

CHAPTER 178

FIRE DISTRICTS

H. F. 233

AN ACT to provide for benefited fire districts, to require election thereon, and to provide for the financing thereof.

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

1 SECTION 1. The board of supervisors of any county or counties
2 shall, on the petition of twenty-five percent of the resident property
3 owners in any proposed benefited fire district, grant a hearing rela-
4 tive to the establishment of such proposed fire district. Such petition
5 shall set out the following and any other pertinent facts:

6 1. The need of co-operative fire protection.

7 2. The approximate district to be served.

8 3. The approximate number of families in the district.

9 The board of supervisors may, at its option, require a bond of the
10 petitioners as provided in section four hundred fifty-five point ten
11 (455.10) of the Code.

1 SEC. 2. The benefited fire district may include all or portions of
2 one township and any adjoining townships or portions thereof.

1 SEC. 3. When the board of supervisors receives a petition for the
2 establishment of a benefited fire district, a public hearing shall be
3 held within twenty (20) days of the presentation of the petition.
4 Notice of hearing shall be given by posting bills in three (3) public
5 places within the district, or by publication in two successive issues
6 of any paper of general circulation within the district. The last pub-
7 lication or posting shall be not less than one (1) week before the
8 proposed hearing.

1 SEC. 4. On the day fixed for such hearing, the board of supervisors
2 shall by resolution establish the benefited fire district or disallow the
3 petition. For adequate reasons the board of supervisors may defer
4 action on such petition for not to exceed ten (10) days after the day
5 first set for a hearing.

1 SEC. 5. When the board of supervisors shall have established the
2 benefited fire district, they shall appoint a competent disinterested
3 civil engineer, who shall prepare a preliminary plat showing the
4 proper design in general outline of the district, and shall show the
5 lots and parcels of land within the proposed district as they appear
6 on the county auditor's plat books, together with the names of the
7 owners, and the assessed valuation of said lots and parcels.

1 SEC. 6. The compensation of such engineer on the preliminary
2 investigation shall be determined by the board of supervisors.

1 SEC. 7. The engineer's report shall be filed with the county audi-
2 tor within thirty (30) days of such engineer's appointment. The
3 board of supervisors may extend the time thereon upon good cause
4 shown.

1 SEC. 8. On receipt of the engineer's report, the board of super-
2 visors shall give notice in the same manner as before, of a hearing
3 on the engineer's tentative design and dummy plat. On the day set,

4 or within ten (10) days thereafter, the board of supervisors shall
5 approve or disapprove the engineer's plan. If it shall appear advis-
6 able, the board of supervisors may make changes in the boundaries
7 as they appear on the engineer's report.

1 SEC. 9. When the preliminary report has been approved by the
2 board of supervisors, a date not more than thirty (30) days after such
3 approval shall be set for an election within the district to approve
4 the levy of a tax of not more than one and one-half ($1\frac{1}{2}$) mills on all
5 the taxable property within the district for the purposes set out in
6 sections eleven (11) and twelve (12), and to choose candidates for the
7 offices of trustee within the district. Notice of the election, including
8 the time and place of holding the same, shall be given in the same
9 manner as for the public hearing heretofore provided for. The vote
10 shall be by ballot which shall state clearly the proposition to be voted
11 upon, and any legal voter residing within the district at the time of
12 the election shall be entitled to vote. Judges shall be appointed to
13 serve without pay by the board of supervisors from among the quali-
14 fied voters of the district who will have charge of the election. The
15 proposition shall be deemed to have carried if sixty (60) percent of
16 those voting thereon vote in favor of same.

1 SEC. 10. At the election provided for in section nine (9), the
2 names of the trustees shall be written by the voter on blank ballots
3 without formal nomination and the board of supervisors shall appoint
4 three (3) from among the five (5) receiving the highest number of
5 votes as trustees for the district, one (1) to serve for one (1) year, one
6 (1) for two (2) years, and one (1) for three (3) years, which trust-
7 ees and their successors shall give bond in the amount the board of
8 supervisors may require, the premium of which shall be paid by the
9 district said trustees represent. Vacancies may thereafter be filled
10 by election, or by appointment by the board of supervisors. The term
11 of succeeding trustees shall be for three (3) years.

