

1949

Authorizing and Providing for the Incorporation of Public Improvement Districts in Cities and Towns, the Construction or Installation of Improvements Therein, the Financing and Refinancing of the Cost of Such Improvements by the Issuance of Bonds, the Levy of Taxes on Property Within Such Districts, and Defining the Powers and Purposes of Such Districts.

Colorado General Assembly

Follow this and additional works at: <https://scholar.law.colorado.edu/session-laws-1901-1950>

Recommended Citation

Colorado General Assembly, "Authorizing and Providing for the Incorporation of Public Improvement Districts in Cities and Towns, the Construction or Installation of Improvements Therein, the Financing and Refinancing of the Cost of Such Improvements by the Issuance of Bonds, the Levy of Taxes on Property Within Such Districts, and Defining the Powers and Purposes of Such Districts." (1949). *Session Laws 1901-1950*. 6469.

<https://scholar.law.colorado.edu/session-laws-1901-1950/6469>

This Act is brought to you for free and open access by the Colorado Session Laws at Colorado Law Scholarly Commons. It has been accepted for inclusion in Session Laws 1901-1950 by an authorized administrator of Colorado Law Scholarly Commons. For more information, please contact rebecca.ciota@colorado.edu.

CHAPTER 205

PUBLIC WORKS

IMPROVEMENT DISTRICTS IN CITIES AND TOWNS

(Senate Bill No. 450. By Senators Theobald and Laws; Representatives Tinsley, Crowley, Hamburg, Hill and Brown)

A N A C T

AUTHORIZING AND PROVIDING FOR THE INCORPORATION OF PUBLIC IMPROVEMENT DISTRICTS IN CITIES AND TOWNS, THE CONSTRUCTION OR INSTALLATION OF IMPROVEMENTS THEREIN, THE FINANCING AND REFINANCING OF THE COST OF SUCH IMPROVEMENTS BY THE ISSUANCE OF BONDS, THE LEVY OF TAXES ON PROPERTY WITHIN SUCH DISTRICTS, AND DEFINING THE POWERS AND PURPOSES OF SUCH DISTRICTS.

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

I. LEGISLATIVE DECLARATION. DEFINITIONS.

Declaration

Section 1. It is hereby declared that the organization of Public Improvement Districts, having the purposes and powers provided in this Act, will serve a public use and will promote the health, safety, prosperity, security and general welfare of the inhabitants of said districts.

Definitions

Section 2. *Definition of Terms.* An improvement district, hereinafter called a "district", is a taxing unit which may be created within any city or town in this state, whether operating under a special or home-rule charter or under the general laws of the state, for the purpose of constructing or installing therein any public improvement, excepting electric light or gas systems or plants, *provided, however,* that no such improvement or facility shall duplicate or interfere with any municipal improvement already constructed or planned to be constructed within the limits of such district.

A "governing body" shall mean a city council, a board of trustees, and any other official group having legislative powers in a city or town.

A "taxpaying elector" of a district, within the meaning of this Act, is a person qualified to vote at general elections in the city or town wherein the improvement is proposed, who has paid a general tax on real or personal property located within the district involved, in the twelve months immediately preceding the filing of a petition or the date of an election under this Act, excluding a tax on motor vehicles.

Whenever the term "publication" is used in this Act, and no manner is specified therefor, it shall be taken to mean publication once a week in three consecutive weekly editions of a newspaper of general circulation in the district. It shall not be necessary that publication be made on the same day of the week in each of the three weeks, but not less than fourteen days, excluding the day of first publication, shall intervene between the first publication and the last publication and publication shall be complete on the date of the last publication.

II. ORGANIZATION OF DISTRICT.

Section 3. The governing body of a city or town is hereby vested with jurisdiction, power and authority to establish districts within the city or town in which the improvement is to be constructed or installed.

Authority of
Governing
Body

Section 4. *Petition.* The organization of a district shall be initiated by a petition filed in the office of the Clerk of the governing body vested with jurisdiction. The petition shall be signed by not less than a majority of the taxpaying electors of the city or town, who shall own real or personal property in the district, having an assessed value of not less than one-half of the assessed value of all the real and personal property in said district. After the filing of a petition, no petitioner shall be permitted to withdraw his name therefrom.

