

## CHAPTER 1088

## HOME RULE FOR CITIES

## H. F. 574

AN ACT relating to home rule for cities; establishing the city code of Iowa which provides for powers and duties of cities including the power to impose penalties by ordinance, city development, organization of city government, city elections, city legislation, city finance including the power to issue bonds, city utilities, and administrative agencies of cities; coordinating the Code of Iowa with the city code of Iowa; repealing incompatible chapters in Title fifteen (15) and reenacting provisions from Title fifteen (15) which belong in other parts of the Code of Iowa; removing inconsistent references, incorrect provisions, limited grants of power, and restrictions based upon population; and providing for a state housing code and penalties for violation thereof, to be enforced in cooperation with city officials.

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

## DIVISION I. DEFINITIONS AND MISCELLANEOUS PROVISIONS

1 SECTION 1. Sections one (1) through one hundred ninety-eight  
2 (198) of this Act, inclusive, are entitled and may be cited as the "City  
3 Code of Iowa".

1 SEC. 2. As used in the City Code of Iowa, unless the context  
2 otherwise requires:

3 1. "City" means a municipal corporation including a town, but  
4 not including a county, township, school district, or any special-pur-  
5 pose district or authority. When used in relation to land area, "city"  
6 includes only the area within the city limits.

7 2. "Municipal" means pertaining to or characteristic of a city.

8 3. "Council" means the governing body of a city.

9 4. "Councilman" means a member of a council, including an alder-  
10 man.

11 5. "Clerk" means the recording and record-keeping officer of a  
12 city regardless of title.

13 6. "Secretary" of a utility board means the recording and record-  
14 keeping officer of the utility board regardless of title.

15 7. "Charter" means the form of government selected by a city as  
16 provided in division four (IV) of this Act.

17 8. "Officer" means a natural person elected or appointed to a fixed  
18 term and exercising some portion of the power of a city.

19 9. "Person" means an individual, firm, partnership, domestic or  
20 foreign corporation, company, association or joint stock association,  
21 trust, or other legal entity, and includes a trustee, receiver, assignee,  
22 or similar representative thereof, but does not include a government-  
23 tal body.

24 10. "Governmental body" means the United States of America or  
25 an agency thereof, a state, a political subdivision of a state, a school  
26 corporation, a public authority, a public district, or any other public  
27 body.

28 11. "Shall" imposes a duty.

29 12. "Must" states a requirement.

30 13. "May" confers a power.

31 14. "Property", "real property", and "personal property" have  
32 the same meaning as provided in section four point one (4.1) of the  
33 Code.

34 15. "Voter" means a person eligible to register to vote, or eligible  
35 to vote if registration is not required.

36 16. "Qualified voter" means a voter who is also registered if regis-  
37 tration is required.

38 17. "Measure" means an ordinance, amendment, resolution, or  
39 motion.

40 18. "Ordinance" means a city law of a general and permanent  
41 nature.

42 19. "Amendment" means a revision or repeal of an existing ordi-  
43 nance or city code.

44 20. "Resolution" or "motion" means a council statement of policy  
45 or a council order for action to be taken, but "motion" does not re-  
46 quire a recorded vote.

47 21. "Recorded vote" means a record, roll-call vote.

48 22. "City utility" means all or part of a waterworks, gasworks,  
49 sanitary sewage system, electric light and power plant and system,  
50 or heating plant any of which are owned by a city, including all land,  
51 easements, rights-of-way, fixtures, equipment, accessories, improve-  
52 ments, appurtenances, and other property necessary or useful for  
53 the operation of the utility.

54 23. "Administrative agency" means an agency established by a  
55 city for any city purpose or for the administration of any city facil-  
56 ity, as provided in division nine (IX) of this Act, except a board  
57 established to administer a municipal utility, a zoning commission  
58 and zoning board of adjustment, or any other agency which is con-  
59 trolled by state law. An administrative agency may be designated  
60 as a board, board of trustees, commission, or by another title. If an  
61 agency is advisory only, such a designation must be included in its  
62 title.

1 SEC. 3. Unless otherwise provided by state law:

2 1. If notice of an election, hearing, or other official action is re-  
3 quired by this Act, the notice must be published at least once, not  
4 less than ten nor more than twenty-five days before the date of the  
5 election, hearing, or other action.

6 2. A publication required by this Act must be in a newspaper pub-  
7 lished at least once weekly and having general circulation in the city.  
8 However, if the city has a population of two hundred or less, or in  
9 the case of ordinances and amendments to be published in a city in  
10 which no newspaper is published, a publication may be made by post-  
11 ing in three public places in the city which have been permanently  
12 designated by ordinance.

1 SEC. 4. If a petition of the voters is authorized by this Act, the  
2 petition is valid if signed by voters of the city equal in number to  
3 ten percent of the persons who voted at the last preceding regular  
4 city election, but not less than ten persons, unless otherwise pro-  
5 vided by state law.

1 SEC. 5. When used in this section, "contract" means any claim,  
2 account, or demand against or agreement with a city, express or  
3 implied.

4 A city officer or employee shall not have an interest, direct or in-  
5 direct, in any contract or job of work or material or the profits  
6 thereof or services to be furnished or performed for his city. A

7 contract entered into in violation of this section is void. The provi-  
8 sions of this section do not apply to:

9 1. The payment of lawful compensation of a city officer or em-  
10 ployee holding more than one city office or position, the holding of  
11 which is not incompatible with another public office or is not prohib-  
12 ited by law.

13 2. The designation of a bank or trust company as a depository,  
14 paying agent, or for investment of funds.

15 3. An employee of a bank or trust company, who serves as treas-  
16 urer of a city.

17 4. Contracts made by a city of less than three thousand population,  
18 upon competitive bid in writing, publicly invited and opened.

19 5. Contracts in which a city officer or employee has an interest  
20 solely by reason of employment, or a stock interest of the kind de-  
21 scribed in subsection nine (9) of this section, or both, if the con-  
22 tracts are made by competitive bid, publicly invited and opened, and  
23 if the remuneration of employment will not be directly affected as  
24 a result of the contract and the duties of employment do not directly  
25 involve the procurement or preparation of any part of the contract.  
26 The competitive bid requirement of this subsection shall not be re-  
27 quired for any contract for professional services not customarily  
28 awarded by competitive bid.

29 6. The designation of an official newspaper.

30 7. A contract in which a city officer or employee has an interest  
31 if the contract was made before the time he was elected or ap-  
32 pointed, but the contract may not be renewed.

33 8. Contracts with volunteer firemen or civil defense volunteers.

34 9. A contract with a corporation in which a city officer or em-  
35 ployee has an interest by reason of stockholdings when less than five  
36 percent of the outstanding stock of the corporation is owned or con-  
37 trolled directly or indirectly by the officer or employee or the spouse  
38 or immediate family of such officer or employee.

39 10. A contract made by competitive bid, publicly invited and  
40 opened, in which a member of a city board of trustees, commission,  
41 or administrative agency has an interest if he is not authorized by  
42 law to participate in the awarding of the contract. The competitive  
43 bid requirement of this subsection does not apply to any contract  
44 for professional services not customarily awarded by competitive bid.

1 SEC. 6. A measure voted upon is not invalid by reason of conflict  
2 of interest in an officer of a city, unless the vote of the officer was deci-  
3 sive to passage of the measure. If a specific majority or unanimous  
4 vote of a municipal body is required by statute, the majority or vote  
5 must be computed on the basis of the number of officers not disquali-  
6 fied by reason of conflict of interest. However, a majority of all  
7 members is required for a quorum. For the purposes of this section,  
8 the statement of an officer that he declines to vote by reason of con-  
9 flict of interest is conclusive and must be entered of record.

1 SEC. 7. A valid measure adopted by a city prior to the effective  
2 date of this Act remains valid unless the measure is irreconcilable  
3 with this Act.

1 SEC. 8. This Act, being necessary for the public safety and wel-  
2 fare, shall be liberally construed to effectuate its purposes. If any

3 provision of this Act, or the application of this Act to any person  
4 or circumstance is held invalid, except for section nine (9), subsec-  
5 tion two (2), of this Act, the invalidity does not affect other provi-  
6 sions or applications of the Act which can be given effect without  
7 the invalid provision or application, and to this end the provisions of  
8 this Act are severable.

1 SEC. 9.

2 1. The provisions of this Act take effect on July 1, 1972, except  
3 that sections one hundred ninety-nine (199) through three hundred  
4 fifty-two (352), inclusive, of this Act take effect on July 1, 1974.

5 2. Between July 1, 1972, and July 1, 1974, a city is not subject to  
6 the provisions of sections one (1) through one hundred ninety-eight  
7 (198), inclusive, of this Act, divisions one (I) through nine (IX) of  
8 the City Code of Iowa, unless the council, by resolution, elects to act  
9 under and be subject to one or more of the divisions or parts of a  
10 division of the City Code of Iowa, in which case conflicting provisions  
11 of law are not applicable to that city. Such an election is conclusive  
12 until rescinded by the council.

13 3. On and after July 1, 1974, the provisions of sections one (1)  
14 through one hundred ninety-eight (198), inclusive, of this Act, divi-  
15 sions one (I) through nine (IX) of the City Code of Iowa, are appli-  
16 cable to all cities.

DIVISION II. POWERS AND DUTIES OF CITIES

1 SEC. 10. A city may, except as expressly limited by the Constitu-  
2 tion, and if not inconsistent with the laws of the general assembly,  
3 exercise any power and perform any function it deems appropriate  
4 to protect and preserve the rights, privileges, and property of the  
5 city or of its residents, and to preserve and improve the peace, safety,  
6 health, welfare, comfort, and convenience of its residents. This  
7 grant of home rule powers does not include the power to enact pri-  
8 vate or civil law governing civil relationships, except as incident to  
9 an exercise of an independent city power.

1 SEC. 11.

2 1. A power of a city is vested in the city council except as other-  
3 wise provided by a state law.

4 2. The enumeration of a specific power of a city does not limit or  
5 restrict the general grant of home rule power conferred by the Con-  
6 stitution. A city may exercise its general powers subject only to  
7 limitations expressly imposed by a state or city law.

8 3. An exercise of a city power is not inconsistent with a state  
9 law unless it is irreconcilable with the state law.

10 4. a. A city may grant to any person a franchise to erect, main-  
11 tain, and operate plants and systems for electric light and power,  
12 heating, telephone, telegraph, cable television, district telegraph and  
13 alarm, motor bus, trolley bus, street railway or other public transit,  
14 waterworks, or gasworks, within the city for a term of not more  
15 than twenty-five years. The franchise may be granted, amended,  
16 extended, or renewed only by an ordinance, but no exclusive fran-  
17 chise shall be granted, amended, extended, or renewed.

18 b. No such ordinance shall become effective unless a majority of  
19 the persons voting thereon vote in favor thereof. The proposal may

20 be submitted by the council on its own motion to the voters at any  
 21 city election. Upon receipt of a valid petition as defined in section  
 22 four (4) of this Act, requesting that a proposal be submitted to the  
 23 voters, the council shall submit the proposal at the next regular  
 24 city election or at a special election called for that purpose prior to  
 25 the next regular city election. If a majority of those voting approves  
 26 the proposal the city may proceed as proposed.

27 c. Notice of the election shall be given by publication once each  
 28 week for four consecutive weeks in a newspaper of general circula-  
 29 tion in the city. The election shall be held on a day not less than  
 30 five nor more than twenty days after the last publication of notice.

31 d. The person asking for the granting, amending, extension, or  
 32 renewal of a franchise shall pay the costs incurred in holding the  
 33 election, including the costs of the notice. A franchise shall not be  
 34 finally effective until an acceptance in writing has been filed with the  
 35 council and payment of the costs has been made.

36 e. The franchise ordinance may regulate the conditions required  
 37 and the manner of use of the streets and public grounds of the city,  
 38 and it may, for the purpose of providing electrical, gas, heating,  
 39 or water service, confer the power to appropriate and condemn pri-  
 40 vate property upon the person franchised.

1 SEC. 12. The following are limitations upon the powers of a city:

2 1. A city council shall exercise a power only by the passage of a  
 3 motion, a resolution, an amendment, or an ordinance.

4 2. A city may not provide a penalty in excess of a one hundred  
 5 dollar fine or in excess of thirty days imprisonment for the violation  
 6 of an ordinance.

7 3. A city may not set standards and requirements which are lower  
 8 or less stringent than those imposed by state law, but may set stand-  
 9 ards and requirements which are higher or more stringent than  
 10 those imposed by state law, unless a state law provides otherwise.

11 4. A city may not levy a tax unless specifically authorized by a  
 12 state law.

1 SEC. 13. A city may:

2 1. Acquire, hold, and dispose of property outside the city in the  
 3 same manner as within.

4 2. By contract, extend services to persons outside the city.

5 3. Enact and enforce ordinances relating to city property and  
 6 city-extended services outside the city.

1 SEC. 14. A city or a board established to administer a city utility,  
 2 in the exercise of any of its powers, may act jointly with any public  
 3 or private agency as provided in chapter twenty-eight E (28E) of  
 4 the Code.

5 Cities may pay, out of the general fund, annual dues to the league  
 6 of Iowa municipalities, provided that the sum total of annual dues  
 7 collected by the league from cities shall not exceed ninety thousand  
 8 (90,000) dollars. In addition they may pay out of the general fund  
 9 the actual expenses of delegates to the annual conference of the  
 10 league. The league shall keep and make such accounts and reports  
 11 as shall be required by the state municipal accounting department,  
 12 and the same shall be annually checked by said department.

1 SEC. 15. A city shall substantially comply with a procedure es-  
2 tablished by a state law for exercising a city power. If a procedure  
3 is not established by state law, a city may determine its own pro-  
4 cedure for exercising the power.

1 SEC. 16. A city may not dispose of an interest in real property  
2 by sale, lease for a term of more than three years, or gift, except in  
3 accordance with the following procedure:

4 1. The council shall set forth its proposal in a resolution and shall  
5 publish notice as provided in section three (3) of this Act, of the  
6 resolution and of a date, time, and place of a public hearing on the  
7 proposal.

8 2. After the public hearing, the council may make a final determi-  
9 nation on the proposal by resolution.

10 3. A city may not dispose of real property by gift except to a  
11 governmental body for a public purpose.

1 SEC. 17. A city may by ordinance require a railroad company  
2 operating railroad tracks on or across a city street to construct or  
3 reconstruct, and maintain, an overpass or underpass to permit the  
4 street to pass over or under the tracks, and may establish specifica-  
5 tions for the construction or reconstruction of such an overpass or  
6 underpass, subject to the following:

7 1. The requirement may not be enforced until the Iowa state  
8 commerce commission approves the specifications for a construction  
9 or reconstruction, after examination and a determination that the  
10 overpass or underpass is necessary for public safety and convenience.

11 2. The council shall hold a hearing on the matter and shall give  
12 not less than twenty days notice of the hearing to the railroad com-  
13 panies involved, served in the same manner as an original notice.

14 3. A city may not require overpasses or underpasses of the same  
15 railroad company to be constructed closer than on every fourth par-  
16 allel street, nor require a company to construct or contribute to the  
17 construction of more than one overpass or underpass each year, nor  
18 require the construction of approaches longer than a total of eight  
19 hundred feet for a single overpass or underpass.

20 4. A city which requires construction or reconstruction of an  
21 overpass or underpass shall provide for appraisal and assessment  
22 of resulting damage to private property, and shall pay the damages  
23 assessed, all as provided in chapter four hundred seventy-two (472)  
24 of the Code.

25 5. A city shall pay one-half of all required maintenance costs, and  
26 may allocate costs between railroad companies whose tracks are to  
27 be crossed by an overpass or underpass.

28 6. A city may enforce a requirement made as provided in this sec-  
29 tion by an action in mandamus, to be conducted and enforced as  
30 provided in section four hundred seventy-four point twenty-five  
31 (474.25) of the Code for actions brought by the Iowa state com-  
32 merce commission. If the city prevails in the mandamus action, in  
33 addition to other remedies it may cause the required construction,  
34 reconstruction, or maintenance work to be done, and have judgment  
35 for the cost of the work against the companies.

1 SEC. 18. A city may require a railroad company to provide  
2 necessary structures, temporary and permanent, to carry its tracks

3 during and after construction of a diverted channel for flood control  
4 purposes, subject to the following:

5 1. The city shall give notice to the railroad company, served in  
6 the same manner as an original notice, stating:

7 a. The nature of the flood control project.

8 b. The place where the diverted channel will cross the company's  
9 right-of-way.

10 c. The specifications for construction of the diverted channel  
11 across the company's right-of-way.

12 d. Details of the city's requirement for the company to provide  
13 the necessary structures where the diverted channel crosses the  
14 right-of-way, including a designated period of time for construction,  
15 and a requirement that the construction be in a manner which does  
16 not interfere with the construction of the diverted channel or the  
17 free flow of water.

18 2. If the company does not comply with the requirement, the city  
19 may provide the necessary structures, and the railroad is liable for  
20 the cost of the construction, in addition to its liability for assessment  
21 for special benefits as other property is assessed. The cost of the  
22 construction may be collected by the city from the company by court  
23 action.

1 SEC. 19. A city may require a railroad company to place flag-  
2 men, or to construct, maintain, and operate suitable mechanical sig-  
3 nal devices or gates, at railroad crossings upon public streets. How-  
4 ever, the city or the railroad company may submit the matter to the  
5 Iowa state commerce commission for a hearing as provided in sec-  
6 tions four hundred seventy-eight point twenty-two (478.22) and four  
7 hundred seventy-eight point twenty-three (478.23) of the Code, and  
8 the commission's determination as to the necessity for crossing pro-  
9 tection, and the type of crossing protection required, may be appealed  
10 by either party to the district court. The court's review on appeal  
11 is limited to questions relating to jurisdiction, regularity of proceed-  
12 ings, and whether the decision appealed from is arbitrary, unrea-  
13 sonable, or without substantial supporting evidence.

1 SEC. 20. All railway companies shall construct and repair all  
2 street improvements between the rails of their tracks, and one foot  
3 outside, at their own expense, unless by ordinance the railway is re-  
4 quired to improve other portions of the street, and in that case the  
5 railway shall construct and repair the improvement of that part of  
6 the street specified by the ordinance, and the improvement or repair  
7 must be of the material and character ordered by the city, and must  
8 be done at the time the remainder of the improvement is constructed  
9 or repaired.

10 When an improvement is made, the company shall lay rail as re-  
11 quired by the council, and shall then keep up to grade that part of  
12 the improvement they are required to construct or maintain.

13 If a railway fails or refuses to comply with the order of the coun-  
14 cil to construct or repair an improvement, the work may be done by  
15 the city and the expense shall then be assessed upon the property of  
16 the railway company, for collection in the same manner as a property  
17 tax. A tax assessed under this section shall also be a debt due from  
18 the railway, and may be collected in an action at law in the same  
19 manner as other debts.

1     **SEC. 21.**

2     1. As used in this section, "property owner" means the contract  
3 purchaser if there is one of record, otherwise the record holder of  
4 legal title.

5     2. A city is responsible for the care, supervision, and control of  
6 public grounds, streets, sidewalks, alleys, bridges, culverts, over-  
7 passes, underpasses, grade crossing separations and approaches,  
8 except those lawfully required to be maintained by a railroad com-  
9 pany, and the city shall keep all public ways, squares, and com-  
10 mons open, in repair, and free from nuisance, with the following ex-  
11 ceptions:

12     a. Public ways and grounds may be temporarily closed by resolu-  
13 tion, and may be vacated by ordinance.

14     b. The abutting property owner is responsible for the prompt re-  
15 moval of snow, ice, and accumulations from the sidewalks.

16     c. The abutting property owner may be required by ordinance to  
17 maintain all property outside the lot and property lines and inside  
18 the curb lines upon the public streets, except that the property owner  
19 shall not be required to remove diseased trees or dead wood.

20     d. A city may serve notice on the abutting property owner, by cer-  
21 tified mail to the property owner as shown by the records of the  
22 county auditor, requiring him to repair, replace, or reconstruct side-  
23 walks.

24     e. If the abutting property owner does not perform an action re-  
25 quired under this subsection within a reasonable time, a city may  
26 perform the required action and assess the costs against the abutting  
27 property for collection in the same manner as a property tax.

28     3. A city may:

29     a. Require the abatement of a nuisance, public or private, in any  
30 reasonable manner.

31     b. Require the removal of diseased trees or dead wood, except as  
32 stated in section twenty-one (21), subsection two (2), paragraph c  
33 of this Act.

34     c. Require the removal, repair, or dismantling of a dangerous  
35 building or structure.

36     d. Require the numbering of buildings.

37     e. Require connection to public drainage systems from abutting  
38 property when necessary for public health or safety.

39     f. Require connection to public sewer systems from abutting prop-  
40 erty, and require installation of sanitary toilet facilities and removal  
41 of other toilet facilities on such property.

42     g. Require the cutting or destruction of weeds or other growth  
43 which constitutes a health, safety, or fire hazard.

44     h. If the property owner does not perform an action required  
45 under this subsection within a reasonable time after notice, a city  
46 may perform the required action and assess the costs against the  
47 property for collection in the same manner as a property tax. Notice  
48 may be in the form of an ordinance or by certified mail to the prop-  
49 erty owner as shown by the records of the county auditor, and shall  
50 state the time within which action is required. However, in an  
51 emergency a city may perform any action which may be required  
52 under this section without prior notice, and assess the costs as pro-  
53 vided in this subsection, after notice to the property owner and hear-  
54 ing.



1 SEC. 22. If any amount assessed against property under section  
2 twenty-one (21) of this Act will exceed one hundred dollars, a city  
3 may permit the assessment to be paid in up to ten annual install-  
4 ments, in the same manner and with the same interest rates pro-  
5 vided for assessments against benefited property under part four  
6 (4), division seven (VII) of this Act.

1 SEC. 23. When action is brought against a city for personal in-  
2 juries alleged to have been caused by its negligence, the city may  
3 notify in writing any person by whose negligence it claims the in-  
4 jury was caused. The notice shall state the pendency of the action,  
5 the name of the plaintiff, the name and location of the court where  
6 the action is pending, a brief statement of the alleged facts from  
7 which the cause arose, that the city believes that the person notified  
8 is liable to it for any judgment rendered against the city, and asking  
9 the person to appear and defend. A judgment obtained in the suit  
10 is conclusive in any action by the city against any person so notified,  
11 as to the existence of the defect or other cause of the injury or dam-  
12 age, as to the liability of the city to the plaintiff in the first named  
13 action, and as to the amount of the damage or injury. A city may  
14 maintain an action against the person notified to recover the amount  
15 of the judgment together with all the expenses incurred by the city  
16 in the suit.

1 SEC. 24. If a city has established the grade of a street or alley,  
2 and any person has made improvements on lots abutting the street  
3 or alley according to the established grade, and afterward the grade  
4 is altered in a manner to damage, injure, or diminish the value of  
5 the improved property, the city shall pay to the owner of the prop-  
6 erty the amount of such damage or injury.

7 If a city has opened a street or alley, and any person has made  
8 improvements on lots abutting the street or alley or uses such street  
9 or alley for ingress or egress, and afterward the street or alley is  
10 vacated causing damage or injury or loss of access, or diminishing  
11 the value of the improved property, the city shall pay to the owner  
12 of the property the amount of such damage or injury.

### DIVISION III. CITY DEVELOPMENT

#### PART 1. DEFINITIONS.

1 SEC. 25. As used in this division, unless the context otherwise re-  
2 quires:

3 1. "Board" means the city development board established in sec-  
4 tion thirty-three (33) of this Act.

5 2. "Committee" means the board members, and the local repre-  
6 sentatives appointed as provided in section thirty-eight (38) of this  
7 Act, to hear and make a decision on a petition or plan for city devel-  
8 opment.

9 3. "City development" means an incorporation, discontinuance,  
10 or boundary adjustment.

11 4. "Incorporation" means establishment of a new city.

12 5. "Discontinuance" means termination of a city.

13 6. "Boundary adjustment" means annexation, severance, or con-  
14 solidation.

15 7. "Annexation" means the addition of territory to a city.

16 8. "Severance" means the deletion of territory from a city.

17 9. "Consolidation" means the combining of two or more cities into  
18 one city.

19 10. "Territory" means the land area proposed to be incorporated,  
20 annexed, or severed.

21 11. "Adjoining" means having a common boundary for not less  
22 than two hundred feet. Land areas may be adjoining although sep-  
23 arated by a roadway or waterway.

24 12. "Urbanized area" means the land area within three miles of  
25 the boundaries of a city of fifteen thousand or more population.

#### PART 2. GENERAL PROVISIONS.

1 SEC. 26. A city may change its name as follows:

2 1. The council shall propose the name change and shall cause the  
3 question to be submitted at the next regular city election.

4 2. The council shall publish notice, as provided in section three (3)  
5 of this Act, of the proposed new name, and of the fact that the ques-  
6 tion will be submitted at the next regular city election.

7 3. If a majority of those voting on the question approves the pro-  
8 posed new name, the city clerk shall enter the new name upon the  
9 city records and file certified copies of the proceedings, including the  
10 council's proposal, proof of publication of notice, and certification of  
11 the election result, with the county recorder of each county which  
12 contains part of the city, and with the secretary of state. Upon  
13 proper filing the name change is complete and effective.

1 SEC. 27. A city is discontinued if, for a period of six years or  
2 more, it has held no city election and has caused no taxes to be levied.  
3 If the board receives knowledge of facts which cause an automatic  
4 discontinuance under this section, it shall make a determination that  
5 the city is discontinued, shall take control of the property of the  
6 discontinued city, and shall carry out all necessary procedures as if  
7 the city were discontinued under a petition or plan.

1 SEC. 28. A city may agree with another city or cities to refrain  
2 from annexing specifically described territory for a period not to  
3 exceed ten years. If such an agreement is in force, the board shall  
4 dismiss a petition or plan which violates the terms of the agreement.

1 SEC. 29. Territory owned by the state of Iowa may be annexed,  
2 but the attorney general must be served with notice of the hearing  
3 and a copy of the proposal.

1 SEC. 30. The right of the state highway commission to control  
2 access under the provisions of chapter three hundred six A (306A)  
3 of the Code is not affected by an annexation.

1 SEC. 31. All of the owners of land in a territory adjoining a  
2 city may apply in writing to the council of the adjoining city re-  
3 questing annexation of the territory. Territory comprising railroad  
4 right-of-way may be included in the application without the consent  
5 of the railroad if a copy of the application is mailed by certified mail  
6 to the owner of the right-of-way, at least ten days prior to the filing  
7 of the application with the city council. The application must con-  
8 tain a map of the territory showing its location in relationship to the  
9 city.

10 If the territory is within the urbanized area of a city other than  
11 the city to which the request for annexation is directed, the applica-  
12 tion must be approved by the board. The application must also be  
13 approved by the council which receives the application. Upon re-  
14 ceiving the required approval, the territory becomes a part of the  
15 adjoining city.

1 SEC. 32. Any territory may be severed upon the unanimous con-  
2 sent of all owners of the territory and approved by resolution of the  
3 council of the city in which the territory is located. The council  
4 shall provide in the resolution for the equitable distribution of assets  
5 and equitable distribution and assumption of liabilities of the terri-  
6 tory as between the city and the severed territory. The severance  
7 shall be completed upon filing the resolution as provided in section  
8 forty-four (44), subsection two (2) of this Act.

### PART 3. CITY DEVELOPMENT BOARD.

1 SEC. 33. A city development board is hereby created. The office  
2 for planning and programming shall provide office space, staff assist-  
3 ance, and shall budget funds to cover expenses and compensation of  
4 the board and committees. The board consists of three members ap-  
5 pointed by the governor with the approval of two-thirds vote of the  
6 senate. The initial appointments must be for terms of two, four,  
7 and six years. Successive appointments must be for six years, or  
8 to fill an unexpired term in case of a vacancy. Members are eligible  
9 for reappointment, but no member shall serve more than two com-  
10 plete six-year terms.

11 Each member is entitled to receive from the state his actual and  
12 necessary expenses and thirty dollars compensation for each day  
13 spent in performance of board duties.

1 SEC. 34. The board shall conduct studies of city development,  
2 and shall submit an annual report to the governor and the general  
3 assembly.

4 The board may establish rules for the performance of its duties  
5 and the conduct of proceedings before it. The board's rules are sub-  
6 ject to chapter seventeen A (17A) of the Code, as applicable.

1 SEC. 35. A petition for incorporation, discontinuance, or bound-  
2 ary adjustment may be filed with the board by a city council, a county  
3 board of supervisors, a regional planning authority, or ten percent  
4 of the voters of a city or territory, based upon the number of persons  
5 who voted for governor at the last preceding general election. No-  
6 tice of the filing, including a copy of the petition, must be served  
7 upon the council of each city for which a discontinuance or bound-  
8 ary adjustment is proposed, the board of supervisors for each county  
9 which contains a portion of a city to be discontinued or territory to  
10 be incorporated, annexed, or severed, and any regional planning  
11 authority for the area involved.

12 Within ninety days of receipt of a petition, the board shall initiate  
13 appropriate proceedings or dismiss the petition. The board may  
14 combine for consideration petitions or plans which concern the same  
15 territory or city.

16 The petition must include substantially the following information  
17 as applicable:

- 18 1. A general statement of the proposal.
- 19 2. A map of the territory, city, or cities involved.
- 20 3. Assessed valuation of platted and unplatted land.
- 21 4. Names of property owners.
- 22 5. Population density.
- 23 6. Description of topography.
- 24 7. Plans for disposal of assets and assumption of liabilities.
- 25 8. Description of existing municipal services, including but not
- 26 limited to water supply, sewage disposal, and fire and police protec-
- 27 tion.
- 28 9. Plans for agreements with any existing special service districts.
- 29 10. In a case of annexation or incorporation, the petition must
- 30 state that none of the territory is within a city.
- 31 11. In a case of incorporation or consolidation, the petition must
- 32 state the name of the proposed city.

1 SEC. 36. The board may dismiss a petition only if it finds that  
 2 the petition does not meet the requirements of this part, or that  
 3 substantially the same incorporation, discontinuance, or boundary  
 4 adjustment has been disapproved by a committee formed to con-  
 5 sider the proposal, or by the voters, within the two years prior to  
 6 the date the petition is filed with the board. The board shall file  
 7 for record a statement of each dismissal and the reason for it, and  
 8 shall promptly notify the parties to the proceeding of its decision.

1 SEC. 37. Based on the results of its studies, the board may initi-  
 2 ate proceedings for the incorporation, discontinuance, or boundary  
 3 adjustment of a city. The board may request a city to submit a plan  
 4 for boundary adjustment, or may formulate its own plan for incor-  
 5 poration, discontinuance, or boundary adjustment. A plan sub-  
 6 mitted at the board's initiation must include the same information  
 7 as a petition and be filed and acted upon in the same manner as a  
 8 petition. A petition or plan may include any information relevant to  
 9 the proposal, including but not limited to results of studies and sur-  
 10 veys, and arguments.

1 SEC. 38. If a petition is not dismissed, the board shall direct the  
 2 appointment of local representatives to serve with board members as  
 3 a committee to consider the proposal. Each local representative is  
 4 entitled to receive from the state his actual and necessary expenses  
 5 spent in performance of committee duties. Two board members and  
 6 one local representative, or if the number of local representatives  
 7 exceeds one, two board members and at least one-half of the ap-  
 8 pointed local representatives, are required for a quorum of the com-  
 9 mittee. A local representative must be a qualified voter of the terri-  
 10 tory or city he represents, and must be selected as follows:

- 11 1. From a territory to be incorporated, one representative ap-  
 12 pointed by the county board of supervisors. If the territory is in  
 13 more than one county, the board shall direct the appointment of a  
 14 local representative from each county involved.
- 15 2. From a city to be discontinued, one representative appointed  
 16 by the city council.
- 17 3. From a territory to be annexed to or severed from a city, one  
 18 representative appointed by the county board of supervisors.

19 4. From a city to which territory is to be annexed or from which  
20 territory is to be severed, one representative appointed by the city  
21 council.

22 5. From each city to be consolidated, one representative appointed  
23 by each city council.

1 SEC. 39. The committee shall conduct a public hearing on a pro-  
2 posal as soon as practicable. Notice of the hearing must be served  
3 upon the council of each city for which a discontinuance or boundary  
4 adjustment is proposed, the county board of supervisors for each  
5 county which contains a portion of a city to be discontinued or ter-  
6 ritory to be incorporated, annexed, or severed, and any regional plan-  
7 ning authority for the area involved. A notice of the hearing, which  
8 includes a brief description of the proposal and a statement of where  
9 the petition or plan is available for public inspection, must be pub-  
10 lished as provided in section three (3) of this Act, except that  
11 there must be two publications in a newspaper having general circu-  
12 lation in each city and each territory involved in the proposal. Any  
13 person may submit written briefs, and in the committee's discretion,  
14 may be heard on the proposal. The board may subpoena witnesses  
15 and documents relevant to the proposal.

1 SEC. 40. Subject to section forty-one (41) of this Act, the com-  
2 mittee shall approve any proposal which it finds to be in the public  
3 interest. A committee shall base its finding upon all relevant infor-  
4 mation before the committee, including but not limited to the fol-  
5 lowing:

6 1. Statements in the petition or plan, and evidence supporting  
7 those statements.

8 2. Recommendations of the regional planning authority for the  
9 area.

10 3. Commercial and industrial development.

11 4. Potential growth in population.

12 5. Cost and adequacy of existing services and facilities.

13 6. Potential effect of the proposal and of possible alternative pro-  
14 posals on the cost and adequacy of services and facilities.

15 7. Potential effect of the proposal on adjacent areas, and on any  
16 unit of government directly affected, including but not limited to  
17 the potential effect on future revenues of any such unit of govern-  
18 ment.

1 SEC. 41. The committee may not approve:

2 1. An incorporation unless it finds that the city to be incorporated  
3 will be able to provide customary municipal services within a reason-  
4 able time.

5 2. A discontinuance or severance if the city to be discontinued or  
6 the territory to be severed will be surrounded by one or more cities  
7 unless a petition for annexation of the same area is also filed and  
8 approved.

9 3. A discontinuance or severance unless it finds that the county  
10 or another city will be able to provide necessary municipal services  
11 to the residents.

12 4. An annexation unless the territory is adjoining the city to  
13 which it will be annexed, and the committee finds that the city will  
14 be able to provide to the territory substantial municipal services and

15 benefits not previously enjoyed by such territory, and that the mo-  
16 tive for annexation is not solely to increase revenues to the city.

17 5. A consolidation unless the cities are contiguous.

18 6. An incorporation of territory, any part of which is within an  
19 urbanized area of a city, unless a petition for annexation of sub-  
20 stantially the same territory to such city has been dismissed, dis-  
21 approved, or voted upon unfavorably within the last five years.

1 SEC. 42. The committee may amend a petition or plan. If a peti-  
2 tion or plan is substantially amended, the committee shall continue  
3 the hearing to a later date and serve and publish a notice describing  
4 the amended petition or plan, as required in section thirty-nine (39)  
5 of this Act.

1 SEC. 43. The committee shall approve or disapprove the petition  
2 or plan as amended, within ninety days of the final hearing, and  
3 shall file its decision for record and promptly notify the parties to  
4 the proceeding of its decision. If a petition or plan is approved, the  
5 board shall set a date within ninety days for a special election on  
6 the proposal and shall appoint five election commissioners, except  
7 that in the case of a consolidation, the board shall appoint two elec-  
8 tion commissioners from each city involved. Election commission-  
9 ers must be voters of the territory, city, or cities involved. In a case  
10 of incorporation or discontinuance, qualified voters of the territory  
11 or city may vote, and the proposal is authorized if a majority of  
12 those voting approves it. In a case of annexation or severance, quali-  
13 fied voters of the territory and of the city may vote, and the pro-  
14 posal is authorized if a majority of the total number of persons vot-  
15 ing approves it. In a case of consolidation, qualified voters of each  
16 city to be consolidated may vote, and the proposal is authorized only  
17 if it receives a favorable majority vote in each city. The election  
18 commissioners shall serve and publish notice of the election as pro-  
19 vided in section thirty-nine (39) of this Act, and shall conduct the  
20 election in the same manner as other special city elections.

1 SEC. 44. If a proposal is authorized by the voters, and the elec-  
2 tion commissioners have certified the result, the board shall:

3 1. Serve and publish notice of the result as provided in section  
4 thirty-nine (39) of this Act.

5 2. File with the secretary of state, the clerk of each city incorpo-  
6 rated or involved in a boundary adjustment, and with the recorder  
7 of each county which contains a portion of any city or territory in-  
8 volved, copies of the proceedings including the original petition or  
9 plan and any amendments, the order of the board approving the  
10 petition or plan, proofs of service and publication of required notices,  
11 certification of the election result, and any other material deemed by  
12 the board to be of primary importance to the proceedings. Upon  
13 proper filing and expiration of time for appeal, or upon a subsequent  
14 date as provided in the proposal, the incorporation, discontinuance,  
15 or boundary adjustment is complete, except that if an appeal to any  
16 of the proceedings is pending, completion does not occur until the  
17 appeal is decided.

1 SEC. 45. When an incorporation, discontinuance, or boundary ad-  
2 justment is complete, the board shall supervise procedures necessary

3 to carry out the proposal. In the case of an incorporation, the elec-  
 4 tion commissioners shall conduct an election for mayor and council  
 5 of the city, who shall serve until their successors take office following  
 6 the next regular city election. In the case of a discontinuance, the  
 7 board shall publish two notices as provided in section thirty-nine  
 8 (39) of this Act that it will receive and adjudicate claims against  
 9 the discontinued city for a period of six months, and shall cause  
 10 necessary taxes to be levied against the property within the dis-  
 11 continued city to pay claims allowed. All records of a discontinued  
 12 city shall be deposited with the county auditor of the county desig-  
 13 nated by the board, except that court records shall be deposited with  
 14 the clerk of the district court of the county. In the case of boundary  
 15 adjustments, the proper city officials shall carry out procedures  
 16 necessary to implement the proposal.

