sue and be sued, contract and be contracted
12 with, acquire, lease, and hold real and personal property, and
13 have a common seal. (368.1, C50, unchanged.)

1 Sec. 3. They shall have power to pass ordinances regulating
2 established places of business and the operation thereof within
3 the limits of the corporation, to the extent necessary to prevent
4 such businesses or the manner of operation thereof from con-
5 stituting a nuisance or from jeopardizing public health, safety
6 or morals. They shall have power to inspect such places of
7 business and operations to determine the need for such regulations.
8 They shall have power to require, issue and revoke licenses and
9 permits as an aid to regulation, and may fix license fees in an
10 amount sufficient to defray the cost of inspection and licensing.
11 They shall provide fines and penalties for violations, and may
12 by other appropriate proceedings enforce their ordinances. Any
13 businesses licensed by municipal corporations under the provisions
14 of any other section of this Act shall not be required to obtain
15 another license.

1 Sec. 4. Use of streets and public places. They shall have
2 power to regulate the use of streets, alleys, and public places
3 and to require permits and licenses for all parades, sales, public
4 gatherings, or other special uses thereof. They shall have power

5 to require licenses for all means of transportation driven or
6 ridden upon the streets and not licensed or registered under the
7 state law, and may establish fees therefor. They shall have
8 power to regulate traffic and parking upon the streets, but no
9 such regulation shall supersede or conflict with the provisions
10 of chapter three hundred twenty-one (321). They shall have power
11 to regulate pedestrian traffic and the conduct of individuals
12 on or about the streets and public places. (New.)
13 (Streets and public grounds, see ch. 389, C50.)
14 (Bicycles, see 321.234, 389.40, C50.)
15 (Parking lots, see ch. 390, C50.)
1 Sec. 5. Nuisances. They shall have power to abate, restrain,
2 or prohibit any nuisance, public or private, and provide for the
3 assessment of the cost thereof against the property. Said
4 power shall include the authority to abate all nuisances as defined in section six
5 hundred fifty-seven point one (657.1) but shall in no way be
6 limited by the enumeration in six hundred fifty-seven point
7 two (657.2) or in any other enumeration. (368.2, C50, revised.)
1 Sec. 6. Collection of assessed costs. Wherever provision
2 is made in this Code that municipal corporations shall have power
3 to do or cause to be done certain acts and assess the cost there-
4 of against the property, but fails to specify the manner of
5 collection, the clerk of such municipal corporations shall
6 certify said cost to the county auditor and it shall then
7 be collected with, and in the same manner as, general property
8 taxes. (New.)

1 Sec. 7. Interpretation. Sections two (2) to six (6) are
2 intended to confer broad powers of self-determination, as to
3 purely local affairs, upon municipal corporations. No other
4 section of the Code which grants any specific power or powers to
5 municipal corporations shall be construed as narrowing or
6 restricting said broad powers, nor shall said sections be con-
7 strued as narrowing or restricting each other. However, sections
8 which provide a manner or procedure for carrying out or exer-
9 cising a given power shall be interpreted as providing the
10 exclusive manner or procedure, where no alternative is
11 specified, but failure to provide any express manner or procedure
12 for exercising a conferred power shall not prevent its exercise.
13 (New.)

1 Sec. 8. Animals. They shall have power to regulate the
2 keeping and running at large of animals within the corporate
3 limits, and may provide for the licensing and inoculation of
4 animals. They shall have power to impound stray, unlicensed,
5 or mistreated animals, and to provide for their care or disposi-
6 tion. They may establish pounds or in lieu thereof enter into a
7 contract with any humane society, for the care and disposition
8 of stray, unlicensed, or mistreated animals. (368.7(5), 368.8
9 (4), C50, revised and combined.)

