

4 owning and operating an electric light and power plant or an electric
 5 distribution system that is wholly paid for, and that is producing an
 6 annual income from the sale of electric current in excess of all ex-
 7 penses of operation and reasonable depreciation charge against said
 8 plant and distribution system, may, for the purpose of paying the costs
 9 of the construction of a municipal hospital, or additions thereto, or the
 10 costs of maintaining the same, borrow money, and may, for the repay-
 11 ment of said loan and interest thereon, pledge for a period not exceed-
 12 ing fifteen years, not to exceed eighty percent of the net earnings each
 13 year of said plant or distribution system.

14 "In exercising the powers herein conferred, the council or board of
 15 trustees governing said plant or distribution system may pledge said
 16 earnings for the payment of hospital bonds in the event hospital bonds
 17 are issued for the purpose of paying for said costs of construction of
 18 a municipal hospital, or addition thereto, in addition to levying a tax
 19 for the payment of said bonds as provided by law; and said city may
 20 bind itself to maintain said plant and distribution system and to
 21 charge and collect such rates for the products of said plant and dis-
 22 tribution system as will under said pledge, discharge said loan as it
 23 matures."

1 SECTION 2. Section three hundred eighty point ten (380.10), Code
 2 1962, is amended by inserting in line two (2) after the figures "380.9"
 3 the words and figures "and in section (1) of this Act".

4 Further amend said section by inserting in line two (2) after the
 5 word "certificates" the words "and bonds".

1 SECTION 3. This Act, being deemed of immediate importance shall
 2 take effect and be in full force from and after its passage and publica-
 3 tion in the Record-Democrat, a newspaper published in Pocahontas,
 4 Iowa, and The Laurens Sun, a newspaper published in Laurens, Iowa.

Approved May 14, 1965.

I hereby certify that the foregoing Act, Senate File 366, was published in the Record-Democrat, Pocahontas, Iowa, May 20, 1965, and in The Laurens Sun, Laurens, Iowa, May 20, 1965.

GARY L. CAMERON, *Secretary of State.*

CHAPTER 329

PUBLIC PARKING FACILITIES

H. F. 132

AN ACT relating to public parking facilities in cities and towns and to authorize purchase or condemnation of sites therefor and improvement thereof from the proceeds of special assessments upon benefited private property within a benefited district and to anticipate the collection of such special assessments by issuance of certificates or bonds.

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

1 SECTION 1. **Grant of power.** Cities and towns shall have power to
 2 acquire sites by gift, purchase or condemnation, and to improve and

3 maintain same for the purpose of establishing public parking facilities
4 in or near commercial or industrial districts or near a college or uni-
5 versity in such cities and towns. This Act shall be construed as grant-
6 ing additional power without limiting the power already existing in
7 cities and towns.

1 **SEC. 2. Condemnation.** In acquiring such sites by condemnation
2 the provisions of chapter four hundred seventy-two (472) shall be
3 followed.

1 **SEC. 3. Benefited districts.** The cost of the acquisition of sites
2 and improvement and maintenance of same for public parking facili-
3 ties under the provisions of this Act may be assessed, in whole or in
4 part, against benefited privately owned property within such districts
5 as may be established by the council for such purpose. Benefited dis-
6 tricts shall be established by ordinance. A single benefited district
7 may be established for the acquisition and improvement of one or sev-
8 eral parking facilities. Prior to establishment of a benefited district
9 the council may cause to be conducted a survey and investigation for
10 the purpose of determining suitable locations for parking facilities,
11 the approximate cost of acquiring and improving the land therefor,
12 the area to be included in the benefited district or districts and the
13 percentage of the cost of acquiring such sites and improving the same
14 to be assessed against private property in such benefited districts.

1 **SEC. 4. Survey and investigation.** For the purpose of conducting
2 said survey and investigation, the council may cause the same to be
3 done by city or town employees or may contract with such appraisers,
4 engineers, or recognized experts and other persons as it may deem
5 necessary. The cost of such survey and investigation shall be included
6 as a part of the cost of acquiring and improving the land for such
7 parking facilities but if no land be acquired, the cost may be paid from
8 the street fund.

1 **SEC. 5. Division of cost.** In establishing a benefited district the
2 council may fix the percentage of acquiring and improving land for
3 parking facilities to be assessed against benefited privately owned
4 property within said benefited district and make provision for pay-
5 ment of the remainder of such cost by any of the methods authorized
6 in chapter three hundred ninety (390).