Organization
Petition—
Contents

The petition shall set forth:

(1) The name of the proposed district, which shall include the name of the City or Town in which the district is proposed, a descriptive name or number and the words, "General Improvement District."

(2) A general description of the improvements to be constructed or installed within and for the district.

(3) The estimated cost of the proposed improvements.

(4) A general description of the boundaries of the district or the territory to be included therein, with such

certainty as to enable a property owner to determine whether or not his property is within the district.

(5) The names of three taxpaying electors who shall represent the petitioners and who shall have the power to enter into agreements relating to the organization of the district, which agreements shall be binding on the district, if created.

(6) A prayer for the organization of the district.

No petition with the requisite signatures shall be declared null and void on account of alleged defects, but the governing body may at any time permit the petition to be amended to conform to the facts by correcting any errors in the description of the territory, or in any other particular. Similar petitions or duplicate copies of the same petition for the organization of the same district may be filed and together shall be regarded as one petition. All such petitions filed prior to the hearing on the first petition filed, shall be considered by the governing body the same as though filed with the first petition placed on file.

Bond Filled
And Approved
by Governing
Body

Section 5. *Bond of Petitioners.* At the time of filing the petition or at any time prior to the time of hearing on said petition a bond shall be filed, with security approved by the governing body or cash deposit made sufficient to pay all expenses connected with the proceedings in case the organization of the district be not affected. If at any time during the organization proceedings the governing body shall be satisfied that the bond first executed or the amount of cash deposited is insufficient in amount, it may require the execution of an additional bond or the deposit of additional cash within a time to be fixed, not less than ten days distant, and upon failure of the petitioners to file or deposit the same, the petition shall be dismissed.

Additional
Bond
Required
When

Notice of
Hearing—
How Made

Section 6. *Notice of hearing on petition.* As soon as possible after the filing of such petition, the governing body shall by order fix a place and time, not less than twenty days nor more than forty days after the petition is filed for a hearing thereon and thereupon the clerk of the governing body shall cause notice by publication to be made of the pendency of the petition, of the purposes and boundaries of the proposed district and of the time and place of hearing thereon; the clerk shall also forthwith cause a copy of said notice to be mailed to each taxpaying elector of the district at his or her last known address, as disclosed by the tax records of the county in which said city or town is located.

No member of a governing body shall be disqualified to perform any duty imposed by this Act by reason of ownership of property within any proposed district.

The notice of hearing on the petition must set forth the fact that all the property in the district is subject to the lien of the indebtedness and must set forth the amount of the proposed indebtedness.

Section 7. *Hearing on petition.* Organization of District. On the day fixed for such hearing or at any adjournment thereof, the governing body shall ascertain from the tax rolls of the county or counties in which the district is located, from the last official registration list and from such other evidence which may be adduced, the total number of taxpaying electors of the district and the total assessed valuation of the real and personal property therein.

If it shall appear that said petition is not signed by at least a majority of the taxpaying electors of the proposed district, who own property therein having an assessed value of not less than one-half of the assessed value of all the real and personal property in said district, or if it is shown that the proposed improvement will not confer a general benefit on the district, or that the cost of the improvement would be excessive as compared with the value of the property in the district, the governing body shall thereupon dismiss the petition and adjudge the costs against those executing the bond filed to pay such costs. No appeal or writ of error shall lie from an order dismissing said proceeding; but nothing herein shall be construed to prevent the filing of a subsequent petition or petitions for similar improvements or for a similar district, and the right so to renew such proceeding is hereby expressly granted and authorized.

Petition
May be
Dismissed
When

The finding of the governing body upon the question of the genuineness of the signatures and all matters of fact incident to such determination shall be final and conclusive on all parties in interest, whether appearing or not.

Findings
Final And
Conclusive

Upon the said hearing, if it shall appear that a petition for the organization of a district has been duly signed and presented, as hereinabove provided, in conformity with this Act, and that the allegations of the petition are true, the governing body shall, by ordinance duly adopted and made effective, adjudicate all questions of jurisdiction, declare the district organized and give it the corporate name specified in the petition, by which, in all proceedings, it shall thereafter be known, and thereupon the district shall be a public or quasi-municipal subdivision of the State of Colorado and a body corporate with the limited proprietary powers set forth in this Act.