1 Sec. 9. Buildings. They shall have power to adopt a build-
2 ing code, and they may provide for the regulation, licensing, and
3 inspection of all construction, repairs and remodeling, and the
4 installation of electrical, heating, ventilating, air condition-

5 ing, and plumbing fixtures, apparatus, and equipment. They shall
6 have power to provide for the removal, repair, or dismantling of
7 any dangerous building or structure and to assess the cost thereof
8 against the property. They shall have power to require the
9 numbering of buildings and, in the event said requirement is
10 not complied with, to cause the same to be done and assess the
11 cost thereof against the property. (368.18 to 368.24, 368.44,
12 C50, revised and combined.)
13 (Collection of assessed costs, see sec. 6 above.)
1 Sec. 10. Building lines. They shall have power to
2 establish by ordinance building lines on private or public prop-
3 erty for the protection of public health or safety, and to
4 prohibit any building or other structure from being erected
5 between such line and the street or highway line, upon the
6 following procedure:
7 1. Preliminary approval of a proposed ordinance by the
8 council establishing the proposed building lines.
9 2. Publication of said proposed ordinance once each week
10 for two consecutive weeks in the manner provided by section six
11 hundred eighteen point fourteen (618.14) and the time and place
12 of a public hearing on same.
13 3. At such hearing the proposed ordinance may be amended
14 but it shall not be adopted until the next regular council
15 meeting.
16 4. If such ordinance is adopted the municipal corporation
17 shall compensate owners of property for any loss of use or

18 enjoyment caused thereby.

19 5. The amount of compensation to be paid by the municipal
20 corporation shall be determined by agreement with the property
21 owner, or in the manner provided by chapter four hundred seventy-
22 two (472). (368.21, C50, revised.)

1 Sec. 11. Fire protection. They shall have power to provide
2 for the protection of life and property against fire and to
3 establish, house, equip, staff, and maintain a fire department.
4 They may establish fire limits. They may consist with code standards
5 promulgated by nationally recognized fire prevention agencies regu-
late
6 the storage, handling, use, and transportation of all inflammables,
combustibles, and
7 explosives, within the corporate limits, and inspect for and
8 abate fire hazards. They may provide conditions upon which the
9 fire department will answer calls outside the corporate limits
10 and the corporation shall have the same governmental immunity
11 as when operating within the corporate limits. Firemen
12 operating equipment on calls outside the corporate limits shall
13 be entitled to the benefits of chapters four hundred ten (410)
14 and four hundred eleven (411). (368.23 to 368.31, C50, revised
15 and combined.)

1 Sec. 12. Joint facilities. They shall have the power, when
2 authorized by a majority vote of the electors thereof at a regular
3 or special election called for that purpose, upon notice as
4 required by law, to own, use, or operate jointly with any other
5 city, town or township, fire apparatus, equipment, or facilities
6 and to provide for the purchase, rental, or maintenance of such

7 equipment, facilities, or services. (368.31, C50, revised.)

1 Sec. 13. Short courses. Municipal corporations may require
2 the attendance and pay the expenses of firemen, policemen, and
3 other employees at conferences and short courses designed to
4 increase the efficiency of such personnel. (368.32, C50,
5 revised.)

1 Sec. 14. Volunteer firemen—insurance. Municipal corpora-
2 tions maintaining a volunteer fire department may insure the
3 members thereof against death or injury. Dependents of such
4 volunteer firemen shall be the beneficiaries. (368.34, Code C50,
5 revised.)

6 (Group insurance, see 509.1 (1d), C50.)

1 Sec. 15. Police protection. They shall provide for the
2 preservation of the peace and enforcement of law within the
3 corporate limits, and may establish, house, equip, staff, and
4 maintain a police department, of which the marshal shall be
5 chief. They shall have power to establish, erect, and maintain
6 a jail, and such number of station houses as circumstances
7 require. They shall have power, when authorized by a majority vote
8 of the electors thereof, to maintain a joint police department with any
9 contiguous municipal corporation. (360.30 to 363.32, 363.36 (11),
368.40, C50, revised
10 and combined.)

1 Sec. 16. Plumbing. Cities shall, and towns may, by ordi-
2 nance, adopt a set of plumbing regulations not inconsistent with
3 state law or state administrative regulations, and provide for
4 the inspection of plumbing installations. They shall have

5 authority to examine and license plumbers, but such licenses
6 shall be valid only in the municipal corporations where issued,
7 provided, however, that any such license issuing authority may
8 issue a license without examination to any plumber holding a
9 license from another municipal corporation recognized by such
10 authority as having similar licensing standards. (368.44 to
11 368.52, C50, revised.)