1 **SEC. 6. General procedure.** All necessary proceedings forms and
2 requirements not included in or contemplated or regulated by the pro-
3 visions hereof shall be in accordance with the provisions of chapter
4 three hundred ninety-one (391) including definitions and regulations
5 relating to valuations, benefited property, estimates, assessments,
6 plans, specifications, schedules, resolutions, protests, objections, re-
7 monstrances, bids, deposits and contracts.

1 **SEC. 7. Resolution of necessity—contents.** When the council shall
2 deem it necessary to acquire sites by gift purchase or condemnation
3 and improve and maintain the same as public parking facilities under
4 the provisions of this Act and has established a benefited district for
5 the purpose of assessing all or part of the cost thereof, it shall, in a
6 proposed resolution declare it a necessity, describing the location of

7 the proposed site or sites, the type of facility or construction to be
8 placed thereon, the percentage of the cost of acquisition and improve-
9 ment to be assessed against private property in such benefited district,
10 and that the plat and schedule are on file in the office of the city or
11 town clerk.

1 **SEC. 8. Additional contents—bonds.** The council may, in addition
2 to the requirements of section seven (7) incorporate in the resolution
3 of necessity notice of its intention to issue bonds as provided in section
4 three hundred ninety-six point six (396.6), as hereinafter made appli-
5 cable to parking facilities and sites therefor, and may also provide
6 that unless property owners at the time of consideration of said reso-
7 lution have on file with the clerk objections to the amount of the pro-
8 posed assessment they shall be deemed to have waived all objections
9 as provided in section three hundred ninety-one point fifty-six
10 (391.56) of the Code.

1 **SEC. 9. Plat and schedule.** Before the resolution of necessity is
2 introduced, the council shall prepare and file with the clerk a plat and
3 schedule showing:

- 4 1. The boundaries of the benefited district.
- 5 2. The location of each proposed parking facility in the district.
- 6 3. Each lot proposed to be assessed together with a valuation fixed
7 by the council.
- 8 4. An estimate of the cost of each parking facility proposed within
9 the district and the estimated total cost of the facilities proposed.
- 10 5. In each case the amount thereof which is estimated to be assessed
11 against each lot.

1 **SEC. 10. Cost of schedule.** The cost of making the plat and sched-
2 ule shall be paid from the general fund.

1 **SEC. 11. Time of hearing—objections permitted.** The council
2 shall fix the time for the consideration of the proposed resolution of
3 necessity, at which time the owners of property subject to assessment
4 for the proposed parking facilities may appear and make objection to
5 the cost, to the amount proposed to be assessed against any lot, and to
6 the passage of the proposed resolution.

1 **SEC. 12. Remonstrance—vote required—amendment.** No resolu-
2 tion providing for the acquisition, of parking facilities shall be passed
3 except by unanimous vote of the entire council, if, at the time set for
4 its consideration, a remonstrance shall have been filed with the council
5 signed by sixty percent of the property owners and by the owners of
6 property subject to pay seventy-five percent of the total assessable
7 cost. At the hearing the resolution may be amended and passed or
8 passed as proposed.

1 **SEC. 13. Notice.** The council shall cause notice of the time when
2 said resolution will be considered by it for passage to be given by two
3 publications in some newspaper of general circulation in the city or
4 town, the last of which shall be not less than two nor more than four
5 weeks prior to the day fixed for its consideration; but if there be no
6 such newspaper such notice shall be given by posting copies thereof in
7 three public places within the limits of the benefited district.

8 The clerk shall send by certified mail to each property owner, whose
9 property is subject to assessment for said parking facility, as shown
10 by the records in the office of county auditor, a copy of the above men-
11 tioned notice, said mailing to be made at least two weeks prior to the
12 date fixed for hearing on said resolution. Failure to receive such
13 mailed notice shall not constitute a defense to the special assessment.

1 **SEC. 14. Improvement ordered.** After the passage of the resolu-
2 tion of necessity, the council may by other resolutions order the ac-
3 quisition of the site or sites by condemnation or otherwise and the
4 improvement thereof by construction of the parking facility.

1 **SEC. 15. Contract—bids—bond.** The provisions of sections three
2 hundred ninety-one point twenty-eight (391.28) to three hundred
3 ninety-one point thirty-three (391.33), inclusive, shall be applicable to
4 the improvement of sites acquired for parking facilities under the pro-
5 visions of this Act.

