

## PREFACE

This volume constitutes the third revision and codification of the General Ordinances of the City of Muscatine, Iowa, since 1918. It contains such Ordinances of a general and permanent nature enforced on December 17, 1981, as were found desirable for retention, except those especially saved from repeal by the adopting Ordinance.

The original Charter approved on February 1, 1851, was first revised and codified on January 19, 1956. The Code was subsequently revised and codified again on April 21, 1966. This, the third revision and codification, was adopted by the City on December 17, 1981. The two previous recodified Codes are available in the Clerk's Office for historical purposes.

This volume was codified and edited by the City staff and reviewed for content by the City Council and the City's various Boards and Advisory Commissions. Recognition is due to the City Council and City staff as follows:

Honorable Mayor  
Evelyn L. Schauland

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Joan M. Hilton	Donald R. Platt
Larry D. Kemp	Robert H. Rada
Richard H. Waltman	

### Staff

Frank Anson ----- Sanitation Superintendent  
Steve Boka----- Building and Zoning Administrator  
Ray Childs----- City Engineer  
Don LeMar----- Streets and Grounds Director  
Bill McGonagle---- Museum and Art Center Director  
Carol F. Myhr----- Police Chief  
Craig Olson----- Water Pollution Control Director  
Jack Paetz----- Housing Administrator  
Deb Rauh----- Finance Director  
Paula Smith----- Library Director  
Kevin Whittaker--- Planning Administrator  
Arlen Wiggs----- Community Development Director  
Larry Wolf----- Parks and Recreation Director  
Paul Ziegenhorn--- Fire Chief

Special recognition is expressed to Harvey G. Allbee, Jr., City Attorney, for his legal assistance throughout the codification process.

Soren Wolff  
City Administrator

CITY OF MUSCATINE

CITY CODE

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ORDINANCE NO. 89775-0606

AN ORDINANCE ADOPTING THE CODE OF ORDINANCES  
AND SUPPLEMENT OF THE CITY OF MUSCATINE, IOWA

Be It Enacted by the City Council of the City of Muscatine, Iowa:

SECTION 1. ADOPTION. Pursuant to Iowa Code Section 380.8, the City Council does hereby adopt the City Code of Muscatine, Iowa, and the Supplement No. 6 of Ordinances and Amendments to Ordinances including such ordinances and amendments to ordinances adopted through action of the City Council on or prior to December 31, 2005.

SECTION 2. OFFICIAL COPY. An official copy of the City Code and Supplements is on file in the office of the city clerk, together with standard codes adopted by reference in this code.

SECTION 3. PUBLIC COPIES. Loose-leaf copies of this code shall be kept in the city clerk's office available for public inspection and for sale at cost to the public.

SECTION 4. TITLE. This City Code may be cited by the short title "City Code of Muscatine, Iowa" for the purpose of prosecution in the courts.

SECTION 5. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional

SECTION 6. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the City Council the 18th day of May, 2006, and approved this 18th day of May, 2006.



City Clerk

Mayor

First Reading	<u>05/18/06</u>
Second Reading	<u>06/01/06</u>
Third Reading	<u>06/01/06</u>
Publication	<u>06/07/06</u>

ORIGINAL CITY CHARTER

1851

The Charter of the City of Muscatine, Iowa.

Note. The original Charter of the City of Muscatine, Iowa, was approved February 1, 1851. Previous to the adoption of the 1857 state Constitution, amendments were made to it by the legislature as follows: Acts of 1853, page 137; Acts of 1855, page 76; Acts of 1856, page 49; Acts of 1857, pages 25 and 149.

The Charter of the City is set out herein just as it appears in the original, as amended. Some provisions of the Charter are still in effect and applicable to the City. Many sections of the Charter, however, have been superseded by subsequent state law and are no longer legally in effect or applicable to the City. These sections are set out herein for historical purposes.

ARTICLE I. TOWN OF MUSCATINE CREATED A CITY -  
BOUNDARIES OF CITY - DIVISION INTO WARDS.