1 Sec. 17. Municipal Buildings and Property.

2 1. They shall have power by a three-fourths majority vote
3 of the council to acquire, erect, or purchase buildings
4 and building sites to the extent necessary to house and
5 carry on authorized governmental functions or purposes of the
6 municipal corporation, but any proposed expenditures in
7 connection with the exercise of such power which exceed one
8 thousand dollars or the amount which would be raised by a three-
9 fourths mill levy at current valuations, whichever amount is
10 greater, must be approved by the electorate of the corporation
11 at a general or special election.

12 2. They shall have power to maintain and keep in repair
13 all municipally owned buildings and property. (368.42, 368.56,
14 C50, revised.)

1 Sec. 18. Joint city and county buildings. A city or town
2 in which a county seat is located and such county may contract
3 one with the other for the joint purchase, acquisition, owner-
4 ship and control of real and other property suitable as the
5 site of a building or buildings for use and occupancy by such

6 city or town and such county jointly, and any such county or
7 city or town owning a site or any interest therein, may, upon
8 such terms as shall appear fair and just to the board of super-
9 visors of such county and to the council or other governing
10 body of such city or town, contract with reference to the joint
11 acquisition, ownership, control, improvement, use and occupancy
12 of such property, and with reference to the construction, use
13 and occupancy of a building or buildings thereon. Such contract
14 shall set forth the amount of money to be contributed by the
15 county and by the city or town toward the acquisition of such
16 site and the improvement thereof, or the proportion of their
17 respective contributions and the purpose or purposes for which
18 the building or buildings to be erected thereon are to be used.
19 Such contract may provide for the amount of money to be contrib-
20 uted annually by the county and by the city or town for the
21 upkeep, maintenance, and operation of such property, and the
22 building or buildings thereon, or it may provide for the
23 respective proportions of such expense which the county and the
24 city or town shall pay, and may provide for an adjustment at
25 stated periods of the amounts or proportions to be so paid.
26 Such contract may specify the part or parts of such property
27 and building or buildings to be used and occupied by the county
28 and by the city or town. All such contracts shall be made on
29 behalf of the county only when approved by resolution of the
30 board of supervisors thereof and on behalf of the city or town
31 when approved by ordinance adopted by the council or other

32 governing body of such city or town, and when made shall be
33 binding upon such county and city or town during the period
34 specified in such contract unless modified or abrogated by mutual
35 consent. (368.57, C50, unchanged.)

1 Sec. 19. Bonds issued. When such county and such city
2 or town have agreed upon their respective portions or proportions
3 of the cost of any such building or buildings, including the
4 site or sites therefor, they may, for the purpose of paying
5 their respective portions of such cost and for the purpose
6 of equipping the portions of the building or buildings to be used
7 and occupied by them, issue their bonds as hereinafter permitted;
8 provided, no such bonds shall be issued by such county or city
9 or town unless and until the proposition to issue same shall
10 have been approved by at least a majority of the votes cast for
11 and against the proposition at an election called and held as
12 hereinafter provided. Such proposition may be submitted at a
13 general, regular or special election when ordered pursuant to
14 a resolution of the board of supervisors of such county and of
15 the council or other governing body of the city or town. Notice
16 of such election setting forth the proposition as it is to be
17 voted upon shall be given by publication once each week for at
18 least three consecutive weeks in a newspaper having general
19 circulation in the county, and if the propositions of issuing
20 bonds by the county and also by the city or town are submitted
21 on the same date of election, then, if either or both of the
22 elections be unfavorable the proposition may be submitted at a

23 subsequent election or elections. To the extent not other-
24 wise herein provided the general election laws shall be
25 applicable to an election whereat such proposition is submitted.
26 (368.58, C50, unchanged.)