1 **SEC. 16. Certification to county auditor—record book.** The provi-
2 sions of section three hundred ninety-one point thirty-four (391.34)
3 shall be applicable to the special assessment of the cost of parking
4 facilities under this Act.

1 **SEC. 17. Lien generally.** The provisions of section three hundred
2 ninety-one point thirty-five (391.35) shall apply to the cost of parking
3 facilities assessed against private property under the provisions of
4 this Act.

1 **SEC. 18. Cost of repairs.** The cost, or any part thereof, of the
2 repair of any parking facility may be assessed against benefited prop-
3 erty within such district or may be paid from the general fund.

1 **SEC. 19. Deficiencies—nonassessable property.** If the special as-
2 sessments which may be levied against any lot shall be insufficient to
3 pay its proportion of the cost of parking facilities the deficiency may
4 be paid out of the general fund.

1 **SEC. 20. Assessment.** The provisions of section three hundred
2 ninety-one point forty-five (391.45) shall be applicable to the assess-
3 ment of the cost of parking facilities under this Act.

1 **SEC. 21. "Privately owned property" defined.** The definition of
2 "privately owned property" contained in section three hundred ninety-
3 one point forty-six (391.46) shall be applicable for purposes of this
4 Act, except that property upon which is situated a one-family or two-
5 family dwelling and which is used primarily for residential purposes
6 shall be exempt from assessment.

1 **SEC. 22. State property.** When any state property other than
2 highways is located within a benefited district established under the
3 provisions of this Act it shall be subject to assessment for the cost of
4 parking facilities in the same manner and to the same extent as other
5 privately owned property as hereinabove defined. Notices mailed to
6 property owners required under the provisions of this Act shall be
7 mailed to the secretary of the executive council. Payment of assess-

8 ments shall be made by the executive council from any funds of the
9 state not otherwise appropriated.

1 **SEC. 23. Assessment rate—additional limitations.** The provisions
2 of sections three hundred ninety-one point forty-eight (391.48) and
3 three hundred ninety-one point forty-nine (391.49) shall be applicable
4 to assessments made under this Act.

1 **SEC. 24. Plat and schedule.** In assessing the cost of parking facil-
2 ities against private property, the council shall cause to be prepared a
3 plat of the benefited district, showing the location of the sites on which
4 the parking facilities have been constructed or repaired, showing the
5 separate lots or specified portion thereof, subject to assessment for
6 such parking facility, the names of the owners thereof so far as prac-
7 ticable, and the amount to be assessed against each lot, and shall file
8 said plat and schedule in the office of the clerk, which shall be subject
9 to public inspection.

1 **SEC. 25. Cost of oiling lots.** Upon the completion of oiling, oiling
2 and graveling, shaling or chloriding of a parking facility site, the
3 officer designated by the council to have charge thereof shall, within
4 thirty days, file with the clerk a statement of the amount due, if the
5 work was done by contract; or if done by the city or town, an item-
6 ized, verified statement of expenditures for materials and labor used
7 in making such improvement.

1 **SEC. 26. City engineer—duties.** The city engineer or other person
2 employed by the council shall, under its direction, make or assist in
3 making plans and specifications, see that the work conforms thereto,
4 and make or assist in making each required assessment, plat, and
5 schedule.

1 **SEC. 27. Notice of assessment.** After filing the plat and schedule
2 or the report of cost of oiling, oiling and graveling, or shaling sites,
3 the council shall give notice by two publications in a newspaper of
4 general circulation within the city or town, or if there be no such
5 newspaper by posting copies thereof in three public places within the
6 limits of the benefited district. Said notice shall state that said plat
7 and schedule or report are on file in the office of the clerk, and that
8 within twenty days (20) from the date of publication or posting all
9 objections thereto, or to the prior proceedings, on account of errors,
10 irregularities, or inequalities, must be made in writing and filed with
11 the clerk.

12 The clerk shall send by certified mail to each property owner, whose
13 property is subject to assessment for said parking facility, as shown
14 by the records in the office of county auditor, a copy of the above men-
15 tioned notice, said mailing to be made at least two weeks prior to the
16 date fixed for the hearing. Failure to receive such mailed notice shall
17 not constitute a defense to the special assessment.

1 **SEC. 28. Hearing and decision.** The council having heard such
2 objections and made the necessary corrections, shall then make the
3 special assessments as shown in said plat and schedule as corrected
4 and approved.

1 **SEC. 29. Objections waived.** All objections to errors, irregular-
2 ities, and inequalities in the making of said special assessments or in
3 any of the prior proceedings or notices, not made before the council at
4 the time and in the manner provided in section twenty-seven (27),
5 shall be waived except where fraud is shown.