Sec. 1. Be it enacted by the General Assembly of the State of Iowa, That the Town of Muscatine, (formerly the Town of Bloomington,) in the County of Muscatine, is hereby created a city by the name of the "City of Muscatine."

Sec. 2. The said City is made a body corporate, and is invested with all the powers and attributes of a municipal corporation.

Sec. 3. All the rights, powers, privileges, duties, liabilities, and property of the late Town of Muscatine are hereby transferred to and imposed upon the said City, except as repealed, or qualified herein, and the same may be enforced by or against the City, as they might have been by or against the town.

Sec. 4. The following shall be the boundaries of said City of Muscatine: Commencing at a point in the center of the main channel of the Mississippi River, where the south line of section ten, township seventy-six, north of range two west of 5th P.M. should strike - thence west and along said section line to the west line of said section ten; thence north, and along the section lines of sections ten, three, thirty-four, and twenty-seven, to the northwest corner of the southwest quarter of section twenty-seven, north of range two west of 5th P.M.; thence east through the center of sections twenty-seven, twenty-six and twenty-five, to a point where said lines strike the township line, between ranges one and

two west, thence south and along said township line, to a point in the center of the main channel of the Mississippi River, thence along the center of said channel, and with the course of the same, to the point of beginning.<sup>1</sup>

Sec. 5. The said City is hereby divided into three wards as follows: That part of the City which lies south and west of the middle of Chestnut Street is the first ward; that part lying between the middle, of Chestnut Street and middle of Walnut Street is the second ward; that part lying north and east of the middle of Walnut Street is the third ward; but the City Council may create new wards and change the limits of those now or hereafter established.

#### ARTICLE II. ELECTIVE OFFICERS OF THE CITY.

Sec. 6. The elective officers of the City shall be a mayor, two aldermen from each ward, treasurer and wharfmaster, for the choice of whom an election shall be holden annually on the first Monday of March, and each of whom will hold his office for the term of one year, (except in the case of aldermen as hereafter provided) and until their successors are elected and qualified.

Sec. 7. Two aldermen shall be elected in each ward, and such one of the two as receives at the first election the highest number of votes, shall hold his office for the term of two years, and the other one year, and thereafter one shall be elected each year in each ward, to hold for the term of two years. If there be a tie in the above case, the matter is to be determined by lot.

#### ARTICLE III. DUTIES AND POWERS OF MAYOR - IS EX-OFFICIO JUSTICE OF THE PEACE - IS PRESIDING OFFICER OF COUNCIL -POWER TO APPOINT PRESIDENT PRO TEM. AND HIS POWERS.

Sec. 8. It is the duty of the mayor to see that the laws and ordinances of the City are executed, and their violations punished; to superintend and direct the official conduct of the subordinate officers; to keep the seal of the City and to sign and seal all commissions, licenses and permits granted by the city council, and perform such duties and exercise such powers as pertain to the office of a mayor of a city, and such as may be granted by the ordinances of the City, consistent with law.

Sec. 9. He is by virtue of his office, a justice of the peace, and is invested with exclusive original jurisdiction of

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1. Amendment to Charter enlarging City limits, etc., approved July 14, 1856.

cases arising under the ordinances of the City, with criminal jurisdiction of the offences against the laws of the state committed within the City, and with civil jurisdiction limited to the City in the same manner as that of justices is, or may be, limited to their townships, and he will not be disqualified to act in such judicial capacity by any proceeding being in the name of or in behalf of the City. He will be entitled to demand and receive in civil actions, and in actions for the breach of the laws of the state, such fees as are at the time allowed by the law to a justice of the peace.

Sec. 10. Appeals to the district court in the same county shall be allowed (from) the judgment and decisions of the mayor in the same cases, time and manner as they are at the time allowed by law from those of other justices, and they shall be tried in the same manner.

Sec. 11. He shall be the presiding officer of the city council when present, and shall give the casting vote when there is a tie. In his absence, the council may appoint a president for the time being.