1 Sec. 20. Interest on bonds—tax levy. All such bonds
2 issued pusuant to such election or elections may bear interest
3 at a rate not exceeding four percent per annum payable semi-
4 annually and the principal thereof shall be scheduled to mature
5 in not more than twenty years from the date of such bonds.
6 Whenever a county or city or town has issued bonds under the
7 provisions of section nineteen (19) there shall be thereafter
8 annually levied on all of the taxable property in the county,
9 or in the city or town, a tax sufficient to pay the interest on
10 and principal of said bonds as the same will become due, and
11 each such county and city or town is further authorized to levy
12 taxes sufficient to pay their respective portions of the cost of
13 operating, maintaining and keeping insured the building or
14 buildings acquired or constructed under the provisions hereof.
15 (368.59, C50, unchanged.)

1 Sec. 21. Contracts—conditions. All contracts for the
2 construction of any building or buildings under the provisions
3 of sections eighteen (18) to twenty (20), inclusive, which involve
4 the expenditure of five thousand dollars or more shall be entered
5 into pursuant to advertisement for bids in such manner as may
6 be approved and authorized by both the board of supervisors of
7 the county and the council or other governing body of the city or

8 town. Any county and any city or town may apply for and accept
9 federal aid in the construction of any building or buildings
10 under the provisions of said sections, subject to such conditions
11 and stipulations as may be imposed in connection with such
12 federal aid and as may be approved by the board of supervisors
13 for the county, and by the council or other governing body
14 of the city or town. (368.60, C50, unchanged.)

1 Sec. 22. Rule of construction. Sections eighteen (18) to
2 twenty-one (21), inclusive, and this section shall be construed
3 as a complete and independent law for providing joint county
4 and municipal buildings and for the issuance of bonds in connec-
5 tion therewith. (368.61, C50, unchanged.)

1 Sec. 23. Garbage disposal. They shall have power to provide
2 for the collection and disposal of garbage and refuse and to
3 establish, erect or purchase garbage and refuse disposal plants
4 and grounds and equip, operate and maintain same. (368.9 (2),
5 C50, revised.)

1 Sec. 24. Milk inspection. They shall have power to provide
2 for the inspection of all milk or milk products sold for human
3 consumption within the corporate limits, and to compel the
4 tuberculin and other tests by an accredited veterinarian for
5 dairy cattle supplying such milk. They may provide for the
6 pasteurization and sanitary handling of milk and milk products
7 sold for human consumption. However nothing in this section
8 shall be construed as giving municipal corporations power to
9 provide regulations or standards in conflict with state law.

10 (368.10 to 368.12, C50, revised.)

1 Sec. 25. Drains and sewers.

2 1. They shall have power to provide drainage systems for
3 flood and other surface waters and to regulate the connection
4 of private drains thereto. They may order connections thereto
5 from abutting private property when public health or safety
6 requires such connection and in the event such orders are not
7 complied with they may cause the work to be done and the cost
8 thereof to be assessed against the property.

9 2. They shall have power to provide sewer systems and
10 sewage disposal plants and to regulate sewer connections to
11 private property. They may order sanitary toilet facilities to
12 be installed by any property owner whose property abuts on a
13 sewer line and the abandonment and removal of all other toilet
14 facilities and in the event such order is not complied with may
15 cause the work to be done and the cost to be assessed against the
16 property, which assessment may be spread over a period not to
17 exceed ten years. (368.14, 168.15, 368.53 to 368.55, C50,
18 revised.)

19 (Collection of assessed costs, see sec. 6 above.)

1 Sec. 26. Veterans housing—jurisdiction. They shall have
2 power to establish and regulate health and safety measures for and
3 operate veterans housing projects upon federally or state owned
4 land, either within or without any such municipal corporation,
5 and when any established school, college, or university has
6 established a veterans housing project for its students, for the