1 SEC. 46. A city, or a resident or property owner in the territory  
 2 or city involved may appeal a decision of the board or a committee,  
 3 or the legality of an election, to the district court of a county which  
 4 contains a portion of any city or territory involved.

5 Appeal must be filed within thirty days of the filing of a decision  
 6 or the second publication of notice of the result of an election.

7 Appeal of an approval of a petition or plan does not stay the elec-  
 8 tion.

9 The court's review on appeal of a decision is limited to questions  
 10 relating to jurisdiction, regularity of proceedings, and whether the  
 11 decision appealed from is arbitrary, unreasonable, or without sub-  
 12 stantial supporting evidence. The court may reverse and remand a  
 13 decision of the board or a committee, with appropriate directions.

#### DIVISION IV. ORGANIZATION OF CITY GOVERNMENT

##### PART 1. FORMS OF GOVERNMENT.

1 SEC. 47. The forms of city government are:

- 2 1. Mayor-council, or mayor-council with appointed manager.
- 3 2. Commission.
- 4 3. Council-manager-at-large.
- 5 4. Council-manager-ward.
- 6 5. Home rule charter.
- 7 6. Special charter.

8 A city when first incorporated has the mayor-council form. A city  
 9 retains its form of government until it adopts a different form as  
 10 provided in this part.

11 Upon the effective date of this Act, a city shall adopt by ordinance  
 12 a charter embodying its existing form of government, which must  
 13 be one of the forms provided in this part, and shall file a copy of its  
 14 charter with the secretary of state, and maintain copies available  
 15 for public inspection.

1 SEC. 48. A city may adopt a different form of government not  
 2 oftener than once in a six-year period. A different form, other than  
 3 a home rule charter or special charter, must be adopted as follows:

4 1. Voters of the city, equal in number to at least twenty-five per-  
 5 cent of the persons who voted at the last regular city election, may  
 6 petition the mayor to adopt a different form of city government.

7 2. Within one week after receiving a valid petition, the mayor  
 8 shall proclaim a special city election to be held within sixty days

9 to determine whether the city shall change to a different form of  
10 government.

11 3. If a majority of the persons voting at the special election ap-  
12 proves the proposed form, it is adopted.

13 4. If a majority of the persons voting at the special election does  
14 not approve the proposed form, that form may not be resubmitted  
15 to the voters within the next four years.

16 5. If the proposed form is adopted:

17 a. The elective officers provided for in the adopted form are to  
18 be elected at the next regular city election held more than sixty  
19 days after the special election at which the form was adopted, and  
20 the adopted form becomes effective at the beginning of the fiscal  
21 year which follows such regular city election.

22 b. The change of form does not alter any right or liability of the  
23 city in effect at the time of the special election at which the form  
24 was adopted.

25 c. All departments and agencies shall continue to operate until  
26 replaced.

27 d. All measures in effect remain effective until amended or re-  
28 pealed, unless they are irreconcilable with the adopted form.

29 e. Upon the effective date of the adopted form, the city shall adopt  
30 by ordinance a new charter embodying the adopted form, and shall  
31 file a copy of its charter with the secretary of state, and maintain  
32 copies available for public inspection.

1 SEC. 49. The filing of a petition for appointment of a home rule  
2 charter commission stays the special election on adoption of another  
3 form of government until the charter proposed by the commission  
4 is filed, and both forms must be published as provided in section  
5 fifty-five (55) of this Act, and submitted to the voters at the special  
6 election.

1 SEC. 50. A city governed by the mayor-council form has a mayor  
2 and five councilmen elected at large, unless by ordinance a city so  
3 governed chooses to have a mayor elected at large and an odd num-  
4 ber of councilmen but not less than five, including at least two coun-  
5 cilmen elected at large and one councilman elected by and from each  
6 ward.

7 A city governed by the mayor-council form composed of a mayor  
8 and a council consisting of two councilmen elected at large, and one  
9 councilman from each of four wards, may continue until the form  
10 of government is changed as provided in section forty-eight (48)  
11 or section fifty-five (55) of this Act. While a city is thus operating  
12 with an even number of councilmen, the mayor may vote to break  
13 a tie vote on motions.

14 The mayor shall appoint a councilman as mayor pro tem, and a  
15 marshal or chief of police. Other officers must be selected as di-  
16 rected by the council. The mayor is not a member of the council  
17 and may not vote as a member of the council.

18 The council may by ordinance provide for a city manager, and  
19 prescribe his powers, duties, and compensation.

1 SEC. 51. A city governed by the commission form has five de-  
2 partments as follows:



- 3 1. Department of public affairs.
- 4 2. Department of accounts and finances.
- 5 3. Department of public safety.
- 6 4. Department of streets and public improvements.
- 7 5. Department of parks and public property.

8 A city governed by the commission form has a council composed  
9 of a mayor and four councilmen elected at large. The mayor admin-  
10 isters the department of public affairs and each other councilman is  
11 elected to administer one of the other four departments.

12 A city governed by the commission form and having a council  
13 composed of a mayor and two councilmen elected at large may con-  
14 tinue with a council of three until the form of government is changed  
15 as provided in section forty-eight (48) or section fifty-five (55) of  
16 this Act.

17 The mayor shall supervise the administration of all departments  
18 and report to the council all matters requiring its attention. The  
19 mayor is a member of the council and may vote on all matters before  
20 the council.

21 The councilman elected to administer the department of accounts  
22 and finances is mayor pro tem.

23 The council may appoint a city treasurer or may, by ordinance,  
24 provide for his election.

1 SEC. 52. A city governed by the council-manager-at-large form  
2 has five councilmen elected at large for staggered four-year terms.  
3 At the first meeting after each city election, the council shall elect  
4 one of the councilmen to serve as mayor, and one to serve as mayor  
5 pro tem. The mayor is a member of the council and may vote on  
6 all matters before the council. As soon as possible after each city  
7 election, the council shall appoint a manager.

8 The council may by ordinance provide that the city will be gov-  
9 erned by council-manager-ward form. The ordinance must provide  
10 for the election of the mayor and councilmen required under coun-  
11 cil-manager-ward form at the next regular city election.

1 SEC. 53. A city governed by council-manager-ward form has a  
2 council composed of a mayor and two councilmen elected at large,  
3 and one councilman elected from each of four wards. The mayor  
4 and other councilmen serve four-year staggered terms. The mayor  
5 is a member of the council and may vote on all matters before the  
6 council.

7 As soon as possible after each city election, the council shall ap-  
8 point a city manager, and a councilman to serve as mayor pro tem.

1 SEC. 54. When a city adopts a council-manager-at-large or coun-  
2 cil-manager-ward form of government:

- 3 1. The city manager is the chief administrative officer of the city.
- 4 2. The city manager shall:
  - 5 a. Supervise enforcement and execution of the city laws.
  - 6 b. Attend all meetings of the council.
  - 7 c. Recommend to the council any measures necessary or expedient  
8 for the good government and welfare of the city.
  - 9 d. Supervise the official conduct of all officers of the city whom  
10 he has appointed, and take active control of the police, fire, and engi-  
11 neering departments of the city.

- 12 e. Supervise the performance of all contracts for work to be done  
 13 for the city, make all purchases of material and supplies, and see  
 14 that such material and supplies are received, and are of the quality  
 15 and character called for by the contract.
- 16 f. Supervise the construction, improvement, repair, maintenance,  
 17 and management of all city property, capital improvements, and un-  
 18 dertakings of the city, including the making and preservation of all  
 19 surveys, maps, plans, drawings, specifications, and estimates for capi-  
 20 tal improvements, except property, improvements, and undertakings  
 21 managed by a utility board of trustees.
- 22 g. Cooperate with any administrative agency or utility board of  
 23 trustees.
- 24 h. Be responsible for the cleaning, sprinkling, and lighting of  
 25 streets, alleys, and public places, and the collection and disposal of  
 26 waste.
- 27 i. Provide for and cause records to be kept of the issuance and  
 28 revocation of licenses and permits authorized by city law.
- 29 j. Keep the council fully advised of the financial and other condi-  
 30 tions of the city, and of its future needs.
- 31 k. Prepare and submit to the council annually the required budgets.
- 32 l. Conduct the business affairs of the city and cause accurate rec-  
 33 ords to be kept by modern and efficient accounting methods.
- 34 m. Make to the council not later than the tenth day of each month  
 35 an itemized financial report in writing, showing the receipts and  
 36 disbursements for the preceding month. Copies of financial reports  
 37 must be available at the clerk's office for public distribution.
- 38 n. Appoint a treasurer subject to the approval of the council.
- 39 o. Perform other duties at the council's direction.
- 40 3. The city manager may:
- 41 a. Appoint administrative assistants, with the approval of the  
 42 council.
- 43 b. Employ, reclassify, or discharge all employees and fix their  
 44 compensation, subject to civil service provisions and chapter seventy  
 45 (70) of the Code, except the city clerk, deputy city clerk, and city  
 46 attorneys.
- 47 c. Make all appointments not otherwise provided for.
- 48 d. Suspend or discharge summarily any officer, appointee, or em-  
 49 ployee that he has power to appoint or employ, subject to civil serv-  
 50 ice provisions and chapter seventy (70) of the Code.
- 51 e. Summarily and without notice investigate the affairs and con-  
 52 duct of any department, agency, officer, or employee under his super-  
 53 vision, and compel the production of evidence and attendance of wit-  
 54 nesses.
- 55 f. Administer oaths.
- 56 4. The city manager shall not take part in any election for coun-  
 57 cilmen, other than by casting his vote, and shall not appoint a coun-  
 58 cilman to city office or employment, nor shall a councilman accept  
 59 such appointment.

1 SEC. 55. A city to be governed by the home rule charter form  
 2 shall adopt a home rule charter in which its form of government is  
 3 set forth. A city may adopt a home rule charter only by the fol-  
 4 lowing procedures:

- 5 1. A home rule charter may be proposed by:

6 a. The council, causing a charter to be prepared and filed and by  
7 resolution submitting it to the voters.

8 b. Voters of the city equal in number to at least twenty-five per-  
9 cent of the persons who voted at the last regular city election peti-  
10 tioning the council to appoint a charter commission to prepare a  
11 proposed charter. The council shall, within thirty days of the filing  
12 of a valid petition, appoint a charter commission composed of not  
13 less than five nor more than fifteen members. The charter commis-  
14 sion shall, within six months of its appointment, prepare and file  
15 with the council a proposed charter.

16 2. When a charter is filed, the council shall publish it at least twice  
17 in the manner provided in section three (3) of this Act, except that  
18 the publications must occur within sixty days of the filing of the  
19 home rule charter, with a two-week interval between each publica-  
20 tion. The council shall provide copies of a proposed charter for pub-  
21 lic distribution by the city clerk.

22 3. The proposed home rule charter must be submitted at a special  
23 city election on a date selected by the mayor. The date of the  
24 election must be not less than thirty nor more than sixty days after  
25 the last publication of the proposed home rule charter.

26 4. If a proposed home rule charter is rejected by the voters, it  
27 may not be resubmitted in substantially the same form to the voters  
28 within the next four years. If a proposed home rule charter is  
29 adopted by the voters, no other form of government may be sub-  
30 mitted to the voters for six years.

31 5. If a petition for the appointment of a charter commission is  
32 filed at any time within two weeks after the second publication of a  
33 charter proposed by the council, the submission to the voters of a  
34 charter proposed by the council must be delayed, a charter commis-  
35 sion appointed, and the council proposal and the charter proposed  
36 by the charter commission must be submitted to the voters at the  
37 same special election.

38 6. The ballot submitting a proposed charter or charters must also  
39 submit the existing form of government as an alternative.

40 7. If only two forms of government are being voted upon, the  
41 form of government which receives the highest number of votes is  
42 adopted.

43 If more than two forms are being voted upon and no form re-  
44 ceives a majority of the votes cast in the special election, there must  
45 be a run-off election between the two proposed forms which receive  
46 the highest number of votes in the special election. The run-off  
47 election must be held within thirty days following the special elec-  
48 tion and must be conducted in the same manner as a special city  
49 election.

50 8. If a home rule charter is adopted:

51 a. The elective officers provided for in the charter are to be elected  
52 at the next regular city election held more than sixty days after  
53 the special election at which the charter was adopted, and the adopted  
54 charter becomes effective at the beginning of the fiscal year which  
55 follows such regular city election.

56 b. The adoption of the charter does not alter any right or liability  
57 of the city in effect at the time of the special election at which the  
58 charter was adopted.

59 c. All departments and agencies shall continue to operate until  
60 replaced.

61 d. All measures in effect remain effective until amended or re-  
62 pealed, unless they are irreconcilable with the charter.

63 e. Upon the effective date of the home rule charter, the city shall  
64 adopt by ordinance the home rule charter, and shall file a copy of  
65 its charter with the secretary of state, and maintain copies available  
66 for public inspection.

1 SEC. 56. A home rule charter must contain and is limited to pro-  
2 visions for:

3 1. A council of an odd number of members, not less than five.

4 2. A mayor, who may be one of those council members.

5 3. Two-year or staggered four-year terms of office for the mayor  
6 and council members.

7 4. The powers and duties of the mayor and the council, consistent  
8 with the provisions of this Act.

1 SEC. 57. A home rule charter may be amended by one of the fol-  
2 lowing methods:

3 1. The council, by resolution, may submit a proposed amendment  
4 to the voters at a special city election, and the proposed amendment  
5 becomes effective if approved by a majority of those voting.

6 2. The council, by ordinance, may amend the charter. However,  
7 within thirty days of publication of the ordinance, if a petition valid  
8 under the provisions of section four (4) of this Act is filed with  
9 the council, the council must submit the ordinance amendment to the  
10 voters at a special city election, and the amendment does not become  
11 effective until approved by a majority of those voting.

12 3. If a petition valid under the provisions of section four (4) of  
13 this Act is filed with the council proposing an amendment to the  
14 charter, the council must submit the proposed amendment to the  
15 voters at a special city election, and the amendment becomes effec-  
16 tive if approved by a majority of those voting.

1 SEC. 58. A city may not adopt the special charter form but a  
2 city governed by a special charter on the effective date of this Act  
3 is considered to have the special charter form although it may utilize  
4 elements of the mayor-council form in conjunction with the provi-  
5 sions of its special charter. In adopting and filing its charter as  
6 required in section forty-seven (47) of this Act, a special charter city  
7 shall include the provisions of its charter and any provisions of the  
8 mayor-council form which are followed by the city on the effective  
9 date of this Act.

10 A special charter city may utilize the provisions of chapter four  
11 hundred twenty (420) of the Code in lieu of conflicting sections of  
12 this Act, until the city changes to one of the other forms of govern-  
13 ment as provided in this division.

#### PART 2. CITY OFFICERS.

1 SEC. 59. The council.

2 1. A majority of all councilmen is a quorum.

3 2. A vacancy in an elective city office during a term of office must  
4 be filled by the council for the period of time until the next regular  
5 city election.

6 3. The council shall appoint a city clerk to maintain city records  
7 and perform other duties prescribed by state or city law.

8 4. Except as otherwise provided by state or city law, the council  
9 may appoint and remove city officers and employees, and prescribe  
10 their powers, duties, compensation, and terms. The appointment  
11 of a city manager must be made on the basis of his qualifications and  
12 not on the basis of political affiliation.

13 5. The council shall determine its own rules and maintain records  
14 of its proceedings. City records and documents, or accurate repro-  
15 ductions thereof, must be maintained for at least ten years, except  
16 that ordinances, council proceedings, and records and documents re-  
17 lating to real property transactions or bond issues must be main-  
18 tained permanently.

19 6. Immediately following a regular or special meeting of the  
20 council, the clerk shall prepare a condensed statement of the pro-  
21 ceedings of the council, including the total expenditure from each  
22 city fund, and cause the statement to be published in a newspaper  
23 of general circulation in the city. The statement shall include a list  
24 of all claims allowed and a summary of all receipts, and shall show  
25 the gross amount of the claim. However, in cities having more than  
26 one hundred fifty thousand population the council shall each month  
27 print in pamphlet form a detailed itemized statement of all receipts  
28 and disbursements of the city, and a summary of its proceedings  
29 during the preceding month, and furnish copies to the city library,  
30 the daily newspapers of the city, and to persons who apply at the  
31 office of the city clerk, and the pamphlet shall constitute publication as  
32 required. Failure by the clerk to make publication is a misdemeanor.  
33 The provisions of this subsection are applicable in cities in which a  
34 newspaper is published, or in cities of two hundred population or  
35 over, but in all other cities, posting the statement in three public  
36 places in the city which have been permanently designated by ordi-  
37 nance is sufficient compliance with this subsection.

38 7. By ordinance, the council may divide the city into wards based  
39 upon population, change the boundaries of wards, or create new  
40 wards.

41 8. By ordinance, the council shall prescribe the compensation of  
42 the mayor, councilmen, and other elected city officers, but an increase  
43 in the compensation of the mayor or councilmen shall not become  
44 effective during the term in which the increase is adopted, and the  
45 council shall not adopt such an ordinance during the months of  
46 November and December immediately following a regular city elec-  
47 tion.

48 9. A councilman, during the term for which he is elected, is not  
49 eligible for appointment to any city office if the office has been cre-  
50 ated or the compensation of the office has been increased during the  
51 term for which he is elected. A person who resigns from an elec-  
52 tive office is not eligible for appointment to the same office during  
53 the time for which he was elected if during that time, the compensa-  
54 tion of the office has been increased.

1 SEC. 60. The mayor.

2 1. The mayor is the chief executive officer of the city and presid-  
3 ing officer of the council. Except for the supervisory duties which

4 have been delegated by law to a city manager, the mayor shall super-  
5 vise all city officers and departments.

6 2. The mayor may take command of the police and govern the  
7 city by proclamation when he determines a time of emergency or  
8 public danger exists. Within the city limits, he has all the powers  
9 conferred upon the sheriff to suppress disorders.

10 3. The mayor pro tem is vice-president of the council. When the  
11 mayor is absent or unable to act, the mayor pro tem shall perform  
12 the mayor's duties, except that the mayor pro tem may not appoint,  
13 employ, or discharge officers or employees without the approval of  
14 the council. Official actions of the mayor pro tem when the mayor  
15 is absent or unable to act are legal and binding to the same extent  
16 as if done by the mayor. The mayor pro tem retains all his powers  
17 as a councilman.

#### DIVISION V. CITY ELECTIONS

1 SEC. 61. A city shall hold a regular city election on the first Tues-  
2 day after the first Monday in November of each odd-numbered year.  
3 A city may hold general, special, primary, or run-off city elections  
4 as provided by state law.

1 SEC. 62. Terms of city officers begin and end at noon on the  
2 first day in January which is not a Sunday or legal holiday, follow-  
3 ing a regular city election.

4 Except as otherwise provided by state law or the city charter,  
5 terms for elective offices are two years. However, the term of an  
6 elective office may be changed to two or four years by petition and  
7 election. Upon receipt of a valid petition as defined in section four  
8 (4) of this Act, requesting that the term of an elective office be  
9 changed, the council shall submit the question at a special city election  
10 to be held within thirty days. If a majority of the persons voting at  
11 the special election approves the changed term, it becomes effective  
12 at the beginning of the term following the next regular city election.  
13 If a majority does not approve the changed term, the mayor shall  
14 not submit the same proposal to the voters within the next four  
15 years.

16 At the first regular city election after the terms of councilmen are  
17 changed to four years, terms shall be staggered as follows:

18 1. If an even number of councilmen are elected at large, the half  
19 of the elected councilmen who receive the highest number of votes  
20 are elected for four-year terms. The remainder are elected for  
21 two-year terms.

22 2. If an odd number of councilmen are elected at large, the major-  
23 ity of the elected councilmen who receive the highest number of votes  
24 are elected for four-year terms. The remainder are elected for two-  
25 year terms.

26 3. In case of a tie the mayor and clerk shall determine by lot  
27 which councilmen are elected for four-year terms.

28 4. If the councilmen are elected from wards, the councilmen  
29 elected from the odd-numbered wards are elected for four-year  
30 terms and the councilmen elected from even-numbered wards are  
31 elected for two-year terms.

1 SEC. 63. Candidates for elective city offices must be nominated  
2 as provided in sections sixty-four (64) through sixty-nine (69), in-

3 clusive, of this Act, unless by ordinance a city chooses the provisions  
4 of chapters forty-four (44) or forty-five (45) of the Code. How-  
5 ever, a special charter city may continue to hold partisan elections  
6 as provided in sections forty-three point one hundred twelve (43.112)  
7 through forty-three point one hundred eighteen (43.118), inclusive,  
8 and four hundred twenty point one hundred twenty-six (420.126)  
9 through four hundred twenty point one hundred thirty-eight  
10 (420.138), inclusive, of the Code.

1 SEC. 64. A voter of a city may become a candidate for an elec-  
2 tive city office by filing with the city clerk a valid petition requesting  
3 that his name be placed on the ballot for that office. The petition  
4 must be filed at least four weeks before the date of the election, and  
5 must be signed by voters equal in number to at least two percent of  
6 those who voted to fill the same office at the last regular city elec-  
7 tion, but not less than ten persons.

8 The petitioners for an individual seeking election from a ward  
9 must be residents of the ward at the time of signing the peti-  
10 tion. An individual is not eligible for election from a ward un-  
11 less he is a resident of the ward at the time he files the petition and  
12 at the time of election.

13 The petition must include the signature of the petitioners, a state-  
14 ment of their place of residence, and the date on which they signed  
15 the petition.

16 The petition must include the affidavit of at least one voter other  
17 than the petitioners and the individual for whom the petition is be-  
18 ing filed, stating the affiant's knowledge, information, and belief as  
19 to the residence of the petitioners.

20 The petition must include the affidavit of the individual for whom  
21 it is filed, stating his name, his residence, that he is a candidate and  
22 eligible for the office, and that if elected he will qualify for the office.

23 The city clerk shall accept the petition for filing if on its face it  
24 appears to have the requisite number of signatures and if it is timely  
25 filed.

1 SEC. 65. Notice and a copy of the ballot for each regular, special,  
2 primary, or run-off city election must be published as provided in  
3 section three (3) of this Act, except that notice of a regular, pri-  
4 mary, or run-off election may be published not less than five days  
5 before the date of the election. The published ballot must contain  
6 the names of all candidates, and may not contain any party designa-  
7 tions. The published ballot must contain any question to be sub-  
8 mitted to the voters.

1 SEC. 66. An individual for whom a valid petition is filed becomes  
2 a candidate in the regular city election for the office for which he has  
3 filed, except that a primary election must be held for offices for  
4 which the number of individuals for whom valid petitions are filed  
5 is more than twice the number of positions to be filled. However,  
6 the council may by ordinance choose to have a run-off election, as  
7 provided in section sixty-nine (69) of this Act, in lieu of a primary  
8 election.

1 SEC. 67. If a primary election is necessary, it must be held on  
2 the Tuesday two weeks before the date of the regular city election.

3 The names of those candidates who receive the highest number of  
4 votes in the primary, to the extent of twice the number of unfilled  
5 positions, must be placed on the ballot for the regular city election  
6 as candidates for the office for which they have filed.

1 SEC. 68. In a regular city election following a primary, the can-  
2 didates who receive the highest number of votes cast for the office  
3 for which they have filed are elected, to the extent necessary to fill  
4 the positions for which they have filed. In a regular city election  
5 when a council has chosen a run-off election in lieu of a primary, the  
6 candidates who receive the highest number of votes and a majority  
7 of the votes cast for the office for which they have filed are elected,  
8 to the extent necessary to fill the positions for which they have filed.

1 SEC. 69. A run-off election may be held only for positions un-  
2 filled because of failure of a sufficient number of candidates to re-  
3 ceive a majority vote in the regular city election. Candidates who  
4 do not receive a majority of the votes cast for the office for which  
5 they have filed, but who receive the highest number of votes cast  
6 for that office in the regular city election, to the extent of twice  
7 the number of unfilled positions, are candidates in the run-off elec-  
8 tion.

9 Run-off elections must be held two weeks after the date of the reg-  
10 ular city election and must be conducted in the same manner as  
11 regular city elections except that only voters qualified to vote in  
12 the last preceding regular city election are qualified to vote in the  
13 run-off.

14 Candidates in the run-off election who receive the highest number  
15 of votes cast for the office for which they have filed are elected to  
16 the extent necessary to fill the positions for which they have filed.

1 SEC. 70. A nomination or election to a city office may be con-  
2 tested in the manner provided in chapter sixty-two (62) of the Code  
3 for contesting elections to county offices, except that a statement of  
4 intent to contest must be filed with the city clerk within ten days  
5 after the nomination or election. The mayor is presiding officer of  
6 the court for the trial of a nomination or election contest, except that  
7 if the mayor's nomination or election is contested, the council shall  
8 elect one of its members other than the mayor to serve as presiding  
9 officer.

#### DIVISION VI. CITY LEGISLATION

1 SEC. 71. The subject matter of an ordinance or amendment must  
2 be generally described in its title.

1 SEC. 72. An amendment to an ordinance or to a city code must  
2 specifically repeal the ordinance or code, or the section or subsection  
3 to be amended, and must set forth in full the ordinance, code, sec-  
4 tion, or subsection as amended.

1 SEC. 73. A proposed ordinance or amendment must be received  
2 and placed on file at two council meetings prior to the meeting at  
3 which it is to be finally acted upon, unless this requirement is sus-  
4 pended by a recorded vote of not less than three-fourths of the coun-  
5 cil members.



6 However, if a summary of the proposed ordinance or amendment  
 7 is published as provided in section three (3) of this Act, prior  
 8 to its first filing, and copies are available at the time of publication  
 9 at the office of the city clerk, the ordinance or amendment must be  
 10 received and placed on file at one meeting prior to the meeting at  
 11 which it is to be finally acted upon, unless this requirement is sus-  
 12 pended by a recorded vote of not less than three-fourths of the  
 13 council members.

1 SEC. 74. Passage of an ordinance, amendment, or resolution re-  
 2 quires an affirmative vote of not less than a majority of the council  
 3 members. A motion to spend public funds in excess of ten thousand  
 4 dollars on any one project, or a motion to accept public improve-  
 5 ments and facilities upon their completion, also requires an affirma-  
 6 tive vote of not less than a majority of the council members. Each  
 7 councilman's vote on an ordinance, amendment, or resolution must  
 8 be recorded.

1 SEC. 75. The mayor may sign, veto, or take no action on an ordi-  
 2 nance, amendment, or resolution passed by the council.

1 SEC. 76. Measures passed by the council, other than motions, be-  
 2 come effective in one of the following ways:

3 1. If the mayor signs the measure, a resolution becomes effective  
 4 immediately upon signing and an ordinance or amendment becomes  
 5 a law when published, unless a subsequent effective date is pro-  
 6 vided within the measure.

7 2. If the mayor vetoes the measure, he shall explain his reasons  
 8 for the veto in a message to the council at the time of the veto. With-  
 9 in thirty days after the mayor's veto, the council may pass the meas-  
 10 ure again by a vote of not less than two-thirds of the council mem-  
 11 bers. If the mayor vetoes a measure and the council repasses the  
 12 measure after the mayor's veto, a resolution becomes effective imme-  
 13 diately upon repassage, and an ordinance or amendment becomes a  
 14 law when published, unless a subsequent effective date is provided  
 15 within the measure.

16 3. If the mayor takes no action on the measure, a resolution be-  
 17 comes effective fourteen days after the date of passage and an ordi-  
 18 nance or amendment becomes a law when published, but not sooner  
 19 than fourteen days after the date of passage, unless a subsequent  
 20 effective date is provided within the measure.

1 SEC. 77. The city clerk shall:

2 1. Promptly record each measure, with a statement, where appli-  
 3 cable, indicating whether the mayor signed, vetoed, or took no action  
 4 on the measure, and whether the measure was repassed after the  
 5 mayor's veto.

6 2. Publish all ordinances and amendments in the manner pro-  
 7 vided in section three (3) of this Act.

8 3. Authenticate all measures except motions with his signature  
 9 and certification as to time and manner of publication, if any. The  
 10 clerk's certification is presumptive evidence of the facts stated  
 11 therein.

12 4. Maintain for public use copies of all effective ordinances and  
 13 codes.

1 SEC. 78. At least once every five years, a city shall compile a  
2 city code containing all of the city ordinances in effect, except grade  
3 ordinances, bond ordinances, zoning ordinances, and ordinances  
4 vacating streets and alleys.

5 If a proposed city code contains only existing ordinances edited  
6 and compiled without change in substance, the council may adopt the  
7 code by ordinance.

8 If a proposed city code contains a proposed new ordinance or  
9 amendment, the council shall hold a public hearing on the proposed  
10 code before adoption. The clerk shall publish notice of the hearing  
11 as provided in section three (3) of this Act. Copies of the proposed  
12 city code must be available at the city clerk's office and the notice  
13 must so state. Within thirty days after the hearing, the council may  
14 adopt the proposed city code, which becomes law upon publication  
15 of the ordinance adopting it. If the council substantially amends the  
16 proposed city code after a hearing, notice and hearing must be re-  
17 peated.

18 Ordinances and amendments which become effective after adoption  
19 of a city code may be compiled as supplements to the code, and upon  
20 adoption of the supplement by ordinance, become part of the city  
21 code.

22 An adopted city code is presumptive evidence of the passage, publi-  
23 cation, and content of the ordinances therein as of the date of the  
24 clerk's certification of the ordinance adopting the code or supplement.

1 SEC. 79. The compensation paid to a newspaper for any publica-  
2 tion required by this division may not exceed three-fourths of the  
3 fee provided in section six hundred eighteen point eleven (618.11)  
4 of the Code.

1 SEC. 80. A city may adopt the provisions of any code or portions  
2 of any code by an ordinance which identifies the code by subject mat-  
3 ter, source, and date, and incorporates the provisions by reference  
4 without setting them forth in full. Such code or portion must be  
5 adopted in the manner provided in section seventy-eight (78) of this  
6 Act.

1 SEC. 81. Immediately after the effective date of a measure estab-  
2 lishing any zoning district, building lines, or fire limits, the city  
3 clerk shall certify the measure and a plat showing the district, lines,  
4 or limits, to the recorder of any county which contains part of the  
5 city. The county recorder shall record the measure and plat in the  
6 miscellaneous record or other book provided for special records, and  
7 shall index the record. The city shall pay the recording fee.

#### DIVISION VII. CITY FINANCE

##### PART 1. TAXES AND FUNDS.

1 SEC. 82. A city may certify taxes to be levied by the county on  
2 all taxable property within the city limits, for all city government  
3 purposes. However, the tax levied by a city on lots of more than  
4 ten acres and the personal property thereon, occupied and used for  
5 agricultural or horticultural purposes, may not exceed one and one-  
6 fourth mills in any year. A city's tax levy for the general fund may  
7 not exceed thirty mills on the dollar of taxable value in any tax year,

8 except for the levies authorized in section ninety-three (93) of this  
9 Act.

1 SEC. 83. Except as otherwise provided for special charter cities,  
2 a city's fiscal year and tax year is from January first through De-  
3 cember thirty-first, inclusive. All city property taxes must be certi-  
4 fied by a city to the county auditor on or before the fifteenth day of  
5 October of each year, unless otherwise provided by state law.

6 The county auditor shall place city taxes and assessments upon the  
7 tax list for the current year, and the county treasurer shall collect  
8 city taxes and assessments in the same manner as other taxes. De-  
9 linquent city taxes and assessments draw the same interest and pen-  
10 alties as other taxes. Sales for delinquent city taxes and assessments  
11 must be made in the manner provided in chapter four hundred forty-  
12 six (446) of the Code. The county treasurer shall combine in one  
13 tax sale all taxes and assessments due from the same person and col-  
14 lectible by the county.

1 SEC. 84. All moneys received for city government purposes from  
2 taxes and other sources must be credited to the general fund of the  
3 city, except that moneys received for the purposes of the debt serv-  
4 ice fund, the trust and agency fund, the capital improvements reserve  
5 fund, the emergency fund, and other funds established by state law  
6 must be deposited as otherwise required or authorized by state law.  
7 All moneys received by a city from the federal government must be  
8 reported to the office for planning and programming.

1 SEC. 85. A city shall establish a debt service fund and shall cer-  
2 tify taxes to be levied for the debt service fund in the amount nec-  
3 essary to pay:

4 1. Judgments against the city, except those authorized by state  
5 law to be paid from other funds.

6 2. Interest as it becomes due and the amount necessary to pay, or  
7 to create a sinking fund to pay, the principal at maturity of all gen-  
8 eral obligation bonds issued by the city.

9 Moneys pledged or available to service general obligation bonds,  
10 and received from sources other than property taxes, must be depos-  
11 ited in the debt service fund.

1 SEC. 86. A tax levied for the debt service fund is not invalid if  
2 it raises moneys in excess of those needed for a specific purpose.  
3 Only excess moneys remaining after retirement of all indebtedness  
4 payable from the fund may be transferred from the debt service  
5 fund to any other city fund, subject to the terms of the original bond  
6 issue, and as provided in rules promulgated by the city finance com-  
7 mittee created in section ninety-four (94) of this Act.

1 SEC. 87. A city may establish a trust and agency fund for the  
2 following purposes:

3 1. Accounting for pension and related employee benefit funds. A  
4 city may certify taxes to be levied for the trust and agency fund in  
5 the amount necessary to meet such obligations.

6 2. Accounting for gifts received by the city for a particular pur-  
7 pose.

8 3. Accounting for money and property received and handled by  
9 the city as trustee or custodian or in the capacity of an agent.

1 SEC. 88. A city may establish a capital improvements reserve  
2 fund, and may certify taxes not to exceed two and one-half mills on  
3 the dollar of taxable value each year to be levied for the fund  
4 for the purpose of accumulating moneys for the financing of speci-  
5 fied capital improvements, or carrying out a specific capital improve-  
6 ment plan.

7 The question of the establishment of a capital improvements re-  
8 serve fund, the time period during which a levy will be made for the  
9 fund, and the millage to be levied therefor is subject to approval by  
10 the voters, and may be submitted at any city election upon the coun-  
11 cil's motion, or shall be submitted at the next regular city election  
12 upon receipt of a valid petition as provided in section four (4) of  
13 this Act.

14 If a continuing capital improvements levy is established by elec-  
15 tion, it may be terminated in the same manner, upon the council's  
16 motion or upon petition. Balances in a capital improvements reserve  
17 fund are not unencumbered or unappropriated funds for the pur-  
18 pose of reducing tax levies. Transfers may be made between the  
19 capital improvements reserve fund, construction funds, and the gen-  
20 eral fund, as provided in rules promulgated by the city finance com-  
21 mittee created in section ninety-four (94) of this Act.

1 SEC. 89. A city may establish an emergency fund and may certify  
2 taxes not to exceed one mill on the dollar of taxable value each year  
3 to be levied for the fund. Transfers may be made from the emer-  
4 gency fund to the general fund as provided in rules promulgated by  
5 the city finance committee created in section ninety-four (94) of this  
6 Act.

1 SEC. 90. A city may establish other funds and may certify taxes  
2 to be levied for the funds as provided by state law. The status of  
3 each account or fund must be included in the annual report required  
4 in section one hundred three (103) of this Act.

1 SEC. 91. A city may negotiate short-term loans, and may issue  
2 warrants as provided in chapter seventy-four (74) of the Code, in  
3 anticipation of and not in excess of its estimated revenues for the  
4 current fiscal year, except that natural disaster loans from the state  
5 or federal government may be negotiated in anticipation of reve-  
6 nues for a period of time longer than the current fiscal year.

1 SEC. 92. On or before the third Monday of each month, the county  
2 treasurer shall pay to each city the tax revenues collected for each  
3 city fund up to the first day of that month, and the city shall credit  
4 the revenues to the proper fund and shall issue a receipt to the county  
5 treasurer.

1 SEC. 93. A city may certify, for the general fund levy, taxes  
2 which are not subject to the thirty-mill limit provided in section  
3 eighty-two (82) of this Act, and which are in addition to any other  
4 moneys the city may wish to spend for such purposes, as follows:

5 1. A tax not to exceed one-half mill for voting machines, as pro-  
6 vided in section fifty-two point three (52.3) of the Code.