Board by
Ordinance
Declare
District
Organized—
Name

If an ordinance be adopted establishing the district, such ordinance shall finally and conclusively establish the regular organization of the said district against all per-

Action
Attacking
Validity
Barred After
30 Days

sons, unless an action attacking the validity of the organization shall be commenced in a court of competent jurisdiction within thirty days after the adoption of such ordinance. Thereafter, any such action shall be perpetually barred. The organization of said district shall not be directly nor collaterally questioned in any suit, action or proceeding.

Copy of
Ordinance
Filed with
County Clerk

Section 8. *Filing ordinance.* Within thirty days after the said district has been declared duly organized, the clerk of the governing body shall transmit to the county clerk and recorder in each of the counties in which the district or a part thereof may be or extend, a copy of the ordinance establishing said district. The same shall be filed in the same manner as articles of incorporation are required to be filed under the general laws concerning corporations; and the clerk and recorder in each county shall receive a fee of One Dollar (\$1.00) for filing and preserving the same.

III. BOARD OF DIRECTORS.

Governing
Body
Constitute
Ex-Officio
Board of
Directors
And Officers

Section 9. The governing body of the city or town in which the district is located shall constitute ex-officio the board of directors of the district, (sometimes hereinafter called the "board"). The presiding officer of the governing body shall be ex-officio the presiding officer, the clerk of the governing body shall be ex-officio the secretary, and the treasurer of the city or town shall be ex-officio the treasurer of the board and district. The secretary and the treasurer may be one person. Such board shall adopt a seal and the secretary shall keep, in a well-bound book, a record of all of its proceedings, minutes of all meetings, certificates, contracts and all corporate Acts which shall be open to inspection of all owners of property in the district, as well as to all other interested parties. The treasurer shall keep permanent records containing accurate accounts of all money received by and disbursed for and on behalf of the district.

Duties of
Secretary
And
Treasurer

Meetings
When And
Where Held

Section 10. *Meetings.* The board shall hold meetings which shall be open to the public, in a place to be designated by the board as often as the needs of the district require, on notice to each member of the board. A quorum of the governing body shall constitute a quorum at any meeting.

General
Powers
of District

Section 11. *General Powers.* The district shall have the following limited powers:

- (a) To have perpetual existence.
- (b) To have and use a corporate seal.

(c) To sue and be sued, and be a party to suits, actions and proceedings.

(d) Except as otherwise provided in this Act, to enter into contracts and agreements affecting the affairs of the district, including contracts with the United States of America and any of its agencies or instrumentalities. Except in cases in which a district will receive aid from an agency of the Federal Government, a notice shall be published for bids on all construction contracts for work or material, or both, involving an expense of \$1,000 or more. The district may reject any and all bids and if it shall appear that the district can perform the work or secure material for less than the lowest bid, it may proceed so to do.

(e) To borrow money and incur indebtedness and evidence the same by certificates, warrants, notes and debentures, and to issue negotiable coupon bonds in accordance with the provisions of this Act.

(f) To acquire, construct, install and operate the improvements contemplated by this Act, and all property, rights or interests incidental or appurtenant thereto, to dispose of real and personal property and any interest therein, including leases and easements in connection therewith.

(g) To refund any bonded indebtedness of the district without an election. Otherwise the terms and conditions of refunding bonds shall be substantially the same as those of an original issue of bonds of the district.

(h) To have the management, control and supervision of all the business and affairs of the district, and of the construction, installation and operation of district improvements therein.

(i) To have and exercise the power of eminent domain and dominant eminent domain, and, in the same manner provided by law for the condemnation of private property for public use, to take any property necessary to the exercise of the powers herein granted.

(j) To construct and install improvements across or along any public street, alley or highway, and to construct works across any stream of water or water courses; *provided, however*, that the district shall promptly restore any such street or highway to its former state of usefulness as nearly as may be, and shall not use the same in such manner as completely or unnecessarily to impair the usefulness thereof. The use and occupation of streets, alleys and highways, and the construction or installation of improvements by any district shall be in accordance with the

provisions of all applicable municipal ordinances and with such reasonable rules and regulations as may be prescribed by the governing body of the municipality affected. Plans and specifications of proposed improvements shall be approved by the governing body of the city or town before construction or installation of improvements is commenced.