7 housing of veterans of World War II, or their families. (368.9
8 (5), C50, revised.)
1 Sec. 27. Certain proprietary functions. They shall have
2 power to establish and regulate markets, public scales, wharves,
3 docks, piers, basins, ferries, and an infirmary and to fix rates
4 in connection therewith. (368.35 to 368.39, C50, revised.)
1 Sec. 28. Burials, cemeteries—crematories. They shall
2 have power to regulate the burial of the dead; to provide places
3 for the interment of the dead; to cause any body interred con-
4 trary to such regulations to be taken up and buried in accordance
5 therewith; to exercise over all cemeteries within their limits,
6 and those without their limits established by their authority,
7 the powers conferred upon township trustees with reference to
8 cemeteries; or they may, by ordinance, transfer such duties and
9 the general management of such cemeteries to a board of trustees;
10 and to authorize the establishment of crematories for the crema-
11 tion of the dead, within or without the limits of such corporation
12 and regulate the same. (368.13, C50, revised.)
13 (Power of township trustees, 369.28, C50, et seq.
14 State regulation, ch 141, C50.)
1 Sec. 29. Parks—recreation facilities. They shall have
2 power to establish, purchase, maintain, and regulate the use of
3 parks and playgrounds, and to provide recreational and playground
4 facilities, such as are necessary and proper in respect to the
5 size and circumstances of the corporation. They shall have power
6 to lease a portion of any park under their jurisdiction for such

7 time or times not to exceed six consecutive months as the council
8 shall deem proper for the purpose of permitting the playing of
9 baseball and other athletic games and contests, and under such
10 conditions as to charging a fee for the use of same and for the
11 attendance at same as the council shall determine. In municipal
12 corporations having a park board or park commission such lease
13 shall require the approval of such board or commission. (368.9
14 (6), C50, revised.)

1 Sec. 30. Destruction of weeds. They shall have power by
2 ordinance to provide for the cutting or destroying by the prop-
3 erty owners, of all weeds, vines, brush or other growth which
4 constitute a health, safety or fire hazard and to provide for
5 such destruction by the city or town and for the assessment of
6 the cost and expenses thereof to the property in the event of
7 the owner's failure to comply after due notice. (368.62, C50,
8 revised.)

1 Sec. 31. Trees and shrubbery. Municipal corporations shall
2 have power by ordinance to assume charge, custody and control
3 of all trees and shrubbery upon the public streets, and to
4 plant, prune, care for, remove, and maintain all trees and
5 shrubbery upon the public streets. They may by ordinance confer
6 such charge, control, custody, and authority to plant, prune,
7 care for, remove and maintain trees and shrubbery upon the park
8 board or commission, and may further confer upon said park board
9 or commission the exclusive charge, custody and contral of all
10 property outside the lot and property lines and inside the curb

11 lines upon the public streets, and the right to determine the
12 location of permanent sidewalks outside the lot or property lines
13 and upon the public streets. They may similarly put responsi-
14 bility for such maintenance upon the abutting property owner.
15 (416.138, 420.55 to 420.57, C50, revised.)
16 (Sidewalks, see 389.31 to 389.38, C50.)
1 Sec. 32. Snow, ice, and accumulations—removal. It shall
2 be the responsibility of the abutting property owner to promptly
3 remove snow, ice, and accumulations from the sidewalks, but
4 in the event that such snow, ice, or accumulations are permitted
5 to remain on said sidewalks for more than a reasonable length
6 of time, then the municipal corporation shall have power to
7 remove them and to assess the actual cost thereof against the
8 said property. (389.19, C50, revised.)
1 Sec. 33. Notice to person liable over. When any action
2 is brought against a municipal corporation for personal injuries
3 alleged to have been caused by its negligence, said municipal
4 corporation may notify in writing any person or corporation by
5 whose negligence it claims the injury was caused. Said notice
6 shall state the pendency of said action, the name of the plain-
7 tiff, the name and location of the court where the action is
8 pending, a brief statement of the alleged facts from which the
9 cause arose, that said municipal corporation believes that the
10 person or corporation so notified is liable to it for any
11 judgment rendered against said municipal corporation, and asking
12 such person or corporation to appear and defend. Thereupon, any

13 judgment obtained in such suit shall be conclusive in any action
14 by the municipal corporation against any person or corporation
15 so notified, as to the existence of the defect or other cause
16 of the injury or damage, as to the liability of the municipal
17 corporation to the plaintiff in the first named action in
18 consequence thereof, and as to the amount of the damage or injury
19 occasioned thereby; and every such municipal corporation is
20 hereby empowered to maintain an action against the person or
21 corporation so notified to recover the amount of any such
22 judgment together with all the expenses incurred by such municipal
23 corporation in such suit. (416.92, 419.72, 420.46, C50, revised
24 to apply to all municipal corporations.)