7 2. A tax not to exceed one-half mill for the support of a municipi-  
8 pal band, subject to the following:

- 9 a. Upon receipt of a petition valid under the provisions of section  
10 four (4) of this Act, the council shall submit to the voters at the next  
11 regular city election the question of whether a tax shall be levied.
- 12 b. If a majority approves the levy, it may be imposed.
- 13 c. The levy can be eliminated by the same procedure of petition  
14 and election.
- 15 d. A tax authorized by an election held prior to the effective date  
16 of this Act may be continued until eliminated by the council, or by  
17 petition and election.
- 18 3. A tax not to exceed five mills for development, operation, and  
19 maintenance of a memorial building or monument, subject to the pro-  
20 cedure provided in subsection two (2) of this section.
- 21 4. A tax not to exceed one-eighth mill for support of a symphony or-  
22 chestra, subject to the provisions of subsection two (2) of this section.
- 23 5. A tax not to exceed one mill for the operation of cultural and  
24 scientific facilities, subject to the provisions of subsection two (2)  
25 of this section, except that the question may be submitted on the  
26 council's own motion.
- 27 6. A tax to aid in the construction of a county bridge, subject to  
28 the provisions of subsection two (2) of this section, except that the  
29 question must be submitted at a special election. The expense of a  
30 special election under this subsection must be paid by the county.  
31 The notice of the special election must include full details of the pro-  
32 posal, including the location of the proposed bridge, the rate of tax  
33 to be levied, and all other conditions.
- 34 7. A tax to aid a company incorporated under the laws of this  
35 state in the construction of a highway or combination bridge across  
36 any navigable boundary river of this state, commencing or terminat-  
37 ing in the city and suitable for use as highway, or for both highway  
38 and railway purposes. This tax levy is subject to the provisions of  
39 subsections two (2) and six (6) of this section. The levy is limited  
40 to one-half of one percent of the assessed value of taxable prop-  
41 erty in the city. The estimated cost of the bridge must be at least  
42 ten thousand dollars, and the city aid may not exceed one-half of the  
43 estimated cost. The notice of the special election must include the  
44 name of the corporation to be aided, and all conditions required of  
45 the corporation. Tax moneys received for this purpose may not be  
46 paid over by the county treasurer until the city has filed a statement  
47 that the corporation has complied with all conditions.
- 48 8. If a tax has been voted for aid of a bridge under subsection  
49 seven (7) of this section, a further tax may be voted for the purpose  
50 of purchasing the bridge, subject to the provisions of subsection two  
51 (2) of this section. The levy under this subsection is limited to one  
52 and one-fourth percent of the assessed value of the taxable property  
53 in the city, payable in not less than ten annual installments.
- 54 9. A tax for the purpose of carrying out the terms of a contract for  
55 the use of a bridge by a city situated on a river over which a bridge has  
56 been built. The tax may not exceed two and one-half mills each year.
- 57 10. A tax for aid to a public transportation company, subject to  
58 the procedure provided in subsection two (2) of this section, except  
59 the question must be submitted at a special election. The levy is  
60 limited to one-eighth mill. In addition to any other conditions the

61 following requirements must be met before moneys received for  
62 this purpose may be paid over by the county treasurer:

63 a. The public transportation company shall provide the city with  
64 copies of state and federal income tax returns for the five years pre-  
65 ceding the year for which payment is contemplated or for such lesser  
66 period of time as the company has been in operation.

67 b. The city shall, in any given year, be authorized to pay over only  
68 such sums as will yield not to exceed two percent of the public trans-  
69 portation company's investment as the same is valued in its tax depre-  
70 ciation schedule, provided that corporate profits and losses for the  
71 five preceding years or for such lesser period of time as the company  
72 has been in operation shall not average in excess of a two percent net  
73 return. Taxes levied under this subsection may not be used to sub-  
74 sidize losses incurred prior to the election required by this subsec-  
75 tion.

76 11. A tax for the operation and maintenance of a municipal tran-  
77 sit system, and for the creation of a reserve fund for the system, in  
78 an amount not to exceed two mills each year, when the revenues  
79 from the transit system are insufficient for such purposes, but pro-  
80 ceeds of the tax may not be used to pay interest and principal on  
81 bonds issued for the purposes of the transit system.

82 12. If a city has entered into a lease of a building or complex of  
83 buildings to be operated as a civic center, a tax sufficient to pay the  
84 installments of rent and for maintenance, insurance, and taxes not  
85 included in the lease rental payments.

86 13. A tax not to exceed one-half mill each year for operating and  
87 maintaining a civic center owned by a city.

88 14. A tax not to exceed one-fourth mill for planning a sanitary dis-  
89 posal project.

90 15. A tax not to exceed one mill each year for an aviation author-  
91 ity as provided in section three hundred thirty A point fifteen  
92 (330A.15) of the Code.

93 16. If a city has joined with the county to form an authority for  
94 a joint county-city building, as provided in section two hundred  
95 eighty-two (282) of this Act, and has entered into a lease with the  
96 authority, a tax sufficient to pay the annual rent payable under the  
97 lease.

98 17. A tax not to exceed one-fourth mill each year for a levee im-  
99 provement fund in special charter cities as provided in section four  
100 hundred twenty point one hundred fifty-five (420.155) of the Code.

101 18. A tax not to exceed one and one-fourth percent on the assessed  
102 value to aid a railway as provided in section four hundred eighty-  
103 three point one (483.1) of the Code.

104 19. A tax not to exceed three-fourths mill each year to maintain  
105 an institution received by gift or devise, as provided in section five  
106 hundred sixty-five point eight (565.8) of the Code.

107 20. A tax to pay the premium costs on tort liability insurance as  
108 provided in section six hundred thirteen A point seven (613A.7) of  
109 the Code.

#### PART 2. BUDGETING AND ACCOUNTING.

1 SEC. 94. As used in this part, unless the context otherwise re-  
2 quires, "committee" means the city finance committee. A nine-mem-

3 ber city finance committee is hereby created. Members of the com-  
4 mittee are:

5 1. The auditor of state or his designee.

6 2. The state comptroller or his designee.

7 3. A representative of the division of municipal affairs within the  
8 office for planning and programming, to be designated by the direc-  
9 tor of the office for planning and programming.

10 4. Four city officials who are regularly involved in budget prepa-  
11 ration. One official must be from a city with a population of at  
12 least two thousand but not over five thousand, one from a city with  
13 a population of over five thousand but not over fifteen thousand, one  
14 from a city with a population of over fifteen thousand but not over  
15 fifty thousand, and one from a city with a population of over fifty  
16 thousand. The governor shall select and appoint, with the approval  
17 of two-thirds of the members of the senate, the city officials.

18 5. One certified public accountant experienced in city accounting,  
19 to be selected and appointed by the governor, with the approval of  
20 two-thirds of the members of the senate.

21 6. One operations research analyst experienced in cost effective-  
22 ness analysis of city services to be selected by, and serve at the pleas-  
23 ure of, the budget and financial control committee of the general  
24 assembly.

25 City official members and the certified public accountant are ap-  
26 pointed for a four-year term, except that of the initial appointments,  
27 two city official members are to be appointed for a two-year term.  
28 When a city official member no longer holds the office which qualified  
29 him for appointment, he may no longer be a member of the commit-  
30 tee. Any person appointed to fill a vacancy during a term is ap-  
31 pointed to serve for the unexpired portion of the term. Any mem-  
32 ber is eligible for reappointment, but no member shall be appointed  
33 to serve more than two complete terms.

1 SEC. 95. The committee is located for administrative purposes  
2 within the office of the state comptroller. The comptroller shall pro-  
3 vide office space, staff assistance, and shall budget funds to cover  
4 expenses of the committee.

5 Each member is entitled to receive his actual and necessary ex-  
6 penses incurred in the performance of committee duties. Each mem-  
7 ber other than the state official members is also entitled to receive  
8 thirty dollars compensation for each day spent in performance of  
9 committee duties.

1 SEC. 96. The committee shall:

2 1. Promulgate rules relating to budget amendments and the pro-  
3 cedures for transferring moneys between funds, and other rules  
4 and regulations necessary or desirable in order to exercise its powers  
5 and perform its duties. The committee's rules are subject to chap-  
6 ter seventeen A (17A) of the Code, as applicable.

7 2. Select its officers, except that the state comptroller or his desig-  
8 nee shall serve as chairman.

9 3. Establish guidelines for program-performance budgeting and  
10 accounting and the preparation of capital improvement plans by  
11 cities. The guidelines should provide that budgets, accounts, and  
12 financial reports of cities account for all city receipts and expendi-

13 tures in terms of city government programs and anticipated or ac-  
14 tual performance levels within each program wherever practicable.  
15 The guidelines and the deadlines for initiation of program-perform-  
16 ance budgeting and accounting and for preparation of capital im-  
17 provement plans may be modified for different cities. However, as  
18 soon as practicable, the committee may require all cities of over two  
19 thousand population to prepare and adopt a tentative budget for a  
20 two-year or a three-year period and a capital improvement plan for  
21 a five-year period. The budget for the second and third following  
22 years may be less detailed than that for the next following year. A  
23 city shall hold a public hearing on its capital improvement plan be-  
24 fore adoption of the plan. The committee shall, where practicable,  
25 utilize recommendations from the national committee on govern-  
26 mental accounting.

27 4. Review and comment on the form of proposed budgets of  
28 selected cities, chosen as determined by its rules. The committee  
29 may require the submission of a city's form of budget presentation  
30 at any time. The committee shall not disapprove the form of any  
31 proposed budget which substantially meets the guidelines it has es-  
32 tablished, but may make recommendations to a city for improvement  
33 of its subsequent budgets at the earliest practicable time. If the  
34 committee disapproves the form of a proposed city budget, it shall  
35 notify the mayor as soon as possible, and shall specify in detail the  
36 changes recommended before future budgets will be acceptable. At  
37 the request of the council, at least two members of the committee  
38 shall meet with city officials to advise and assist them in complying  
39 with the recommendations of the committee.

40 5. Conduct studies of municipal revenues and expenditures, in-  
41 cluding comparative evaluations of the efficiency and effectiveness  
42 of programs of public service in comparable cities. Study areas  
43 may be selected each year by the committee. Cities must submit  
44 any information requested by the committee during the conduct of  
45 any of its studies. Forty-five days prior to the approval of any  
46 study by the committee, a draft report must be made available to  
47 each city mentioned in the study and written comments of any such  
48 city must be attached to the final report describing the study.

1 SEC. 97. Annually, a city shall prepare and adopt a budget, and  
2 shall certify taxes as follows:

3 1. A budget must be prepared for at least the following fiscal year.  
4 When required by rules of the committee, a tentative budget must be  
5 prepared for one or two ensuing years. A proposed budget must  
6 show estimates of the following:

- 7 a. Expenditures for each program.  
8 b. Income from sources other than property taxation.  
9 c. Amount to be raised by property taxation, and the property tax  
10 rate expressed in dollars per one thousand dollars assessed valuation.

11 A budget must show comparisons between the estimated expendi-  
12 tures in each program in the following year and the actual expendi-  
13 tures in each program during the two preceding years. Wherever  
14 practicable, as provided in rules of the committee, a budget must  
15 show comparisons between the levels of service provided by each  
16 program as estimated for the following year, and actual levels of  
17 service provided by each program during the two preceding years.



18 2. Not less than twenty days before the date that a budget must  
19 be certified to the county auditor, the clerk shall provide a sufficient  
20 number of copies of the budget to meet reasonable demands of tax-  
21 payers, and have them available for distribution at the offices of the  
22 mayor and clerk and at the city library, if any, or at three places  
23 designated by ordinance for posting notices.

24 3. The council shall set a time and place for public hearing on the  
25 budget before the final certification date and shall publish notice  
26 before the hearing as provided in section three (3) of this Act.  
27 Proof of publication must be filed with the county auditor.

28 4. At the hearing, any resident or taxpayer of the city may pre-  
29 sent to the council objections to any part of the budget for the fol-  
30 lowing fiscal year or arguments in favor of any part of the budget.

31 5. After the hearing, the council shall adopt a budget for at least  
32 the following fiscal year, and the clerk shall certify the necessary  
33 tax levy for the following year to the county auditor and the county  
34 board of supervisors. The tax levy certified may be less than but  
35 not more than the amount estimated in the proposed budget, unless  
36 an additional tax levy is approved at a city election. A copy of the  
37 complete budget as adopted must be transmitted to the county audi-  
38 tor and the state comptroller.

1 SEC. 98. At the time required by law, the county board of super-  
2 visors shall levy the taxes necessary for each city fund for the fol-  
3 lowing fiscal year. The levy must be as shown in the adopted city  
4 budget and as certified by the clerk, subject to any changes made  
5 after a protest hearing, and any additional tax rates approved at  
6 a city election. A city levy is not valid until proof of publication or  
7 posting of notice of a budget hearing is filed with the county auditor.

1 SEC. 99. A city budget as finally adopted for the following fiscal  
2 year becomes effective January first and constitutes the city appro-  
3 priation for each program and purpose specified therein until  
4 amended as provided in this section. A city budget for the current  
5 fiscal year may be amended for any of the following purposes:

6 1. To permit the appropriation and expenditure of unexpended,  
7 unencumbered cash balances on hand at the end of the preceding  
8 fiscal year which had not been anticipated in the budget.

9 2. To permit the appropriation and expenditure of amounts antici-  
10 pated to be available from sources other than property taxation, and  
11 which had not been anticipated in the budget.

12 3. To permit transfers from the debt service fund, the capital im-  
13 provements reserve fund, the emergency fund, or other funds estab-  
14 lished by state law, to any other city fund, unless specifically pro-  
15 hibited by state law.

16 4. To permit transfers between programs within the general fund.

17 A budget amendment must be prepared and adopted in the same  
18 manner as the original budget, as provided in section ninety-seven  
19 (97) of this Act, and is subject to protest as provided in section one  
20 hundred (100) of this Act, except that the committee may by rule  
21 provide that amendments of certain types or up to certain amounts  
22 may be made without public hearing and without being subject to  
23 protest.

1     SEC. 100. Within a period of ten days after the final date that a  
2 budget or amended budget may be certified to the county auditor,  
3 persons affected by the budget may file a written protest with the  
4 county auditor, specifying their objections to the budget or any part  
5 of it. A protest must be signed by qualified voters equal in number  
6 to one-fourth of one percent of the votes cast for governor in the last  
7 preceding general election in the city, but not less than ten persons,  
8 and at least three of the signers must have filed a written objection  
9 or appeared and objected to the budget at the budget hearing held  
10 by the council.

11     Upon the filing of any such protest, the county auditor shall imme-  
12 diately prepare a true and complete copy of the written protest, to-  
13 gether with the budget to which the objections are made, and shall  
14 transmit the same forthwith to the state appeal board, and shall also  
15 send a copy of the protest to the council.

16     The state appeal board shall proceed to consider the protest in  
17 accordance with the same provisions that protests to budgets of  
18 municipalities are considered under chapter 24 of the Code, except  
19 that final disposition of appeals of city budgets shall be made on or  
20 before November 24 of each year. The state appeal board shall  
21 certify its decision with respect to the protest to the county auditor,  
22 and such decision shall be final.

23     The county auditor shall make up his records in accordance with  
24 such decision and the levying board shall make its levy in accordance  
25 therewith. Upon receipt of such decision, the county auditor shall  
26 immediately notify both parties thereof, whereupon the council  
27 shall correct its records accordingly, if necessary.

1     SEC. 101. A city shall keep separate accounts corresponding to  
2 the programs and items in its adopted or amended budget, as rec-  
3 ommended by the committee.

4     A city shall keep accounts which show an accurate and detailed  
5 statement of all public funds collected, received, or expended for  
6 any city purpose, by any city officer, employee, or other person, and  
7 which show the receipt, use, and disposition of all city property.  
8 Public moneys may not be expended or encumbered except under an  
9 annual or continuing appropriation.

1     SEC. 102. If a city has an encumbrance system and encumbrances  
2 are not liquidated by December thirty-first of the year in which obli-  
3 gations have been encumbered, such unliquidated encumbrances may  
4 be retained upon the books of the city until liquidated, all in accord-  
5 ance with generally accepted governmental accounting practices  
6 approved by the committee. Liquidated encumbrances must be re-  
7 ported in the same manner as expended funds.

1     SEC. 103. Not later than April first of each year, a city shall  
2 publish an annual report as provided in section three (3) of this  
3 Act containing a summary for the preceding fiscal year of all collec-  
4 tions and receipts, all accounts due the city, and all expenditures,  
5 the current public debt of the city, and the legal debt limit of the  
6 city for the current fiscal year. A copy of this report must be fur-  
7 nished to the auditor of state.

## PART 3. GENERAL OBLIGATION BONDS.

1 SEC. 104. As used in parts three (3) through six (6) inclusive,  
 2 of this division, the use of the conjunctive "and" includes the disjunctive  
 3 "or" and the use of the disjunctive "or" includes the conjunctive  
 4 "and", unless the context clearly indicates otherwise.

1 SEC. 105. As used in this part, unless the context otherwise re-  
 2 quires:

3 1. "General obligation bond" means a negotiable bond issued by  
 4 a city and payable from the levy of unlimited ad valorem taxes on  
 5 all the taxable property within the city through its debt service  
 6 fund which is required to be established by section eighty-five (85)  
 7 of this Act.

8 2. "City enterprise" means any of the following, including the  
 9 real estate, fixtures, equipment, accessories, appurtenances, and all  
 10 property necessary or useful for the operation of any of the follow-  
 11 ing:

12 a. Parking facilities systems, which may include parking lots and  
 13 other off-street parking areas, parking ramps and structures on,  
 14 above, or below the surface, parking meters, both on-street and off-  
 15 street, and all other fixtures, equipment, accessories, appurtenances,  
 16 and requisites useful for the successful operation of a parking facili-  
 17 ties system.

18 b. Civic centers or civic center systems, which may include audi-  
 19 toriums, music halls, theatres, sports arenas, armories, exhibit halls,  
 20 meeting rooms, convention halls, or combinations of these.

21 c. Recreational facilities or recreational facilities systems, in-  
 22 cluding, without limitation, real and personal property, water, build-  
 23 ings, improvements, and equipment useful and suitable for admin-  
 24 istering recreation programs, and also including without limitation,  
 25 zoos, museums, and centers for art, drama, and music, as well as  
 26 those programs more customarily identified with the term "recrea-  
 27 tion" such as public sports, games, pastimes, diversions, and amuse-  
 28 ment, on land or water, whether or not such facilities are located in  
 29 or as a part of any public park.

30 d. Port facilities or port facilities systems, including without lim-  
 31 itation, real and personal property, water, buildings, improvements  
 32 and equipment useful and suitable for taking care of the needs of  
 33 commerce and shipping, and also including without limitation,  
 34 wharves, docks, basins, piers, quay walls, warehouses, tunnels, belt  
 35 railway facilities, cranes, dock apparatus, and other machinery nec-  
 36 essary for the convenient and economical accommodation and hand-  
 37 ling of watercraft of all kinds and of freight and passengers.

38 e. Airport and airport systems.

39 f. Solid waste collection systems and disposal systems.

40 g. Bridge and bridge systems.

41 h. Hospital and hospital systems.

42 i. Transit systems.

43 j. Stadiums.

44 3. "Essential corporate purpose" means:

45 a. The opening, widening, extending, grading, and draining the  
 46 right-of-way of streets, highways, avenues, alleys, public grounds,  
 47 and market places, and the removal and replacement of dead or dis-  
 48 eased trees thereon; the construction, reconstruction, and repairing

49 of any street improvements; the acquisition, installation, and repair  
50 of traffic control devices; and the acquisition of real estate needed for  
51 any of the foregoing purposes.

52 b. The acquisition, construction, improvement, and installation  
53 of street lighting fixtures, connections, and facilities.

54 c. The construction, reconstruction, and repair of sidewalks and  
55 pedestrian underpasses and overpasses, and the acquisition of real  
56 estate needed for such purposes.

57 d. The acquisition, construction, reconstruction, extension, im-  
58 provement, and equipping of works and facilities useful for the col-  
59 lection, treatment, and disposal of sewage and industrial waste in  
60 a sanitary manner, for the collection and disposal of solid waste,  
61 and for the collection and disposal of surface waters and streams.

62 e. The acquisition, construction, reconstruction, enlargement, im-  
63 provement, and repair of bridges, culverts, viaducts, underpasses,  
64 grade crossing separations, and approaches thereto.

65 f. The settlement, adjustment, renewing, or extension of any part  
66 or all of the legal indebtedness of a city, whether evidenced by bonds,  
67 warrants, or judgments, or the funding or refunding of the same,  
68 whether or not such indebtedness was created for a purpose for  
69 which general obligation bonds might have been issued in the original  
70 instance.

71 g. The undertaking of any project jointly or in cooperation with  
72 any other governmental body which, if undertaken by the city alone,  
73 would be for an essential corporate purpose, including the joint pur-  
74 chase, acquisition, construction, ownership, or control of any real  
75 or personal property.

76 h. The acquisition, construction, reconstruction, improvement, and  
77 extension of works and facilities useful for the control and elimina-  
78 tion of any and all sources of air, water, and noise pollution, and the  
79 acquisition of real estate needed for such purposes.

80 i. The acquisition, construction, reconstruction, and improvement  
81 of all waterways, and real and personal property, useful for the pro-  
82 tection or reclamation of property situated within the corporate lim-  
83 its of cities from floods or high waters, and for the protection of  
84 property in cities from the effects of flood waters, including the deep-  
85 ening, widening, alteration, change, diversion, or other improvement  
86 or watercourses, within or without the city limits, the construction  
87 of levees, embankments, structures, impounding reservoirs, or con-  
88 duits, and the establishment, improvement, and widening of streets,  
89 avenues, boulevards, and alleys across and adjacent to the project,  
90 as well as the development and beautification of the banks and other  
91 areas adjacent to flood control improvements.

92 j. The equipping of fire, police, sanitation, street, and civil defense  
93 departments.

94 k. The acquisition and improvement of real estate for cemeteries,  
95 and the construction, reconstruction, and repair of receiving vaults,  
96 mausoleums, and other cemetery facilities.

97 l. The acquisition of ambulances and ambulance equipment.

98 4. "General corporate purpose" means:

99 a. The acquisition, construction, reconstruction, extension, im-  
100 provement, and equipping of city utilities, city enterprises, and pub-  
101 lic improvements as defined in section one hundred eighteen (118)

102 of this Act, other than those which are essential corporate purposes.  
 103 b. The acquisition, construction, reconstruction, enlargement, im-  
 104 provement, and equipping of community center houses, recreation  
 105 grounds, recreation buildings, juvenile playgrounds, swimming pools,  
 106 recreation centers, parks, and golf courses, and the acquisition of  
 107 real estate therefor.

108 c. The acquisition, construction, reconstruction, enlargement, im-  
 109 provement, and equipping of city halls, jails, police stations, fire sta-  
 110 tions, garages, libraries, and hospitals, including buildings to be  
 111 used for any combination of the foregoing purposes, and the acquisi-  
 112 tion of real estate therefor.

113 d. The acquisition, construction, reconstruction, and improvement  
 114 of dams.

115 e. The removal, replacement, and planting of trees, other than  
 116 those on public right-of-way.

117 f. The acquisition, purchase, construction, reconstruction, and im-  
 118 provement of greenhouses, conservatories, and horticultural centers  
 119 for growing, storing, and displaying trees, shrubs, plants, and flowers.

120 g. The aiding in the planning, undertaking, and carrying out of  
 121 urban renewal projects under the authority of chapter four hundred  
 122 three (403) of the Code, and all of the purposes set out in section  
 123 four hundred three point twelve (403.12) of the Code.

124 h. The undertaking of any project jointly or in cooperation with  
 125 any other governmental body which, if undertaken by the city alone,  
 126 would be for a general corporate purpose, including the joint pur-  
 127 chase, acquisition, construction, ownership, or control of any real  
 128 or personal property.

129 i. Any other facilities or improvements which are necessary for  
 130 the operation of the city or the health and welfare of its citizens.

131 5. The "cost" of any project for an essential corporate purpose or  
 132 general corporate purpose includes construction contracts and the  
 133 cost of engineering, architectural, technical, and legal services, pre-  
 134 liminary reports, property valuations, estimates, plans, specifica-  
 135 tions, notices, acquisition of real and personal property, consequen-  
 136 tial damages or costs, easements, rights-of-way, supervision, inspec-  
 137 tion, testing, publications, printing and sale of bonds, and provi-  
 138 sions for contingencies.

1 SEC. 106.

2 1. A city which proposes to carry out any essential corporate pur-  
 3 pose within or without its corporate limits, and to contract indebt-  
 4 edness and issue general obligation bonds to provide funds to pay  
 5 all or any part of the cost of a project must do so in accordance with  
 6 the provisions of this division.

7 2. Before the council may institute proceedings for the issuance  
 8 of bonds for an essential corporate purpose, a notice of the proposed  
 9 action, including a statement of the amount and purposes of the  
 10 bonds, and the time and place of the meeting at which the council  
 11 proposes to take action for the issuance of the bonds, must be pub-  
 12 lished as provided in section three (3) of this Act. At the meeting,  
 13 the council shall receive oral or written objections from any resident  
 14 or property owner of the city. After all objections have been re-  
 15 ceived and considered, the council may, at that meeting or any ad-  
 16 journment thereof, take additional action for the issuance of the

17 bonds or abandon the proposal to issue the bonds. Any resident or  
 18 property owner of the city may appeal the decision of the council  
 19 to take additional action to the district court of the county in which  
 20 any part of the city is located, within fifteen days after the additional  
 21 action is taken, but the additional action of the council is final and  
 22 conclusive unless the court finds that the council exceeded its author-  
 23 ity. The provisions of this subsection with respect to notice, hearing,  
 24 and appeal, are in lieu of the provisions contained in chapter twenty-  
 25 three (23) of the Code, or any other law.

1 SEC. 107.

2 1. A city which proposes to carry out any general corporate pur-  
 3 pose within or without its corporate limits, and to contract indebted-  
 4 ness and issue general obligation bonds to provide funds to pay all  
 5 or any part of the costs of a project, must do so in accordance with  
 6 the provisions of this division.

7 2. Before the council may institute proceedings for the issuance  
 8 of bonds for a general corporate purpose, it shall call a special city  
 9 election to vote upon the question of issuing the bonds. At the elec-  
 10 tion the proposition must be submitted in the following form:

11 "Shall the (insert the name of the city) issue its bonds in an  
 12 amount not exceeding the amount of \$..... for the purpose of  
 13 .....

14 3. Notice of the election must be given by publication once each  
 15 week for at least three consecutive weeks in a newspaper of general  
 16 circulation in the city. The notice must state the date of the elec-  
 17 tion, the hours of opening and closing the polls and the location  
 18 thereof, and the question to be submitted. The election must be held  
 19 on a date not less than five nor more than twenty days after the last  
 20 publication of the notice. Such notice is sufficient and is in lieu of  
 21 any other notice required by any other statute. At the election the  
 22 ballot used for the submission of the proposition must be in substan-  
 23 tially the form for submitting special questions at general elections.

24 4. The proposition of issuing general corporate purpose bonds is  
 25 not carried or adopted unless the vote in favor of the proposition is  
 26 equal to at least sixty percent of the total vote cast for and against  
 27 the proposition at the election. If the proposition of issuing the  
 28 general corporate purpose bonds is approved by the voters, the city  
 29 may proceed with the issuance of the bonds.

1 SEC. 108.

2 1. A city may sell general obligation bonds at public or private  
 3 sale in the manner prescribed by chapter seventy-five (75) of the  
 4 Code.

5 2. General obligation funding or refunding bonds issued for the  
 6 purposes specified in section one hundred five (105), subsection three  
 7 (3), paragraph f, of this Act may be exchanged for the evidences of  
 8 the legal indebtedness being funded or refunded, or such funding or  
 9 refunding bonds may be sold in the manner prescribed by chapter  
 10 seventy-five (75) of the Code and the proceeds applied to the pay-  
 11 ment of such indebtedness. Funding or refunding bonds may bear  
 12 interest at the same rate as, or at a higher or lower rate or rates  
 13 of interest than the indebtedness being funded or refunded.

1     SEC. 109. A city may issue general obligation bonds pursuant to  
2 a resolution adopted at a regular or special meeting by a majority  
3 of the total number of members to which the council is entitled.  
4 Each paragraph of section one hundred five (105), subsections three  
5 (3) and four (4), of this Act, describes a separate category. Sep-  
6 arate categories of essential corporate purposes and of general cor-  
7 porate purposes may be incorporated in a single notice of intention  
8 to institute proceedings for the issuance of bonds, or separate cate-  
9 gories may be incorporated in separate notices, and after an oppor-  
10 tunity has been provided for filing objections, or after a favorable  
11 election has been held, if required, the council may include in a sin-  
12 gle resolution and sell as a single issue of bonds, any number or  
13 combination of essential corporate purposes or general corporate pur-  
14 poses. If an essential corporate purpose is combined with a general  
15 corporate purpose in a single notice of intention to institute proceed-  
16 ings to issue bonds, then the entire issue is subject to the referendum  
17 requirement provided in section one hundred seven (107) of this Act.

1     SEC. 110. As provided by resolution of the council, general obli-  
2 gation bonds may:

- 3     1. Bear dates.
- 4     2. Bear interest at rates not exceeding the limitations imposed by  
5 chapter seventy-five (75) of the Code.
- 6     3. Mature in one or more installments.
- 7     4. Be in either coupon or registered form.
- 8     5. Carry registration and conversion privileges.
- 9     6. Be payable as to principal and interest at times and places.
- 10    7. Be subject to terms of redemption prior to maturity with or  
11 without premium.
- 12    8. Be in one or more denominations.
- 13    9. Be designated with a brief reference to purpose, or if issued  
14 for a combination of purposes, be designated "corporate purpose  
15 bond".
- 16    10. Contain other provisions not in conflict with the laws of the  
17 state of Iowa.

1     SEC. 111. General obligation bonds must be executed by the  
2 mayor and city clerk. If coupons are attached to the bonds, they  
3 must be executed with the original or facsimile signature of the clerk.  
4 A general obligation bond is valid and binding if it bears the sig-  
5 natures of the officers in office on the date of the execution of the  
6 bonds, notwithstanding that any or all such persons whose signa-  
7 tures appear thereon have ceased to be such officers prior to the  
8 delivery thereof.

1     SEC. 112. General obligation bonds issued pursuant to this part  
2 are negotiable instruments.

1     SEC. 113. Taxes for the payment of general obligation bonds  
2 must be levied in accordance with chapter seventy-six (76) of the  
3 Code, and the bonds are payable from the levy of unlimited ad va-  
4 lorem taxes on all the taxable property within the city through its  
5 debt service fund authorized by section eighty-five (85) of this Act.

1     SEC. 114. No action may be brought which questions the legal-  
2 ity of general obligation bonds or the power of the city to issue the

3 bonds or the effectiveness of any proceedings relating to the authori-  
4 zation and issuance of the bonds from and after sixty days from  
5 the time the bonds are ordered issued by the city.

1 SEC. 115. The provisions of chapter twenty-four (24) of the  
2 Code do not apply to any bonds issued pursuant to this part.

1 SEC. 116. The enumeration in this part of specified powers and  
2 functions is not a limitation of the powers of cities, but the provi-  
3 sions of this part and the procedures prescribed for exercising the  
4 powers and functions enumerated in this part shall control and gov-  
5 ern in the event of any conflict with the provisions of any other sec-  
6 tion, part, or division of this Act or with the provisions of any other  
7 law.

1 SEC. 117. Projects and proceedings for the issuance of general  
2 obligation bonds commenced before the effective date of this Act may  
3 be consummated and completed as required or permitted by any stat-  
4 ute or other law amended or repealed by this Act as though the repeal  
5 or amendment had not occurred, and the rights, duties, and interests  
6 flowing from such projects and proceedings remain valid and enforce-  
7 able. Without limiting the foregoing, projects commenced prior to  
8 the effective date may be financed by the issuance of general obli-  
9 gation bonds under any such amended or repealed law or by the issu-  
10 ance of general obligation bonds under this Act. For the purposes  
11 of this section, commencement of a project includes but is not lim-  
12 ited to action taken by the council or authorized officer to fix a date  
13 for a hearing in connection with any part of the project, and com-  
14 mencement of proceedings for the issuance of general obligation  
15 bonds includes but is not limited to action taken by the council to  
16 fix a date for either a hearing or a sale in connection with any part  
17 of the general obligation bonds, or to order any part thereof to be  
18 issued.

#### PART 4. SPECIAL ASSESSMENTS.

1 SEC. 118. As used in this part, unless the context otherwise re-  
2 quires:

- 3 1. "Public improvement" includes the principal structures, works,  
4 component parts, and accessories of any of the following:
  - 5 a. Sanitary, storm, and combined sewers.
  - 6 b. Drainage conduits, channels, and levees.
  - 7 c. Street grading, paving, graveling, macadamizing, curbing, gut-  
8 tering, and surfacing with oil, oil and gravel, or chloride.
  - 9 d. Street lighting fixtures, connections, and facilities.
  - 10 e. Sewage pumping stations, and disposal and treatment plants.
  - 11 f. Underground gas, water, heating, sewer, and electrical connec-  
12 tions located in streets for private property.
  - 13 g. Sidewalks and pedestrian underpasses or overpasses.
  - 14 h. Drives and driveway approaches located within the public right-  
15 of-way.
  - 16 i. Waterworks, water mains, and extensions.
  - 17 j. Plazas, arcades, and malls.
  - 18 k. Parking facilities.
  - 19 l. Removal of diseased or dead trees from any public place, pub-  
20 licly owned right-of-way, or private property.



21 2. "Construction" includes materials, labor, acts, operations, and  
22 services necessary to complete a public improvement.

23 3. "Repair" includes materials, labor, acts, operations, and serv-  
24 ices necessary for the repair, reconstruction, reconstruction by wid-  
25 ening, or resurfacing of a public improvement.

26 4. "Street" means a public street, highway, boulevard, avenue,  
27 alley, parkway, public place, plaza, mall, or publicly owned right-of-  
28 way or easement within the limits of the city.

29 5. "Lot" means a lot, part of lot, tract, or parcel of land under  
30 one ownership, including improvements. Two or more contiguous  
31 lots, tracts, or parcels upon which a single improvement has been  
32 erected by a common owner are one lot for purposes of this part if  
33 such lots bear common improvements.

34 6. "Total cost" or "cost" of a public improvement includes the  
35 cost of engineering, preliminary reports, property valuations, esti-  
36 mates, plans, specifications, notices, legal services, acquisition of  
37 land, consequential damages or costs, easements, rights-of-way, con-  
38 struction, repair, supervision, inspection, testing, notices and publi-  
39 cation, interest during construction and for not more than six months  
40 thereafter, and printing and sale of bonds.

41 7. "Gravel" includes gravel, crushed rock, cinders, shale, and  
42 similar materials suitable for street construction or repair.

43 8. "Oil" means any asphaltic or bituminous material suitable for  
44 street construction or repair.

45 9. "Sewer" means structures designed, constructed, and used for  
46 the purpose of controlling or carrying off streams, surface waters,  
47 waste, or sanitary sewage.

48 10. "Main sewer" means a sewer which serves as an outlet for  
49 two or more lateral sewers, and which is commonly referred to as  
50 an intercepting sewer, outfall sewer, or trunk sewer.

51 11. "Lateral sewer" means a sewer which contributes sewage, or  
52 surface or ground water from a local area to a main sewer or outlet.

53 12. "Sewer systems" are composed of the main sewers, sewage  
54 pumping stations, treatment and disposal plants, lateral sewers,  
55 drainage conduits or channels, and sewer connections in public streets  
56 for private property.

57 13. "District" means the lots or parts of lots within boundaries  
58 established by the council for the purpose of the assessment of the  
59 cost of a public improvement.

60 14. "Private property" means all property within the district ex-  
61 cept streets.

62 15. "Abutting lot" means a lot which abuts or joins the street in  
63 which the public improvement is located or which abuts the right-of-  
64 way of the public improvement.

65 16. "Adjacent lot" means a lot within the district which does not  
66 abut upon the street or right-of-way of the public improvement.

67 17. "Street improvement" means the construction or repair of a  
68 street by grading, paving, curbing, guttering, and surfacing with oil,  
69 oil and gravel, or chloride, and street lighting fixtures, connections,  
70 and facilities.

71 18. "Proposal" means a legal bid on work advertised for a public  
72 improvement under part six (6) of this division.

73 19. "Paving" means any kind of hard street surface, including,  
74 but not limited to, concrete, bituminous concrete, brick, stabilized  
75 gravel, or combinations of these, together with or without curb and  
76 gutter.

77 20. "Engineer" means a professional engineer, registered in the  
78 state of Iowa, authorized by the council to render services in connec-  
79 tion with the public improvement.

80 21. "Grade" means the longitudinal reference lines, as established  
81 by ordinance of the council, which designate the elevations at which  
82 a street or sidewalk is to be built.

83 22. "Final grade" means the grade to which the public improve-  
84 ment is proposed to be constructed or repaired as shown on the final  
85 plans adopted by the council.

86 23. "Railways" means all railways except street railways.

87 24. "Publication" means public notice given in the manner pro-  
88 vided in section three (3) of this Act.

89 25. "Property owner" or "owner" means the owner or owners of  
90 property, as shown by the transfer books in the office of the county  
91 auditor of the county in which the property is located.

92 26. "Parking facilities" means parking lots or other off-street  
93 areas for the parking of vehicles, including areas below or above the  
94 surface of streets.

1 SEC. 119. A city may assess to private property within the city  
2 the cost of construction and repair of public improvements within  
3 the city, and main sewers, sewage pumping stations, disposal and  
4 treatment plants, waterworks, water mains, extensions, and drainage  
5 conduits extending outside the city.

1 SEC. 120. Paving, curbing, guttering, or sidewalks may not be  
2 constructed unless the improvement, when completed, will be to  
3 grade.

1 SEC. 121. A city may include underground gas, water, heating,  
2 sewer, or electrical connections to the street or property line for pri-  
3 vate property as a part of the public improvement, or a city may  
4 order the property owner to make, repair, or relocate such connec-  
5 tions by publication of a notice once each week for two consecutive  
6 weeks in the manner provided by section three (3) of this Act, and  
7 if the order is not complied with at the end of thirty days after the  
8 date of the first publication, the city may cause the work to be done  
9 and assess the cost against the property served by the connection.

1 SEC. 122.

2 1. Property owners may initiate a plan for a public improvement  
3 to be paid for in whole or in part by special assessments, by written  
4 contract to be approved by the city and signed by all of the owners  
5 of record of all property affected by the proposed assessment. If  
6 all owners of record of all the property to be affected by the pub-  
7 lic improvement petition the council, said owners may, in their peti-  
8 tion, waive notice to property owners by publication and mailing, as  
9 provided in section one hundred thirty-one (131) of this Act, and  
10 the council may proceed to adopt a preliminary resolution, a plat,  
11 schedule and estimate, and resolution of necessity, and order prepa-  
12 ration of detailed plans and specifications. Special assessments initi-

13 ated without notice under this section are liens upon the property to  
14 be affected by the assessment, to the same extent as provided in sec-  
15 tion one hundred forty-six (146), subsection five (5), of this Act,  
16 except that they shall be subordinate to any perfected lien unless  
17 the holder of such perfected lien consents in writing to the initiation  
18 of the public improvement.