(k) To fix and from time to time to increase or decrease rates, tolls or charges for any revenue producing services or facilities furnished by the district and to pledge such revenue for the payment of any indebtedness of the district. Until paid, all rates, tolls or charges shall constitute a perpetual lien on and against the property served, and any such lien may be foreclosed in the same manner as provided by the laws of the State of Colorado for the foreclosure of mechanics' liens. With respect to revenue producing services or facilities, the board shall shut off or discontinue service for delinquencies in the payment of such rates, tolls or charges, or for delinquencies in the payment of taxes levied pursuant to this Act, and shall prescribe and enforce rules and regulations for connecting with and disconnecting from such services and facilities.

(l) To adopt and amend by-laws, not in conflict with the Constitution and laws of the State or with the ordinances of the municipality affected for carrying on the business, objects and affairs of the Board and of the District.

(m) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this Act.

IV. FINANCIAL ADMINISTRATION.

Section 12. *Taxes.* In addition to the other means of providing revenue for such districts as herein provided, the board shall have power and authority to levy and collect ad valorem taxes on and against all taxable property within the district. Such power and authority shall not prevent the issuance of obligations payable solely from the income of revenue-producing facilities.

Section 13. *Levy and Collection.* To levy and collect taxes as herein provided, the board shall, in each year, determine the amount of money necessary to be raised by taxation, taking into consideration other sources of revenue of the district, and shall fix a rate of levy which, when levied upon every dollar of assessed valuation of property within the district, and with other revenues, will raise the amount required by the district annually, to supply

Power to
Levy
Taxes

Determine
Amount of
Money
Necessary
And Fix
Rate of Levy

funds for paying expenses of organization and the costs of constructing, installing and operating the improvements or works of the district, and promptly to pay in full when due, all interest on and principal of bonds and other obligations of the district, and in the event of accruing defaults or deficiencies, additional levies may be made as provided in Section 14 hereof. At the time of certifying other tax levies, the board shall certify to the board of county commissioners of each county in which the district or a portion thereof lies, the rate so fixed, with directions that at the time and in the manner required by law for levying of taxes for county purposes, such board of county commissioners shall levy such tax upon the assessed valuation of all property within the district, in addition to such other taxes as may be levied by such board of county commissioners, at the rate so fixed and determined.

County
Commissioners
Levy Taxes

Section 14. *Levies to Cover Defaults and Deficiencies.* The board in certifying annual levies as herein provided, shall take into account the maturing indebtedness for the current and ensuing year as provided in its contracts, maturing bonds and interest on bonds, and deficiencies and defaults of prior years, and shall make ample provision for the payment thereof. In case the moneys produced from such levies, together with other revenues of the district, are not sufficient punctually to pay the annual installments on its contracts or bonds, and interest thereon, and to pay defaults and deficiencies, then the board shall, from year to year, make such additional levies of taxes as may be necessary for such purposes, and notwithstanding any limitations, such taxes shall be made and continue to be levied until the indebtedness of the district shall be fully paid.

Levies to
Cover
Defaults

Section 15. *Officers Levy and Collect Taxes.* It shall be the duty of the body having authority to levy taxes within such county, to levy the taxes certified to it, as provided in this Act and it shall be the duty of all officials charged with the duty of collecting taxes, to collect and enforce such taxes at the time and in the form and manner and with like interest and penalties as other taxes are collected and when collected, to pay the same to the district ordering its levy and collection, and the payment of such collections shall be made monthly to the treasurer of the district and paid into the depository thereof to the credit of the district. All taxes levied under this Act, together with interest thereon and penalties for default in payment thereof, and all costs of collecting the same shall, until paid, constitute a lien on and against the property taxed, and such lien shall be a lien as all other general taxes.

Officers
Levy and
Collect
Taxes

Taxes
Constitute
Lien

Delinquent
Property
Sold for
Taxes

Section 16. *Sale for Delinquencies.* The taxes herein provided shall be included as a part of general taxes and shall be paid accordingly. Upon sale of properties for delinquencies sales shall be in the manner provided by the statutes of the State of Colorado for selling property for non-payment of taxes.

Section 17. *Reserve Fund.* Whenever any indebtedness has been incurred by a district, it shall be lawful for the board to levy taxes and collect revenue for the purpose of creating a reserve fund in such amount as the board may determine, which may be used to meet the obligations of the district, for operating charges and depreciation, and to provide extensions of and betterments to the improvements of the district.