Sec. 12. In case of the absence of the mayor of the City of Muscatine from the City, and in case of his inability to act as a justice, any justice of the peace in the township of Bloomington may take cognizance of cases arising under the ordinances of the City; such absence or inability being made to appear upon the docket of the justice. And in like cases of the absence or inability of the mayor, the president of the council pro tempore shall have authority to sign ordinances and orders on the treasurer, and to administer oaths, and do all other things pertaining to the office of mayor, (except acting as justice of the peace,) stating, in connection with his signature, the absence or inability of the mayor.<sup>2</sup>

ARTICLE IV. THE CITY COUNCIL - ITS POWERS AND  
AUTHORITY - DISABILITIES OF MEMBERS OF  
THE COUNCIL.

Sec. 13. The legislative authority of the City is vested in a city council, consisting of the mayor and a board of aldermen, composed of two from each ward of the City.

Sec. 14. The council may hold meetings as it sees fit, having stated times fixed, or having provided by ordinances for the manner of calling them. Its meeting shall be public.

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2. Amendment to Charter, approved January 22, 1853.

Sec. 15. A majority of the council will be necessary to constitute a quorum. It is the judge of the election and qualification of its own members; it may determine the rules of its own proceedings; it may compel the attendance of its members at its meetings, in such manner and by such penalties as it may adopt; and it shall cause a record of its proceedings to be kept.

Sec. 16. The council is invested with the following powers:

1st. To make ordinances to secure the inhabitants against fire, against violations of the law and the public peace; to suppress riots, drunkenness, gambling, and indecent and disorderly conduct; and, generally, to provide for the safety, good order, and prosperity of the City, and the health, morals, and convenience of the inhabitants.

2nd. To impose penalties for the violation of its ordinances, not exceeding one hundred dollars, which may be recovered by civil action in the name of the City, or by complaint before the mayor, as in the case of a complaint before a justice of the peace, and the laws of the state in relation to carrying into effect a judgment of a justice of the peace, under a complaint, shall be applied to judgments in the above cases, but the charges thereof must be borne by the City.

3rd. To establish and organize fire companies, and provide them with engines and other fire apparatus.

4th. To regulate the keeping and the sale of gunpowder within the City, and to provide that no building of wood shall be erected within such parts of the City as may be designated, and to declare such buildings a nuisance and cause their removal.

5th. To have the control of the landing on the Mississippi River, and build wharves and regulate the landing, wharfage, and dockage of boats and all watercrafts, goods, lumber and other things landed at, or taken (away) from the same; provided, nothing in this section shall be (so) construed as to affect the rights of the state or counties, nor to prevent the County of Muscatine from granting ferry charters in said county.

6th. To exercise exclusively the power to provide for the license, regulation, or prohibition of exhibitions, shows and theatrical performances, billiard tables, ball and ten-pin alleys, and places where any games of skill or chance are played. But this power extends to no exhibition of a properly literary, scientific, or artistical character - and when the law of the state permits license for the sale of intoxicating liquors, that subject shall be within the exclusive authority of the council, and it may

at all times prohibit the retail of the above liquors, unless such prohibition would be inconsistent with the law of the state at the time existing; and it may revoke or suspend any of the licenses above mentioned, when it considers that the good order and welfare of the City require it.

7th. To make all requisite ordinances in relation to the cleanliness and health of the City, and to require the owners of lots on which water becomes stagnant, to drain or fill up the same, and in default thereof, after a reasonable notice, to cause the same to be done at the expense of the City and assess the cost of the specific lots, and cause them to be sold by the City collector, as in the case of unpaid taxes; but the owner may redeem the same as in that case.

8th. To regulate cartage and drayage within the City, and may license therefore; and may also make a prohibition of animals running at large within the City.

9th. To provide for the establishment and support of schools in the City when there has been a legal vote of the citizens in favor thereof, and to provide for the government of the same.

10th. To audit all claims against the City - to provide for the keeping of the public money of the City, and the manner of drawing the same from the treasury; and all officers of the City are accountable to the council in such manner as it directs - and it is the duty of the council to publish annually a particular statement of the receipts and expenditures of the City, and of all debts owing to or from the same.