1 Sec. 34. Lease of municipal property. Any municipal corpora-
2 tion may lease, for a period not to exceed five years, any
3 municipal property which in the opinion of the council is not
4 likely to be sooner needed for municipal purposes, upon a two-
5 thirds vote of the council. Provided, however, that when the
6 period of such lease is for more than three years, the council
7 shall cause a notice of the terms of the proposed lease to be
8 published once in the manner provided by section six hundred
9 eighteen point fourteen (618.14), together with the date, time,
10 and place of a public hearing at which the council will hear
11 objectors against and proponents for the lease. If, after such
12 hearing, the council is of the opinion that such lease is in the
13 best interests of the public, it may, by a two-thirds vote in
14 favor thereof, cause said lease to be executed. (416.108, 419.66,

15 420.113, C50, revised.)

1 Sec. 35. Purchase on execution. Municipal corporations
2 shall have power to acquire real estate, or any interest therein,
3 as a purchaser at an execution sale, when judgment is entered
4 in favor of the corporation, or when it has a lien thereon, or
5 is otherwise interested therein. (403.10, 420.47, C50, revised.)
6 (Municipal corporation as bidder, 569.1, C50.)

1 Sec. 36. Condemnation—power. Municipal corporations shall
2 have power to purchase or provide for the condemnation of, pay
3 out of the general fund or the specific fund, as may be provided,
4 enter upon and take any lands within or without the territorial
5 limits of the corporation for such public purposes and as an
6 incident to such other powers and duties conferred upon such
7 corporations as make necessary or reasonable the acquisition of
8 such lands by said municipal corporations. (403.1 to 403.8,
9 420.51, 420.59, 420.60, C50, revised.)

1 Sec. 37. Condemnation—procedure. The procedure for the
2 condemnation of land by municipal corporations shall be that
3 provided by chapter four hundred seventy-two (472). (403.09,
4 420.52, C50, revised.)

1 Sec. 38. Disposal of lands and streets. They shall have
2 power to dispose of the title or interest of such corporation
3 in any real estate, or any lien thereon, or sheriff's certificate
4 therefor, owned or held by it, including any street or portion
5 thereof vacated or discontinued, however acquired or held, in
6 such manner and upon such terms as the council shall direct.

7 However, where exercise of said power deprives or restricts
8 the abutting property owners from free access to their property,
9 so as to decrease the value thereof, the corporation shall be
10 liable in damages therefor. Notice of any proposal to dispose
11 of real property under the provisions of this section shall be given by
12 publication, once each week for two consecutive weeks in the manner
13 provided by section six hundred eighteen point fourteen (618.14). The
14 last of said publications shall appear not less than ten days before the
15 meeting of the council at which said proposal is to be acted on.
16 (403.11, 403.12, 420.49, C50, revised.)

1 Sec. 39. League of municipalities. Municipal corporations
2 may pay, out of the general fund, annual dues to the league of
3 Iowa municipalities. In addition they may pay, out of the
4 general fund, the actual expenses of delegates to the annual
5 convention of the league. The league shall keep and make such
6 accounts and reports as shall be required by the state municipal
7 accounting department, and the same shall be checked annually by
8 said department and published in the volume of municipal reports.
9 (363.60 to 363.62, 420.79, revised and combined.)

1 Sec. 40. Nuisance enumeration. Section six hundred fifty-
2 seven point two (657.2), Code 1950, is amended by adding thereto
3 the following new subsections:

4 10. The depositing or storing of inflammable junk, such as
5 old rags, rope, cordage, rubber, bones, and paper, by dealers in
6 such articles within the fire limits of any city, unless it be
7 in a building of fireproof construction, is a public nuisance.