19 2. A petition may be filed subsequent to the initiation by the coun-  
20 cil of a plan for a public improvement, and if the petition is received  
21 prior to advertising for bids, the public improvement petitioned for  
22 may be added by amendment to the resolution of necessity. If the  
23 petition is received subsequent to advertising for bids and prior to  
24 the completion of the work under contract, the council may, in its  
25 discretion, approve the petition and contract with the contractor at  
26 a cost not to exceed the unit prices bid at public letting for the con-  
27 struction of the public improvements petitioned for by property  
28 owners.

29 3. This section does not limit the power of a city to initiate a pub-  
30 lic improvement project on its own motion.

1 SEC. 123. To construct or repair a public improvement, the coun-  
2 cil shall proceed as follows:

3 1. Arrange for engineering services to prepare the plats, sched-  
4 ules, estimates of cost, plans, and specifications, and to supervise con-  
5 struction of the proposed improvement.

6 2. Adopt a preliminary resolution by the vote of a majority of all  
7 the members of the council. The preliminary resolution shall con-  
8 tain the following:

9 a. A description of the types or alternate types of improvement  
10 proposed.

11 b. The beginning and terminal points or general location of the  
12 proposed improvement.

13 c. An order to the engineer to prepare preliminary plans and  
14 specifications, estimated total cost of the work, and a plat and sched-  
15 ule, and to file them with the clerk.

16 d. A general description of the property or a designation of the  
17 lots which the council believes will be specially benefited by the im-  
18 provement.

19 3. The preliminary resolution may also contain the following:

20 a. A statement of the proportion of the total cost which the coun-  
21 cil proposes to assess against specially benefited property.

22 b. A short and convenient designation for the public improvement  
23 by which it may be referred to in all subsequent proceedings.

24 4. A preliminary resolution may include more than one improve-  
25 ment or class of improvement.

26 5. A single improvement may be in more than one locality or  
27 street, and that portion of the street which has been improved by  
28 any railway, or which the city may require the railway to improve  
29 under franchise or contract, may be excluded.

1 SEC. 124. Preliminary plans and specifications must only be in  
2 sufficient detail to advise any person interested of the general nature,  
3 character, and type of the improvement.

1 SEC. 125. The estimated total cost of any public improvement  
2 constructed under this part must include all of the items of cost

3 listed in section one hundred eighteen (118), subsection six (6), of  
 4 this Act, which the council proposes to include as a part of the cost  
 5 of the public improvement, and may include an item to be known  
 6 as the default fund amounting to not more than ten percent of the  
 7 portion of the total cost of the improvement which the council pro-  
 8 poses to assess against specially benefited property.

1 SEC. 126. The plat as prepared and filed by the engineer must  
 2 show the following information:

- 3 1. The boundaries of the district containing the lots proposed to  
 4 be assessed.
- 5 2. The location of each lot under separate ownership within the  
 6 district, including the property of all railways and utilities subject  
 7 to assessment.
- 8 3. The location of the improvement within the district, together  
 9 with the terminal points of all major parts proposed to be assessed.
- 10 4. The type and general details of the improvement.

1 SEC. 127. Upon completion of the plat, the council shall deter-  
 2 mine the valuation of each lot within the proposed assessment dis-  
 3 trict and shall report the valuations to the engineer, who shall show  
 4 such valuations on the schedule before it is filed with the clerk. A  
 5 valuation must be the present fair market value of the property with  
 6 the proposed public improvement completed. As an aid in determin-  
 7 ing valuations, the council may appoint a committee of three persons  
 8 skilled in the knowledge of real estate values within the city to ap-  
 9 praise the present fair market value of each lot within a district and  
 10 to file a written report of its appraisals with the council.

1 SEC. 128. The schedule, as prepared by the engineer, must show  
 2 the following information for each lot within the district:

- 3 1. A description of each lot and the name of the property owner.
- 4 2. The valuation of each lot as determined by the council.
- 5 3. The total amount proposed to be assessed to each lot, including  
 6 the assessment for the default fund, if any.
- 7 4. The amount of deficiency, if any, between the amount proposed  
 8 to be assessed and the proportion of the estimated total cost of the  
 9 public improvement allocated to each lot.

1 SEC. 129. When the plat, schedule, and estimate of cost have been  
 2 filed, the council may, before adopting a proposed resolution of neces-  
 3 sity, cause the estimate, valuation, or assessment of any lot or the  
 4 boundaries of the district as reported by the engineer to be amended,  
 5 and may adopt the plat, schedule, and estimate as amended or as filed.

1 SEC. 130. If, upon adoption of the plat, schedule, and estimate,  
 2 the council determines to proceed with all or any part of the public  
 3 improvement, it shall cause a proposed resolution of necessity to be  
 4 prepared and introduced.

- 5 1. The resolution of necessity must include all of the following:
  - 6 a. A brief description of the proposed public improvement.
  - 7 b. A statement that there is on file in the office of the clerk an  
 8 estimated total cost of the work, and a preliminary plat and sched-  
 9 ular showing the amount proposed to be assessed to each lot for the  
 10 improvement.

11 c. The date, time, and place the council will hear property owners  
 12 subject to the assessment and interested parties for or against the  
 13 improvement, its cost, the assessment, or the boundaries of the dis-  
 14 trict.

15 2. A resolution of necessity may include:

16 a. Any number of streets or sewer lines for improvement.

17 b. All improvements which are included in the preliminary reso-  
 18 lution.

19 c. A provision that unless a property owner files objections with  
 20 the clerk at the time of hearing on the resolution of necessity, he is  
 21 deemed to have waived all objections pertaining to the regularity  
 22 of the proceeding and the legality of using the special assessment  
 23 procedure.

1 SEC. 131. The clerk shall publish notice of the date, time, and  
 2 place of the hearing once each week for two consecutive weeks in the  
 3 manner provided by section three (3) of this Act, the first publication  
 4 of which shall be not less than ten days before the date of the hear-  
 5 ing. The notice must be in substantially the following form:

#### 6 NOTICE TO PROPERTY OWNERS

7 Notice is given that there is now on file for public inspection in the  
 8 office of the clerk of ....., Iowa, a proposed resolution of neces-  
 9 sity, an estimate of cost, and a plat and schedule showing the amounts  
 10 proposed to be assessed against each lot and the valuation of each lot  
 11 within a district approved by the council of ....., Iowa, for a  
 12 ..... improvement of the type(s) and in the location(s) as  
 13 follows: .....

14 The council will meet at ..... o'clock .....m., on .....,  
 15 19....., at the ....., at which time the owners of property  
 16 subject to assessment for the proposed improvement or any other  
 17 person having an interest in the matter may appear and be heard  
 18 for or against the making of the improvement, the boundaries of the  
 19 district, the cost, the assessment against any lot, or the final adop-  
 20 tion of a resolution of necessity. A property owner will be deemed  
 21 to have waived all objections unless at the time of hearing he has  
 22 filed objections with the clerk.

23 .....  
 24 Clerk.

25 Not less than fifteen days before the hearing, the clerk shall send  
 26 a copy of the notice by certified mail to each property owner whose  
 27 property is subject to assessment for the improvement at the address  
 28 as shown by the records of the county auditor. If a property is shown  
 29 to be in the name of more than one owner at the same mailing ad-  
 30 dress, a single notice may be mailed addressed to all owners at that  
 31 address. Failure to receive a mailed notice is not a defense to the  
 32 special assessment.

1 SEC. 132. The council shall meet as specified in the published  
 2 notice, and after hearing all objections and endorsements from prop-  
 3 erty owners and other persons having an interest in the matter, and  
 4 after considering all filed, written objections, may adopt or amend  
 5 and adopt the proposed resolution of necessity, or may defer action  
 6 until a subsequent meeting. A resolution of necessity requires for

7 passage the vote of three-fourths of all the members of the council,  
 8 or, in cities having but three members of the council, the vote of  
 9 two members, and where a remonstrance has been filed with the  
 10 clerk, signed by the owners subject to seventy-five percent of the  
 11 amount of the proposed assessments for the entire public improve-  
 12 ment included in the resolution of necessity, a resolution of necessity  
 13 requires a unanimous vote of the council. An amendment which  
 14 extends the boundaries of a district, increases the amount to be as-  
 15 sessed against a lot, or adds additional public improvements, is not  
 16 effective until an amended plat, schedule, and estimate have been  
 17 prepared and adopted, a notice published and mailed by certified  
 18 mail to all affected property owners, and hearing held in the same  
 19 manner as the original proceedings, or until all affected property  
 20 owners agree in writing to the change. The adoption of a resolution  
 21 of necessity is a legislative determination that the improvement is  
 22 expedient and proper and that property assessed will be specially  
 23 benefited thereby and this determination of the council is conclusive.  
 24 Ownership of property to be assessed by any improvement shall not,  
 25 except for fraud or bad faith, disqualify a council member from vot-  
 26 ing on any measure.

1 SEC. 133. After adopting a resolution of necessity, the council  
 2 may, by resolution, order the engineer to prepare and file with the  
 3 clerk detailed plans and specifications, and order the engineer and  
 4 city attorney, or any attorney designated by the council, to prepare  
 5 and file with the clerk a notice to bidders and form of contract.

1 SEC. 134. Contract letting procedures shall be as provided in part  
 2 six (6) of this division. The council may award any number of con-  
 3 tracts for construction of any public improvement.

1 SEC. 135. At any time after final adoption of the resolution of  
 2 necessity, but before awarding the contract, the council may proceed  
 3 as follows:

4 1. To direct the city attorney to file, in the district court of the  
 5 county in which the property proposed to be assessed is located, a  
 6 petition praying that the acts done by the council relative to the  
 7 proposed public improvement be confirmed by decree.

8 2. The following must be filed with the petition in the office of  
 9 the clerk of the court:

10 a. A copy of the resolution of necessity as adopted by the council.

11 b. A copy of the proposed schedule of assessments as adopted by  
 12 the council under sections one hundred twenty-nine (129) and one  
 13 hundred thirty-two (132) of this Act, which schedule shows the  
 14 maximum amount that the council proposes to assess against any lot.

15 c. Preliminary plans and specifications, or, if available, detailed  
 16 plans and specifications as prepared by the engineer.

17 d. A copy of the proposed contract if prepared.

18 3. Notice of the filing of the petition must be given in the same  
 19 manner as is provided for service of original notice by publication by  
 20 the rules of civil procedure, except as follows:

21 a. No affidavit of inability to obtain personal service within the  
 22 state of Iowa is required.

23 b. The original notice must name as defendants those property  
 24 owners who, on the date of filing the petition, have an interest in

25 the real property to be assessed as a part of the public improvement,  
26 and the original notice must state that a plat and schedule is on file  
27 in the office of the clerk of the district court where the action is pend-  
28 ing. No property owner is an indispensable party to the action.  
29 Publication of plat and schedule as part of the original notice is not  
30 required, nor shall reference in the original notice to specific descrip-  
31 tions of affected real property or the amounts of proposed assess-  
32 ments be necessary.

33 4. The petition must be given precedence over any other business  
34 of the court, except criminal cases. The court shall set the petition  
35 for hearing within thirty days from the date of final publication of  
36 notice. As a part of its order, the court may provide for a pretrial  
37 conference to be held not earlier than twenty days from the date of  
38 final publication of notice and require the appearance at the pre-  
39 trial conference of all interested parties. Failure to appear at the  
40 pretrial conference may be grounds for dismissing any objection.

41 5. If no person having an interest in property proposed to be as-  
42 sessed has entered an appearance or filed an answer within the time  
43 set for hearing on the petition, the court shall confirm the assess-  
44 ment, and order the clerk of court to certify its decree to the city  
45 clerk.

46 6. If any person having an interest in property proposed to be  
47 assessed has entered an appearance or filed an answer to the peti-  
48 tion, the court shall hear the cause as an action triable in equity.

49 7. Upon the hearing the court may correct any irregularities or  
50 inequalities in valuations or in the schedule of assessments, and shall  
51 consider any objections because of alleged illegal procedure or fraud.

52 8. The court shall render a decision upon the hearing as soon as  
53 practical after the final submission of the cause.

54 9. The clerk of the court shall certify to the city clerk the final  
55 action of the court, within three days from the date of the final  
56 decree upon the petition, showing assessments as confirmed in the  
57 schedule of assessments.

58 10. An appeal from the decree of the district court must be taken  
59 as in other equity cases.

60 11. A contract may or may not be let, in the discretion of the  
61 council, until appeals are finally determined, but the appeals need  
62 not delay the letting and execution of a contract for the work, if the  
63 council concludes the appeals were not taken in good faith.

64 12. An appeal does not, in the discretion of the council, delay the  
65 certification of an assessment or progress of an improvement, but  
66 upon decision of the appeal the assessment appealed from must be  
67 corrected and collected in the same manner as provided in section  
68 one hundred fifty-five (155) of this Act.

69 13. Corrections of assessments or valuations made by order of  
70 the district court are conclusive and not subject to review on ap-  
71 peal, or otherwise, except as provided in subsections ten (10) through  
72 twelve (12), inclusive, of this section. When court confirmation is  
73 obtained there is no right of appeal under the provisions of section  
74 one hundred forty-seven (147) of this Act.

75 14. If no contract is entered into within ninety days from the date  
76 of confirmation by the district court or within a further time allowed  
77 by the court on subsequent application, and if no appeal is pending,

78 the court shall cancel the assessment, upon application of the city  
79 attorney.

80 15. The cost of all court proceedings are a legitimate item of ex-  
81 pense in connection with a public improvement, and may be in-  
82 cluded within the final assessment against any property specially  
83 benefited in the assessment district.

84 Whenever on a hearing by the court, the amount of any assessment  
85 is reduced or canceled so that there is a deficiency in the total amount  
86 remaining assessed in the proceeding, the court may assess the defi-  
87 ciency to the city or distribute the deficiency upon the other prop-  
88 erty abutting upon or adjacent to the improvement or in the district  
89 assessed, in a manner the court finds to be just and equitable, not  
90 exceeding, however, the amount the property would be specially bene-  
91 fited by the improvement, and not exceeding twenty-five percent of  
92 the value of the lot as shown by the plat and schedule of assessments  
93 or as reduced by the court.

1 SEC. 136. In cities having a water utility under the management  
2 of a board of trustees and in which water connections are not in-  
3 stalled by the trustees at public expense, the council shall notify the  
4 board at the time of the adoption of a preliminary resolution, of any  
5 proposed street paving projects. The board shall report to the  
6 council the number of connections from water mains in streets to  
7 the curb lines of the proposed improvement necessary to serve pri-  
8 vate property dependent upon those particular mains for water sup-  
9 ply, and the numbers of the lots to be served by the connections, and  
10 the names of the owners. Notice must be given to property own-  
11 ers, at the same time and in the same manner as the notice pro-  
12 vided in section one hundred thirty-one (131) of this Act, to install  
13 the necessary connections within thirty days after hearing. For the  
14 purposes of the hearing, property owners who are notified to install  
15 water connections, but whose property is not within the proposed  
16 assessment district, may appear as interested parties. If upon hear-  
17 ing, the council determines to proceed with the improvement, and  
18 any property owner fails to make connections as required, the board  
19 of waterworks trustees shall cause them to be made and certify the  
20 cost to the council to be assessed against the property and collected  
21 in the same manner as provided in section one hundred twenty-one  
22 (121) of this Act for other underground connections.

1 SEC. 137.

2 1. Cities may assess the cost of a public improvement which ex-  
3 tends through, abuts upon, or is adjacent to lands owned by the  
4 state, and the executive council shall pay the assessable portion of  
5 the cost of the improvement through or along the lands as provided.  
6 The executive council shall pay assessments as provided in section  
7 three hundred seven point ten (307.10) of the Code.

8 2. When a state park or institutional road abutting on or adjacent  
9 to state lands on one side of the road is improved by paving, the  
10 state shall pay one-half the total assessed cost of the portion of the  
11 improvement abutting, or adjacent to state lands, lots, or portions  
12 thereof, but for any other type of improvement so constructed and  
13 located, the state shall pay, as provided in section three hundred  
14 seven point ten (307.10) of the Code, the portion of the cost which



15 would be assessable against state lands if they were privately owned.  
 16 3. When any portion of the cost of a public improvement is to be  
 17 paid by the state under this section, the clerk shall send, at the time  
 18 of publication of the notice required by section one hundred thirty-  
 19 one (131) of this Act, a copy of the notice to the secretary of the  
 20 executive council by restricted certified mail.

21 4. Cities in which state buildings are located shall permit sewers  
 22 for such buildings to be constructed through or under the streets of  
 23 the city, and connections to be made to the sewer system of the city  
 24 under the same regulations as for sewer connections to private prop-  
 25 erty.

26 5. Subsections one (1) and three (3) of this section do not apply  
 27 to lands under the jurisdiction and control of the state highway  
 28 commission.

1 SEC. 138. The city may contract to pay not to exceed ninety per-  
 2 cent of the engineer's estimated value of the acceptable work com-  
 3 pleted during the month to the contractor at the end of each month.  
 4 Payment may be made in warrants drawn on any fund or funds  
 5 from which payment for the work may be made. The warrants,  
 6 unless paid upon presentation, draw interest at a rate not to ex-  
 7 ceed seven percent per annum from and after the date of presen-  
 8 tation for payment. If such funds are depleted, anticipatory war-  
 9 rants may be issued, which do not constitute a violation of section  
 10 ninety-one (91) of this Act, even if the collection of taxes or special  
 11 assessments or income from the sale of bonds applicable to the pub-  
 12 lic improvement is after the end of the fiscal year in which the war-  
 13 rants are issued. If the city arranges for the private sale of antici-  
 14 patory warrants, they may be sold and the proceeds used to pay the  
 15 contractor. Such warrants may also be used to pay other persons  
 16 furnishing services constituting a part of the cost of the public im-  
 17 provement.

1 SEC. 139.

2 1. The engineer for the city shall inspect all work done under this  
 3 part, and within fifteen days of the final completion of the public  
 4 improvement, he shall file a certificate with the clerk stating:

5 a. That he has inspected the completed work.

6 b. That the work has or has not been performed in compliance  
 7 with the terms of the contract, and the particulars, if any, in which  
 8 the work varies from the terms.

9 c. The total cost of the completed work.

10 2. Within fifteen days after the filing of the engineer's certificate,  
 11 the council shall by resolution accept or reject the work.

12 3. Upon accepting the work, or within ten days thereafter, the  
 13 council shall ascertain the total cost and by resolution determine the  
 14 proportion or amount of the cost to be assessed against private prop-  
 15 erty within the assessment district. If the council has elected to  
 16 award more than one contract for the work, the council may elect  
 17 to proceed separately with the acceptance and levy of assessments  
 18 for the work done under each contract.

19 4. Upon accepting the work, the council may order payment of  
 20 any amount due the contractor, to be made by warrants issued in  
 21 the manner provided by section one hundred thirty-eight (138) of  
 22 this Act.

1 SEC. 140. Within thirty days after the council adopts a resolution  
2 fixing the amount to be assessed against private property, the engi-  
3 neer shall file with the clerk an assessment schedule showing:  
4 1. A description of each lot to be assessed.  
5 2. The valuation of each lot as fixed by the council.  
6 3. The amount to be assessed against each lot, which shall in-  
7 clude the assessment for the default fund, if any. No special assess-  
8 ment against any lot shall be more than ten percent in excess of the  
9 estimated cost, as provided in the preliminary schedule required  
10 under section one hundred twenty-eight (128) of this Act.

1 SEC. 141. Within ten days after filing of the assessment schedule,  
2 the council shall meet, consider, and adopt or amend and adopt, by  
3 resolution, the final assessment schedule. The resolution must:  
4 1. Confirm and levy assessments.  
5 2. State the number of annual installments, not exceeding fifteen,  
6 into which assessments of fifty dollars or more are divided.  
7 3. Provide for interest on all unpaid installments at not more than  
8 seven percent per annum.  
9 4. State the time when assessments are payable.  
10 5. Direct the clerk to certify the final schedule to the auditor of  
11 the county or counties in which the assessed property is located,  
12 and to publish notice thereof once each week for two consecutive  
13 weeks in the manner provided in section three (3) of this Act, the  
14 first publication of which shall be not more than fifteen days from  
15 the date of filing of the final schedule. On or before the second pub-  
16 lication of the notice, the clerk shall send by certified mail to each  
17 property owner whose property is subject to assessment for the  
18 improvement, as shown by the records in the office of the county  
19 auditor, a copy of the notice. Such notice shall also include a state-  
20 ment in substance that assessments may be paid in full without in-  
21 terest within thirty days after the date of certification, and there-  
22 after all unpaid special assessments will draw annual interest at  
23 seven percent, computed to the June first next following the due  
24 dates of the respective installments, and each installment will be de-  
25 linquent on March thirty-first following its due date, and will draw  
26 additionally the same delinquent interest and the same penalties as  
27 ordinary taxes. Such notice shall also state substantially that prop-  
28 erty owners may elect to pay any installment semiannually in ad-  
29 vance. If a property is shown by the records to be in the name  
30 of more than one owner at the same mailing address, a single notice  
31 may be mailed to all owners at that address. Failure to receive a  
32 mailed notice is not a defense to the special assessment.  
33 The county auditor shall place on the tax list the amounts to be  
34 assessed against each lot within the assessment district, as certified.

1 SEC. 142. The total cost of a public improvement, except for pav-  
2 ing that portion of a street lying between railroad tracks and one  
3 foot outside of the tracks, or which is to be otherwise paid, must  
4 be assessed against all lots within the assessment district in accord-  
5 ance with the special benefits conferred upon the property, and not  
6 in excess of such benefits.

7 If an owner of property subject to special assessment divides the  
8 property into two or more lots, and if the plan of division is ap-

9 proved by the council, he may discharge the lien upon any of the lots  
10 by payment of the amount unpaid, calculated as determined by the  
11 council.

1 SEC. 143. A special assessment against a lot for a public im-  
2 provement may not be in excess of the amount of the assessment, as  
3 shown in the schedule confirmed by the court, or if court confirma-  
4 tion is not utilized, then on the original plat and schedule adopted  
5 by the council, and an assessment may not exceed twenty-five per-  
6 cent of the value of the lot as shown by the plat and schedule ap-  
7 proved by the council or as reduced by the court.

8 Special assessments for the construction or repair of underground  
9 connections for private property for gas, water, sewers, or electric-  
10 ity may be assessed to each lot for the actual cost of each connection  
11 for that lot, and the twenty-five percent limitation does apply. Such  
12 connections shall not be installed to service railroad right-of-way  
13 without written agreement with the railway company owning or  
14 leasing the right-of-way.

1 SEC. 144. If the special assessment which may be levied against  
2 a lot is insufficient to pay its proportion of the cost of the improve-  
3 ment, or if no special assessment may be levied against a lot, the  
4 deficiency shall be paid from the city fund or funds designated by the  
5 council.

1 SEC. 145. The right-of-way of a railway company is subject to  
2 special assessments for public improvements, and such assessments  
3 constitute a debt due the city which is a paramount lien upon the  
4 track of the railway company owning or leasing the right-of-way  
5 within the limits of the city. The property of a railway to which  
6 a lien for unpaid special assessment has attached may not be re-  
7 leased from the lien until the whole assessment is paid.

1 SEC. 146.

2 1. The first installment of each assessment, or the total amount if  
3 less than fifty dollars, is due and payable on January first next suc-  
4 ceeding the date of the levy, unless the assessment is filed with the  
5 county auditor less than thirty days prior to January first. The first  
6 installment shall bear interest on the whole assessment from the  
7 date of acceptance of the work by the council to the first day of June  
8 following the due date.

9 2. The succeeding annual installments, with interest on the whole  
10 unpaid amount, to the first day of June following the due date, are  
11 respectively due on January first annually, and must be paid at the  
12 same time and in the same manner as the March semiannual payment  
13 of ordinary taxes.

14 3. All future installments of an assessment may be paid on any  
15 date by payment of the then outstanding balance, plus interest to  
16 June first following the due date of the next maturing installment.

17 4. Each installment of an assessment with interest on the unpaid  
18 balance is delinquent after the thirty-first day of March next after its  
19 due date, and bears the same delinquent interest with the same pen-  
20 alties as ordinary taxes. When collected, the interest and penalties  
21 must be credited to the same fund as the special assessment.

22 5. From the date of adoption of the resolution of necessity, all  
23 special assessments with all interest and penalties become and re-  
24 main a lien on the benefited properties until paid, and have equal  
25 precedence with ordinary taxes, and are not divested by any judicial  
26 sale.

27 6. Any property owner may elect to pay one-half of any annual  
28 installment of principal and interest of a special assessment in ad-  
29 vance, with the second semiannual payment of ordinary taxes col-  
30 lected in the year preceding the due date of such installment. The  
31 county treasurer shall accept such partial payment of the special  
32 assessment, and shall credit the next annual installment of such spe-  
33 cial assessment to the extent of such payment, and shall remit the  
34 payments to the city.

1 SEC. 147.

2 1. A person having an interest in property subject to special as-  
3 sessment may, within twenty days after the adoption of a resolu-  
4 tion of necessity, test the regularity of the proceedings or legality  
5 of the assessment procedure by a petition in equity filed in the dis-  
6 trict court of the county where the property is located. A petition  
7 does not stay further proceedings on the improvement by the coun-  
8 cil, unless there is also filed a bond in an amount and with security  
9 approved by the court.

10 2. A person having an interest in any property specially assessed  
11 may appeal from the amount of the assessment, at any stage of the  
12 special assessment procedure up to twenty days after the final pub-  
13 lication of notice of filing of the final assessment schedule, by peti-  
14 tion to the district court of the county where the property is located  
15 but such appeal is only to the amount of that assessment and does  
16 not stay further proceedings by the council on the improvement. No  
17 action shall be brought appealing the amount of any special assess-  
18 ment from and after twenty days after said final publication.

19 3. A person having an interest in property subject to special as-  
20 sessment has a right of appeal to the district court on the ground of  
21 fraud.

22 4. No action may be brought questioning the regularity of the  
23 proceedings pertaining to special assessments or the validity of any  
24 special assessment levied for any public improvement under this  
25 part, from and after sixty days after the final publication of notice  
26 of filing the final assessment schedule.

1 SEC. 148. Assessments levied and certified under the provisions of  
2 this part, including installments and interest, are payable at the  
3 office of the county treasurer of the county where the property as-  
4 sessed is located, except that assessments may be paid in full and  
5 without interest within thirty days after the date of certification, at  
6 the office of the county treasurer or the city clerk.

1 SEC. 149.

2 1. After certification of the final assessment schedule, the city  
3 may, by resolution, authorize and issue bonds in anticipation of the  
4 collection of unpaid special assessments. However, the total prin-  
5 cipal amount of bonds issued for a public improvement may not ex-  
6 ceed the total amount of unpaid special assessments less the propor-  
7 tionate unpaid amount assessed for the default fund.

8       2. All special assessment bonds are negotiable, must state on their  
9 face that they are issued under the provisions of this part, and are  
10 payable as to both principal and interest from the proceeds of the  
11 special assessments levied for the public improvement. Such bonds  
12 may bear interest at a rate not exceeding seven percent per annum  
13 payable annually or semiannually, must mature serially on June first  
14 of the years in which any of the principal is scheduled to become  
15 due, and may contain a provision that the city reserves the right  
16 and option of calling and redeeming any or all of the bonds prior to  
17 maturity on any interest payment date or within forty-five days  
18 thereafter upon the terms specified therein.

19       Such bonds must be called "improvement bonds", must designate  
20 the general type of improvement or improvements for which issued,  
21 and may be issued in any denomination, not exceeding ten thousand  
22 dollars.

23       Improvement bonds issued for any one levy must bear the same  
24 date and be divided into as many series as there are years in which  
25 installments of the special assessment mature, and each series must  
26 be as nearly equal in amount as practicable.

27       3. The proceeds of the special assessments and interest collected  
28 thereon must be used and applied by the city to the payment of the  
29 interest on the bonds and to the retirement of the principal as rapidly  
30 as proceeds are collected.

31       Such bonds and coupons do not make the city liable in any way,  
32 except for the proper application of special assessments.

33       If interest becomes due on any of the bonds when there is no  
34 fund or funds from which to pay it, the council may make a tempo-  
35 rary loan for payment of the interest, which loan must be repaid  
36 from the special assessments and interest pledged to secure the  
37 bonds, but in case of purchase by the city at tax sale of the prop-  
38 erty on which a special assessment is levied, the loan must be re-  
39 paid from the funds of the city from which deficiencies on the im-  
40 provement were paid, or if there were no deficiencies, from the gen-  
41 eral fund.

42       4. Special assessment bonds must be sold at public or private sale  
43 in the manner provided by chapter seventy-five (75) of the Code,  
44 and may not be sold for less than par value with accrued interest  
45 from date to the time of delivery, or if no bids are received at pub-  
46 lic sale, bonds may be delivered to the contractor in payment of the  
47 cost of the public improvement. The proceeds of the sale must be  
48 applied to the payment of the cost of the public improvement.

49       5. Any excess of proceeds from special assessments remaining  
50 after all of the bonds for a particular improvement have been paid  
51 with interest may be credited to the fund from which deficiencies  
52 for the improvement could have been paid.

53       6. Cities may issue refunding bonds to pay off and take up spe-  
54 cial assessment bonds issued in payment for public improvements,  
55 or to refund any part thereof, as follows:

56       a. Refunding bonds must substantially conform to the provisions  
57 of this part, and the face value is limited to the amount of the un-  
58 paid special assessments with the interest thereon of the particular  
59 issue of bonds to be refunded.

60 b. Refunding bonds or their proceeds may be used only to pay  
61 improvement bonds taken up.

62 c. The expense of refunding bonds must be paid out of the funds  
63 of the city from which the cost of similar improvements might law-  
64 fully be paid.

65 d. When refunding bonds are issued to pay improvement bonds, all  
66 special assessments and sinking funds applicable to the payment of  
67 the improvement bonds previously issued must be applied in the  
68 same manner and to the same extent to the payment of the refund-  
69 ing bonds, and all the powers and duties to levy and to carry special  
70 assessments and taxes, to create liens upon property, and to estab-  
71 lish sinking funds in respect to the bonds previously issued con-  
72 tinue until refunding bonds are paid.

73 e. The city shall collect the special assessment out of which the  
74 refunding bonds are payable and hold the proceeds in trust for the  
75 payment of the refunding bonds, but it is not liable except for the  
76 proper application of the assessments.

77 7. No action shall be brought questioning the legality of the bonds  
78 authorized by this section from and after sixty days from the date  
79 the bonds are ordered issued by the city.

1 SEC. 150. Property against which a special assessment has been  
2 levied for public improvements may be sold for any sum of principal  
3 or interest due and delinquent, at any regular or adjourned tax sale  
4 in the same manner with the same forfeitures, penalties, right of  
5 redemption, certificates, and deeds, as for the nonpayment of ordi-  
6 nary taxes. The purchaser at a tax sale takes the property charged  
7 with the lien of the remaining unpaid installments and interest.  
8 When bonds have been issued in anticipation of special assessments  
9 and interest for which property is to be sold, the city may be a  
10 purchaser and is entitled to all rights of purchasers at tax sales.  
11 The proceeds subsequently realized from sales of property so pur-  
12 chased by the city must be credited to the funds of the city from  
13 which deficiencies on the improvement were paid, or if there were  
14 no deficiencies, to the general fund.

1 SEC. 151. A holder of a special assessment bond payable in whole  
2 or in part out of a special assessment against any lot or parcel of  
3 ground, or a city within which the lot or parcel of ground is situated,  
4 which lot or parcel of ground has been sold for taxes, either general  
5 or special, may have an assignment of any certificate of tax sale  
6 of the property for any general taxes or special taxes thereon, upon  
7 tender to the holder or to the county auditor of the amount to which  
8 the holder of the tax sale certificate would be entitled in case of re-  
9 demption.

1 SEC. 152. The whole or any part of the cost of construction or  
2 repair of a public improvement may be paid from the proceeds of  
3 the issuance of general obligation bonds under the provisions of sec-  
4 tion one hundred six (106) of this Act, or from the fund or funds  
5 of the city authorized to be used for the particular type of improve-  
6 ment, and the council shall provide that the tax authorized for pur-  
7 poses of the fund or funds must be annually levied to the full ex-  
8 tent necessary to reimburse the fund or funds for the amount paid  
9 for the construction or repair of the improvement.

1     **SEC. 153.** When by reason of nonconformity to any law or reso-  
2 lution, or by reason of any omission, informality, or irregularity,  
3 any special tax or assessment levied is determined by the council to  
4 be invalid or is adjudged illegal, the council may correct the levy by  
5 resolution, and may reassess and relevy with the same force and effect  
6 as if done at the proper time and in the manner provided by law or  
7 by the resolution.

1     **SEC. 154.** When a special tax or assessment, upon property not  
2 exempt, is adjudged void for any jurisdictional defect, or other rea-  
3 son, the council may as to such property, by resolution, cause to be  
4 prepared a schedule and proposed reassessment in proportion to and  
5 not in excess of benefits, cause notice to be given, hear objections,  
6 and make necessary corrections, and may reassess and relevy the  
7 tax or special assessment as corrected with the same force and effect  
8 as if jurisdiction had been acquired in the first instance and all sub-  
9 sequent proceedings had been regularly and legally had.

1     **SEC. 155.** When, in making a special assessment, any property  
2 is assessed too little or too much, the assessment may be corrected  
3 and a reassessment and relevy made in conformity with the correc-  
4 tion, and a tax collected in excess of the proper amount must be re-  
5 funded to the person paying the same. Corrected assessments are  
6 a lien on the lots the same as the original assessment, must be cer-  
7 tified by the clerk to the county auditor in the same manner, and  
8 must so far as practicable, be collected in the same installments,  
9 draw interest at the same rate, and be enforced in the same manner  
10 as the original assessment.

11     However, if the city does not certify the assessments within six  
12 months of final publication as required by part four (4) of division  
13 seven (VII) of this Act, all such assessments shall be null, void, and  
14 of no effect. Any bonds issued with such void assessments as secu-  
15 rity shall be paid by the city as they become due out of its debt  
16 service as provided in section eighty-five (85) of this Act.

1     **SEC. 156.** Any provision of law, resolution, or ordinance specify-  
2 ing a time when or the order in which acts must be done in a pro-  
3 ceeding which may result in a special assessment, is subject to the  
4 qualifications of sections one hundred fifty-three (153), one hun-  
5 dred fifty-four (154), and one hundred fifty-five (155) of this Act.

6     A city may combine any one or more of the procedural acts re-  
7 quired by this part and call for bids for construction of a public  
8 improvement and comply with legal requirements respecting public  
9 contracts so as to permit the council to receive and consider propos-  
10 als at the time of hearing on the resolution of necessity.

1     **SEC. 157.** The provisions of this part apply to any public im-  
2 provement undertaken jointly by the city and another city or by the  
3 city and the state or any other political subdivision of the state, and  
4 a city may enter into an agreement for such purpose under the pro-  
5 visions of chapter twenty-eight E (28E) of the Code and may assess  
6 and pay its portion of the cost of a public improvement as provided  
7 in this part, but any requirement of this part in respect to approval  
8 of detailed plans and specifications, calling for construction bids,  
9 awarding construction contracts and acceptance of the completed

10 improvement may be carried out by each city with other cities, the  
11 state or any other political subdivision of the state, as provided in  
12 an agreement entered into as permitted by chapter twenty-eight E  
13 (28E) of the Code. However, an agreement between the city and  
14 the state highway commission is also governed by the provisions of  
15 sections three hundred thirteen point twenty-one (313.21) through  
16 three hundred thirteen point twenty-three (313.23), inclusive, of  
17 the Code.

1     SEC. 158. In the making of assessments for paving streets, ave-  
2 nues or public places along or upon which a track of a railway or  
3 street railway company is located, the engineer shall make an esti-  
4 mate of the cost of building the improvement, and an estimate of  
5 the cost of the improvement if tracks were not there. The railway  
6 or street railway company may be charged with the difference be-  
7 tween the two estimates of cost, and shall make payment in the  
8 same manner as other special assessments are paid. This section ap-  
9 plies only to track within the limits of the improvement proper and  
10 shall not be construed as exempting a railway or street railway com-  
11 pany from a special assessment on other property, adjacent or abut-  
12 ting, within the assessment district and owned by the company, nor  
13 does this section relieve a company from any of its duties and liabili-  
14 ties set forth in any other law concerning repair or construction of  
15 the strip of paving between the rails and one foot outside.

1     SEC. 159. Projects and proceedings for the levy of special assess-  
2 ments and the issuance of special assessment bonds commenced be-  
3 fore the effective date of this Act may be hereafter consummated  
4 and completed and special assessments levied and special assessment  
5 bonds issued as required or permitted by any statute or other law  
6 amended or repealed by this Act as though such repeal or amend-  
7 ment had not occurred, and the rights, duties, and interests flowing  
8 from such projects and proceedings remain valid and enforceable.  
9 Without limiting the foregoing, projects commenced prior to said ef-  
10 fective date may be financed by the issuance of special assessment  
11 bonds and other bonds under any such amended or repealed law or  
12 by the issuance of special assessment bonds, or other bonds under  
13 this Act. For the purposes of this section, commencement of a proj-  
14 ect includes but is not limited to action taken by the council or au-  
15 thorized officer to fix a date for a hearing in connection with any  
16 part of a public improvement, and commencement of proceedings for  
17 the levy of special assessments and the issuance of special assess-  
18 ment bonds includes but is not limited to action taken by the council  
19 to fix a date for a hearing in connection with any public improve-  
20 ment proposed to be financed in whole or in part through special  
21 assessments.

1     SEC. 160. The enumeration in this part of special powers and  
2 functions is not a limitation of the powers of cities, but the provi-  
3 sions of this part and the procedures prescribed for exercising the  
4 powers and functions enumerated in this part control and govern in  
5 the event of any conflict with the provisions of any other section,  
6 part, or division of this Act or with the provisions of any other law.