11th. To establish the grades of the streets, alleys and wharfs, and to change that of wharfs at pleasure, and whenever they may deem it expedient for the public interests of the City, to alter the width, course or grade of any street or alley.<sup>3</sup>

12th. To prescribe the manner of calling the meetings of the citizens, except for the election of officers.

13th. To appoint in such a manner as it determines and during pleasure, one or more street commissioners, a clerk of the market, city surveyor, health officers, and such other officers as it deems advisable; and may prescribe their duties, powers and qualifications; and may provide for the election of any of those officers by the citizens.

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3. Amendments to Charter, approved January 24, 1855 and July 14, 1856.

14th. To cause the streets and alleys of the City to be paved, and the pavements to be repaired; and to that end it may require the owners of the lots adjacent to which it is to be done, to pave or repair one-half in width of the street contiguous to their respective lots; and in case of neglect after a reasonable time named in the order, the same may be done by the City, and the expense may be assessed on such lots, which shall have the effect of a tax levied thereon, and they may be sold therefore as for a tax, subject to the same right or redemption.

15th. To borrow money for any object in its discretion, if at regularly notified meeting, under a notice stating distinctively the nature and object of the loan and the amount thereof, as nearly as practicable, the citizens determine in favor of the loan by a majority of two-thirds of the votes given at the election.

Note. For case quoting and construing this subsection, see Meyer v. The City of Muscatine, 68 U. S. 387, 17 L. Ed. 567.

16th. To fill vacancies occurring in any of the City offices by appointment of record, to hold, in case of elective officers, until the next regular election and the qualification of the successor.

Sec. 17. No member of the city council shall be eligible to any office in the gift of the council, during the term for which he is elected, nor shall he be interested directly or indirectly in the profits of any contract, or job, or work, or service to be performed for the City.

#### ARTICLE V. ORDINANCES.

Sec. 18. Ordinances passed by the City Council shall be signed by the mayor and attested by the recorder, and before they take effect be published in one or more newspapers printed in the City at least ten days, or be posted in each ward for fifteen days; they shall be recorded in a book to be kept for that purpose, and signed by the mayor and attested by the recorder.

Sec. 19. An affidavit made by the recorder, marshal or mayor, or by the printer or publisher of a newspaper in which an ordinance may be published, stating the time and manner of the publication of an ordinance, and sworn to before the mayor or any justice of the peace in the County of Muscatine, and filed in the recorder's office, or made and signed on the face of the record of ordinances,<sup>4</sup> shall be prima facie evidence of the publication therein stated.

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4. Amendment to Charter, approved January 22, 1853.

ARTICLE VI. RECORDER AND MARSHAL.

Sec. 20. The council of the said City shall have authority to appoint the marshal and recorder of the City, which officers shall hold their respective offices during the pleasure of the council, and from whom or any of them, the council may, by general ordinance, require bond.<sup>5</sup>

Sec. 21. The recorder is required to keep a true record of all the official proceedings of the council, and such record shall at all times be open to the inspection of any citizen, and he shall perform such other duties as may be required by the council.

Sec. 22. The marshal is made a conservator of the peace; he is the executive officer of the mayor's court, and shall execute and return all process directed to him by the mayor, and in cases for the violation of the criminal laws of the state and of the ordinances of the City, may execute such process in any part of the county; he is invested with the same authority within the City to quell riot and disturbances, to prevent crimes and to arrest offenders, that the sheriff has within his county. He shall perform such other duties as the council prescribe, and with its approval may appoint one or more deputies, for whose official acts he will be responsible, and whom he may discharge; for services of legal process he will be entitled to the same fees as constable, and for services required by the council, such compensation as it may allow.

ARTICLE VII. ELECTIONS - HOW ELECTIONS ARE TO  
BE CONDUCTED - QUALIFICATION OF VOTERS -  
WHO ELIGIBLE AS OFFICERS - NOTICE OF  
ELECTION RETURNS.