8 11. The emission of dense smoke, noxious fumes, or fly ash
9 in cities is a nuisance and cities may provide the necessary
10 rules for inspection, regulation and control.
11 12. Dense growth of all weeds, vines, brush, or other
12 vegetation in any city or town so as to constitute a health,
13 safety, or fire hazard is a public nuisance.
14 Further amend section six hundred fifty-seven point two
15 (657.2) by striking from lines two (2) and three (3) of sub-
16 section eight (8) the words "acting under special charter of
17 more than fifty thousand population". (10. 368.3, C50, un-
18 changed. 11. 368.4, C50, unchanged. 12. new.)
1 Sec. 41. Flood control. Chapter three hundred ninety-five
2 (395), Code 1950, is hereby amended by adding the following
3 section:
4 "Whenever in any municipal corporation proceedings have
5 been or shall be begun for the purpose of providing flood
6 protection under the provisions of this chapter, the council
7 shall have power, after the election provided for in this chapter
8 has been held, and without again submitting the matter at an
9 election, to divide the work into parts, sections, or districts,
10 and determine what property would be benefited by the work or
11 improvement in each part, section, or district; to omit parts
12 of said work or any part, section or district; and to contract
13 for any part, section, or district separately and proceed
14 therewith the same as if the entire work or improvement was
15 contracted for, done, or made. Whenever the tax provided for

16 in this chapter has not been levied beginning on the date fixed
17 in the resolution of necessity and in the proposition submitted
18 to a vote of the electors, and a part of the period in which
19 such levy is authorized to be made by such vote has expired
20 without such levy having been made, and no certificates or bonds
21 have been issued or sold for the payment of the improvement as
22 provided in this chapter, the council shall have the power to
23 continue the levy provided for in this chapter and in the
24 proposition theretofore submitted to a vote of the electors, for
25 a period not exceeding twenty years, including the several years,
26 if any, for which such tax has heretofore been levied; and it
27 is hereby made the duty of the council to make the levy in the
28 manner provided in section three hundred ninety-five point
29 twenty-two (395.22) and to appropriate and apply the proceeds
30 collected from such tax so levied to the payment of flood pro-
31 tection bonds issued by such city under section three hundred
32 ninety-five point twenty-five (395.25) if any such there be."
33 (416.99, C50, extended to all municipal corporations.)
1 Sec. 42. Gravel pits. Chapter three hundred eighty-nine
2 (389) of the Code is amended by adding the following section:
3 "They shall have power to purchase or provide for the con-
4 demnation of, pay for out of the funds available for street
5 purposes of the municipal corporation, lands within or without
6 the territorial limits of the corporation, including a suitable
7 roadway thereto by the most reasonable route, for the purpose
8 of obtaining gravel, stone, or other suitable material with which

9 to improve the streets and alleys of said city or town." (403.2,
10 C50, substance unchanged.)

1 Sec. 43. Section three hundred sixty-three point thirty-
2 four (363.34) and three hundred sixty-three point thirty-six
3 (363.36) subsection eleven (11), Code 1950, are hereby repealed.
4 (See Sec. 15 of this bill.)

1 Sec. 44. Section three hundred sixty-three point sixty
2 (363.60) to three hundred sixty-three point sixty-two (363.62),
3 inclusive, Code 1950, are hereby repealed. (See Sec. 40 of this
4 bill.)

1 Sec. 45. Chapter three hundred sixty-eight (368), Code
2 1950, is hereby repealed.

1 Sec. 46. Chapter four hundred three (403), Code 1950, is
2 hereby repealed. (See Secs. 35 to 39 of this bill.)

1 Sec. 47. Section four hundred sixteen point ninety-seven
2 (416.97) to four hundred sixteen point ninety-nine (416.99),
3 inclusive, Code 1950, are hereby repealed.

4 (Library trustees, see 378.3, 378.4, C50.)

5 (Flood protection, see ch. 395, C50; also sec. 40 of this
6 bill.)

1 Sec. 48. Section four hundred sixteen point ninety-two
2 (416.92), Code 1950, is hereby repealed. (See secs. 34, 49 of
3 this bill.)

4 (Utilities, see chs. 386, 397, C50.)

5 (Franchises, see 386.3, 397.2, C50.)

6 (Regulations of electric wires, see 386.1, C50.)

7 (River front improvements, see ch. 372.)

1 Sec. 49. Section four hundred sixteen point one hundred
2 five (416.105), Code 1950, is hereby repealed.

3 (Park commissioners, see 370.1, C50.)