## PART 5. REVENUE FINANCING.

1 SEC. 161. As used in this part, unless the context otherwise re-  
2 quires:

- 3 1. "Combined utility system" means two or more city utilities  
4 owned by a single city, and combined and operated as a single sys-  
5 tem.  
6 2. "City enterprise" means the same as defined in section one hun-  
7 dred five (105) of this Act.  
8 3. "Combined city enterprise" means two or more city enterprises  
9 combined and operated as a single enterprise.  
10 4. "Governing body" means the public body which by law is  
11 charged with the management and control of a city utility, combined  
12 utility system, city enterprise, or combined city enterprise. The  
13 council is the governing body of each city utility, combined utility  
14 system, city enterprise, or combined city enterprise, except that a  
15 utility board, as provided in division eight (VIII) of this Act, is the  
16 governing body of the city utility, city utilities, or combined utility  
17 system which it operates.  
18 5. "Project" means the acquisition, construction, reconstruction,  
19 extending, remodeling, improving, repairing, and equipping of all or  
20 part of a city utility, combined utility system, city enterprise, or  
21 combined city enterprise within or without the corporate limits of  
22 the city.  
23 6. "Rates" means rates, fees, tolls, rentals, and charges for the  
24 use of or service provided by a city utility, combined utility system,  
25 city enterprise, or combined city enterprise.  
26 7. "Gross revenue" means all income and receipts derived from  
27 the operation of a city utility, combined utility system, city enter-  
28 prise, or combined city enterprise.  
29 8. "Operating expense" means salaries, wages, cost of maintenance  
30 and operation, materials, supplies, insurance, and all other items nor-  
31 mally included under recognized accounting practices, but does not  
32 include allowances for depreciation in the value of physical property.  
33 9. "Net revenues" means gross revenues less operating expenses.  
34 10. "Revenue bond" means a negotiable bond issued by a city and  
35 payable from the net revenues of a city utility, combined utility sys-  
36 tem, city enterprise, or combined city enterprise.  
37 11. "Pledge order" means a promise to pay out of the net reve-  
38 nues of a city utility, combined utility system, city enterprise, or  
39 combined city enterprise, which is delivered to the contractors or  
40 other persons in payment of all or part of the cost of the project.

1 SEC. 162.

- 2 1. A city which proposes to establish, own, acquire by purchase,  
3 condemnation, or otherwise, lease, sell, construct, reconstruct, ex-  
4 tend, remodel, improve, repair, equip, maintain, and operate within  
5 or without its corporate limits a city utility, combined utility system,  
6 city enterprise, or combined city enterprise must do so in accordance  
7 with the provisions of this Act.  
8 2. If all of the utilities involved in the establishment of a com-  
9 bined utility system are, at the time of establishment, controlled and  
10 managed by the same utility board, such utility board shall continue  
11 as the governing body of the combined utility system; otherwise  
12 the city council is the governing body of a combined utility system,

13 but a utility board for a combined utility system may be established  
14 as provided in division eight (VIII) of this Act. If a combined util-  
15 ity system or combined city enterprise is dissolved, each city utility  
16 or city enterprise shall continue in existence as a separate city util-  
17 ity or city enterprise unless the voters additionally authorize the  
18 abandonment thereof. The governing body of a combined utility  
19 system which is dissolved shall continue as the governing body of  
20 each city utility which was a part of the combined utility system  
21 unless changed as provided in division eight (VIII) of this Act.  
22 The adding of an additional city utility to an existing combined  
23 utility system is the establishment of a new combined utility system  
24 and must be approved by the voters of the city as provided in divi-  
25 sion eight (VIII) of this Act, but the governing body of the existing  
26 combined utility system shall continue as the governing body of the  
27 new combined utility system.

28 3. A combined utility system or combined city enterprise may be  
29 established, but if there are obligations outstanding which by their  
30 terms are payable from the revenues of any city utility or city enter-  
31 prise involved, all such outstanding obligations must be assumed by  
32 the governing body of the combined utility system or combined city  
33 enterprise subject to all terms established at the time of the original  
34 issue, or refunded through the issuance of revenue bonds of the com-  
35 bined utility system or combined city enterprise as a part of the  
36 procedure for the establishment of the combined utility system or  
37 combined city enterprise, or funds sufficient to pay the principal of  
38 and all interest and premium, if any, on such outstanding obligations  
39 at and prior to maturity must have been properly set aside and pledged  
40 for that purpose. Any revenues earmarked for payment of the obli-  
41 gations must be handled by the governing body of the combined util-  
42 ity or combined city enterprise in the same manner as they were han-  
43 dled by the governing body of the city utility or city enterprise in-  
44 volved. A city utility or city enterprise may not be abandoned and  
45 a combined utility system or combined city enterprise may not be  
46 dissolved so long as there are obligations outstanding which by their  
47 terms are payable from the revenues of the city utility, combined  
48 utility system, city enterprise, or combined city enterprise unless  
49 funds sufficient to pay the principal of and all interest and premium,  
50 if any, on such outstanding obligations at and prior to maturity  
51 have been properly set aside and pledged for such purpose.

1 SEC. 163.

2 1. A city may carry out projects, borrow money, and issue revenue  
3 bonds and pledge orders to pay all or part of the cost of projects,  
4 such revenue bonds and pledge orders to be payable solely and only  
5 out of the net revenues of the city utility, combined utility system,  
6 city enterprise, or combined city enterprise involved in the project.  
7 The cost of a project includes the construction contracts, interest  
8 upon the revenue bonds and pledge orders during the period or esti-  
9 mated period of construction and for twelve months thereafter, or  
10 for twelve months after the acquisition date, and the costs of engi-  
11 neering, architectural, technical, and legal services, preliminary re-  
12 ports, surveys, property valuations, estimates, plans, specifications,  
13 notices, acquisition of real and personal property, consequential dam-  
14 ages or costs, easements, rights-of-way, supervision, inspection, test-

15 ing, publications, printing and sale of bonds, and provisions for con-  
16 tingencies. A city may sell revenue bonds at public or private sale  
17 in the manner prescribed by chapter seventy-five (75) of the Code  
18 and may deliver revenue bonds and pledge orders to the contractors,  
19 sellers, and other persons furnishing materials and services consti-  
20 tuting a part of the cost of the project in payment therefor.

21 2. A city may issue revenue bonds to refund revenue bonds, pledge  
22 orders, and other obligations which are by their terms payable from  
23 the net revenues of the same city utility, combined utility system,  
24 city enterprise, or combined city enterprise, or from a city utility  
25 comprising a part of the combined utility system or a city enterprise  
26 comprising a part of the combined city enterprise, at lower, the  
27 same, or higher rates of interest. A city may sell refunding reve-  
28 nue bonds at public or private sale in the manner prescribed by  
29 chapter seventy-five (75) of the Code and apply the proceeds there-  
30 of to the payment of the obligations being refunded, and may ex-  
31 change refunding revenue bonds in payment and discharge of the  
32 obligations being refunded. The principal amount of any refunding  
33 revenue bonds may exceed the principal amount of the obligations  
34 being refunded to the extent necessary to pay any premium due on  
35 the call of the obligations being refunded and to fund interest ac-  
36 crued on and prior to the delivery of the refunding revenue bonds.

1 SEC. 164.

2 1. A city may issue revenue bonds pursuant to a resolution of  
3 the governing body of the city utility, combined utility system, city  
4 enterprise, or combined city enterprise, adopted at a regular or  
5 special meeting by a majority of the total number of members to  
6 which the governing body is entitled.

7 2. Before the governing body institutes proceedings for the issu-  
8 ance of revenue bonds, it shall fix a time and place of meeting at  
9 which it proposes to take action and give notice by publication in  
10 the manner directed in section three (3) of this Act. The notice  
11 must include a statement of the time and place of the meeting, the  
12 maximum amount of the proposed revenue bonds, the purpose for  
13 which the revenue bonds will be issued, and the city utility, combined  
14 utility system, city enterprise, or combined city enterprise whose net  
15 revenues will be used to pay the revenue bonds and interest thereon.  
16 The governing body shall at the meeting receive oral or written ob-  
17 jections from any resident or property owner of the city. After all  
18 objections have been received and considered, the governing body  
19 may, at the meeting or any adjournment thereof, take additional  
20 action for the issuance of the bonds or abandon the proposal to issue  
21 bonds. Any resident or property owner of the city may appeal a  
22 decision of the governing body to take additional action to the dis-  
23 trict court of the county in which any part of the city is located  
24 within fifteen days after the additional action is taken, but the addi-  
25 tional action of the governing body is final and conclusive unless the  
26 court finds that the governing body exceeded its authority. The  
27 provisions of this subsection with respect to notice, hearing, and  
28 appeal in connection with the issuance of revenue bonds are in lieu  
29 of those contained in chapter twenty-three (23) of the Code or any  
30 other law.

31 3. Revenue bonds may bear dates, bear interest at rates not ex-  
32 ceeding any limitations imposed by chapter seventy-five (75) of the  
33 Code, mature in one or more installments, be in either coupon or  
34 registered form, carry registration and conversion privileges, be  
35 payable as to principal and interest at times and places, be subject  
36 to terms of redemption prior to maturity with or without premium,  
37 and be in one or more denominations, all as provided by the resolu-  
38 tion of the governing body authorizing their issuance. The resolu-  
39 tion may also prescribe additional provisions, terms, conditions, and  
40 covenants which the governing body deems advisable, consistent  
41 with the provisions of this Act, including provisions for creating and  
42 maintaining reserve funds, the issuance of additional revenue bonds  
43 ranking on a parity with such revenue bonds and additional revenue  
44 bonds junior and subordinate to such revenue bonds, and that such  
45 revenue bonds shall rank on a parity with or be junior and subordi-  
46 nate to any revenue bonds which may be then outstanding. Revenue  
47 bonds are a contract between the city and holders and the resolution  
48 is a part of the contract.

49 4. If the governing body is a city council, the revenue bonds must  
50 be executed by the mayor and clerk of the city. If the governing  
51 body is a utility board, the revenue bonds must be executed by the  
52 chairman and secretary of the board. If coupons are attached to  
53 the revenue bonds, they must be executed with the original or facsim-  
54 ile signature of the clerk or secretary. A revenue bond is valid and  
55 binding for all purposes if it bears the signatures of the officers in  
56 office on the date of the execution of the bonds notwithstanding that  
57 any or all persons whose signatures appear thereon have ceased to  
58 be such officers prior to the delivery thereof. The issuance of reve-  
59 nue bonds must be recorded in the office of the city treasurer or  
60 other financial officer designated by the council, and a certificate of  
61 the recording by the treasurer or other officer must be printed on  
62 the back of each revenue bond.

63 5. Revenue bonds issued pursuant to this part are negotiable in-  
64 struments.

65 6. A city may issue pledge orders pursuant to a resolution of the  
66 governing body of the city utility, combined utility system, city en-  
67 terprise, or combined city enterprise, adopted by a majority of the  
68 total number of members to which the governing body is entitled,  
69 at a regular or special meeting, ordering their issuance and delivery  
70 in payment for all or part of the cost of a project. Pledge orders  
71 may bear interest at rates not exceeding eight percent per annum.

72 7. The physical properties of a city utility, combined utility sys-  
73 tem, city enterprise, or combined city enterprise may not be pledged  
74 or mortgaged to secure the payment of revenue bonds or pledge  
75 orders or the interest thereon.

1 SEC. 165.

2 1. The governing body of a city utility, combined utility system,  
3 city enterprise, or combined city enterprise may establish, impose,  
4 adjust, and provide for the collection of rates to produce gross reve-  
5 nues at least sufficient to pay the expenses of operation and mainte-  
6 nance of the city utility, combined utility system, city enterprise, or  
7 combined city enterprise and, whenever revenue bonds or pledge  
8 orders are issued and outstanding pursuant to the provisions of this

9 part, shall establish, impose, adjust, and provide for the collection of  
 10 rates to produce gross revenues at least sufficient to pay the ex-  
 11 penses of operation and maintenance of the city utility, combined  
 12 utility system, city enterprise, or combined city enterprise, and to  
 13 leave a balance of net revenues sufficient at all times to pay the prin-  
 14 cipal of and interest on the revenue bonds and pledge orders as the  
 15 same become due and to maintain a reasonable reserve for the pay-  
 16 ment of such principal and interest, and a sufficient portion of net  
 17 revenues must be pledged for such purpose. Rates must be estab-  
 18 lished by ordinance of the council or by resolution of the trustees,  
 19 published in the same manner as an ordinance.

20 2. The governing body of a city utility, combined utility system,  
 21 city enterprise or combined city enterprise may:

22 a. By ordinance of the council or by resolution of the trustees pub-  
 23 lished in the same manner as an ordinance, establish, impose, adjust,  
 24 and provide for the collection of charges for connection to a city  
 25 utility or combined utility system.

26 b. Contract for the use of or services provided by a city utility,  
 27 combined utility system, city enterprise, or combined city enterprise  
 28 with persons whose type or quantity of use or service is unusual.

29 c. Lease for a period not to exceed fifteen years all or part of a  
 30 city enterprise or combined city enterprise, if the lease will not  
 31 reduce the net revenues to be produced by the city enterprise or  
 32 combined city enterprise.

33 d. Contract for a period not to exceed forty years with other gov-  
 34 ernmental bodies for the use of or the services provided by the city  
 35 utility, combined utility system, city enterprise, or combined city  
 36 enterprise on a wholesale basis.

37 e. Contract for a period not to exceed forty years with persons  
 38 and other governmental bodies for the purchase or sale of water, gas,  
 39 or electric power and energy on a wholesale basis.

1 SEC. 166.

2 1. The governing body of each city utility, combined utility sys-  
 3 tem, city enterprise, or combined city enterprise being operated on  
 4 a revenue producing basis shall maintain a proper system of books,  
 5 records, and accounts.

6 2. The gross revenues of each city utility, combined utility sys-  
 7 tem, city enterprise, or combined city enterprise must be deposited  
 8 with the treasurer of the governing body and kept by the treasurer  
 9 in a separate account apart from the other funds of the city and from  
 10 each other. The treasurer shall apply the gross revenues of each  
 11 city utility, combined utility system, city enterprise, or combined city  
 12 enterprise only as ordered by the governing body and in strict com-  
 13 pliance with such orders, including the provisions, terms, condi-  
 14 tions, and covenants of any and all resolutions of the governing body  
 15 pursuant to which revenue bonds or pledge orders are issued and  
 16 outstanding. If the council is the governing body, it may designate  
 17 another city officer to serve as treasurer.

1 SEC. 167. The pledge of any net revenues of a city utility, com-  
 2 bined utility system, city enterprise, or combined city enterprise is  
 3 valid and effective as to all persons and other governmental bodies

4 when it becomes valid and effective between the city and the hold-  
5 ers of the revenue bonds or pledge orders.

1 SEC. 168. Revenue bonds and pledge orders are payable both as  
2 to principal and interest solely out of the portion of the net revenues  
3 of the city utility, combined utility system, city enterprise, or com-  
4 bined city enterprise pledged to their payment and are not a debt of  
5 or charge against the city within the meaning of any constitutional  
6 or statutory debt limitation provision.

1 SEC. 169. The sole remedy for a breach or default of a term of a  
2 revenue bond or pledge order is a proceeding in law or in equity by  
3 suit, action, or mandamus to enforce and compel performance of the  
4 duties required by this part and of the terms of the resolution au-  
5 thORIZING the issuance of the revenue bonds or pledge orders, or to  
6 obtain the appointment of a receiver to take possession of and oper-  
7 ate the city utility, combined utility system, city enterprise, or com-  
8 bined city enterprise, and to perform the duties required by this part  
9 and the terms of the resolution authorizing the issuance of the reve-  
10 nue bonds or pledge orders.

1 SEC. 170. The governing body of a city utility, combined utility  
2 system, city enterprise, or combined city enterprise which has on  
3 hand surplus funds, after making all deposits into all funds required  
4 by the terms, covenants, conditions, and provisions of outstanding  
5 revenue bonds, pledge orders, and other obligations which are pay-  
6 able from the revenues of the city utility, combined utility system,  
7 city enterprise, or combined city enterprise and after complying with  
8 all of the requirements, terms, covenants, conditions, and provisions  
9 of the proceedings and resolutions pursuant to which revenue bonds,  
10 pledge orders, and other obligations are issued, may transfer such  
11 surplus funds to any other fund of the city in accordance with any  
12 rules promulgated by the city finance committee created in section  
13 ninety-four (94) of this Act if the transfer is also approved by the  
14 city council, provided that no transfer may be made if it conflicts with  
15 any of the requirements, terms, covenants, conditions, or provisions  
16 of any resolution authorizing the issuance of revenue bonds, pledge  
17 orders, or other obligations which are payable from the revenues of  
18 the city utility, combined utility system, city enterprise, or combined  
19 city enterprise which are then outstanding.

1 SEC. 171. This part does not prohibit or prevent a city from using  
2 funds derived from the issuance of general obligation bonds, the  
3 levy of special assessments and the issuance of special assessment  
4 bonds, and any other source which may be properly used for such  
5 purpose, to pay a part of the cost of a project.

1 SEC. 172. The city shall pay for the use of or the services pro-  
2 vided by the city utility, combined utility system, city enterprise, or  
3 combined city enterprise as any other customer, except that the city  
4 may pay for use or service at a reduced rate or receive free use or  
5 service so long as the city complies with the provisions, terms, condi-  
6 tions, and covenants of any and all resolutions pursuant to which reve-  
7 nue bonds or pledge orders are issued and outstanding.

1 SEC. 173. No action may be brought which questions the legality  
 2 of revenue bonds or the power of the city to issue revenue bonds or  
 3 the effectiveness of any proceedings relating to the authorization  
 4 and issuance of revenue bonds, from and after sixty days from the  
 5 time the bonds are ordered issued by the city.

1 SEC. 174. The enumeration in this part of specified powers and  
 2 functions is not a limitation of the powers of cities, but the provisions  
 3 of this part and the procedures prescribed for exercising the pow-  
 4 ers and functions enumerated in this part control and govern in the  
 5 event of any conflict with the provisions of any other section, part,  
 6 or division of this Act or with the provisions of any other law.

1 SEC. 175. Projects and proceedings for the issuance of revenue  
 2 bonds, pledge orders, and other temporary obligations commenced  
 3 before the effective date of this Act may be consummated and com-  
 4 pleted as required or permitted by any statute or other law amended  
 5 or repealed by this Act, as though such repeal or amendment had not  
 6 occurred, and the rights, duties, and interests flowing from such  
 7 projects and proceedings remain valid and enforceable. Without  
 8 limiting the foregoing, projects commenced prior to said effective  
 9 date may be financed by the issuance of revenue bonds, pledge or-  
 10 ders, and other temporary obligations under any such amended or  
 11 repealed law or by the issuance of revenue bonds and pledge orders  
 12 under this Act. For purposes of this section, commencement of a  
 13 project includes, but is not limited to, action taken by the govern-  
 14 ing body or authorized officer to fix a date for either a hearing or an  
 15 election in connection with any part of the project, and commence-  
 16 ment of proceedings for the issuance of revenue bonds, pledge or-  
 17 ders, and other temporary obligations includes, but is not limited to,  
 18 action taken by the governing body to fix a date for either a hearing  
 19 or a sale in connection with any part of such revenue bonds, pledge  
 20 orders, or other temporary obligations or to order any part thereof  
 21 to be issued.

#### PART 6. CONTRACT LETTING PROCEDURE.

1 SEC. 176. As used in this part, unless the context clearly indi-  
 2 cates otherwise:

3 1. "Public improvement" means any building or construction work,  
 4 either within or outside the corporate limits of a city, to be paid for  
 5 in whole or in part by the use of funds of the city, regardless of  
 6 sources, including a building or improvement constructed or oper-  
 7 ated jointly with any other public or private agency, but excluding  
 8 urban renewal and low-rent housing projects, industrial aid projects  
 9 authorized under chapter four hundred nineteen (419) of the Code,  
 10 emergency work, or work performed by employees of a city or a  
 11 city utility.

12 2. "Governing body" means the council of a city, a utility board  
 13 of trustees, or an administrative agency which is charged with the  
 14 management and control of a building or improvement project.

1 SEC. 177. When the estimated total cost of a public improvement  
 2 exceeds the sum of ten thousand dollars, the governing body shall  
 3 advertise for sealed bids for the proposed improvement by publishing  
 4 a notice to bidders as provided in section three (3) of this Act.

1 SEC. 178. The notice to bidders must state the following items:

2 1. The time and place for filing sealed proposals.

3 2. The time and place sealed proposals will be opened and consid-  
4 ered on behalf of the governing body.

5 3. The general nature of the public improvement on which bids  
6 are requested.

7 4. In general terms when the work must be commenced and when  
8 it must be completed.

9 5. That each bidder shall accompany his bid with a bid security as  
10 defined herein and as specified by the governing body, as security that  
11 the successful bidder will enter into a contract for the work bid  
12 upon and will furnish after the award of contract a corporate surety  
13 bond, acceptable to the governing body, for the faithful performance  
14 of the contract, in an amount equal to one hundred percent of the  
15 amount of the contract. The bidder's security must be in an amount  
16 fixed by the governing body, and must be in the form of a cashier's  
17 or certified check drawn on a bank in Iowa or a bank chartered under  
18 the laws of the United States, or the governing body may provide for  
19 a bidder's bond with corporate surety satisfactory to the governing  
20 body, which bid bond shall contain no condition except as provided in  
21 this section.

22 6. Any further information which the governing body deems perti-  
23 nent.

24 The notice to bidders may provide that bids will be received for  
25 the furnishing of all labor and materials and furnishing or installing  
26 equipment under one contract, or for parts thereof in separate sec-  
27 tions.

28 On public improvements to be financed wholly or partially by spe-  
29 cial assessments against benefited property, the governing body, in  
30 the notice to bidders, may request aggregate bids for all projects  
31 included in any resolution of necessity, notwithstanding variations  
32 in the sizes of the improvements and notwithstanding that some  
33 parts of the improvements are assessable and some nonassessable,  
34 and may award the contract to the lowest responsible bidder sub-  
35 mitting the lowest aggregate bid.

1 SEC. 179. The amount of bid security must be fixed by the gov-  
2 erning body prior to ordering publication of the notice to bidders and  
3 must equal at least five percent, but may not exceed ten percent of  
4 either the estimated total contract cost of the public improvement,  
5 or the amount of each bid.

1 SEC. 180. The contract for the public improvement must be  
2 awarded to the lowest responsible bidder, provided, however, that  
3 contracts relating to public utilities or extensions or improvements  
4 thereof, as described in part five (5) of this division, may be awarded  
5 by the governing body as it deems to be in the best interests of the  
6 city.

1 SEC. 181. The governing body shall open, announce the amount  
2 of the bids, and file all proposals received, at the time and place  
3 specified in the notice to bidders. The governing body may, by reso-  
4 lution, award the contract for the public improvement to the bidder  
5 submitting the best bid, determined as provided in section one hun-  
6 dred eighty (180) of this Act, or it may reject all bids received, fix



7 a new date for receiving bids, and order publication of a new notice  
8 to bidders. The bid security furnished by the successful bidder must  
9 be retained by the governing body until the approved contract form  
10 has been executed, and a bond filed by the bidder guaranteeing the  
11 performance of the contract, and the contract and bond, have been  
12 approved by the governing body. The provisions of chapter five  
13 hundred seventy-three (573), of the Code, where applicable, apply  
14 to contracts awarded under this part.

15 The checks or bidder's bonds of the unsuccessful bidder must be  
16 promptly returned to the bidders by the governing body as soon as  
17 the successful bidder is determined or within thirty days whichever  
18 is sooner.

1 SEC. 182. When bids or proposals are required to be taken in  
2 connection with any public improvement, the governing body may  
3 delegate, by ordinance or resolution, to the city manager, clerk, engi-  
4 neer, or other public officer, the duty of receiving and opening bids  
5 and announcing the results. The officer shall report the results of  
6 the bidding with his recommendations thereon to the governing body  
7 at its next meeting.

1 SEC. 183. When the estimated total cost of a public improvement  
2 exceeds the sum of ten thousand dollars, the governing body shall not  
3 enter into a contract for the improvement until it has held a public  
4 hearing on the proposed plans, specifications, and form of contract,  
5 and estimated cost for the improvement. Notice of the hearing must  
6 be published as provided in section three (3) of this Act. At the  
7 hearing any interested person may appear and file objections to the  
8 proposed plans, specifications, contract, or estimated cost of the im-  
9 provement. After hearing objections, the governing body shall  
10 by resolution enter its decision on the plans, specifications, contract,  
11 and estimated cost.

1 SEC. 184.

2 1. A governing body may authorize, sell, issue, and deliver its  
3 bonds whether or not notice and hearing on the plans, specifications,  
4 form of contract, and estimated cost for the public improvement to  
5 be paid for in whole or in part from the proceeds of said bonds has  
6 been given, and whether or not a contract has been awarded for the  
7 construction of the improvement. This subsection does not apply to  
8 bonds which are payable solely from special assessment levies against  
9 benefited property.

10 2. When emergency repair of a public improvement is necessary  
11 and the delay of advertising and a public letting might cause seri-  
12 ous loss or injury to the city, the governing body shall, by resolution,  
13 make a finding of the necessity to institute emergency proceedings  
14 under this section, and shall procure a certificate from a competent  
15 registered professional engineer or architect, not in the regular em-  
16 ploy of the city, certifying that emergency repairs are necessary.

17 In that event the governing body may contract for emergency re-  
18 pairs without holding a public hearing and advertising for bids, and  
19 the provisions of sections one hundred seventy-seven (177) through  
20 one hundred eighty-three (183), inclusive, of this Act, do not apply.

## DIVISION VIII. CITY UTILITIES

1 SEC. 185. As used in this division:

2 1. "Combined utility system" means the same as defined in sec-  
3 tion one hundred sixty-one (161) of this Act.

4 2. "Utility board" or "board" means a board of trustees estab-  
5 lished to operate a city utility, city utilities, or a combined utility sys-  
6 tem. A single utility board may operate more than one city utility  
7 even though such city utilities are not a combined utility system.

1 SEC. 186. The proposal of a city to establish, acquire, lease, or  
2 dispose of a city utility, except a sanitary sewage system, in order to  
3 undertake or to discontinue the operation of the city utility, or the  
4 proposal to establish or dissolve a combined utility system, or the  
5 proposal to establish or discontinue a utility board, is subject to the  
6 approval of the voters of the city, except that a board may be dis-  
7 continued by resolution of the council when the city utility, city  
8 utilities, or combined utility system it administers is disposed of or  
9 leased for a period of over five years.

10 The proposal may be submitted to the voters at any city election by  
11 the council on its own motion. Upon receipt of a valid petition as  
12 defined in section four (4) of this Act, requesting that a proposal  
13 be submitted to the voters, the council shall submit the proposal at  
14 the next regular city election.

15 A proposal for the establishment of a utility board must specify  
16 a board of either three or five members.

17 If a majority of those voting for and against the proposal ap-  
18 proves the proposal, the city may proceed as proposed.

19 If a majority of those voting for and against the proposal does not  
20 approve the proposal, the same or a similar proposal may not be  
21 submitted to the voters of the city for at least four years from the  
22 date of the election at which the proposal was defeated.

1 SEC. 187. If a proposal to establish a utility board receives a  
2 favorable majority vote, the mayor shall appoint the board members,  
3 as provided in the proposal, subject to the approval of the council.  
4 The council shall by resolution provide for staggered six-year terms  
5 for, and shall set the compensation of, board members.

6 A board member appointed to fill a vacancy occurring by reason  
7 other than the expiration of a term is appointed for the balance of  
8 the unexpired term.

9 A public officer or a salaried employee of the city may not serve  
10 on a utility board.

1 SEC. 188. The title of a utility board must be appropriate to the  
2 city utility, city utilities, or combined utility system administered by  
3 the board. A utility board may be a party to legal action. A utility  
4 board may exercise all powers of a city in relation to the city utility,  
5 city utilities, or combined utility system it administers, with the fol-  
6 lowing exceptions:

7 1. A board may not certify taxes to be levied, pass ordinances  
8 or amendments, or issue general obligation or special assessment  
9 bonds.

10 2. The title to all property of a city utility or combined utility  
11 system must be held in the name of the city, but the utility board has

12 all the powers and authorities of the city with respect to the acqui-  
 13 sition by purchase, condemnation, or otherwise, lease, sale, or other  
 14 disposition of such property, and the management, control, and oper-  
 15 ation of the same, subject to the requirements, terms, covenants,  
 16 conditions, and provisions of any resolutions authorizing the issuance  
 17 of revenue bonds, pledge orders, or other obligations which are pay-  
 18 able from the revenues of the city utility or combined utility system,  
 19 and which are then outstanding.

20 3. A board shall make to the council a detailed annual report, in-  
 21 cluding a complete financial statement.

22 4. Immediately following a regular or special meeting of a utility  
 23 board, the secretary shall prepare a condensed statement of the pro-  
 24 ceedings of the board and cause the statement to be published in a  
 25 newspaper of general circulation in the city. The statement must  
 26 include a list of all claims allowed, showing the name of the person  
 27 or firm making the claim, the reason for the claim, and the amount  
 28 of the claim. Salary claims must show the gross amount of the  
 29 claim except that salaries paid to persons regularly employed by the  
 30 utility, for services regularly performed by them, must be pub-  
 31 lished once annually showing the gross amount of the salary. In  
 32 cities having more than one hundred fifty thousand population the  
 33 utility board shall each month prepare in pamphlet form the state-  
 34 ment herein required for the preceding month, and furnish copies to  
 35 the city library, the daily newspapers of the city, the city clerk, and  
 36 to persons who apply at the office of the secretary, and the pamphlet  
 37 shall constitute publication as required. Failure by the secretary  
 38 to make publication is a misdemeanor.

1 SEC. 189. A utility board shall control tax revenues allocated to  
 2 the city utility, city utilities, or combined utility system it adminis-  
 3 ters and all moneys derived from the operation of the city utility,  
 4 city utilities, or combined utility system, the sale of utility property,  
 5 interest on investments, or from any other source related to the city  
 6 utility, city utilities, or combined utility system.

7 All city utility moneys received must be held in a separate utility  
 8 fund, with a separate account or accounts for each city utility or  
 9 combined utility system. If a board administers a municipal utility  
 10 or combined utility system, moneys may be paid out of that utility  
 11 account only at the direction of the board.

1 SEC. 190. A city utility or a combined utility system may not pro-  
 2 vide use or service at a discriminatory rate, except to the city or its  
 3 agencies, as provided in section one hundred seventy-two (172) of  
 4 this Act.

1 SEC. 191. A utility board functioning on the effective date of this  
 2 Act shall continue to function until discontinued as provided in this  
 3 division, and has all the powers granted in this division.

4 Nothing in this Act shall be construed to allow the abrogation of  
 5 any franchise.

#### DIVISION IX. ADMINISTRATIVE AGENCIES

1 SEC. 192. If the council wishes to establish an administrative  
 2 agency, it shall do so by an ordinance which indicates the title, pow-  
 3 ers, and duties of the agency, the method of appointment, qualifica-

4 tions, compensation, and term of members, and other appropriate  
5 matters relating to the agency. The title of an administrative agency  
6 must be appropriate to its function. The council may not delegate  
7 to an administrative agency any of the powers, authorities, and duties  
8 prescribed in part five (5) of division seven (VII) or in division  
9 eight (VIII) of this Act, except that the council may delegate to an  
10 administrative agency power to establish and collect charges, and  
11 dispense the moneys received for the use of a city facility, including  
12 a city enterprise, as defined in section one hundred five (105) of this  
13 Act, so long as there are no revenue bonds or pledge orders outstand-  
14 ing which are payable from the revenues of the city enterprise. Ex-  
15 cept as otherwise provided in this division, the council may delegate  
16 rule-making authority to the agency for matters within the scope of  
17 the agency's powers and duties, and may prescribe penalties for vio-  
18 lation of agency rules and regulations which have been adopted by  
19 ordinance. Rules and regulations governing the use by the public  
20 of any city facility must be made readily available to the public.

1 SEC. 193. An administrative agency may not pledge the credit  
2 or taxing power of the city.

1 SEC. 194. Unless otherwise stated in the ordinance establishing  
2 the agency, contracts and agreements entered into by administrative  
3 agencies are subject to review and approval by the council, but when  
4 so approved and to the extent such contracts and agreements are  
5 otherwise valid by law, are valid and not voidable by subsequent  
6 actions of the city even if the administrative agency is dissolved, but  
7 no such contract or agreement may conflict with the provisions of  
8 part five (5) of division seven (VII) or division eight (VIII) of  
9 this Act, or any action taken pursuant to the provisions of the same.

1 SEC. 195. Subject to approval by the council, an administrative  
2 agency may take action jointly with other public or private agencies  
3 as provided in chapter twenty-eight E (28E) of the Code.

1 SEC. 196. A city library board of trustees functioning on the  
2 effective date of this Act shall continue to function in the same man-  
3 ner until altered or discontinued as provided in this section.

4 In order for the board to function in the same manner, the coun-  
5 cil shall retain all applicable ordinances, and shall adopt as ordi-  
6 nances all applicable state statutes repealed by this Act.

7 A library board may accept and control the expenditure of all  
8 gifts, devises, and bequests to the library.

9 A proposal to alter the composition, manner of selection, or charge  
10 of a library board, or to replace it with an alternate form of admin-  
11 istrative agency, is subject to the approval of the voters of the city.

12 The proposal may be submitted to the voters at any city election  
13 by the council on its own motion. Upon receipt of a valid petition  
14 as defined in section four (4) of this Act, requesting that a proposal  
15 be submitted to the voters, the council shall submit the proposal at  
16 the next regular city election. A proposal submitted to the voters  
17 must describe with reasonable detail the action proposed.

18 If a majority of those voting approves the proposal, the city may  
19 proceed as proposed.

20 If a majority of those voting does not approve the proposal, the

21 same or a similar proposal may not be submitted to the voters of  
22 the city for at least four years from the date of the election at which  
23 the proposal was defeated.

1     **SEC. 197.** If a hospital or health care facility is established by a  
2 city, the city shall by ordinance provide for the election, at a general,  
3 city, or special election, of three trustees, whose terms of office shall  
4 be six years; but at the first election, three shall be elected and hold  
5 their office, respectively, for two, four, and six years, and they shall  
6 by lot determine their respective terms. A board of trustees elected  
7 pursuant to this section shall serve as the sole and only board of  
8 trustees for any and all institutions established by a city as provided  
9 for in this section.

10     Cities maintaining an institution as provided for in this section  
11 which have a board of trustees consisting of three members may by  
12 ordinance increase the number of members to five and provide for the  
13 appointment of one of the additional members until the next succeeding  
14 general or city election, and for the appointment of the other additional  
15 member until the second succeeding general or city election.  
16 Thereafter, the terms of office of such additional members shall be  
17 six years.

18     The trustees shall within ten days after their election qualify by  
19 taking the oath of office, and organize as a board by the election of  
20 one of their number as chairman and one as secretary, but no bond  
21 shall be required of them.

22     The official serving as treasurer of the city shall be the treasurer  
23 of the board of trustees, and shall receive and disburse all funds under  
24 the control of the board as ordered by it, but shall receive no additional  
25 compensation for his services. The treasurer shall give bond in  
26 a form and amount as determined by the board in its discretion.

27     No trustee shall receive any compensation for his services per-  
28 formed, but he may receive reimbursement for any cash expenses  
29 actually made for personal expenses incurred as trustee, but an item-  
30 ized statement of all expenses and moneys paid out shall be made  
31 under oath by each of the trustees and filed with the secretary and  
32 allowed only by the affirmative vote of the full board.

33     The board of trustees shall be vested with authority to provide for  
34 the management, control, and government of the city hospital or  
35 health care facility established as permitted by this section, and shall  
36 provide all needed rules and regulations for the economic conduct  
37 thereof and shall annually prepare a condensed statement of the  
38 total receipts and expenditures for the hospital or health care facility  
39 and cause the same to be published in a newspaper of general cir-  
40 culation in the city in which the hospital or health care facility is  
41 located. In the management of the hospital or health care facility  
42 no discrimination shall be made against practitioners of any school  
43 of medicine recognized by the laws of the state.

44     As a part of the board's authority it may accept property by gift,  
45 devise, bequest or otherwise; and, if the board deems it advisable,  
46 may, at public sale, sell or exchange any property so accepted upon  
47 a concurring vote of a majority of all members of the board of trustees,  
48 and apply the proceeds thereof, or property received in exchange  
49 therefor, to any legitimate hospital or health care facility  
50 purpose.

51 The trustees may in their discretion establish a fund for deprecia-  
52 tion as a separate fund. Said funds may be invested in United States  
53 government bonds and when so invested the accumulation of interest  
54 on the bonds so purchased shall be used for the purposes of the de-  
55 preciation fund; an investment when so made shall remain in United  
56 States government bonds until such time as in the judgment of the  
57 board of trustees it is deemed advisable to use the funds for hospital  
58 or health care facility purposes.

59 Boards of trustees of institutions provided for in this section are  
60 granted all of the powers and duties necessary for the management,  
61 control and government of the institutions, specifically including but  
62 not limited to any applicable powers and duties granted boards of  
63 trustees under other provisions of the Code relating to hospitals,  
64 nursing homes, and custodial homes irrespective of the chapter of the  
65 Code under which such institutions are established, organized, oper-  
66 ated or maintained.

1 SEC. 198. Except as otherwise provided in this division, an ad-  
2 ministrative agency established by a city shall continue with the  
3 same powers and duties until altered or discontinued as provided in  
4 this section. The council may by ordinance reduce or increase an  
5 administrative agency's power and duties, or may transfer powers  
6 and duties from one agency to another. The council may discontinue  
7 an administrative agency by adopting a resolution proposing the  
8 action, and publishing notice as provided in section three (3) of  
9 this Act, of the resolution and of a date, time, and place of a public  
10 hearing on the proposal, and may discontinue the agency by ordi-  
11 nance or amendment not sooner than thirty days following the hear-  
12 ing.