V. INCLUSION AND EXCLUSION OF REAL PROPERTY

Boundaries
May be
Changed

Section 18. The boundaries of any district organized under the provisions of this Act may be changed in the manner herein prescribed, but the change of boundaries of the district shall not impair or affect its organization or its rights in or to property, or any of its rights or privileges whatsoever; nor shall it affect or impair or discharge any contract, obligation, lien or charge for or upon which it might be liable or chargeable, had any such change of boundaries not been made. The owners of property proposed to be included or excluded may file with the board a petition, in writing, praying that such property be included in or excluded from the district. The petition shall describe the property owned by the petitioners and must be verified. The petition must be accompanied by a deposit of moneys sufficient to pay all costs of the inclusion or exclusion proceedings. The secretary of the board shall cause notice of filing of such petition to be given and published, which notice shall state the filing of such petition, names of petitioners, and descriptions of property sought to be included or excluded, and the prayer of said petitioners. Such notice shall notify all persons having objections, to appear at the office of the board at the time named in said notice and show cause why the petition should not be granted. The board shall at the time and place mentioned or at such time or times at which the hearing may be adjourned, proceed to hear the petition and all objections thereto which may be presented by any person showing cause why said petition should not be granted. The failure of any person interested to show cause shall be deemed and held and taken as an assent on his part to the inclusion or exclusion of such property as prayed for in the petition.

Property
Owners
May File
Petition for
Inclusion or
Exclusion
of Property

Notice of
Filing of
Petition

Hearing

If the petition is granted, the board shall adopt an ordinance to that effect and file a certified copy of the same with the county clerk and recorder of the county in which the property is located, and thereupon said property shall be included or excluded from the district.

Board Make
and File
Order

Section 19. *Liability of Property Included or Excluded.* All property included within, or excluded from, a district shall thereafter be subject to the levy of taxes for the payment of its proportionate share of any indebtedness of the district outstanding at the time of inclusion or exclusion.

Property
Included or
Excluded
Subject to
Levy

VI. CONTRACTS—BONDS

Section 20. To carry out the purposes of this Act, the board is hereby authorized to issue negotiable coupon bonds of the district, to an amount not exceeding twenty-five per cent (25%) of the assessed valuation of the said district. Such bonds shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually and shall be due and payable serially, either annually or semi-annually, commencing not later than three years and extending not more than twenty years from date. The form and terms of said bonds, including provisions for their sale, payment and redemption, shall be determined by the board. If the board so determines, such bonds may be redeemable prior to maturity, with or without payment of a premium, but no premium shall exceed three per centum of the principal thereof. Said bonds shall be executed in the name of and on behalf of the district and signed by the presiding officer of the board with the seal of the district affixed thereto and attested by the secretary of the board. Said bonds shall be in such denominations as the board shall determine and the bonds and coupons thereto attached shall be payable to bearer. Interest coupons shall bear the original or facsimile signature of the presiding officer of the board. Under no circumstances shall any of said bonds be considered or held to be an indebtedness, obligation or liability of the city or town in which the district is located, and bonds issued pursuant to the provisions of this Act, shall contain a statement to that effect.

Board
Authorized
to Issue
Bonds

Form of
Bonds

Section 21. Whenever any board shall, by ordinance, determine that the interest of said district and the public interest or necessity demand the acquisition, construction, installation or completion of any works or other improvements or facilities within the district, or the making of any contract with the United States or other person or corporation, to carry out the objects or purposes of said district, requiring the creation of an indebtedness of \$5,000 or more, said board shall order the submission of the proposition of

Submission to
Taxpaying
Electors
Question of
Creating
Indebtedness

issuing such obligations or bonds, or creating other indebtedness to the qualified taxpaying electors of the district at an election held for that purpose. Any such election may be held separately, or may be consolidated or held concurrently with any other city or town election. The declaration of public interest or necessity herein required and the provision for the holding of such election may be included within one and the same ordinance, which, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the works or improvements, as the case may be, the amount of principal of the indebtedness to be incurred therefore, and the maximum rate of interest to be paid on such indebtedness. Such ordinance shall also fix the date upon which such election shall be held and the manner of holding the same and the method of voting for or against the incurring of the proposed indebtedness, or the making of the proposed contract. Such ordinance shall also fix the compensation to be paid the officers of the election, shall designate the polling place or places and shall appoint, for each polling place, from the electors of the district, the officers of such election consisting of three judges, one of whom shall act as clerk.