Sec. 23. The election of the officers of the City shall be conducted in a manner as similar to that in which the elections are conducted in the townships as the nature of the case permits.

Sec. 24. Every male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the City six months, and of the ward in which he offers to vote, ten days next preceding a City election, is declared a citizen of said City, and is entitled to vote at all elections thereof.

Sec. 25. A person offering to vote may be challenged as in the election in the townships, and an oath may be administered to him under the circumstances, naming the qualifications herein

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5. Amendment to Charter, approved January 22, 1853.

prescribed.

Sec. 26. No person shall be eligible to any elective office mentioned in this act, unless he be a voter of the City and has been a resident thereof one year next preceding his election.

Sec. 27. For all elections for city officers, the mayor is directed to issue a proclamation to the voters of the City, or of the several wards, as the case may be, naming the time and place, or places, of the election, and the officers to be chosen, and cause a copy to be posted up in each ward at least ten days before the election, or instead thereof, he may cause a copy to be published in a newspaper printed in the City, the same length of time.

Sec. 28. The polls shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open until four o'clock in the afternoon; within two days after the election, the judges of the election shall make their returns to the city council, who shall examine them, and cause an abstract of the votes to be recorded in a book to be kept for that purpose.

ARTICLE VIII. OFFICERS OF THE CITY TO TAKE  
OFFICIAL OATH AND GIVE BOND.

Sec. 29. The mayor, aldermen, marshal, treasurer, recorder, wharfmaster and assessor shall take an oath to support the Constitution of the United States and of the State of Iowa, and faithfully and impartially to perform their duty to the best of their knowledge and ability; the oath of office may be administered by the mayor or recorder when he is justified; and in the transaction of the business of the corporation, those officers and the president for the time being, may administer oaths, which shall be of the same effect as if administered by other officers authorized thereto.

Sec. 30. Such of the officers as the Council determines shall give bond in such penal sum, and with such condition, as may be prescribed, and to be approved as required.

Sec. 31. The duties of all the officers, (in addition to the duties herein prescribed,) shall be such as are provided by ordinances, and they will be entitled to such compensation for their services, and subject to such penalties and forfeitures for violation of duty, (except as herein provided,) as the ordinances may prescribe.

ARTICLE IX. ASSESSMENT, LEVY AND COLLECTION  
OF TAXES.

Sec. 32. The council shall appoint<sup>6</sup> an assessor for the City who shall be sworn to perform the duties of his office faithfully and impartially, and whose duty it shall be to make an assessment of all the property within the City which is subject to taxation, including improvements on real property, and upon whose assessment the council is authorized to levy and collect annually taxes not exceeding one percent on the value of all such property. The council may also levy a tax on dogs, or prohibit their being kept in the City.

Sec. 33. The latest county assessment roll shall form the basis of the assessment, but the city assessor may add thereto any property omitted, assessing the same himself.

Sec. 34. The collector shall, before proceeding to collect the taxes, give thirty days' notice of the assessment and levy of the tax, and the rate thereof, in general terms, without names or the description of property, in a newspaper printed in the City, if there be one, and if none, ten by two written notices posted in public places in each ward.

Sec. 35. During the thirty days, any person aggrieved by his assessment of taxation, may appear before the council, which may correct the same, if found erroneous.

Sec. 36. The mayor shall affix his warrant to the tax list, in general terms, requiring the collector to collect the taxes therein according to law, and such warrant and list shall be a justification to the collector.

Sec. 37. When any person's tax is not paid within a reasonable time after demand, the collector may distrain upon personal property liable to taxation, and sell the same, as the county collector may sell in like cases.

Sec. 38. Taxes on real property shall be a lien thereon, and it may be sold therefore, (if no personal property be found,) when the taxes remain unpaid for four months after the publication

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6. Amendment to Charter approved Januar<sup>y</sup> 22, 1853.

7. Amendment to Charter approved January 22, 1853.

8. By the original Charter the marshal was made collector of taxes, but by the vote of the people the Charter was amended and the office of city collector created. Since 1868 the City of Muscatine has had its taxes collected by the treasurer of Muscatine County.

of the notice of the tax; but demand of the tax must be made a reasonable time before sale, if the supposed (owner) be found in the City.