1 SEC. 199. Chapters three hundred sixty-two (362), three hun-  
2 dred sixty-three (363), three hundred sixty-three A (363A), three  
3 hundred sixty-three B (363B), three hundred sixty-three C (363C),  
4 three hundred sixty-three D (363D), three hundred sixty-three E  
5 (363E), three hundred sixty-four (364), three hundred sixty-six  
6 (366), three hundred sixty-eight (368), three hundred sixty-eight A  
7 (368A), three hundred sixty-nine (369), three hundred seventy  
8 (370), three hundred seventy-one (371), three hundred seventy-two  
9 (372), three hundred seventy-three (373), three hundred seventy-  
10 four (374), three hundred seventy-four A (374A), three hundred  
11 seventy-five (375), three hundred seventy-six (376), three hundred  
12 seventy-seven (377), three hundred seventy-eight (378), three hun-  
13 dred seventy-eight A (378A), three hundred seventy-nine (379),  
14 three hundred seventy-nine A (379A), three hundred seventy-nine B  
15 (379B), three hundred eighty (380), three hundred eighty-one (381),  
16 three hundred eighty-two (382), three hundred eighty-three (383),  
17 three hundred eighty-four (384), three hundred eighty-five (385),  
18 three hundred eighty-six (386), three hundred eighty-six A (386A),  
19 three hundred eighty-six B (386B), three hundred eighty-six C  
20 (386C), three hundred eighty-seven (387), three hundred eighty-  
21 nine (389), three hundred ninety (390), three hundred ninety A  
22 (390A), three hundred ninety-one (391), three hundred ninety-one  
23 A (391A), three hundred ninety-two (392), three hundred ninety-  
24 three (393), three hundred ninety-four (394), three hundred ninety-

25 five (395), three hundred ninety-six (396), three hundred ninety-  
 26 seven (397), three hundred ninety-seven A (397A), three hundred  
 27 ninety-eight (398), three hundred ninety-eight A (398A), three hun-  
 28 dred ninety-nine (399), four hundred (400), four hundred one (401),  
 29 four hundred two (402), four hundred four (404), four hundred  
 30 seven (407), four hundred eight (408), four hundred eight A (408A),  
 31 four hundred thirteen (413), four hundred fifteen (415), and four  
 32 hundred seventeen (417), Code 1971, are repealed.

1 SEC. 200. Section four point one (4.1), subsection twenty-six  
 2 (26), Code 1971, is amended as follows:

3 26. Population. The word "population", where used in this Code  
 4 or any statute hereafter passed, shall be taken to be that, means the  
 5 population as shown by the last preceding national certified federal  
 6 census, unless otherwise specially provided. However the population  
 7 figure disclosed for any city or town as the result of a special federal  
 8 census as modified as the result of consolidation or annexation in the  
 9 manner provided in sections 312.3 and 123.50, shall be considered for  
 10 no other purposes than the application of sections 123.50 and 312.3.

1 SEC. 201. Section nine point two (9.2), Code 1971, is amended as  
 2 follows:

3 9.2 Records relating to cities and towns.\* He shall receive and  
 4 preserve in his office all papers transmitted to him in relation to the  
 5 incorporation of cities and towns, or the annexation of territory  
 6 thereto, or the consolidation or abandonment of municipal corpora-  
 7 tions city development, including incorporation, discontinuance, or  
 8 boundary adjustment; and shall keep an alphabetical list of said  
 9 cities and towns in a book provided for that purpose, in which shall  
 10 be entered the name of the town or city, the character of the same,  
 11 whether town or city, the county in which situated, and the date of  
 12 organization incorporation, discontinuance, or boundary adjustment.

1 SEC. 202. Section eleven point eighteen (11.18), Code 1971, is  
 2 amended as follows:

3 11.18 Examination of cities, towns,\* townships, and schools. The  
 4 financial condition and transactions of all cities and city offices,  
 5 merged areas, and all school offices in independent and community  
 6 school districts maintaining high schools, shall be examined at least  
 7 once each year. The financial condition and transactions of all towns,  
 8 except that cities having a population of seven hundred or more but  
 9 less than two thousand shall be examined at least once every four  
 10 years, and cities having a population of less than seven hundred may  
 11 be examined as otherwise provided in this section. Such examination  
 12 shall cover the fiscal year next preceding the year in which the audit  
 13 is conducted. The examination of school offices shall include an audit  
 14 of activity funds. Examinations may be made by the auditor of state,  
 15 or in lieu of the examination by state accountants the local governing  
 16 body whose accounts are to be examined, in case it elects so to do,  
 17 may contract with, or employ, certified or registered public account-  
 18 ants, certified and registered in the state of Iowa, and pay the same  
 19 from the proper public funds. If the a city, merged area or school  
 20 district elect elects to have the audit made by certified or registered

\*According to enrolled Act.

21 public accountants, ~~they~~ it must so notify the auditor of state within  
22 sixty days after the close of the fiscal year to be examined ~~and towns~~  
23 ~~electing to have their audit made by a certified public accountant.~~  
24 A city must so notify the state auditor by *filing* a resolution of the  
25 council designating the name of the person or firm to be employed  
26 at least ninety days prior to the end of a fiscal year. Such notification  
27 and designation shall remain in effect until rescinded or modified by  
28 a subsequent resolution of the ~~town~~ council filed with the state audi-  
29 tor. For ~~town~~ audits to be conducted by certified public accountants,  
30 the state auditor shall notify the designated person or firm of the  
31 year to be examined at least sixty days prior to the end of the year  
32 to be examined. If any city, ~~town~~, merged area or school district  
33 does not file such notification with the auditor of state within the  
34 required period, the auditor of state is authorized to make the  
35 examination and cover any period which has not been previously  
36 examined.

37 Any township or municipal corporation not embraced within the  
38 foregoing provisions of this chapter and any school corporation in  
39 which an annual examination is not required may, on application to  
40 the auditor of state, secure an examination of its financial transac-  
41 tions and condition of its funds, or a like examination shall be had  
42 on application of one hundred or more taxpayers, or if there are  
43 fewer than five hundred taxpayers, then by five percent thereof. The  
44 examination in any such school district may be had upon the written  
45 request of the county superintendent of schools. In lieu of such  
46 examination by state superaccountants, the local governing body may  
47 contract with, or employ, certified or registered public accountants  
48 and pay the same from the proper public funds.

49 In addition to his powers and duties under other provisions of the  
50 Code, the auditor of state may at any time, if he deems such action  
51 to be in the public interest, cause to be made a complete or partial  
52 audit of the financial condition and transactions of any city, ~~town~~,  
53 county, school corporation, governmental subdivision, or any office  
54 thereof, even though an audit for the same period has been made by  
55 certified or registered public accountants. Such state audit shall be  
56 made and paid for as provided in this chapter, except that in the  
57 event an audit covering the same period has previously been made  
58 and paid for, the costs of such additional state audit shall be paid  
59 from any funds available in the office of the auditor of state. This  
60 paragraph shall not be construed to grant any new authority to have  
61 audits made by certified or registered public accountants.

1 SEC. 203. Section eleven point twenty-two (11.22), Code 1971, is  
2 amended as follows:

3 **11.22 Uniform system of accounting.** The auditor of state shall  
4 prescribe a uniform system of blanks and forms for all financial  
5 accounts, receipts, and reports of all county, ~~city~~, and ~~town~~ offices.  
6 Said system shall, as far as practicable, follow the classifications and  
7 definitions of such transactions in use in the national census office,  
8 when not in conflict with the laws of this state. Said blanks and  
9 forms shall, by said auditor, be revised, from time to time, in order  
10 to render the same more efficient and to meet changes in the law.



1 SEC. 204. Section eleven point twenty-three (11.23), Code 1971,  
2 is amended as follows:

3 11.23 **Duty to install.** It shall be the specific duty of each county,  
4 *and school, city, and town* officer to install and use in his office a  
5 system of uniform blanks and forms as prescribed by law. State  
6 auditors are charged with the specific duty to assist all such officers  
7 in installing said system.

1 SEC. 205. Section eleven point twenty-five (11.25), Code 1971, is  
2 amended as follows:

3 11.25 **Reports required.** The auditor of state shall make the fol-  
4 lowing reports:

5 1. An annual report to the governor and general assembly of all  
6 municipal financial operations.

7 2 1. A biennial report to the governor and the general assembly of  
8 all operations of his office.

9 3 2. Individual audit reports giving the results of all examinations  
10 and audits of all departments and establishments and all fiscal officers  
11 of the state and local governments.

1 SEC. 206. Sections eleven point twenty-six (11.26), eleven point  
2 thirty-one (11.31), and seventeen point seven (17.7), Code 1971, are  
3 repealed.

1 SEC. 207. Section nineteen point six (19.6), Code 1971, is amended  
2 as follows:

3 19.6 **Report for official register.** He shall, as soon as practicable  
4 after January 1 of each odd-numbered year, prepare a report of the  
5 proceedings of the executive council for the two preceding calendar  
6 years. Said report shall include a statement of:

7 1. The official canvass of the votes cast at the last general election.

8 2. ~~The cities and towns, the class of which may have been changed.~~

9 3 2. Other acts of said council that are of general interest.

10 Said report shall be published in the Iowa official register.

1 SEC. 208. Section nineteen point seven (19.7), unnumbered para-  
2 graph one (1), Code 1971, is amended as follows:

3 19.7 **Contingent fund—use for state losses or governmental sub-**  
4 **divisions disaster aid.** A contingent fund set apart for the use of the  
5 executive council may be expended for the purpose of paying the  
6 expenses of suppressing any insurrection or riot, actual or threat-  
7 ened, when state aid has been rendered by order of the governor, and  
8 for repairing, rebuilding, or restoring any state property injured,  
9 destroyed, or lost by fire, storm, theft, or unavoidable cause, and for  
10 aid to any governmental subdivision in an area declared by the gov-  
11 ernor to be a disaster area due to natural disasters or to expenditures  
12 necessitated by the governmental subdivision toward averting or  
13 lessening the impact of such potential disaster, where the effect of  
14 such disaster or such action on the governmental subdivision is the  
15 immediate financial inability to meet the continuing requirements of  
16 local government. Upon application therefor by a governmental sub-  
17 division in such an area, accompanied by a showing of obligations and  
18 expenditures necessitated by such actual or potential disaster, in such  
19 form and with such further information as the executive council may  
20 require, such aid may be made in the discretion of the council and,

21 if made, shall be in the nature of a loan, up to a limit of seventy-five  
 22 percent of the showing of such obligations and expenditures. Said  
 23 loan, without interest, shall be repaid by the maximum annual  
 24 emergency levy as authorized by section 24.6, *or from the general*  
 25 *fund or emergency fund of a city.* The aggregate total of such loans  
 26 shall not exceed one million dollars in any biennial fiscal term of the  
 27 state. No such loan shall be for any obligation or expenditure occur-  
 28 ring more than two years previous to the application.

1 SEC. 209. Section twenty-three point one (23.1), Code 1971, is  
 2 amended as follows:

3 **23.1 Terms defined.** The words "public improvement" as used in  
 4 this chapter shall mean any building or other construction work to  
 5 be paid for in whole or in part by the use of funds of any munici-  
 6 pality.

7 The word "municipality" as used in this chapter shall mean county,  
 8 except in the exercise of its power to make contracts for secondary  
 9 road improvements, ~~city, town,~~ township, school corporations, state  
 10 fair board, state board of regents, and state board of control.

11 The words "appeal board" as used in this chapter shall mean the  
 12 "state appeal board", composed of the auditor of state, treasurer of  
 13 state, and state comptroller.

1 SEC. 210. Section twenty-four point two (24.2), subsection one  
 2 (1), Code 1971, is amended as follows:

3 1. The word "municipality" shall mean the county, ~~city, town,~~  
 4 school corporation, and all other public bodies or corporations that  
 5 have power to levy or certify a tax or sum of money to be collected  
 6 by taxation, but shall not include any *city*, drainage district, town-  
 7 ship, or road district.

1 SEC. 211. Section twenty-six point six (26.6), Code 1971, as  
 2 amended by chapter one hundred sixty-five (165), section forty-five  
 3 (45), Acts of the Sixty-fourth General Assembly, First Session, is  
 4 amended to read as follows:

5 **26.6 Population of counties, townships, cities, and towns.\*** When-  
 6 ever the population of any county, township, city, or town is referred  
 7 to in any law of this state, it shall be determined by the last *preceding*  
 8 ~~certified, or certified and published, official federal census unless~~  
 9 ~~otherwise provided. However, the population figure disclosed for~~  
 10 ~~any city or town as the result of a special federal census as modified~~  
 11 ~~as the result of consolidation or annexation in the manner provided~~  
 12 ~~in sections 312.3, and 123.50, shall be considered for no other pur-~~  
 13 ~~poses than the application of sections 123.50, 312.3 and the provi-~~  
 14 ~~sions of this division.~~ Whenever a special federal census is hereafter  
 15 taken by any city ~~or town~~, the mayor and council shall certify the  
 16 ~~said~~ census as soon as possible to the secretary of state and to the  
 17 treasurer of state as otherwise herein provided, and failing to do so,  
 18 the treasurer of state shall, after six months from the date of ~~said~~  
 19 ~~the~~ special census, turn over such moneys as authorized by sections  
 20 123.50 ~~and~~, 312.3 ~~and the provisions of chapter 165, division IV, Acts~~  
 21 ~~of the Sixty-fourth General Assembly, First Session,~~ to the general  
 22 fund of the state, and continue to do so until such time as certifica-

\*According to enrolled Act.

23 tion by said the mayor and council is made, or until the next decen-  
 24 nial federal census. If there be a difference between the original  
 25 certified record in the office of the secretary of state and the pub-  
 26 lished census the former shall prevail.

1 SEC. 212. Section twenty-eight F point one (28F.1), Code 1971, is  
 2 amended as follows:

3 **28F.1 Scope of chapter.** This chapter is intended to provide a  
 4 means for the joint financing by public agencies of works or facilities  
 5 enumerated in section ~~394.1~~ *useful and necessary for the collection,*  
 6 *treatment, purification and disposal in a sanitary manner of liquid*  
 7 *and solid waste, sewage, and industrial waste, also swimming pools*  
 8 *or golf courses.* The provisions of this chapter shall be deemed to  
 9 apply to the acquisition, construction, reconstruction, operation,  
 10 repair, extension or improvement of such works or facilities, by a  
 11 separate administrative or legal entity created pursuant to chapter  
 12 28E.

1 SEC. 213. Section twenty-eight F point two (28F.2), Code 1971, is  
 2 amended as follows:

3 **28F.2 Definitions.** The terms "public agency", "state", and "pri-  
 4 vate agency" shall have the meanings prescribed by section 28E.2.  
 5 The term "project" or "projects" shall mean any works or facilities  
 6 referred to in section ~~394.1~~ *28F.1* and shall include all property real  
 7 and personal, pertinent thereto or connected with such project or  
 8 projects, and the existing works or facilities, if any, to which such  
 9 project or projects are an extension, addition, betterment or improve-  
 10 ment.

1 SEC. 214. Section twenty-eight F point three (28F.3), Code 1971,  
 2 is amended as follows:

3 **28F.3 Revenue bonds.** An entity created to carry out an agree-  
 4 ment authorizing the joint exercise of those governmental powers  
 5 enumerated in section ~~394.1~~ *28F.1* shall have power to construct,  
 6 acquire, repair, improve, expand, operate and maintain a project or  
 7 projects necessary to carry out the purposes of such agreement, and  
 8 to issue from time to time revenue bonds payable from the revenues  
 9 derived from such project or projects, or any combination of such  
 10 projects, to finance the cost or part of the cost of the acquisition,  
 11 construction, reconstruction, repair, extension or improvement of  
 12 such project or projects, including the acquisition for the purposes  
 13 of such agreement, of any property, real or personal or mixed there-  
 14 for. The power of the entity to issue revenue bonds shall not be  
 15 exercised until authorized by resolution or ordinance duly adopted by  
 16 each of the public agencies participating in such agreement. Public  
 17 agencies participating in such an agreement may not withdraw or in  
 18 any way terminate, amend, or modify in any manner to the detriment  
 19 of the bondholders said agreement if revenue bonds or obligations  
 20 issued in anticipation of the issuance of said revenue bonds have been  
 21 issued and are then outstanding and unpaid as provided for herein.  
 22 Any revenue bonds for the payment and discharge of which, upon  
 23 maturity or upon redemption prior to maturity, provision has been  
 24 made through the setting apart in a reserve fund or special trust  
 25 account created pursuant to this chapter to insure the payment  
 26 thereof, of moneys sufficient for that purpose or through the irrevoc-

27 cable segregation for that purpose in a sinking fund or other fund  
 28 or trust account of moneys sufficient therefor, shall be deemed to be  
 29 no longer outstanding and unpaid within the meaning of any provi-  
 30 sion of this chapter.

1 SEC. 215. Section thirty-seven point two (37.2), Code 1971, is  
 2 amended as follows:

3 **37.2 Petition.** The petition for the erection and equipment of any  
 4 such hall or monument shall request the submission of the proposition  
 5 to a vote of the people and shall:

6 1. When it is proposed to erect the same at the expense of the  
 7 county, be signed by ten percent of the qualified electors thereof as  
 8 shown by the poll list in the last preceding general election, or by a  
 9 majority of the members of the Grand Army of the Republic, the  
 10 Spanish-American War Veterans Association, Veterans of World  
 11 War I, the American Legion, Disabled American Veterans of the  
 12 World War, Veterans of Foreign Wars of the United States, Marine  
 13 Corps League and American Veterans of World War II (AMVETS)  
 14 of the county.

15 2. When it is proposed to erect the same at the expense of a city  
 16 ~~or town~~, be signed by ~~ten percent~~ of the qualified electors thereof, as  
 17 ~~shown by the poll list in the last preceding regular municipal election~~  
 18 *subject to the provisions of section 4 of this Act.*

19 3. Set forth therein the purpose of the memorial proposed, as out-  
 20 lined in section 37.18.

1 SEC. 216. Section thirty-seven point four (37.4), Code 1971, is  
 2 amended as follows:

3 **37.4 Notice.** Notice of such election shall be given by publication  
 4 in one newspaper published *or having general circulation* in the  
 5 county ~~city or town or city~~, as the case may be, ~~once each week for at~~  
 6 ~~least four consecutive weeks.~~ If no newspaper is published therein,  
 7 then such notice may be given by posting in three public places within  
 8 the limits of said corporation, and by publication for four consecutive  
 9 weeks in a newspaper of general circulation in the county; the last  
 10 publication to be not less than five nor more than twenty days prior  
 11 ~~to such election as provided in section 3 of this Act.~~ Such notice shall  
 12 state the purpose of the memorial proposed as outlined in section  
 13 37.18.

1 SEC. 217. Section thirty-seven point five (37.5), Code 1971, is  
 2 amended as follows:

3 **37.5 Acquisition of site.** When the proposition to erect any such  
 4 building or monument has been carried by a majority vote of all  
 5 voters voting thereon, any such county, ~~city~~, ~~or town~~ shall have the  
 6 power to purchase grounds suitable for a site for any such building  
 7 or monument.

1 SEC. 218. Section thirty-seven point six (37.6), Code 1971, is  
 2 amended as follows:

3 **37.6 Bonds.** For the purpose of providing funds for the acqui-  
 4 sition of necessary ground therefor, and for purchasing, erecting, con-  
 5 structing, or reconstructing such building or monument, and for the  
 6 necessary equipment therefor, the county, ~~city~~, ~~or town~~ may issue  
 7 bonds to be known as liberty memorial bonds, to be issued and sold

8 as provided by law relative to general county and city bonds; they  
 9 it shall provide for portions of such bonds to become due at different,  
 10 definite periods, but none in more than twenty years from date. In  
 11 issuing such bonds, such county, city, or town may become indebted  
 12 in an amount which, added to all other indebtedness, shall not exceed  
 13 five percent of the actual value of the taxable property in such  
 14 county, city, or town as determined by the last state and county tax  
 15 lists. Such bonds shall bear interest at a rate not exceeding seven  
 16 percent per annum. *Bonds issued by a city must be issued in accord-*  
 17 *ance with provisions of law relating to general corporate purpose*  
 18 *bonds of a city.*

1 SEC. 219. Section thirty-seven point seven (37.7), Code 1971, is  
 2 amended as follows:

3 37.7 **Levy for bonds.** For the purpose of liquidating such bonds  
 4 together with the interest thereon, such county shall levy upon all  
 5 the property within the limits thereof, subject to taxation for such  
 6 purpose, in addition to all other taxes provided by law, a special tax  
 7 not exceeding in any one year four mills on the dollar for a period  
 8 of not exceeding twenty years.

9 For the purpose of liquidating any such liberty memorial bonds  
 10 issued by cities and towns pursuant to the provisions of this chapter,  
 11 together with interest thereon, taxes shall be levied by such cities  
 12 and towns in accordance with chapter 76, and said bonds and interest  
 13 thereon shall be payable through the debt service fund.

1 SEC. 220. Section thirty-seven point eight (37.8), Code 1971, is  
 2 amended as follows:

3 37.8 **Levy for maintenance.** For the development, operation, and  
 4 maintenance of such building or monument constructed, purchased,  
 5 or donated under this chapter, there may be thereafter levied a tax  
 6 as follows:

7 1. By a county owning same, not to exceed one and one-fourth mills  
 8 on all the taxable property within said county.

9 2. By a city having a population in excess of fifty thousand persons  
 10 as shown by the last preceding census, owning same, not to exceed  
 11 two mills on all the taxable property within said city owning same,  
 12 not to exceed three mills on all the taxable property within the city,  
 13 as provided in section 93, subsection 3 of this Act.

14 3. By any city having a population of at least fifteen thousand but  
 15 not more than fifty thousand, owning same, not to exceed three mills  
 16 on all the taxable property within said city.

17 4. By a city having a population of less than fifteen thousand,  
 18 owning same, not to exceed four mills on all the taxable property  
 19 within said city.

20 5. By a town owning same, not to exceed five mills on all the tax-  
 21 able property within said town.

1 SEC. 221. Section forty-three point eleven (43.11), Code 1971, is  
 2 amended as follows:

3 43.11 **Filing of nomination papers.** Nomination papers in behalf  
 4 of a candidate shall be filed:

5 1. For an elective county office, in the office of the county auditor  
 6 at least fifty-five days prior to the day fixed for holding the primary  
 7 election.

8 2. For United States senator, for an elective state office, for repre-  
 9 sentative in Congress, and for member of the general assembly, in  
 10 the office of the secretary of state not more than eighty-five days nor  
 11 less than sixty-five days prior to the day fixed for holding said pri-  
 12 mary election.

13 ~~3. For elective offices in cities and towns, as provided in section~~  
 14 ~~363.11.~~

1 SEC. 222. Section forty-nine point three (49.3), Code 1971, is  
 2 amended as follows:

3 **49.3 Election precincts.** Election precincts shall, except as other-  
 4 wise provided, be as follows:

5 1. Each township when there is no part of a city therein.

6 2. The portion of a township outside the limits of any city.

7 3. Such divisions of cities as may be fixed by the council by ordi-  
 8 nance.

9 4. *All such election precincts shall be established within the bound-*  
 10 *aries of a representative district as established by law.*

11 ~~4. Each incorporated town, for town elections.~~

1 SEC. 223. Section forty-nine point seven (49.7), Code 1971, as  
 2 amended by chapter one hundred (100), section one (1), Acts of the  
 3 Sixty-fourth General Assembly, First Session, is amended to read as  
 4 follows:

5 **49.7 Portions of townships combined.** No precinct shall contain  
 6 different townships or parts thereof, except *for other than city elec-*  
 7 *tions* where the board of supervisors has combined two or more  
 8 contiguous townships into one election precinct or where, by reason  
 9 of the existence of a village or ~~incorporated town~~ *city of less than*  
 10 *two thousand population* on or near a township line, the board of  
 11 supervisors may create a voting precinct in compact form, from  
 12 ~~said town~~ *the city* or village, and may include ~~therein~~ territory  
 13 adjoining and adjacent to ~~said the~~ *village or town city*, which is  
 14 situated in two or more townships.

1 SEC. 224. Section forty-nine point thirteen (49.13), Code 1971, is  
 2 repealed.

1 SEC. 225. Section fifty-two point three (52.3), Code 1971, is  
 2 amended as follows:

3 **52.3 Terms of purchase—tax levy.** The local authorities, on the  
 4 adoption and purchase of a voting machine, may provide for the  
 5 payment therefor in such manner as they may deem for the best  
 6 interest of the locality, and may for that purpose issue bonds, cer-  
 7 tificates of indebtedness, or other obligations, which shall be a charge  
 8 on the county, *or city, or town*, or levy not to exceed one-half mill;  
 9 and any amounts so levied and collected in excess of actual costs of  
 10 voting machines shall revert to the general fund of the county, *or*  
 11 *city, or town* concerned. ~~In the case of a city or town, any such funds~~  
 12 ~~collected under this section shall be held in a separate account in the~~  
 13 ~~municipal enterprises fund and shall be used for no other purpose~~  
 14 ~~than the purchase of voting machines.~~ Such bonds, certificates, or  
 15 other obligations may be issued with or without interest, payable at  
 16 such time or times as the authorities may determine, but shall not be  
 17 issued or sold at less than par.

1 SEC. 226. Section sixty-four point one (64.1), Code 1971, is  
2 amended as follows:

3 **64.1 Bond not required.** Bonds shall not be required of the follow-  
4 ing public officers:  
5 1. Governor.  
6 2. Lieutenant governor.  
7 3. Members of the general assembly.  
8 4. Judges of the supreme, district, superior, and municipal courts.\*  
9 5. Township trustees.  
10 6. Aldermen, councilmen, and commissioners of cities and towns  
11 , *other than mayors.*

1 SEC. 227. Section sixty-four point fourteen (64.14), Code 1971, is  
2 repealed.

1 SEC. 228. Section sixty-nine point two (69.2), subsection three  
2 (3), Code 1971, is amended as follows:

3 3. The incumbent ceasing to be a resident of the state, district,  
4 county, township, city, ~~town~~, or ward by or for which he was elected  
5 or appointed, or in which the duties of his office are to be exercised.  
6 This subsection shall not apply to ~~appointments authorized by section~~  
7 ~~368A.1, subsection 7~~ *appointed city officers.*

1 SEC. 229. Section sixty-nine point thirteen (69.13), Code 1971, is  
2 amended as follows:

3 **69.13 Vacancies—when filled.** If a vacancy occurs in an elective  
4 office in a ~~city, town, or~~ township ten days, or a county office fifty  
5 days, or any other office sixty days, prior to a general election, it shall  
6 be filled at such election, unless previously filled at a special election.

1 SEC. 230. Section seventy-four point one (74.1), Code 1971, is  
2 amended as follows:

3 **74.1 Applicability.** This chapter shall apply to all warrants which  
4 are legally drawn on a public treasury, including the treasury of a  
5 city, and which, when presented for payment, are not paid for want  
6 of funds.

7 This chapter and its procedures shall also apply whenever a municipi-  
8 pality, as defined in section 24.2, *or a city* shall determine that there  
9 are not or will not be sufficient funds on hand to pay the legal obli-  
10 gations of a fund. Said municipality is authorized to provide for the  
11 payment of such present and future obligations by drawing one or  
12 more anticipatory warrants payable to a bank or other business  
13 entity authorized by law to loan money in an amount or amounts  
14 legally available and believed to be sufficient to cover the anticipated  
15 deficiencies. *The duties imposed on the treasurer by this chapter may*  
16 *be assigned by the city council to another city officer.*

1 SEC. 231. Section eighty point twelve (80.12), Code 1971, is  
2 amended as follows:

3 **80.12 Attendance at short course.** The commissioner of public  
4 safety is authorized to send members of the department of public  
5 safety to any course of instruction for peace officers, not exceeding  
6 a total of six weeks' length in any one year, given by the college of  
7 law of the state University of Iowa, or the course of instruction in  
8 public safety education given at Iowa State University of science and

\*See 64 GA, ch 1124, §92.

9 technology, and such members shall be considered on duty while in  
 10 attendance upon such authority. The legislative body in any county,  
 11 ~~city, or town,~~ may authorize the attendance at such course of any law  
 12 enforcing officer under the jurisdiction of such county, ~~city or town~~  
 13 and may provide for the payment of the actual and necessary ex-  
 14 penses of such person while in attendance, which payment shall be  
 15 made out of the general fund of such county, ~~city or town.~~

1 SEC. 232. Section eighty-one A point two (81A.2), Code 1971, is  
 2 amended as follows:

3 **81A.2 License required.** It shall be unlawful for any transient  
 4 merchant as herein defined, to sell, dispose of, or offer for sale any  
 5 goods, wares or merchandise of any kind, nature or description, at  
 6 any time or place within the state of Iowa, outside the limits of any  
 7 ~~city or town~~ in the state of Iowa, or within the limits of any ~~city or~~  
 8 ~~town~~ in the state of Iowa that has not by ordinance enacted pursuant  
 9 to the provisions of section 368.6 provided for the licensing of trans-  
 10 sient merchants, unless such transient merchant, as herein defined,  
 11 shall have a valid license as herein provided and shall have complied  
 12 with the regulations herein set forth.

1 SEC. 233. Section ninety-eight point thirty-five (98.35), Code  
 2 1971, is amended as follows:

3 **98.35 Tax and fees paid to general fund.** The proceeds derived  
 4 from the sale of stamps and the payment of taxes, fees and penalties  
 5 provided for under this chapter, and the permit fees received from  
 6 all permits issued by the department, shall be credited to the general  
 7 fund of the state. All permit fees provided for in this chapter and  
 8 collected by cities and towns in the issuance of permits granted by  
 9 ~~such municipalities~~ *the cities* shall be paid to the treasurer of the city  
 10 ~~or town~~ wherein the permit is effective, *or to another city officer as*  
 11 *designated by the council,* and credited to the general fund of said  
 12 city ~~or town~~. Permit fees so collected by counties shall be paid to the  
 13 county treasurer and credited to the general fund of such county.

1 SEC. 234. Section one hundred four point three (104.3), Code  
 2 1971, is repealed.

1 SEC. 235. Section one hundred eleven point thirty (111.30), Code  
 2 1971, is amended as follows:

3 **111.30 City funds available.** Any such city or cities, or any town  
 4 or towns aiding in the purchase of land for state parks, as provided  
 5 for in sections 111.28 and 111.29 may pay for the same out of the  
 6 general fund, ~~or the park fund,~~ or may issue bonds for the payment  
 7 of the same and levy a tax for the payment of such bonds and the  
 8 interest thereon, *in accordance with the provisions of law relating to*  
 9 *general corporate purpose bonds of a city.*

1 SEC. 236. Section one hundred thirty-five point eleven (135.11),  
 2 subsection nine (9), Code 1971, is amended by striking the subsection  
 3 and inserting in lieu thereof the following:

4 9. Establish, publish, and enforce a state housing code containing  
 5 minimum requirements for the protection of the public health, safety,  
 6 and welfare. The state housing code is subject to the provisions of  
 7 chapter seventeen A (17A) of the Code. The state housing code must  
 8 contain minimum standards for existing dwellings, and may control  
 9 the construction or alteration of any dwelling, building to be used as



10 a dwelling, or building or structure on the same lot with a dwelling.  
11 The code may divide dwellings into reasonable classifications based  
12 upon location or occupancy or both, and establish standards for each  
13 classification relative to light, ventilation, sanitation, fire prevention,  
14 egress, repair and maintenance, alteration and improvement, and use.  
15 In establishing the state housing code, the department may consider  
16 any national standard codes relating to building construction and  
17 housing, and shall, so far as practicable, make the housing code  
18 consistent with rules of the state fire marshal relating to fire safety  
19 in housing.

20 For purposes of the state housing code, the word "nuisance" in-  
21 cludes nuisance as known at common law or in equity jurisprudence,  
22 and whatever is dangerous to human life or detrimental to health,  
23 whatever dwelling is overcrowded with occupants or is not provided  
24 with adequate ingress or egress, or is not sufficiently supported,  
25 ventilated, sewerred, drained, cleaned, or lighted, in reference to its  
26 intended or actual use, and whatever renders the air or human food  
27 or drink unwholesome, is also a nuisance, and all nuisances are  
28 illegal.

29 A city may adopt by ordinance part or all of the state housing  
30 code, or may adopt minimum requirements which are higher or more  
31 stringent than the requirements of the state housing code, and may  
32 enforce its ordinances in the usual manner and in the same manner  
33 as the state housing code may be enforced, as provided in this sec-  
34 tion.

35 Local health boards, or local health officials, shall enforce the state  
36 housing code, subject to supervision by the department. However, in  
37 a city which has a full-time building inspector, the council may, by  
38 ordinance, delegate to him the duty of enforcing the state housing  
39 code as it relates to fire protection, egress, and the construction or  
40 alteration of a dwelling, building, or structure.

41 In enforcing the state housing code, the department and local offi-  
42 cials may:

43 a. Require the submission of specifications and plans, and issue or  
44 revoke permits, for the construction or alteration of a dwelling,  
45 building, or structure subject to the housing code, and impose a  
46 reasonable charge for construction or alteration permits.

47 b. Maintain a civil action in any municipal or district court of the  
48 state, and recover from the owner of the property or from any other  
49 person, who violates the state housing code or knowingly permits the  
50 existence of a nuisance, or who fails to take action to comply with a  
51 notice or order from a state or local official to remove a nuisance or  
52 violation within five days of service of the notice or order, or who  
53 continues a violation after such time, a judgment of fifty dollars for  
54 the use of the state or local department which brings the action, plus  
55 costs, including attorney fees, expenses of enforcement, and costs  
56 incurred in the removal of the violation or nuisance, for each such  
57 offense. Such a judgment is a lien on the property until paid.

58 c. Maintain an action in any municipal or district court of the state  
59 to enjoin or abate a violation of the state housing code or a nuisance,  
60 to require compliance with a notice or order relating to a violation or  
61 nuisance, to enjoin the occupancy or use of, or the doing of any work  
62 in or about a dwelling, building, or structure which does not conform  
63 substantially to the state housing code, or to enjoin any illegal act,

64 conduct, or business in or about a dwelling, building, or structure  
65 subject to the state housing code.

66 For the period when such an injunction is in effect, no rent is  
67 recoverable by the owner or renter of the premises covered by the  
68 injunction, and no action may be brought for possession of the prem-  
69 ises based upon nonpayment of rent.

70 d. At reasonable times, enter and examine all premises subject to  
71 the state housing code.

72 e. Require that the owners of all rented premises obtain a certifi-  
73 cate of compliance with the state housing code. The department may  
74 impose a reasonable charge for compliance certificates.

75 f. In an action maintained under paragraphs b and c of this sub-  
76 section, the department or local officials shall show by petition that  
77 the owner and renter of the premises have received notice of the  
78 violation and reasonable opportunity to comply with the law. Notice  
79 of a violation mailed to the address of the owner, as shown on the  
80 tax records of the county auditor, and to the occupant of the prem-  
81 ises, is presumed to be received. Notice of the action must be served  
82 on the owner, as shown by the tax records of the county auditor,  
83 according to the Rules of Civil Procedure. However, an owner may  
84 file with the health department the name and address of his agent,  
85 and service or mailing of notice to the agent is equal to service or  
86 mailing to the owner.

1 SEC. 237. Section one hundred thirty-five B point seven (135B.7),  
2 Code 1971, is amended as follows:

3 **135B.7 Rules, regulations, and enforcement.** The state depart-  
4 ment of health with the advice of the hospital licensing board, shall  
5 adopt, amend, promulgate and enforce such rules, regulations and  
6 standards with respect to the different types of hospitals to be  
7 licensed hereunder as may be designed to further the accomplishment  
8 of the purposes of the chapter. Rules, regulations and standards may  
9 be adopted imposing requirements in excess of those provided in  
10 ~~chapter 413~~ *the state housing code*, but no rule, regulation or standard  
11 shall be adopted imposing requirements less than those provided by  
12 said ~~chapter~~ *code*. No rules, regulations or standards shall be adopted  
13 or enforced which would have the effect of denying a license to a hos-  
14 pital or other institution required to be licensed hereunder, solely by  
15 reason of the school or system of practice employed or permitted to  
16 be employed by physicians therein; provided that such school or  
17 system of practice is recognized by the laws of this state.

1 SEC. 238. Section one hundred thirty-five B point seventeen  
2 (135B.17), Code 1971, is amended as follows:

3 **135B.17 Construction.** This chapter shall not be construed as  
4 affecting, modifying or repealing any provision of ~~chapter 413~~ *the*  
5 *state housing code*, except as provided in section 135B.7, and provided  
6 further that this chapter shall be construed as being in addition to  
7 and not in conflict with chapters 235 and 236.

1 SEC. 239. Section one hundred thirty-five B point thirty-one  
2 (135B.31), Code 1971, is amended as follows:

3 **135B.31 Exceptions.** Nothing in this division is intended or  
4 should affect in any way that obligation of public hospitals under  
5 chapter 347 or ~~chapter 380~~ *municipal hospitals*, as well as the state

6 hospital at Iowa City, to provide medical treatment for indigent per-  
 7 sons or tuberculosis patients as provided in chapters 254 and 255,  
 8 wherein medical treatment is provided by hospitals of that category  
 9 to patients of certain entitlement, nor to the operation by the state  
 10 of mental or other hospitals authorized by law. Nothing herein shall  
 11 in any way affect or limit the practice of dentistry or the practice  
 12 of oral surgery by a dentist.