1 **SEC. 30. Levy.** The special assessments in said plat and schedule,
2 as corrected and approved, shall be levied at one time, by resolution,
3 against the property affected thereby.

1 **SEC. 31. Maturity.** The provisions of sections three hundred
2 ninety-one point fifty-eight (391.58) and three hundred ninety-one
3 point fifty-nine (391.59) shall be applicable to special assessments
4 made under this Act.

1 **SEC. 32. Installments—payment—delinquency.** The provisions of
2 section three hundred ninety-one point sixty (391.60) shall be appli-
3 cable to special assessments made under this Act.

1 **SEC. 33. Certification of levy.** The provisions of section three
2 hundred ninety-one point sixty-one (391.61) shall be applicable to
3 special assessments made under this Act.

1 **SEC. 34. Right of payment.** The provisions of section three hun-
2 dred ninety-one point sixty-two (391.62) shall be applicable to special
3 assessments made under this Act.

1 **SEC. 35. Division of property.** The provisions of section three
2 hundred ninety-one point sixty-three (391.63) shall be applicable to
3 special assessments made under this Act.

1 **SEC. 36. Tax sales—city's or town's interest.** The provisions of
2 sections three hundred ninety-one point sixty-four (391.64) to three
3 hundred ninety-one point sixty-eight (391.68) inclusive shall be appli-
4 cable in the case of property against which a special assessment has
5 been imposed under this Act and, in the event of purchase of such
6 property by the city or town and subsequent sale thereof, proceeds
7 realized by the city or town shall be covered into the general fund.

1 **SEC. 37. Relevy, reassessment, corrections, time.** The provisions
2 of section* three hundred ninety-one point eighty-four (391.84) to
3 three hundred ninety-one point eighty-seven (391.87), inclusive, shall
4 be applicable to special assessments made under this Act.

1 **SEC. 38. Appeals, trial, payment after appeal or objection.** The
2 provisions of sections three hundred ninety-one point eighty-eight
3 (391.88) to three hundred ninety-one point ninety-one (391.91), in-
4 clusive, shall be applicable to special assessments made under this Act.

1 **SEC. 39. "Parking facility" defined.** For purposes of this Act
2 "parking facility" shall mean real estate acquired by gift, purchase or
3 condemnation for the purpose of providing space for parking motor
4 vehicles and all improvements thereon, including surfacing of such
5 lots by asphalt, macadam, portland cement, oil, gravel, oil and gravel,
6 shale, or chloride and shall further include the erection or improve-

*According to enrolled Act.

7 ment of buildings or other off-street parking areas thereon, including
8 areas above, at, or below street-level for the parking of vehicles.

1 **SEC. 40. Bonds and certificates.** The provisions of chapter three
2 hundred ninety-six (396) relating to bonds and certificates for street
3 improvements and sewers shall also be applicable to parking facilities
4 and sites therefor established under the provisions of this Act and
5 bonds, issued pursuant hereto, shall be denominated parking facility
6 bonds.

Approved May 6, 1965.

CHAPTER 330

MUNICIPAL PLAZAS AND MALLS

H. F. 409

AN ACT to amend chapter three hundred ninety-one A (391A), Code 1962, to more specifically define the powers of cities in the building of plazas and malls.

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

1 **SECTION 1.** Section three hundred ninety-one A point one
2 (391A.1), Code 1962, is hereby amended as follows:

3 1. By adding in subsection four (4) of said section the following:
4 *i.* Plazas and malls."

5 2. By adding the words "plaza, mall," following the comma in line
6 three (3) of subsection seven (7) of said section.

Approved June 2, 1965.

CHAPTER 331

PURCHASE OF GAS OR WATER BY CITY OR TOWN

H. F. 146

AN ACT relating to purchase of gas or water by a city or town.

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

1 **SECTION 1.** Section three hundred ninety-seven point five (397.5),
2 Code 1962, is hereby amended by adding in line thirteen (13) after
3 the word "energy" the words "or gas, or water".

1 **SEC. 2.** Section three hundred ninety-seven point five (397.5),
2 Code 1962, is hereby amended by adding in line thirteen (13), after
3 the word "the" the word "purchase,".

1 **SEC. 3.** The provisions of this Act shall not be effective until
2 December 31, 1965 in a city or town where the majority of legal
3 electors voting thereon have previously rejected such contracts for