1 Sec. 50. Sections four hundred sixteen point one hundred
2 seven (416.107) and four hundred sixteen point one hundred eight
3 (416.108), Code 1950, are hereby repealed.

4 (Police stations and jails, see sec. 15 of this bill.)

5 (Lease of city property, see sec. 35 of this bill.)

1 Sec. 51. Sections four hundred sixteen point one hundred
2 twenty (416.120) to four hundred sixteen point one hundred twenty-
3 three (416.123), inclusive, Code 1950, are hereby repealed.

4 (Garbage plants, power, see sec. 23 of this bill.)

5 (Garbage plants, financing, see chs. 391 and 404 as amended.)

1 Sec. 52. Section four hundred sixteen point one hundred
2 twenty-seven (416.127), Code 1950, is hereby repealed.

3 (Care of streets, see 389.1, 389.12, C50.)

1 Sec. 53. Section four hundred sixteen point one hundred
2 twenty-nine (416.129, Code 1950, is hereby repealed. (See
3 secs. 11 and 15 of this bill.)

1 Sec. 54. Section four hundred sixteen point one hundred
2 thirty-one (416.131), Code 1950, is hereby repealed.

3 (Lease of municipal property, see sec. 35 of this bill.)

1 Sec. 55. Section four hundred sixteen point one hundred
2 thirty-eight (416.138), Code 1950, is hereby repealed.

3 (Trees and shrubbery, see sec. 31 of this bill.)

1 Sec. 56. Section four hundred sixteen point one hundred
2 thirty-nine (416.139), Code 1950, is hereby repealed.
1 Sec. 57. Section four hundred sixteen point one hundred
2 forty (416.140), Code 1950, is hereby repealed. (See sec 25
3 of this bill.)
4 (Financing public improvements, see ch. 391 as amended.)
1 Sec. 58. Section four hundred nineteen point sixty-six
2 (419.66), Code 1950, is hereby repealed.
3 (Lease of municipal property, see sec. 35 of this bill.)
1 Sec. 59. Section four hundred nineteen point seventy-three
2 (419.73), Code 1950, is hereby repealed.
3 (Limit of indebtedness, see ch. 407, C50; Also see Const.
4 Iowa, XI, 3.)
1 Sec. 60. Section four hundred twenty point forty-seven
2 (420.47), Code 1950, is hereby repealed.
3 (Purchase on execution, see sec. 36 of this bill.)
1 Sec. 61. Sections four hundred twenty point forty-nine
2 (420.49) to four hundred twenty point sixty-one (420.61), inclu-
3 sive, Code 1950, are hereby repealed.
4 (Conveyance of land, see sec. 39 of this bill.)
5 (Condemnation, see secs. 37 and 38 of this bill.)
6 (Smoke nuisance, see sec. 41 of this bill.)
7 (Trees and shrubbery, see sec. 31 of this bill.)
8 (Property inside curb lines, see sec. 31 of this bill.)
9 (Permanent sidewalks, see 389.31 to 389.38, C50; also see
10 sec 31 of this bill.)

11 Drains and sewers, see sec. 25 of this bill; also ch. 391
12 as amended.)

1 Sec. 62. Section four hundred twenty point seventy-nine
2 (420.79), Code 1950, is hereby repealed.
3 (League of municipalities, see sec. 40 of this bill.)

1 Sec. 63. Sections four hundred twenty point one hundred
2 twenty-one (420.121) to four hundred twenty point one hundred
3 twenty-five (420.125), inclusive, Code 1950, are hereby repealed.
4 (Establishment of utilities, see 397.1, C50.)
5 (Election necessary, see 397.5, C50.)
6 (Power to grant franchise, see 386.1 to 386.3, 397.2, C50.)
7 (Question submitted, see 386.3, 397.6, C50.)
8 (Notice—costs, see 386.4, 386.7, 397.9, C50.)

1 Sec. 64. Section four hundred twenty point one hundred
2 forty-nine (420.149), Code 1950, is hereby repealed.
3 (Regulation of electric wires, see 386.1, C50.)

1 Sec. 65. The explanatory material, notes and historical
2 references incorporated in this bill shall not be considered as
3 any part of the enactment hereof and shall not be included in
4 the enrolled Act.