1 SEC. 240. Section one hundred thirty-five C point fourteen  
 2 (135C.14), subsection one (1), Code 1971, is amended as follows:

3 1. Location and construction of the facility, including plumbing,  
 4 heating, lighting, ventilation, and other housing conditions, which  
 5 shall ensure the health, safety and comfort of residents and protec-  
 6 tion from fire hazards. Such rules, regulations and standards regard-  
 7 ing location and construction of the home may impose requirements  
 8 in excess of those provided in ~~chapter 413~~ *the state housing code*,  
 9 but shall not impose requirements less than those provided by such  
 10 ~~chapter~~ *code*. The rules of the department relating to protection  
 11 from fire hazards and fire safety shall be promulgated by the state  
 12 fire marshal, and shall be in keeping with the latest generally recog-  
 13 nized safety criteria for the facilities covered of which the applicable  
 14 criteria recommended and published from time to time by the national  
 15 fire protection association shall be prima-facie evidence.

1 SEC. 241. Section one hundred thirty-five D point thirteen  
 2 (135D.13), Code 1971, is amended as follows:

3 **135D.13 Notice to municipal treasurer or clerk.** It shall be the  
 4 duty of the state department of health to notify, or cause to be noti-  
 5 fied, the treasurer *or clerk* of each municipality of the issuance of  
 6 each mobile home park license issued within the jurisdiction of such  
 7 municipality.

1 SEC. 242. Section one hundred thirty-five D point twenty  
 2 (135D.20), Code 1971, is amended as follows:

3 **135D.20 Powers delegated to local boards.** The state department  
 4 of health shall have the power to delegate to a *local health officer or*  
 5 *other city officer or to* local boards of health the duties of inspection  
 6 and regulation of mobile home parks located within the jurisdiction  
 7 of such local board of health *or other officer*, where, in the opinion  
 8 of the state department of health, such delegation can best effectuate  
 9 the policies of this chapter. When said duties are so delegated, fifty  
 10 percent of the annual license fee collected therefrom shall be turned  
 11 over to the treasurer *or clerk* of the jurisdiction involved, and there  
 12 is hereby appropriated from the general fund of the state an amount  
 13 sufficient to pay the proportionate fees allowable to the jurisdiction  
 14 involved, as provided in this section.

1 SEC. 243. Section one hundred thirty-seven point sixteen (137.16),  
 2 Code 1971, is amended as follows:

3 **137.16 Local health fund.** The treasurer of each ~~city which has a~~  
 4 ~~city board and the treasurer of each county~~ shall establish a "local  
 5 health fund".

1 SEC. 244. Section one hundred thirty-seven point eighteen  
 2 (137.18), Code 1971, is amended as follows:

3     **137.18 Deposit of moneys in fund.** All moneys received *by a*  
 4 *county or district* for local health purposes from federal appropria-  
 5 tions, from local taxation, from licenses, from fees for personal  
 6 services, or from gifts, grants, bequests, or other sources shall be  
 7 deposited in the local health fund. Expenditures shall be made from  
 8 the fund on order of the local board for the purpose of carrying out  
 9 its duties.

1     SEC. 245. Section one hundred thirty-seven point twenty (137.20),  
 2 Code 1971, is amended as follows:

3     **137.20 Appropriation from general fund of county.** The board of  
 4 supervisors of any county may appropriate from the county general  
 5 fund ~~and the council of any city or town may appropriate from the~~  
 6 ~~sanitation fund~~ for the purpose of providing local health services.  
 7 ~~Such A county~~ appropriation shall not exceed the statutory  
 8 ~~limitations limitation~~ found in ~~chapters 404 and chapter~~ 444. Moneys  
 9 appropriated for this purpose shall be deposited in the local health  
 10 fund as specified in section 137.18.

1     SEC. 246. Section one hundred forty-five A point eighteen  
 2 (145A.18), Code 1971, is amended as follows:

3     **145A.18 Taxes.** Taxes for the payment of bonds issued under  
 4 section 145A.17 shall be levied in accordance with chapter 76, pro-  
 5 vided, however, that the total tax levy for the annual budget and for  
 6 bonds issued under this chapter, shall not exceed the maximum mill-  
 7 age for each political subdivision as provided in the published order  
 8 of merger. Any indebtedness incurred shall not be considered an  
 9 indebtedness incurred for general and ordinary purposes ~~as pre-~~  
 10 ~~scribed under section 407.1.~~

1     SEC. 247. Section two hundred eighty A point twenty (280A.20),  
 2 Code 1971, is amended as follows:

3     **280A.20 Payment of bonds.** Taxes for the payment of bonds  
 4 issued under section 280A.19 shall be levied in accordance with chap-  
 5 ter 76. The bonds shall be payable from a fund created from the  
 6 proceeds of such taxes in not more than twenty years and bear  
 7 interest at a rate not exceeding seven percent per annum, and shall  
 8 be of such form as the board issuing the bonds shall by resolution  
 9 provide. Any indebtedness incurred shall not be considered an indebt-  
 10 edness incurred for general and ordinary purposes ~~as prescribed~~  
 11 ~~under section 407.1.~~

1     SEC. 248. Section three hundred point seven (300.7), Code 1971,  
 2 is amended as follows:

3     **300.7 Appropriation by city.** The board of school directors in any  
 4 district governed by sections 300.1 to 300.6, inclusive, of this chapter  
 5 is also empowered to receive and expend for the purpose thereof any  
 6 sums of money appropriated and turned over to them by the city  
 7 council ~~or commissioners~~ of such city for such purposes; and the city  
 8 council, ~~or commissioners of such city,~~ shall have authority to ~~may~~  
 9 appropriate and turn over to the board of school directors of the  
 10 school district containing or contained in such city any reasonable  
 11 sums of money ~~which the said council or commissioners may desire~~  
 12 ~~to appropriate out of the recreation fund of such city and turn over~~  
 13 ~~to the said board of school directors for the purposes herein set forth.~~

1 SEC. 249. Section three hundred three point fifteen (303.15), Code  
2 1971, is amended as follows:

3 **303.15 Public libraries not affected.** Nothing contained in this  
4 chapter shall be construed as ~~repealing or superseding chapter 378,~~  
5 ~~or any section of said chapter affecting public libraries other than~~  
6 ~~state libraries.~~

1 SEC. 250. Section three hundred three point eighteen (303.18),  
2 subsection six (6), Code 1971, is amended as follows:

3 6. To encourage the implementation of the county library law, and  
4 of county-wide library service through contracts with the boards of  
5 supervisors, ~~chapter 378.~~

1 SEC. 251. Section three hundred three point twenty-three (303.23),  
2 is repealed.

1 SEC. 252. Section three hundred nine point nine (309.9), subsec-  
2 tion three (3), Code 1971, is amended as follows:

3 3. Payment of all or part of the cost of construction and mainte-  
4 nance of bridges in cities and towns having a population of eight  
5 thousand or less and all or part of the cost of construction of roads  
6 located within an ~~incorporated town~~ *a city*, of less than four hundred  
7 population, which lead to state parks.

1 SEC. 253. Section three hundred nine point seventy-three  
2 (309.73), Code 1971, is amended as follows:

3 **309.73 Bridges and culverts on city boundary line.** Bridges and  
4 culverts on highways or on parts thereof, which are located along the  
5 corporate limits of cities ~~which control their own bridge funds and~~  
6 which are partly within and partly without such limits and which  
7 highways are in whole or in part secondary roads, shall be constructed  
8 under plans and specifications, jointly agreed on by the city council  
9 and board of supervisors, and approved by the highway commission.  
10 The city and county shall share equally in the cost. All matters in  
11 dispute between such city and county relative to such bridges and  
12 culverts shall be referred to the highway commission and its decision  
13 shall be final and binding on both the city and county.

14 ~~Cities which have a common boundary and are situated in counties~~  
15 ~~having a population in excess of two hundred thousand and the~~  
16 ~~county in which such cities are located~~ *A county* may contract, each  
17 with the other, ~~cities therein~~ for the joint construction and financing  
18 of a bridge to be located within one hundred feet of such common  
19 boundary and partly within one of the cities and partly within the  
20 county. Such contracts may also provide for the acquisition of right  
21 of way for, and construction of, highways connecting such bridge to  
22 existing city streets or secondary roads. Such bridge and highways  
23 shall be constructed under plans and specifications jointly agreed on  
24 by the respective contracting bodies. Such contract shall set forth  
25 the amount of money to be contributed by each contracting party and  
26 may provide for the amount of money to be contributed annually by  
27 each contracting party for the maintenance of the said public im-  
28 provements. When such county and cities have agreed upon their  
29 respective portions of the cost of such bridge and highways they may  
30 pay same from their respective secondary road fund, street fund, or  
31 other funds available for highway or bridge purposes, or they may

32 issue general obligation bonds to provide funds for the payment of  
 33 their respective shares of such cost. *Bonds issued by a city must be*  
 34 *issued in accordance with provisions of law relating to general cor-*  
 35 *porate purpose bonds of a city.*

36 Taxes for the payment of said county bonds shall be levied in  
 37 accordance with chapter 76 and said bonds shall be payable in not  
 38 more than twenty years and bear interest at a rate not exceeding five  
 39 percent per annum, and shall be of such form as the respective coun-  
 40 cils or board of supervisors shall by resolution provide, but no city  
 41 or county shall become indebted in excess of five percent of the actual  
 42 value of taxable property within its taxing jurisdiction as shown by  
 43 the last preceding state and county tax lists. The indebtedness  
 44 incurred for the purpose provided in this section shall not be con-  
 45 sidered an indebtedness incurred for general or ordinary purposes.

1 SEC. 254. Section three hundred eleven point nineteen (311.19),  
 2 unnumbered paragraph two (2), Code 1971, is amended as follows:

3 In case of assessments on lands owned by the county, the same  
 4 shall be paid from the county general fund. In case of assessments  
 5 on lands owned by the state, the same shall be paid out of any funds  
 6 in the state treasury not otherwise appropriated. In case of assess-  
 7 ments on lands owned by a city or town, the same shall be paid from  
 8 the any available city or town street fund.

1 SEC. 255. Section three hundred twelve point six (312.6), Code  
 2 1971, is amended as follows:

3 **312.6 Limitation on use of funds.** Funds received by municipal  
 4 corporations from the road use tax fund shall be used: for any pur-  
 5 pose relating to the construction, maintenance, and supervision of the  
 6 public streets.

7 1. For the purposes for which street fund money may be used, with  
 8 the exception of parking facilities as provided in subsection 5 of sec-  
 9 tion 404.7.

10 2. For the acquisition and installation of traffic control signals and  
 11 devices required as part of a street construction or reconstruction  
 12 project.

13 3. For sidewalk expenditures required as part of a street construc-  
 14 tion or reconstruction project.

15 4. For payment of principal and interest on bonds issued for street,  
 16 bridge and viaduct purposes.

17 5. For the construction of storm sewers and other drains for con-  
 18 trolling and providing adequate drainage for surface waters originat-  
 19 ing within or flowing upon the right of ways of newly constructed or  
 20 reconstructed streets, and for the payment of principal and interest  
 21 on bonds issued to finance such construction.

22 Such funds shall not be used for the purchase of machinery or  
 23 equipment, except as provided in subsection 12 of section 404.7.

1 SEC. 256. Section three hundred thirteen point twenty-nine  
 2 (313.29), Code 1971, is amended as follows:

3 **313.29 Detours located in city or town.\*** When the temporary  
 4 primary road detour or temporary primary road haul road, or any  
 5 portion thereof, is located within the corporate limits of a city or

\*According to enrolled Act.

6 ~~town~~, then as to ~~such~~ *the* portion so located, the provisions of section  
 7 313.28 as to consultation, designation, restoration and payment by  
 8 the state highway commission shall apply in like manner to the  
 9 benefit of ~~such the city or town~~, and credits thereunder shall be made  
 10 to the ~~street~~ *general* fund of ~~such the city or town~~. ~~Such~~. A city  
 11 ~~or town~~ may designate the county engineer or, ~~in the case of a city,~~  
 12 ~~its chief civil engineer,~~ to inspect such street so used jointly with the  
 13 representative of the state highway commission.

1 SEC. 257. Section three hundred twenty-one point nineteen  
 2 (321.19), Code 1971, is amended as follows:

3 **321.19 General exemptions.** All vehicles owned by the govern-  
 4 ment and used in the transaction of official business by the repre-  
 5 sentatives of foreign powers or by officers, boards, or departments  
 6 of the government of the United States, and by the state of Iowa,  
 7 counties, municipalities and other subdivisions of government includ-  
 8 ing vehicles used by an urban transit company operated by a munici-  
 9 pality ~~as authorized under chapter 336C~~, and such self-propelling  
 10 vehicles as are used neither for the conveyance of persons for hire,  
 11 pleasure, or business nor for the transportation of freight other than  
 12 those used by an urban transit company operated by a municipality,  
 13 and all fire trucks, providing they are not owned and operated for a  
 14 pecuniary profit, are hereby exempted from the payment of the fees  
 15 in this chapter prescribed *except as provided for urban transit com-*  
 16 *panies in section 258 of this Act*, but shall not be exempt from the  
 17 penalties herein provided. The department shall furnish, on appli-  
 18 cation, free of charge, distinguishing plates for vehicles thus ex-  
 19 empted, which plates shall bear the word "official", and the depart-  
 20 ment shall keep a separate record thereof. Provided that the execu-  
 21 tive council may order the issuance of regular registration plates,  
 22 for any such exempted vehicle, used by peace officers in the enforce-  
 23 ment of the law and persons enforcing the ~~drug and narcotic laws~~  
 24 *Senate File one (1), Acts of the Sixty-fourth General Assembly,*  
 25 *First Session, and other laws relating to controlled substances.* For  
 26 purposes of sale of vehicles exempted as herein indicated, the  
 27 exempted governmental body, upon the sale of the exempted vehicle,  
 28 may issue for in-transit purposes a pasteboard card bearing the  
 29 words "Vehicle in Transit", the name of the official body from which  
 30 the vehicle was purchased, together with the date of the purchase  
 31 plainly marked in minimal of one-inch letters, and other information  
 32 which may be required by the department of public safety. The  
 33 in-transit card shall be valid for use only within forty-eight hours  
 34 after the purchase date as indicated on the bill of sale which shall  
 35 be carried by the driver.

1 SEC. 258. Chapter three hundred twenty-one (321), Code 1971, is  
 2 amended by adding the following new section:

3 "Urban transit company" means any person, firm, corporation,  
 4 company, or municipality which operates buses or trolley cars or  
 5 both, primarily upon the streets of cities over well-defined routes  
 6 between certain termini, for the transportation of passengers for a  
 7 uniform fare, and which accepts for passengers all who present  
 8 themselves for transportation without discrimination up to the limit  
 9 of the capacity of each vehicle. Included are street railways, plants,

10 equipment, property, and rights, used and useful in the transporta-  
 11 tion of passengers. Motor carriers and interurbans subject to the  
 12 jurisdiction of the state commerce commission, and taxicabs, are not  
 13 included.

14 Any person, firm, corporation, or company operating an urban  
 15 transit system shall pay to the county treasurer annually as a regis-  
 16 tration fee for each bus, car, or vehicle used in the transportation of  
 17 passengers, twenty-five dollars, which shall be paid into the city  
 18 general fund. Any urban transit company operated by a municipal-  
 19 ity is not required to pay such registration fees. The motor vehicle  
 20 department, in accordance with section three hundred twenty-one  
 21 point nineteen (321.19) of the Code, shall furnish distinguishing  
 22 plates for vehicles used by urban transit companies operated by a  
 23 municipality. No other provision of law providing for the payment  
 24 of taxes, registration, or license fees for vehicles shall be applicable  
 25 to any bus, car, or vehicle for the transportation of passengers owned  
 26 and operated by any urban transit company.

27 Section three hundred twenty-four point three (324.3) and chapter  
 28 three hundred twenty-six (326) of the Code are not applicable to  
 29 urban transit companies or systems."

1 SEC. 259. Section three hundred twenty-one E point eleven  
 2 (321E.11), unnumbered paragraph two (2), Code 1971, is amended  
 3 as follows:

4 Except as provided in section 321.457, no movement of over-  
 5 dimension vehicles shall be permitted on Saturday, Sunday, holidays,  
 6 or days preceding and following holidays, or special events when  
 7 abnormally high traffic volumes can be expected. Such restrictions  
 8 shall not be applicable to urban transit systems as defined in section  
 9 ~~386C.1~~ 258 of this Act.

1 SEC. 260. Section three hundred twenty-five point twenty-seven  
 2 (325.27), Code 1971, is amended as follows:

3 ~~325.27 Powers of cities and towns.~~ Cities and towns shall have  
 4 ~~power may~~ by ordinance to adopt general rules of operation, and to  
 5 designate the streets or routes over which motor carriers shall travel;  
 6 provided, however, that the exercise of the power granted in this  
 7 section shall be reasonable and fair. ~~Motor vehicles operating or~~  
 8 ~~proposing to operate between cities and towns, the corporate limits~~  
 9 ~~of which are not more than one mile apart, shall be considered as~~  
 10 ~~coming within the purview of section 386.2.~~

1 SEC. 261. Section three hundred twenty-nine point one (329.1),  
 2 subsection four (4), Code 1971, is amended as follows:

3 4. "Municipality" means any county, or city, village, or town of this  
 4 state.

1 SEC. 262. Section three hundred thirty point two (330.2), Code  
 2 1971, is amended as follows:

3 ~~330.2 Powers.~~ Cities and towns shall have the right to Counties  
 4 and townships may acquire, establish, improve, maintain and operate  
 5 airports, either within or without their ~~corporate~~ limits, and either  
 6 within or without the territorial limits of this state.

1 SEC. 263. Section three hundred thirty point three (330.3), Code  
 2 1971, is repealed.



1 SEC. 264. Section three hundred thirty point four (330.4), Code  
2 1971, is amended as follows:

3 330.4 Joint exercise of powers. Any Iowa political subdivision,  
4 villages, towns, cities, townships, and counties may, by duly adopted  
5 ordinance or resolution as may be appropriate, enter into agreements  
6 providing for collaboration with any other one or more such political  
7 subdivisions, within or without the state of Iowa, in exercising jointly  
8 any of the powers granted by this chapter, to the same extent as such  
9 powers can be exercised by any such political subdivision individually.  
10 Concurrent action by the governing bodies of the political subdivision  
11 participating shall constitute joint action. Such agreements *Agree-*  
12 *ments between political subdivisions for joint exercise of any powers*  
13 *relating to airports* may provide for the creation and establishment  
14 of a joint airport commission which, when so created or established,  
15 shall function in accordance with the provisions of sections 330.17 to  
16 330.24, inclusive, insofar as provided by said agreements.

1 SEC. 265. Section three hundred thirty point five (330.5), Code  
2 1971, is amended as follows:

3 330.5 Acquisition. Any such city or town is hereby authorized  
4 and empowered to A county or township may acquire by purchase,  
5 gift, condemnation, lease or otherwise, either within or without its  
6 corporate limits, and either within or without the territorial limits  
7 of this state, real estate and personal property for airport purposes;  
8 and in like manner to acquire or cause to be moved, removed, abated,  
9 eliminated, mitigated, or altered any structure or object protruding  
10 above the surface of the ground, or any use of land obstructing the  
11 airspace necessary for the safe and efficient flight of aircraft in  
12 landing or taking off at any airport, or otherwise constituting a  
13 hazard to such landing or taking off.

1 SEC. 266. Section three hundred thirty point six (330.6), Code  
2 1971, is amended as follows:

3 330.6 Improvements. Any such city or town A county or town-  
4 ship may erect on any land so acquired, or owned by it, such build-  
5 ings and equipment, and make such improvements as may be neces-  
6 sary for the purpose of adapting such property to the use of aerial  
7 traffic.

1 SEC. 267. Section three hundred thirty point seven (330.7), Code  
2 1971, is amended as follows:

3 330.7 General bonds—election—levy of tax. Cities and towns are  
4 hereby authorized to A county or township may contract indebted-  
5 ness and to issue general obligation bonds to provide funds to pay  
6 the cost of establishing, acquiring and equipping a municipally-owned  
7 an airport and for improving the same.

8 No such indebtedness to pay the cost of the establishment of a  
9 municipally owned an airport shall be incurred until approved by the  
10 electors of such city or town the county or township in accordance  
11 with the provisions of chapter 407 which election proceedings may be  
12 instituted by the city or town council.

13 The governing body of the county or township may call a special  
14 election or may submit the question at the next general election.  
15 Notice of a special election must be published twice in a newspaper

16 *of general circulation in the county or township, not less than ten nor*  
 17 *more than twenty-five days before the date of the election.*

18 *The question submitted to the voters shall state the maximum*  
 19 *amount of bonds proposed and the maximum tax levy necessary to*  
 20 *repay the bonds plus interest. If sixty percent of those voting ap-*  
 21 *proves the proposition, the governing body may proceed as proposed.*

22 Taxes for the payment of said bonds shall be levied in accordance  
 23 with chapter 76 and said bonds shall be payable ~~through the debt~~  
 24 ~~service fund~~ in not more than twenty years and bear interest at a  
 25 rate not exceeding seven percent per annum and shall be of such  
 26 form as the ~~city or town council~~ *governing body* shall by resolution  
 27 provide, but no ~~city or town~~ *county or township* shall become in-  
 28 debted in excess of five percent of the actual value of ~~the~~ *its* taxable  
 29 property ~~within said city or town~~, as shown by the last preceding  
 30 state and county tax lists. The indebtedness incurred for the purpose  
 31 provided in this section shall not be considered an indebtedness in-  
 32 curred for general or ordinary purposes.

1 SEC. 268. Section three hundred thirty point nine (330.9), Code  
 2 1971, is amended as follows:

3 **330.9 Plans and specifications.** Before an airport is acquired by  
 4 any ~~such city, or town~~ *county, or township*, the plans and specifi-  
 5 cations therefor shall be submitted to the Iowa state aeronautics  
 6 commission which shall require that they show:

7 The legal description and plat of the site; distance from the near-  
 8 est post office and railroad station; location and type of highways;  
 9 location and type of obstructions on and near the site; kind of soil  
 10 and subsoil; costs and details of grading and draining; location of  
 11 proposed runways, hangers,\* buildings, and other structures.

12 ~~And they~~ *The commission* shall furthermore require that the plans  
 13 and specifications be in substantial accord with the regulations of the  
 14 U.S. department of commerce or other department of the federal  
 15 government having general supervision of air navigation as it relates  
 16 to plans and specifications for airports. And if so found ~~they~~ *it* shall  
 17 approve such plans and specifications.

1 SEC. 269. Section three hundred thirty point eleven (330.11),  
 2 Code 1971, is amended as follows:

3 **330.11 Ordinances and rules.** ~~Such cities and towns shall have~~  
 4 ~~the power to~~ *A county or township may make and enforce ordinances,*  
 5 *rules and regulations for control, supervision, and operation of air-*  
 6 *ports. This power shall extend to the space above the lands and*  
 7 *waters included within the limits of any city or town, and to any*  
 8 *airport owned, controlled, maintained, or operated by any city or*  
 9 *town outside its limits, and to the space above the same. In addition*  
 10 *thereto, all powers granted to and exercised by cities and towns*  
 11 *within their corporate limits are extended to municipal airports*  
 12 *located outside said limits, but within the state of Iowa county or*  
 13 *township. Provided, however, that no such ordinance, rule or regu-*  
 14 *lation, shall be in conflict with state law or regulation, or in conflict*  
 15 *with federal law or regulation.*

1 SEC. 270. Section three hundred thirty point twelve (330.12),  
 2 Code 1971, is amended as follows:

\*According to enrolled Act.

3     **330.12 Charges.** ~~Any such city or town~~ *A county or township*  
 4 may from time to time fix, establish, and collect a schedule of charges  
 5 for the use of such property or any part thereof, which charges shall  
 6 be used in connection with the maintenance and operation of such  
 7 airport. When the public needs will not be injured thereby, any such  
 8 ~~city or town~~ *county or township* may lease all or any portion of such  
 9 property, for a period of years not exceeding fifty or sell any equip-  
 10 ment no longer required. Real estate may be sold only by unanimous  
 11 vote of all members of the ~~council~~ *governing body*.

1     SEC. 271. Section three hundred thirty point fifteen (330.15),  
 2 Code 1971, is amended as follows:

3     **330.15 Deemed as public use.** Any property acquired, owned,  
 4 controlled, or occupied for the purposes enumerated in this chapter,  
 5 shall be and is hereby declared to be acquired, owned, controlled, and  
 6 occupied for a public purpose and as a matter of public need, and the  
 7 liability of any ~~city or town~~ *county or township* in connection there-  
 8 with shall be no greater than that imposed upon ~~municipalities~~ *cities*  
 9 in the maintenance and operation of public parks.

1     SEC. 272. Section three hundred thirty point sixteen (330.16),  
 2 Code 1971, is amended as follows:

3     **330.16 Additional levy—election—bonds issued.** Any ~~municipal-~~  
 4 ~~ity~~ *county or township* which has heretofore or may hereafter estab-  
 5 lish a municipal airport pursuant to the provisions of this chapter or  
 6 of any other provision of law, is hereby authorized without approval  
 7 at an election, to contract indebtedness and to issue general obliga-  
 8 tion bonds to provide funds to pay the cost of equipping, improving  
 9 and enlarging such airport provided, however, that if at any time  
 10 before the date fixed for taking action for the issuance of such bonds  
 11 a petition is filed with the ~~clerk or recorder of the municipality~~  
 12 *county auditor* signed by qualified electors of the ~~city or town~~  
 13 *county or township* equal in number to two percent of those who  
 14 voted for the office of governor at the last preceding general election  
 15 as shown by the election registers or poll lists, asking that the ques-  
 16 tion of issuing such bonds be submitted to the legal voters of ~~the~~  
 17 ~~municipality~~, the governing body thereof shall either by resolution  
 18 declare the proposal to issue the bonds to have been abandoned or  
 19 shall call a special election to vote upon the question of issuing the  
 20 bonds.

21     Taxes for the payment of said bonds shall be levied in accordance  
 22 with chapter 76 and said bonds shall be payable ~~through the debt~~  
 23 ~~service fund~~ in not more than twenty years and bear interest at a  
 24 rate not exceeding seven percent per annum and shall be of such  
 25 form as the ~~city or town~~ *council governing body* shall by resolution  
 26 provide, but no ~~city or town~~ *county or township* shall become in-  
 27 debted in excess of five percent of the actual value of ~~the~~ *its* taxable  
 28 property ~~within said city or town~~, as shown by the last preceding  
 29 state and county tax lists. The indebtedness incurred for the purpose  
 30 provided in this section shall not be considered an indebtedness in-  
 31 curred for general or ordinary purposes.

32     Section 330.7 and this section shall be construed as granting addi-  
 33 tional power without limiting the power already existing ~~in cities~~  
 34 ~~and towns~~.

35 The provisions of said sections shall be applicable to all municipal  
36 corporations regardless of form of government or manner of incor-  
37 poration.

1 SEC. 273. Section three hundred thirty point seventeen (330.17),  
2 Code 1971, is amended as follows:

3 **330.17 Airport commission—election.** The council of any city,  
4 ~~or town county, or township,~~ which owns or otherwise acquires an  
5 airport ~~or airports~~ may, and upon *the council's receipt of a valid*  
6 *petition as provided in section 4 of this Act, or upon* petition of ten  
7 percent of the number of qualified electors *of the county or township*  
8 who voted at the last ~~city~~ *general* election shall, at ~~any city~~ *a regular*  
9 *city election or a general* election if one is to be held within sixty  
10 days from the filing of said petition, or special election called for  
11 that purpose, submit to the voters the question as to whether the  
12 management and control of such airport, ~~or airports,~~ shall be placed  
13 in an airport commission. *If a majority of the voters favors placing*  
14 *the management and control of the airport in an airport commission,*  
15 *the commission shall be established as provided in this chapter.*

16 Whenever an airport, ~~or airports,~~ of any city or town has been  
17 placed under the *The* management and control of an airport com-  
18 mission, upon petition of ten percent of the number of qualified elec-  
19 tors who voted at the last city election the council of any such city  
20 or town shall, at a city election if one is to be held within sixty days  
21 from the filing of said petition or at a special election called for such  
22 purpose, submit to the voters the question as to whether the manage-  
23 ment and control of such airport, ~~or airports,~~ shall be continued in  
24 the airport commission, and if *by an airport commission may be*  
25 *ended in the same manner. If a majority of the votes cast upon said*  
26 *proposition at the election shall be against the continuance of such*  
27 *voters does not favor continuing the management and control of the*  
28 *airport in an airport commission, said commission shall stand abol-*  
29 *ished sixty days from and after the date of such election, and the*  
30 *power to maintain and operate such airport, or airports, as provided*  
31 *in this chapter, shall revert to such city or town, county, or township.*

1 SEC. 274. Section three hundred thirty point eighteen (330.18),  
2 Code 1971, is amended as follows:

3 **330.18 Notice of election.** Notice of such election shall be given  
4 by publication in one newspaper in said city or town in one publica-  
5 ~~tion in a newspaper of general circulation in the city, county, or~~  
6 ~~township, subject to the provisions of section 3 of this Act, and the~~  
7 ~~election shall be held not less than seven or more than fourteen days~~  
8 ~~after the completion of such published notice. If no newspaper is pub-~~  
9 ~~lished in such city or town notices may be given by posting notices in~~  
10 ~~five public places in such city or town for three weeks prior to said~~  
11 ~~election.~~

1 SEC. 275. Section three hundred thirty point twenty (330.20),  
2 Code 1971, is amended as follows:

3 **330.20 Appointment of commission.** When a majority of the  
4 votes cast upon said proposition at such election shall have declared  
5 in favor of the proposition *of voters favors* airport control and man-  
6 agement by a commission, the ~~mayer~~ *governing body* shall, within  
7 ten days thereafter, appoint an airport commission of not more than

8 *three or five resident voters of said city or town, which appointments*  
 9 *shall be approved by the council.* In case of a commission of three  
 10 members the first appointees shall hold office, one for two years, one  
 11 for four years, and one for six years. In case of a commission of five  
 12 members the first appointees shall hold office, one for two years, one  
 13 for three years, one for four years, one for five years, and one for six  
 14 years. All subsequent appointments shall be for a term of six years.  
 15 Vacancies shall be filled as original appointments are made. Members  
 16 of the airport commission shall serve without compensation. Each  
 17 commissioner shall execute and furnish a bond in an amount fixed by  
 18 the council, ~~to be approved by the mayor governing body~~ and filed  
 19 with the city clerk *or county auditor.* The cost of such bond shall be  
 20 paid from the general fund of the city. The commission shall elect  
 21 from ~~their~~ *its* own members a chairman and a secretary who shall  
 22 serve for such term as the commission shall determine.

1 SEC. 276. Section three hundred thirty point twenty-one (330.21),  
 2 Code 1971, is amended as follows:

3 **330.21 Powers—funds.** ~~Said~~ *The* commission shall have and  
 4 exercise ~~has~~ all of the powers granted to cities and towns, counties,  
 5 and townships under this chapter, except powers to sell ~~said the~~  
 6 airport ~~or airports.~~ The commission shall annually certify the  
 7 amount of tax within the limitations of this chapter to be levied for  
 8 airport purposes, and upon such certification the ~~city council govern-~~  
 9 ~~ing body shall may~~ include all or a portion of said amount in its  
 10 budget.

11 All funds derived from taxation or otherwise for airport purposes  
 12 shall be under the full and absolute control of ~~said the~~ commission  
 13 for the purposes prescribed by law, and shall be deposited with the  
 14 ~~city treasurer or city clerk~~ to the credit of the airport commission,  
 15 and shall be disbursed only on the written warrants or orders of the  
 16 airport commission, including the payment of all indebtedness arising  
 17 from the acquisition and construction of airports and the maintenance,  
 18 operation, and extension thereof.

1 SEC. 277. Section three hundred thirty point twenty-two (330.22),  
 2 Code 1971, is amended as follows:

3 **330.22 Annual report—publishing.** The airport commission shall  
 4 immediately after the close of each municipal fiscal year, file with the  
 5 city clerk *or county auditor* a detailed and audited written report of  
 6 all money received and disbursed by ~~said the~~ commission during said  
 7 fiscal year, and shall publish a summary thereof in an official news-  
 8 paper ~~in said city or town.~~

1 SEC. 278. Section three hundred thirty point twenty-three  
 2 (330.23), Code 1971, is amended as follows:

3 **330.23 Rules and regulations.** The power conferred on ~~cities and~~  
 4 ~~towns counties and townships~~ to make and enforce rules and regula-  
 5 tions under section 330.11 is delegated to the ~~city~~ airport commission.

1 SEC. 279. Section three hundred thirty-two point three (332.3),  
 2 subsections twenty-two (22) and twenty-three (23), Code 1971, are  
 3 amended as follows:

4 22. In counties having a population of over thirty thousand, to  
 5 adopt a building code and to provide for the regulation and inspection

6 of all construction, major repairs and remodeling, and the installa-  
 7 tion of electrical, heating, ventilating, air conditioning, and plumb-  
 8 ing fixtures, apparatus, and equipment and provide for the manner  
 9 in which such regulations and inspection shall be determined, estab-  
 10 lished and enforced, and from time to time amended, supplemented  
 11 or changed. However, no such regulation shall become effective until  
 12 after a public hearing in relation thereto at which parties in interest  
 13 and citizens shall have an opportunity to be heard. At least fifteen  
 14 days notice of the time and place of such hearing shall be published  
 15 in a paper of general circulation in such county. Upon compliance  
 16 with the provisions of this chapter, the regulation shall become effec-  
 17 tive, the provisions of any other statute to the contrary notwith-  
 18 standing. Such code shall not be construed to apply within the limits  
 19 of any incorporated city, or town which has the power to adopt a  
 20 building code under the provisions of section 368.9 or to farm houses  
 21 or other farm buildings which are primarily adapted, by reason of  
 22 nature and area, for use for agricultural purposes, while so used or  
 23 while under construction for such use.

24 23. To purchase, lease, equip, maintain and operate an ambulance  
 25 or ambulances to provide necessary and sufficient ambulance service  
 26 or to contract for such vehicles, equipment, maintenance or service.

27 The board may adopt a schedule of fees to be charged the users of  
 28 such service, and such fee schedule may include considerations concern-  
 29 ing the cost of the service and the user's ability to pay.

30 If a county ~~shall provide~~ *provides* ambulance service, it shall first  
 31 ascertain what cities and towns in such ~~the~~ county also provide  
 32 ambulance service pursuant to section 368.74. The county shall then  
 33 co-ordinate its services with that provided by any such city or town  
 34 in order to eliminate duplication and to make the ambulance service  
 35 provided by the county and such cities and towns as economical as  
 36 possible.

37 Any third party payor making payment for ambulance service shall  
 38 make such payment either jointly to the person on whose behalf the  
 39 payment is made and to the person or organization providing such  
 40 ambulance service, or directly to the person or organization provid-  
 41 ing such ambulance service.

1 SEC. 280. Section three hundred thirty-two point three (332.3),  
 2 Code 1971, is amended by adding the following new subsection:

3 "The board of supervisors of a county in which a military reserva-  
 4 tion is located may authorize any individual or corporation which is  
 5 authorized to erect or maintain waterworks, to lay its mains in any  
 6 of the highways of the county for the purpose of extending the mains  
 7 to a military reservation."

1 SEC. 281. Chapter three hundred thirty-two (332), Code 1971, is  
 2 amended by adding the following new section:

3 "1. Counties and sanitary districts incorporated under the provi-  
 4 sions of chapter three hundred fifty-eight (358) of the Code may  
 5 own, acquire, establish, construct, purchase, equip, improve, extend,  
 6 operate, maintain, reconstruct, and repair within or without the  
 7 limits of the county or sanitary district, works and facilities useful  
 8 and necessary for the collection, treatment, purification, and disposal  
 9 in a sanitary manner of the liquid and solid waste, sewage, and in-

10 dustrial waste of the county or sanitary district, including sanitary  
11 disposal projects as defined in section four hundred six point two  
12 (406.2) of the Code, also swimming pools or golf courses, and may  
13 acquire by gift, grant, purchase, condemnation, or otherwise all  
14 necessary lands, rights-of-way, and property therefor, within or  
15 without the county or sanitary district, may purchase and acquire  
16 an interest in a sanitary disposal project or such works and facilities  
17 which are owned by a city, county, or sanitary district and which  
18 are to be jointly used by them, and may issue revenue bonds to pay  
19 all or any part of the cost of establishing, acquiring, purchasing,  
20 constructing, equipping, improving, extending, reconstructing, re-  
21 pairing, operating, or maintaining a sanitary disposal project or  
22 such works and facilities, including the amount agreed upon for the  
23 purchase and acquisition by a county or sanitary district of an  
24 interest in the sanitary disposal project or works and facilities which  
25 are owned by a city, county, or sanitary district and which are to be  
26 jointly used. As used in this section the words 'works and facilities',  
27 'works', or 'facilities' shall include but not be limited to sanitary  
28 disposal projects as defined in section four hundred six point two  
29 (406.2) of the Code.

30 The construction, acquisition, improvement, equipment, custody,  
31 operation, and maintenance of any works for the collection, treat-  
32 ment, or disposal of sewage, swimming pools, golf courses, or sani-  
33 tary disposal projects, and the collection of revenues for the service  
34 rendered, shall be under the supervision and control of the county  
35 or sanitary district.

36 2. Counties and sanitary districts may by resolution or ordinance  
37 provide a schedule of fees to be charged for the use of and the ser-  
38 vices and facilities to be rendered by the sanitary disposal project  
39 or for the collection and disposal of garbage and may pay the cost of  
40 establishing, acquiring, purchasing, constructing, equipping, improv-  
41 ing, extending, reconstructing, repairing, maintaining, and operating  
42 sanitary disposal projects, garbage disposal plants, or incinerating  
43 plants out of the earnings of project or plant. Revenue bonds, pay-  
44 able solely out of the earnings of the project or plant, may be issued  
45 in the manner provided in this section.