1 SEC. 11. The trustees may purchase, own, rent or maintain fire
2 apparatus or equipment and provide housing for same and furnish
3 services in the extinguishing of fires in said benefited fire district.
4 The trustees shall have the power after approval given by section nine
5 (9) to levy an annual tax not to exceed one and one-half ($1\frac{1}{2}$) mills
6 outlined in section nine (9) of this act for the purpose of exercising
7 the powers granted in this section. This levy shall be optional with
8 the trustees. The trustees may purchase material and employ labor
9 to properly maintain and operate the benefited fire district. The trust-
10 ees shall be allowed necessary expenses in the discharge of the duties,
11 but shall not receive any salary.

1 SEC. 12. Benefited fire districts may anticipate the collection of
2 taxes outlined by sections nine (9) and eleven (11) and for such pur-
3 poses may issue bonds payable in not more than ten (10) equal install-
4 ments and the rate of interest thereon shall not exceed five (5) per-
5 cent per annum, payable at such place and shall be in such form as
6 the trustees shall designate by resolution. Sections twenty-three
7 point twelve (23.12) to twenty-three point sixteen (23.16), inclusive,
8 and chapter four hundred eight (408) of the code, so far as applicable,
9 shall apply to such bonds.

1 SEC. 13. When the boundary lines of such benefited fire district
 2 shall include an entire township, the township trustees shall no longer
 3 levy the tax provided by section three hundred fifty-nine point forty-
 4 three (359.43) of the code; and any indebtedness incurred for the
 5 purposes of sections three hundred fifty-nine point forty-two (359.42)
 6 to three hundred fifty-nine point forty-five (359.45), inclusive of the
 7 code, shall be assumed by the benefited fire district and all the assets
 8 of said township which relate to the fire-fighting operation shall be
 9 transferred to the benefited fire district. Any property in the town-
 10 ship purchased for dual purposes shall be held jointly.

1 SEC. 14. Upon petition of thirty-five percent of resident voters,
 2 the board of supervisors may dissolve the benefited fire district and
 3 dispose of any remaining property, proceeds of which shall first be
 4 applied against outstanding obligations and any balance shall be
 5 applied to tax credit of property owners of the district. The board
 6 of supervisors shall continue to levy tax after dissolution of district
 7 not to exceed one and one-half (1½) mills on all the taxable property
 8 of the district until all outstanding obligations of the district are paid.

1 SEC. 15. This Act being deemed of immediate importance shall be
 2 in full force and effect upon its publication in the Kanawha Reporter,
 3 a newspaper published at Kanawha, Iowa, and in the Dallas County
 4 News, published at Adel, Iowa.

Approved April 26, 1957.

I hereby certify that the foregoing Act, House File 233, was published in the Kanawha Reporter, Kanawha, Iowa, May 15, 1957, and in the Dallas County News, Adel, Iowa, May 15, 1957.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 179

TOWNSHIP HALLS

H. F. 74

AN ACT to amend chapter three hundred sixty (360), Code 1954, relating to acquisition and maintenance of township halls.

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

1 SECTION 1. Section three hundred sixty point one (360.1), Code
 2 1954, is hereby amended by inserting after the word "building" in line
 3 four (4) thereof the following: "or acquiring by purchase".

1 SEC. 2. Section three hundred sixty point eight, (360.8), Code
 2 1954, is hereby amended by inserting after the word "erected" in line
 3 two (2) thereof the following: "or acquired by purchase or by gift".

1 SEC. 3. Section three hundred sixty point eight (360.8), Code
 2 1954, is hereby amended as follows:

3 1. Amend line five (5) by striking the word "one-eighth" and in-
 4 serting in lieu thereof the word "one-half".

5 2. By striking from line nine (9) through line thirteen (13) in-
 6 clusive, the words "Provided, that where such buildings are of brick