Sec. 39. Such sales must be at public auction, and there must be thirty days' notice prior thereto, given as above provided for notifying the assessment and tax; and in such sale, he who bids to pay the amount due for the least quantity of the land will be the highest bidder; and the manner of ascertaining the portion purchased shall be as directed in the state revenue law now or hereafter existing.

Sec. 40. The collector shall execute and deliver to the purchaser a deed running in the name of the state, which shall have the same force and effect as the deed of the treasurer of the county on sales for county and state taxes under the law existing at the time. The land may be redeemed within one year from the day of the sale, by the payment of the purchase money and ten percent thereon, with any other taxes paid by the purchaser, which payment may be made to the purchaser, his agent, or the treasurer of the City.

#### ARTICLE X. STREETS AND ALLEYS

Sec. 41. That if any property holder shall be injured by any alteration made by council in width, course or grade of any street or alley, such person may make application to the board of commissioners for the assessment of damages (to be appointed as hereinafter provided) who, upon such application shall give ten days' notice in the newspapers published in said City in case the claimant be a resident of said City, or twenty days in case the claimant be a nonresident, stating the time and place of meeting, and the object of the same, and at the same time specified in said notice, said commissioners shall proceed to view and assess the damages done by reason of such alteration and improvement, and shall, within five days thereafter make an award and return the same to the county judge of Muscatine County, who shall enter judgment thereon, (if approved,) and said judgment shall be final.<sup>9</sup>

Sec. 42. That the said city council, or persons interested, may, whenever they may deem it necessary, make application to the county judge of said county, who shall appoint three disinterested property holders, resident in said City, who are hereby constituted a board of commissioners for the assessment of damages, which board, or any member thereof may, for good cause shown, be removed

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9. This section was taken from amendment to Charter, approved January 24, 1855.

and the vacancy occasioned thereby filled by said county judge.<sup>1</sup>

Sec. 43. That in any case, where by reason of such alteration, any claim for damages may arise, and the . . . . . thereof shall neglect to apply to said commissioners, the city council may make such application and the proceedings thereon shall in all respects be the same as specified in the second section of this act.

Sec. 44. That all taxes hereafter levied and collected in the City of Muscatine for the purpose of improving the streets and alleys thereof, shall be expended in the different wards in proportion to the amount of tax levied and collected in such wards respectively.

Sec. 45. For the purpose of putting the above provision into execution, it shall be the duty of the city assessor to return to the city council, at the same time that he returns his assessment of property in said City, the total amount of the taxable property in each ward separately, which shall form the basis for making the apportionment of moneys to be expended in the respective wards.<sup>4</sup>

Sec. 46. After paying all the current expenses and debts of said City due for the fiscal year, the excess of taxes collected in said City to be expended by the city authorities upon the streets and alleys, shall be divided and applied pro rata in the different wards thereof.

#### ARTICLE XI. AUCTIONEERS.<sup>6</sup>

Sec. 47. The council shall be authorized to impose license upon all persons exercising the business or calling of an auctioneer within the said City, in such sum as the said council may determine, and upon such conditions as the said council may see proper to affix.

Sec. 48. That the said city council shall have the power to

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1. This section was taken from amendment to Charter, approved January 24, 1855.

2. This section was taken from amendment to Charter, approved January 24, 1855.

3. This section was taken from amendment to Charter, approved January 24, 1855.

4. This section was taken from amendment to Charter, approved January 24, 1855.

5. This section was taken from amendment to Charter, approved January 24, 1855.

6. Amendment to Charter, approved January 26, 1857.

tax and regulate auctioneers in their calling, and to require each and every person so exercising the business of an auctioneer, as aforesaid, to execute to the said City a bond with security, to be approved by the said city council, conditioned that he will render a true account of all sales made by him, and promptly pay over to the said City all taxes which may become due to the said City from the sales so made by him as auctioneer. Provided, that nothing in this act shall be construed so as to charge any property in the City, upon which the City taxes for the current year have been paid with any additional tax.