Ordinance
Fix Date and
Manner of
Conducting
Election

Notice of
Election

Section 22. *Notice of Election.* The board shall prescribe the form of the notice of election, and direct the publication of the same, the first publication of said notice to be not less than twenty (20) days prior to the election.

Conduct of
Election.

Section 23. *Conduct of Election—Canvass of Returns.* The election board or boards shall conduct the election in the manner prescribed by law for the holding of general elections, and shall make their returns to the secretary of the district. At the next regular or special meeting of the board, following the date of such election, the returns thereof shall be canvassed and the result thereof declared.

Canvass
of Returns

District
Authorized
to Incur
Indebtedness
Upon Vote of
Majority

Section 24. *Effect of Election—Subsequent Elections.* In the event that it shall appear from said returns that a majority of said qualified taxpaying electors of the district who vote on any proposition submitted at such election, shall have voted in favor of such proposition, the district shall thereupon be authorized to incur such indebtedness or obligations, enter into such contract or issue and sell such bonds of the district, as the case may be, all for the purpose or purposes and object or objects specified in the proposition submitted, and in the amount so provided and at a rate of interest specified in the proposal. Public notice of sale inviting bids for bonds or obligations so authorized shall be published at least once each week for

two consecutive weeks in a newspaper of general circulation in the city or town in which the district is located, and may in addition be published in such other publication as the governing body desires. The governing body may reject any or all bids received and thereafter sell the bonds at private sale. Submission of the proposition of incurring such obligation or bonded or other indebtedness at such an election shall not prevent or prohibit submission of the same or other propositions at a subsequent election or elections called for such purpose.

VII. DISSOLUTION

Section 25. Any district organized pursuant to this Act may be dissolved after notice given and a hearing held in the manner prescribed by Sections 6 and 7 of this Act. After hearing any protests against or objections to dissolution, if the board shall determine that it is for the best interests of all concerned to dissolve the district, it shall so provide by an effective ordinance, a certified copy of which shall be filed in the office of the County Clerk and Recorder in each of the counties in which the district or part thereof may be located. Upon such filing the dissolution shall be complete; *provided, however*, that no district shall be dissolved until it has satisfied or paid in full all of its outstanding indebtedness, obligations and liabilities, or until funds are on deposit and available therefor.

Dissolution—
Procedure

VIII. CONSTRUCTION—INTERPRETATION

Section 26. *Correction of Faulty Notices.* In any and every case where a notice is provided for in this Act, if the governing body finds for any reason that due notice was not given, the governing body shall not thereby lose jurisdiction, and the proceeding in question shall not thereby be void or be abated, but the governing body shall in that case order due notice given and shall continue the proceeding until such time as notice shall be properly given, and thereupon shall proceed as though notice had been properly given in the first instance.

Faulty Notice
Shall Not
Avoid or
Abate
Proceedings

Section 27. *Early Hearings.* All actions in which there may arise a question of the validity of the organization of a district, or a question of the validity of any proceeding under this Act shall be advanced as a matter of immediate public interest and concern, and shall be heard at the earliest practicable moment.

Cases on
Validity
of Organization
Advanced
on Court
Calendar

Section 28. *Liberal Construction.* This Act being necessary to secure and preserve the public health, safety, convenience and welfare, shall be liberally construed to effect its purposes.

Act
Construed
Liberally

Act Not to
Impair
Municipal
Jurisdiction

Section 29. *Municipal Jurisdiction.* Nothing in this Act shall affect or impair the control and jurisdiction which a city or town has over all property within its boundaries, and all powers granted by this Act shall be subject to such control and jurisdiction.

Severability
Clause

Section 30. *Construction Clause.* If it should ever be judicially determined that any part of this Act is invalid or unenforceable, such determination shall not affect the remaining parts, it being the intention to make this Act and all its parts severable.

Character
of Act

Section 31. *Character of Act.* No part of this Act shall repeal or affect any other Act or any part thereof, it being intended that this Act shall provide a separate method of accomplishing its objects, and not an exclusive one.

Safety Clause

Section 32. The General Assembly hereby declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

Emergency

Section 33. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after the date of its passage.

Approved: May 14, 1949.