Sec. 49. That said city council shall have full power and authority to pass all ordinances that may be necessary to give force and effect to this act; judicial sales made by a legal officer and sales of the property of a deceased person by his legal representative being exempted from its operation.

ARTICLE XII. AMENDMENT TO CITY CHARTER ENLARGING  
CITY BOUNDARIES, ETC., APPROVED JULY 14, 1856.<sup>7</sup>

Sec. 50. That said City of Muscatine, as above bounded, may hereafter form two road districts, the boundaries of which shall be determined by the city council, and until so determined by said city council, it shall constitute one road district, and the road taxes assessed by the county authorities upon the persons and property in said City shall hereafter only be payable to such persons as the city council may authorize to receive the same. And the county collector is hereby prohibited from paying said road taxes to any other person or officer than such as shall be authorized to receive and receipt for the same by the city council.

Sec. 51. That it shall be competent for the council of said City to take any steps which they may deem necessary to secure the extension of the present streets and alleys of the old city limits through the grounds which by this act are added thereto. Provided, that in no case shall such an extension be made and dedicated to the use of the public without the City being liable for full compensation to the owners of all such property as may be thus taken and dedicated.

Sec. 52. That it shall and may be lawful for the city council of said City to make any changes in the shape and width of any streets or alleys of said City, either in the old or new limits; to shut up old and make new streets and alleys. Provided, that

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7. The first section of this act enlarging the city limits simply describes the boundaries of the City. This has been given in section 4, ante, and hence is not repeated.

in all and every such case the said City shall be liable to make full compensation at the fair cash value to the owners of all property which shall be thus taken for public use, and for all damages which the owners may sustain by any change which said city council may at any time see proper to make.

Sec. 53. That all lands lying within the territory hereby brought into the City, and riot laid out in lots or out-lots, shall not be assessed or taxed otherwise than by the acre, according to its value for agricultural, horticultural, mining or other purposes; but improvements thereon may be taxed their full value.

Sec. 54. The city council shall have full power to establish grades for contemplated streets and alleys in the new limits, and make such grades conform to the grades of the old limits of said City, or not, as they may deem advisable, and said City shall not be liable for any damage done to buildings by grading in the new limits, unless said buildings shall have been erected before the establishment of the grades in this section contemplated.

#### ARTICLE XIII. MISCELLANEOUS.

Sec. 55. On the passage of this act, the president and trustees of the Town of Muscatine are required to cause a vote to be taken on the acceptance of this Charter, in the manner in which the elections of the town are now called and holden, in which the vote shall be "for the charter," or "against the charter," and shall be taken by ballot; and if the vote be in favor of its acceptance, such result shall be declared and be entered on the record of the present town, and thenceforth the same is accepted.

Sec. 56. The existing authorities of the Town of Muscatine will continue until an election is holden for the choice of city officers, and the organization of the City, and the town authorities shall cause an election to be holden on the first Monday of March, 1851, for the election of city officers, but if this act does not take effect a day sufficiently early for the above proceedings to take place as early as the day above named, then the question above provided for may be taken after the said first Monday of March, but the officers then chosen will hold as if elected on the above named day, and the succeeding annual elections shall be holden as in this act before provided.

Sec. 57. This act shall be taken and may be pleaded as a public act.

Sec. 58. An act entitled "an act to incorporate the town of Bloomington," approved January 23rd, 1839; and act entitled "an act to amend an act entitled an act for the incorporation of the

town of Bloomington," approved February 18th, 1842, and an act entitled "an act to amend an act entitled (an act) to incorporate the town of Bloomington, approved January 2nd, 1836," approved January 14th, 1846; and an act entitled "an act to amend an act entitled an act for the incorporation of the town of Bloomington, approved January 23rd, 1839," approved January 12th, 1849, are hereby repealed; but the rights and privileges, duties, liabilities and obligations of individuals created or arising under the acts so repealed, are not to be affected by this repeal.