46 3. Counties and sanitary districts incorporated under the provi-  
47 sions of chapter three hundred fifty-eight (358) of the Code are  
48 authorized to borrow money from the federal government or a fed-  
49 eral agency for any of the purposes referred to in this section by  
50 issuing revenue bonds under this section, and may deliver the bonds  
51 to the federal government or its agency, or may borrow money by  
52 issuing revenue bonds under this section and may deliver the bonds  
53 to the contractor in payment for the costs of any of the projects or  
54 improvements referred to in this section, or may sell the bonds at a  
55 public sale upon the same conditions provided by chapter seventy-  
56 five (75) of the Code, as applicable to bonds issued by counties and  
57 sanitary districts, and may use the proceeds from the sale of bonds  
58 to pay all or any part of the cost of the projects or improvements.  
59 As evidence of the loan, the county or sanitary district may issue its  
60 bonds payable solely from the revenues derived from the project or  
61 improvement. Bonds may be issued in amounts as necessary to pro-  
62 vide sufficient funds to pay all costs of the project or improvement,  
63 including engineering, legal, and other expenses, together with in-

64 terest to a date six months subsequent to the estimated date of  
65 completion. Such bonds are negotiable instruments, shall be executed  
66 by the chairman of the board of supervisors and county auditor of  
67 the county, or the trustees of the sanitary district, and shall be sealed  
68 with the corporate seal of the county or sanitary district. The prin-  
69 cipal and interest of the bonds shall be payable solely from the special  
70 fund provided for payment, and the bonds shall not be a general  
71 obligation of the county or sanitary district, nor shall they be pay-  
72 able by taxation, nor shall the county or sanitary district be liable  
73 by reason of the earnings being insufficient to pay the bonds. All  
74 details pertaining to the issuance of bonds and the terms and condi-  
75 tions thereof, shall be determined by resolution or ordinance of the  
76 county or sanitary district. Counties and sanitary districts may also  
77 borrow money and issue revenue bonds for the purpose of purchasing  
78 and acquiring sanitary disposal projects or works and facilities use-  
79 ful and necessary for the collection, treatment, purification, and dis-  
80 posal in a sanitary manner of the liquid and solid waste, sewage,  
81 and industrial waste of any county or sanitary district and for the  
82 purpose of purchasing and acquiring an interest in any such projects,  
83 works, and facilities which are owned by a city, county, or sanitary  
84 district and which are to be jointly used. Bonds may be delivered  
85 to the seller of the sanitary disposal project or works and facilities  
86 or to the municipality selling an interest in its sanitary disposal  
87 project or sewage works and facilities in payment of the purchase  
88 price, or may be sold at public sale in the manner provided by chap-  
89 ter seventy-five (75) of the Code and the proceeds from the sale  
90 applied to the payment of the purchase price.

91 4. This section applies to all proceedings heretofore taken by  
92 counties and sanitary districts for any of the purposes referred to  
93 in this section, notwithstanding that a portion of the funds have  
94 been derived from sources other than the issuance of bonds.

95 5. Before the issuance of bonds, the governing body of the county  
96 or sanitary district by resolution or ordinance shall pledge the net  
97 earnings of the sanitary disposal project or works to the payment  
98 of the bonds and the interest thereon, and shall provide that the net  
99 earnings shall be set apart as a sinking fund for that purpose.

100 6. The governing body of the county or sanitary district may by  
101 resolution or ordinance, establish and maintain just and equitable  
102 rates or charges for the use of and the services rendered by such  
103 works, to be paid by the owner of each and every lot, parcel of real  
104 estate, or building that is connected with and uses such works, by or  
105 through any part of the sewage system of the county or district, or  
106 that in any way uses or is served by such works. The governing body  
107 of the county or sanitary district may also by ordinance or resolution  
108 establish and maintain just and equitable rates or charges for the use  
109 of and the services and facilities rendered by a sanitary disposal  
110 project. The governing body may readjust rates or charges from  
111 time to time and may charge and collect reasonable rates and charges  
112 for swimming and golfing. Rates or charges shall be sufficient in  
113 each year for the payment of the proper and reasonable expenses of  
114 operation, repair, maintenance, acquisition, purchase, construction,  
115 equipping, improving, and extension of the sanitary disposal project  
116 or works, and for the payment of the sums required to be paid into  
117 a sinking fund, which fund shall be sufficient to meet the principal



118 and interest and other charges, except rates or charges for the use  
 119 of swimming pools and golf courses, of the bonded indebtedness.  
 120 All such rates or charges if not paid as by the ordinance or resolu-  
 121 tion provided, when due, shall constitute a lien upon the premises  
 122 served by the sanitary disposal project or works, and shall be col-  
 123 lected in the same manner as taxes.

124 7. The provisions of this section apply to the construction, equip-  
 125 ment, operation, and maintenance of any sewage treatment plant, by  
 126 any sanitary district operating under the provisions of chapter three  
 127 hundred fifty-eight (358) of the Code; and any sanitary district may,  
 128 in addition, use the power conferred upon it by chapter three hundred  
 129 fifty-eight (358) of the Code to apply any of the provisions of this  
 130 section relating to the construction, equipment, operation and mainte-  
 131 nance of any sewage treatment plant of the sanitary district, or any  
 132 combination of the power relating to sewage treatment plants granted  
 133 such sanitary district by the provisions of this section and chapter  
 134 three hundred fifty-eight (358) of the Code.

135 8. Counties and sanitary districts may issue from time to time  
 136 negotiable interest bearing refunding bonds to refund at maturity  
 137 or pursuant to redemption provisions or at any time before maturity  
 138 with the consent of the holders a like principal amount of outstand-  
 139 ing revenue bonds or obligations previously issued by the county or  
 140 sanitary district pursuant to the provisions of this section. All  
 141 refunding bonds shall comply with the pertinent provisions of this  
 142 section and may be made subject to redemption in a manner and  
 143 upon terms with or without premium, as stated on the face thereof.  
 144 Refunding bonds shall be payable only from the net earnings of the  
 145 sanitary disposal project or works and facilities and shall not con-  
 146 stitute a general obligation of any such county or sanitary district  
 147 or be payable in any manner by taxation. Refunding bonds may be  
 148 issued in exchange for the outstanding bonds or obligations to be  
 149 refunded or may be sold and the proceeds applied to the payment of  
 150 outstanding bonds or obligations.

151 Bonds issued pursuant to the provisions of this section shall bear  
 152 interest at a rate not exceeding seven percent per annum."

1 SEC. 282. Chapter three hundred forty-six (346), Code 1971, is  
 2 amended by adding the following new sections:

3 "No county or other political corporation shall become indebted  
 4 for its general or ordinary purposes to an amount exceeding in the  
 5 aggregate one and one-fourth percent of the actual value of the tax-  
 6 able property within the corporation. The value of property shall be  
 7 ascertained by the last tax list previous to the incurring of the in-  
 8 debtedness. Indebtedness incurred by a county solely for poor relief  
 9 purposes is not for its general or ordinary purposes."

10 "No county, or other political corporation, shall become indebted  
 11 for any purpose to an amount, in the aggregate, exceeding five per-  
 12 cent of the actual value of the property within the corporation, to be  
 13 ascertained by the last state and county tax lists previous to the  
 14 incurring of the indebtedness."

15 "1. A county may contract with its county seat city for the joint  
 16 purchase, acquisition, ownership, and control of property suitable  
 17 as the site of a building for use and occupancy by the city and county  
 18 jointly, and any county owning a site or any interest therein, may,

19 upon terms which appear fair and just to the board of supervisors,  
20 contract with reference to the joint acquisition, ownership, control,  
21 improvement, use, and occupancy of the property, and with refer-  
22 ence to the construction, use, and occupancy of a building. The con-  
23 tract shall set forth the amount of money to be contributed by the  
24 county and by the city toward the acquisition of a site and its im-  
25 provement, or the proportion of their respective contributions and  
26 the purpose for which the building is to be used. The contract may  
27 provide for the amount of money to be contributed annually by the  
28 county and by the city for the upkeep, maintenance, and operation  
29 of the property and the building, or it may provide for the respective  
30 proportions of expense which the county and the city shall pay, and  
31 may provide for an adjustment at stated periods of the amounts or  
32 proportions to be paid. The contract may specify the part of prop-  
33 erty and building to be used and occupied by the county and by the  
34 city. Contracts shall be made on behalf of the county only when  
35 approved by resolution of the board of supervisors, and when made  
36 shall be binding upon the county and city during the period specified  
37 in the contract unless modified or abrogated by mutual consent.

38 2. When a county and city have agreed upon their respective por-  
39 tions or proportions of the cost of a building and site, the county  
40 may, for the purpose of paying its respective portion of the cost and  
41 for the purpose of equipping the portions of the building to be used  
42 and occupied by it, issue bonds. However, no bonds shall be issued  
43 by a county until the proposition has been approved by at least sixty  
44 percent of the votes cast for and against the proposition at an elec-  
45 tion. The proposition may be submitted at a general, regular, or  
46 special election pursuant to a resolution of the board of supervisors.  
47 Notice of the election setting forth the proposition as it is to be voted  
48 upon shall be given by publication once each week for at least three  
49 consecutive weeks in a newspaper having general circulation in the  
50 county, and if the election is unfavorable the proposition may be  
51 submitted at a subsequent election. To the extent not otherwise pro-  
52 vided the general election laws are applicable to the election. Bonds  
53 issued by a city must be issued in accordance with the provisions of  
54 law relating to general corporate purpose bonds of a city.

55 3. County bonds may bear interest at a rate not exceeding seven  
56 percent per annum payable semiannually and the principal shall be  
57 scheduled to mature in not more than twenty years from the date of  
58 the bonds. When a county has issued bonds it shall annually levy on  
59 all taxable property in the county, a tax sufficient to pay the interest  
60 and principal of the bonds as they become due, and each county may  
61 levy taxes sufficient to pay its portion of the cost of operating, main-  
62 taining, and keeping insured the building acquired or constructed  
63 under this section.

64 4. Contracts for the construction of any building which involve the  
65 expenditure of five thousand dollars or more shall be entered into  
66 pursuant to advertisement for bids in a manner approved and author-  
67 ized by both the board of supervisors of the county and the council  
68 of the city. A county may apply for and accept federal aid in the  
69 construction of a building under this section, subject to conditions  
70 and stipulations imposed in connection with the federal aid and as  
71 approved by the board of supervisors.

72 5. This section is a complete and independent law for providing  
73 joint county and city buildings."

74 "1. Any joint building acquired, owned, erected, constructed, con-  
75 trolled, or occupied in accordance with the authorization contained in  
76 this section is declared to be acquired, owned, erected, constructed,  
77 controlled, or occupied for a public purpose and as a matter of public  
78 need.

79 2. Any county may join with its county seat to incorporate an  
80 'Authority' for the purpose of acquiring, constructing, demolishing,  
81 improving, enlarging, equipping, furnishing, repairing, maintaining,  
82 and operating a public building, and to acquire and prepare the  
83 necessary site, including demolition of any structures, for the joint  
84 use of the county and city or any school district which is within or  
85 is a part of the county or city.

86 3. The incorporation of an authority shall be accomplished by the  
87 adoption of articles of incorporation by the governing body of each  
88 incorporating unit. For adoption, the affirmative vote of a majority  
89 of the members of each governing body is required. The articles of  
90 incorporation shall be executed for and on behalf of each incorporat-  
91 ing unit by the following officers:

92 a. For the county, by the chairman of the board of supervisors.

93 b. For the city, by its mayor and city clerk.

94 4. The articles of incorporation shall set forth the name of the  
95 authority, the name of the incorporating units, the purpose for which  
96 the authority is created, the number, terms, and manner of selection  
97 of its officers including its governing body which shall be known as  
98 the 'commission', the powers and duties of the authority and of its  
99 officers, the date upon which the authority becomes effective, the  
100 name of the newspaper in which the articles of incorporation shall be  
101 published, and any other matters.

102 5. The authority shall be directed and governed by a board of com-  
103 missioners of three members, one to be elected by the board of super-  
104 visors of the county from the area outside of the county seat, one to  
105 be elected by the council of the city from the area inside the city,  
106 and one to be elected by the joint action of the board of supervisors  
107 of the county and the council of the city, and if the governing bodies  
108 are unable to agree upon a choice for the third member within sixty  
109 days of the election of the first member, then the third member shall  
110 be appointed by the governor. The commissioners shall serve for  
111 six-year terms. Of the first appointees, the member appointed by the  
112 board of supervisors shall be for a term of two years, the member  
113 appointed by the city council shall be for a term of four years, and  
114 the member appointed by the joint action of the board and council  
115 shall be for a term of six years. The board of commissioners shall  
116 designate one of their number as chairman, one as secretary, and  
117 one as treasurer, and shall adopt bylaws and rules of procedure and  
118 provide therein for regular meetings and for the proper safekeeping  
119 of its records. No commissioner shall receive any compensation in  
120 connection with his services as commissioner. Each commissioner,  
121 however, shall be entitled to reimbursement for any necessary ex-  
122 penditures in connection with the performance of his duties.

123 6. The articles of incorporation shall be recorded in the office of  
124 the county recorder and filed with the secretary of state, and shall

125 be published once in a newspaper designated in the articles of in-  
126 corporation and having a general circulation within the county, and  
127 upon such recording and publication, the authority shall be deemed  
128 to come into existence.

129 7. Amendments may be made to the articles of incorporation if  
130 adopted by the governing body of each incorporating unit; provided  
131 that no amendment shall impair the obligation of any bond or other  
132 contract. Each amendment shall be adopted, executed, recorded, and  
133 published in the same manner as specified for the original articles of  
134 incorporation.

135 8. Any incorporating unit may make donations of property, real  
136 or personal, including gratuitous lease, to the authority as deemed  
137 proper and appropriate in aiding the authority to effectuate its pur-  
138 poses.

139 9. The authority shall be a body corporate with power to sue and  
140 be sued in any court of this state, have a seal and alter the same at  
141 its pleasure, and make and execute contracts, leases, deeds, and other  
142 instruments necessary or convenient to the exercise of its powers.  
143 In addition, it shall have and exercise the following public and essen-  
144 tial governmental powers and functions and all other powers inci-  
145 dental or necessary to carry out and effectuate its express powers:

146 a. To select, locate, and designate an area lying wholly within the  
147 territorial limits of the county seat of the county in which the author-  
148 ity is incorporated as the site to be acquired for the construction,  
149 alteration, enlargement, or improvement of a building. The site  
150 selected is subject to approval by a majority of the members of each  
151 governing body of the incorporating units.

152 b. To acquire in the corporate name of the authority the fee simple  
153 title to the real property located within the area by purchase, gift,  
154 devise, or by the exercise of the power of eminent domain, or to take  
155 possession of real estate by lease.

156 c. To demolish, repair, alter, or improve any building within the  
157 designated area, to construct a new building within the area and to  
158 furnish, equip, maintain, and operate the building.

159 d. To construct, repair, and install streets, sidewalks, sewers,  
160 water pipes, and other similar facilities and otherwise improve the  
161 site.

162 e. To make provisions for off-street parking facilities.

163 f. To operate, maintain, manage, and enter into contracts for the  
164 operation, maintenance, and management of buildings, and to pro-  
165 vide rules and regulations for the operation, maintenance and man-  
166 agement.

167 g. To employ and fix the compensation of technical, professional,  
168 and clerical assistance as necessary and expedient to accomplish the  
169 objects and purposes of the authority.

170 h. To lease all or any part of a building to the incorporating units  
171 for a period of time not to exceed fifty years, upon rental terms agreed  
172 upon between the authority and the incorporating units. The rentals  
173 specified shall be subject to increase by agreement of the incorporat-  
174 ing units and the authority if necessary in order to provide funds to  
175 meet obligations.

176 i. To procure insurance of any and all kinds in connection with the  
177 building. The bidding procedures provided in section twenty-three

178 point eighteen (23.18) of the Code shall be utilized in the procure-  
179 ment of insurance.

180 j. To accept donations, contributions, capital grants, or gifts from  
181 individuals, associations, municipal and private corporations, and the  
182 United States, or any agency or instrumentality thereof, and to enter  
183 into agreements in connection therewith.

184 k. To borrow money and to issue and sell revenue bonds in an  
185 amount and with maturity dates not in excess of fifty years from  
186 date of issue, to provide funds for the purpose of acquiring, con-  
187 structing, demolishing, improving, enlarging, equipping, furnishing,  
188 repairing, maintaining, and operating buildings, and to acquire and  
189 prepare sites, convenient therefor, and to pay all incidental costs and  
190 expenses, including, but not limited to architectural, engineering,  
191 legal, and financing expense and to refund and refinance revenue  
192 bonds as often as deemed advantageous by the board of commis-  
193 sioners.

194 l. The provisions of chapter twenty-three (23) of the Code appli-  
195 cable to other municipalities are applicable to an authority.

196 10. After the incorporation of an authority, and before the sale of  
197 any issue of revenue bonds, except refunding bonds, the authority  
198 shall submit in a single countywide election to the qualified voters of  
199 the city and county, at a general, primary, or special election called  
200 for that purpose, the question of whether an authority shall issue  
201 and sell revenue bonds, stating the amount, for any of the purposes  
202 for which it is incorporated. An affirmative vote of a majority of  
203 the votes cast on the proposition is required to authorize the issu-  
204 ance and sale of revenue bonds. A notice of the election shall be  
205 published once each week for at least two weeks in some newspaper  
206 published in the county. The notice shall name the time when the  
207 question shall be submitted, and a copy of the question to be sub-  
208 mitted shall be posted at each polling place during the day of elec-  
209 tion. The authority shall call this election with the concurrence of  
210 both incorporating units, and it shall establish the voting precincts  
211 and polling places, and appoint the election judges, and in so doing  
212 such election procedures shall be in accordance with the provisions  
213 of chapters forty-nine (49) and fifty (50) of the Code.

214 11. When the board of commissioners decides to issue bonds sub-  
215 ject to the election requirement, it shall adopt a resolution describing  
216 the area to be acquired, the nature of the existing improvements, the  
217 disposition to be made of the improvements, and a general descrip-  
218 tion of any new buildings to be constructed.

219 12. The resolution shall set out the limit of the cost of the project,  
220 including the cost of acquiring and preparing the site, determine the  
221 period of usefulness and fix the amount of revenue bonds to be issued,  
222 the date or dates of maturity, the dates on which interest is payable,  
223 the sinking fund provisions, and all other details in connection with  
224 the bonds. The board shall determine and fix the rate of interest of  
225 any revenue bonds issued, in a resolution adopted by the board prior  
226 to the issuance. The resolution, trust agreement, or other contract  
227 entered into with the bondholders may contain covenants and re-  
228 strictions concerning the issuance of additional revenue bonds as  
229 necessary or advisable for the assurance of the payment of the bonds  
230 authorized.

231 13. Bonds shall be issued in the name of the authority and are  
232 declared to have all the qualities and incidents of negotiable instru-  
233 ments under the laws of this state.

234 14. Bonds issued under this section may be issued as serial or term  
235 bonds, shall be of such denomination or denominations and form,  
236 including interest coupons to be attached, shall be payable at such  
237 place or places and bear such date as the board of commissioners fix  
238 by the resolution authorizing the bonds, shall mature within a period  
239 not to exceed fifty years, and may be redeemable prior to maturity  
240 with or without premium, at the option of the board of commission-  
241 ers, upon terms and conditions the board shall fix by the resolution  
242 authorizing the issuance of bonds. The board of commissioners may  
243 provide for the registration of bonds in the name of the owner as  
244 to the principal alone or as to both principal and interest upon terms  
245 and conditions the board determines. All bonds issued by an author-  
246 ity shall be sold at a price so that the interest cost to the commission  
247 of the proceeds of the bonds shall not exceed seven percent per  
248 annum, payable semiannually, computed to maturity, and shall be  
249 sold in the manner and at the time the board of commissioners  
250 determines.

251 15. Bonds issued by an authority, and the interest thereon, shall be  
252 payable solely from the revenues derived from the operation, man-  
253 agement, or use of the buildings acquired or to be acquired by the  
254 authority, which revenues shall include payments received under any  
255 leases or other contracts for the use of the buildings. Bonds shall  
256 recite that the principal and interest thereon are payable only from  
257 the revenues pledged, and shall state on their face that they are not  
258 an indebtedness of the authority or a claim against the property of  
259 the authority.

260 16. Bonds shall be executed in the name of the commission by the  
261 chairman of the board of commissioners or by another officer of the  
262 commission as the board, by resolution, may direct, and be attested  
263 by the secretary, or by another officer of the commission as the board,  
264 by resolution, may direct, and shall be sealed with the commission's  
265 corporate seal. In case any officer whose signature appears on the  
266 bonds or coupons shall cease to be such officer before delivery of the  
267 bonds, his signature shall be valid and sufficient for all purposes, the  
268 same as if the officer had remained in office until delivery.

269 17. In its discretion, the authority may issue refunding bonds to  
270 refund its bonds prior to their maturity, refund its outstanding  
271 matured bonds, refund matured coupons evidencing interest upon its  
272 outstanding bonds, refund interest at the coupon rate that has ac-  
273 crued upon its outstanding matured bonds, and refund its bonds  
274 which by their terms are subject to call or redemption before matu-  
275 rity. All bonds redeemed or purchased shall be canceled.

276 18. To secure the payment of revenue bonds and for the purpose  
277 of setting forth the covenants and undertakings of the authority in  
278 connection with the issuance of revenue bonds and the issuance of  
279 any additional revenue bonds payable from such revenue income to  
280 be derived from the operation, management, or use of the buildings  
281 acquired or to be acquired by the authority, the authority may exe-  
282 cute and deliver a trust agreement except that no lien upon any  
283 physical property of the authority shall be created.

284 19. The resolution shall provide for the creation of a sinking fund  
285 account into which shall be payable from the revenues of the project,  
286 from month to month as such revenues are collected, the sums in  
287 excess of the cost of maintenance and operation of the project and  
288 the cost of administration of the authority, sufficient to comply with  
289 the covenants of the bond resolution and sufficient to pay the accru-  
290 ing interest and retire the bonds at maturity. The board of commis-  
291 sioners, in a resolution, may provide for other accounts as necessary  
292 for the sale of the bonds. Moneys in the accounts shall be applied in  
293 the manner provided by the resolution, the trust agreement, or other  
294 contract with the bondholders.

295 20. No such bonds shall constitute a debt of the authority or of  
296 any public body within the meaning of any statutory or constitu-  
297 tional limitation as to debt.

298 21. From and after the issuance of bonds the board of commis-  
299 sioners shall establish and fix rates, rentals, fees, and charges for the  
300 use of any and all buildings or space owned and operated by the  
301 authority, sufficient at all times to pay maintenance and operation  
302 costs and to pay the accruing interest and retire the bonds at matu-  
303 rity and to make all payments to all accounts created by any bond  
304 resolution and to comply with all covenants of any bond resolution.

305 22. When an incorporating unit enters into a lease with the author-  
306 ity, the governing body of the incorporating unit shall provide by  
307 ordinance or resolution for the levy and collection of a direct annual  
308 tax sufficient to pay the annual rent payable under the lease as and  
309 when it becomes due and payable. The tax shall be levied and col-  
310 lected in like manner with the other taxes of the incorporating unit  
311 and shall be in addition to all other taxes authorized to be levied by  
312 that incorporating unit. This tax shall not be included within and  
313 shall be in addition to any statutory limitation of rate or amount for  
314 that incorporating unit. The fund realized from the tax levy shall  
315 be set aside for the payment of the annual rent and shall not be  
316 disbursed for any other purpose until the annual rental has been  
317 paid in full.

318 23. All leases, contracts, deeds of conveyance, bonds, or other  
319 instruments in writing on behalf of the authority, shall be executed  
320 in the name of the authority by the chairman and secretary of the  
321 authority, or by other officers as the board of commissioners, by  
322 resolution, directs, and the seal of the authority shall be affixed.

323 24. All property owned by any authority shall be exempt from  
324 taxation by the state or any taxing unit of the state. However, any  
325 interest derived from bonds issued by the authority shall be subject  
326 to taxation.

327 25. When all bonds issued by an authority have been retired, the  
328 authority may convey the title to the property owned by the author-  
329 ity to the incorporating units in accordance with the provisions  
330 therefor contained in the articles of incorporation, or, if none, in  
331 accordance with any agreement adopted by the respective governing  
332 bodies of the incorporating units, and the authority. The proposition  
333 of whether a conveyance shall be made shall be submitted to the legal  
334 voters of the city and county, utilizing the election procedures pro-  
335 vided for bond issues, and an affirmative vote equal to at least a  
336 majority of the total votes cast on the proposition shall be required

337 to authorize the conveyance. If the proposition does not carry, the  
 338 authority shall continue to operate, maintain, and manage the build-  
 339 ing under a lease arrangement with the incorporating units."

1 SEC. 283. Section three hundred forty-seven point twenty-three  
 2 (347.23), Code 1971, is amended as follows:

3 **347.23 City hospital changed to county hospital.** Any hospital  
 4 organized and existing as a city ~~or town~~ hospital under the provi-  
 5 sions of ~~chapter 380~~ may become a county hospital organized and  
 6 managed as provided for in this chapter, upon a proposition for such  
 7 purpose being submitted to and approved by a majority of the elec-  
 8 tors of both the ~~town or~~ city in which such hospital is located, and  
 9 of the county under whose management it is proposed that such  
 10 hospital be placed, at any general or special election called for such  
 11 purpose, ~~said~~. *The* proposition shall be placed upon the ballot by the  
 12 board of supervisors when the said board of supervisors is requested  
 13 by a petition therefor signed by qualified electors of the county equal  
 14 in number to five percent of the votes cast for governor at the last  
 15 general election; said proposition may be submitted at the next  
 16 general election or at a special election called therefor. Upon the  
 17 approval of said proposition as ~~aforsaid~~ the hospital, its assets and  
 18 liabilities, will become the property of the county and this chapter  
 19 will govern its future management. The question shall be submitted  
 20 in substantially the following form: "Shall the municipal hospital  
 21 of \_\_\_\_\_, Iowa, be transferred to and become the property of,  
 22 and be managed by the county of \_\_\_\_\_, Iowa?"

23 For the purpose of computing whether or not said proposition is  
 24 carried, the votes of the residents of the ~~town or~~ city in which said  
 25 hospital is located shall be counted both for the purpose of ascertain-  
 26 ing whether or not the proposition is carried within the city ~~or town~~  
 27 and also for the purpose of ascertaining whether or not the proposi-  
 28 tion is carried within the county.

1 SEC. 284. Section three hundred forty-eight point two (348.2),  
 2 unnumbered paragraph one (1), Code 1971, is amended as follows:

3 **348.2 Consolidation—powers of trustees.** In all counties of the  
 4 state having a population of one hundred thirty-five thousand in-  
 5 habitants or over, and in which there is located a city containing one  
 6 ~~hundred twenty-five thousand population or over~~, and consolidation  
 7 of hospital service has been completed as contemplated in this chap-  
 8 ter, said board of hospital trustees shall:

1 SEC. 285. Section three hundred forty-eight point four (348.4),  
 2 Code 1971, is amended as follows:

3 **348.4 Sale of property after consolidation.** In all cities contain-  
 4 ing a population of one hundred twenty-five thousand inhabitants or  
 5 ~~over~~, located in counties in which both a public county and city  
 6 hospital are being conducted under separate supervision and man-  
 7 agement, such cities are hereby authorized and directed, when con-  
 8 solidation is completed under this chapter and upon the recommen-  
 9 dation of the board of hospital trustees, to sell the property now  
 10 owned and used by such cities for hospital purposes, both real and  
 11 personal, at public or private sale, the proceeds of such sale to be  
 12 used, first, for the retirement and payment of any outstanding bonds  
 13 issued in connection with the purchase of such hospital property, and



14 the remainder, if any, shall be turned into the county public hospital  
15 fund.

1 SEC. 286. Section three hundred forty-eight point five (348.5),  
2 Code 1971, is repealed.

1 SEC. 287. Section three hundred fifty-six point one (356.1), Code  
2 1971, is amended by adding the following new subsection:

3 "For the confinement of persons subject to imprisonment under the  
4 ordinances of a city."

1 SEC. 288. Section three hundred fifty-six point fifteen (356.15),  
2 Code 1971, is amended as follows:

3 356.15 **Expenses.** All charges and expenses for the safekeeping  
4 and maintenance of prisoners shall be allowed by the board of super-  
5 visors, except those committed or detained by the authority of the  
6 courts of the United States, in which cases the United States must  
7 pay such expenses to the county, *and those committed for violation*  
8 *of a city ordinance, in which case the city shall pay expenses to the*  
9 *county.*

1 SEC. 289. Section three hundred fifty-six point twenty (356.20),  
2 Code 1971, is amended as follows:

3 356.20 **Violation of city ordinance.** When the imprisonment is  
4 under the judgment of any court, police court, police magistrate,  
5 mayor, or other tribunal of a city ~~or town~~, for the violation of any  
6 ordinance, ~~bylaw, or other regulation thereof~~, the marshal *or chief*  
7 *of police* shall superintend the labor, and furnish the tools and mate-  
8 rials, if necessary, at the expense of the city ~~or town~~ requiring the  
9 labor, and ~~such~~ *the city or town* shall be entitled to the earnings of  
10 its convicts.

1 SEC. 290. Section three hundred fifty-seven point one (357.1),  
2 unnumbered paragraph three (3), Code 1971, is amended as follows:

3 ~~In case the proposed A benefited water district is located wholly~~  
4 ~~within the corporate limits of any a city or town, only the council of~~  
5 ~~the city or town shall have the authority to establish the water dis-~~  
6 ~~trict, and is not subject to the provisions of this chapter referring to~~  
7 ~~the board of supervisors shall be applicable to the city or town council.~~

1 SEC. 291. Section three hundred fifty-seven point twelve (357.12),  
2 Code 1971, is amended as follows:

3 357.12 **Election.** When the preliminary design and assessment  
4 have been approved by the board of supervisors, a date not more than  
5 thirty days after such approval shall be set for an election within  
6 the district to determine whether or not the proposed improvement  
7 shall be constructed and to choose candidates for the offices of trustee  
8 within the district. ~~Except that where the benefited water district~~  
9 ~~is wholly within the corporate limits of a city or town, the members~~  
10 ~~of the city or town council shall be the trustees, and the provisions~~  
11 ~~hereinafter referring to the election and terms of trustees are not~~  
12 ~~applicable.~~ Notice of the election, including the time and place of  
13 holding the same, shall be given in the same manner as for the public  
14 hearing heretofore provided for. The vote shall be by ballot which  
15 shall state clearly the proposition to be voted upon, and any ~~legal~~  
16 *qualified* voter residing within the district at the time of the election

17 shall be entitled to vote. Judges will be appointed to serve without  
 18 pay, by the board of supervisors from among the qualified voters of  
 19 the district who will have charge of the election. The proposition  
 20 shall be deemed to have carried if a majority of those voting thereon  
 21 vote in favor of the same.

1 SEC. 292. Section three hundred fifty-seven B point twelve  
 2 (357B.12), Code 1971, is amended as follows:

3 **357B.12 Anticipation of tax.** Benefited fire districts may antici-  
 4 pate the collection of taxes outlined by sections 357B.9 and 357B.11  
 5 and for such purposes may issue bonds payable in not more than ten  
 6 equal installments and the rate of interest thereon shall not exceed  
 7 seven percent per annum, payable at such place and shall be in such  
 8 form as the trustees shall designate by resolution. Sections 23.12 to  
 9 23.16, inclusive, and ~~chapter 408~~ *provisions relating to general cor-*  
 10 *porate purpose bonds of a city*, so far as applicable, shall apply to  
 11 such bonds.

1 SEC. 293. Section three hundred fifty-seven B point fifteen  
 2 (357B.15), Code 1971, is amended as follows:

3 **357B.15 Joining with city or town—election.** No benefited fire  
 4 district shall join with any city ~~or town~~ for any joint purpose  
 5 ~~permitted in section 368.12~~ unless such joining is approved by the  
 6 electors of the joint benefited fire district as provided in this section.  
 7 The trustees of a benefited fire district shall have the power, when  
 8 authorized by a majority vote of the electors thereof at a special  
 9 election called for that purpose, upon notice given in the same man-  
 10 ner provided in section 357B.9, to own, use, or operate jointly with  
 11 any city ~~or town~~, fire apparatus, equipment, or facilities and to pro-  
 12 vide for the purchase, rental, or maintenance of such equipment,  
 13 facilities, and services.

1 SEC. 294. Section three hundred fifty-eight point twenty (358.20),  
 2 unnumbered paragraph two (2), Code 1971, is amended as follows:

3 In no case shall such rates, rentals, or charges, or the funds accru-  
 4 ing from the collection thereof, be used to meet that part of the cost  
 5 of any construction within the district which has been financed by  
 6 special assessment against benefited properties. ~~The provisions of~~  
 7 ~~chapter 303 shall apply to sanitary districts organized under this~~  
 8 ~~section insofar as they are applicable.~~

9 *Sewer rentals, charges, or rates may supplant or replace, in whole*  
 10 *or in part, any millage levy taxes which may be, or have been, author-*  
 11 *ized by the board of trustees for any of the following purposes:*

12 1. *To meet interest and principal payments on bonds legally author-*  
 13 *ized for the financing of sanitary utilities in any manner.*

14 2. *To pay costs of the construction, maintenance, or repair of such*  
 15 *sanitary facilities or utilities, including payments to be made under*  
 16 *any contract between municipalities for either the joint use of sewer-*  
 17 *age or sewage facilities, or for the use by one municipality of all or*  
 18 *a part of the sewerage or sewer system of another municipality.*

19 *When a sewer rental ordinance has been passed and put into effect,*  
 20 *prior ordinances or resolutions providing for millage taxes against*  
 21 *real and personal property for such purposes, or the portion thereof*  
 22 *replaced, may be repealed.*

1 SEC. 295. Section three hundred fifty-eight point twenty-two  
2 (358.22), unnumbered paragraph two (2), Code 1971, is amended as  
3 follows:

4 Such assessments may be made to extend over a period of ten  
5 years, payable in as nearly equal annual installments as practicable,  
6 and certificates or bonds may be issued in anticipation thereof. Pro-  
7 ceedings for improvements to be made and paid for, in whole or in  
8 part, by special assessments, as herein authorized shall be initiated  
9 by resolution of necessity, and said resolution and the plat, schedule,  
10 hearings, notices, objections, orders, assessments, levies, contracts,  
11 bonds, certification of assessments, liens, payment, tax sales, and  
12 appeals, and the issuance and sale of certificates, and bonds, shall  
13 correspond, as near as may be, to the provisions therefor contained  
14 in chapters 391, 391A and 396, and all relating to special assessment  
15 bonds of a city, which provisions of said chapters shall govern such  
16 proceedings, to the extent applicable, except as modified hereby. A  
17 majority vote of the board of trustees shall be requisite and sufficient  
18 for any action required by the board under the provisions of this  
19 section.

1 SEC. 296. Chapter three hundred fifty-eight (358), Code 1971, is  
2 amended by adding the following new section:

3 "A sanitary district may enter into contracts with persons or firms  
4 outside its limits for the processing of sewage but the rate for pro-  
5 cessing shall not be less than that charged the inhabitants of the  
6 district.

7 A district entering into a contract may lay sewer lines in highways  
8 outside the district upon first obtaining the permission of the state  
9 highway commission in the case of primary roads and the board of  
10 supervisors in case of secondary roads, on written application desig-  
11 nating the particular highway and part thereof, the use of which is  
12 desired.

13 A sanitary district adjoining a border of the state and owning and  
14 operating a sewage disposal plant, may contract with the governing  
15 body of any legal entity in an adjacent area in another state, to  
16 process the sewage from the area. The contract shall be subject to  
17 approval of the state department of health."

1 SEC. 297. Section three hundred fifty-eight A point eight  
2 (358A.8), Code 1971, is amended as follows:

3 **358A.8 Commission appointed.** In order to avail itself of the  
4 powers conferred by this chapter, the board of supervisors shall  
5 appoint a commission, to be known as the county zoning commission,  
6 to recommend the boundaries of the various original districts, and  
7 appropriate regulations and restrictions to be enforced therein. Such  
8 commission shall, with due diligence, prepare a preliminary report  
9 and hold public hearings thereon before submitting its final report;  
10 and the board of supervisors shall not hold its public hearings or take  
11 action until it has received the final report of such commission. After  
12 the adoption of such regulations, restrictions, and boundaries of dis-  
13 tricts, the zoning commission may, from time to time, recommend to  
14 the board of supervisors amendments, supplements, changes or modi-  
15 fications. *The zoning commission, with the approval of the board of*  
16 *supervisors, may contract with professional consultants, regional*

17 *planning commissions, the Iowa development commission, or the*  
18 *federal government, for local planning assistance.*

1 SEC. 298. Section three hundred fifty-eight B point two (358B.2),  
2 unnumbered paragraphs four (4) and five (5), are amended as fol-  
3 lows:

4 A county library district shall be established, if a majority of the  
5 electors, voting on the proposition, and residing outside of cities and  
6 towns maintaining a free public library, as provided by section 378.1  
7 favor it.

8 The result of the election within cities and towns maintaining a  
9 free public library ~~under the above-mentioned provision~~ shall be  
10 considered separately, and no such city or town shall be included  
11 within the county library district unless a majority of its electors,  
12 voting on the proposition, favor its inclusion. In such cases the  
13 boundaries of an established district may vary from those of the  
14 proposed district.

1 SEC. 299. Section three hundred fifty-eight B point nine (358B.9),  
2 Code 1971, is amended as follows:

3 **358B.9 Methods of service.** Library service shall be accomplished  
4 by one or more of the following methods in whole or in part:

5 1. By the establishment of depositories of books or other educa-  
6 tional materials to be loaned at stated times and places.

7 2. By the transportation of books or other educational materials by  
8 conveyances for lending the same at stated times and places.

9 3. By the establishment of branch libraries for lending books and  
10 other educational materials.

11 4. By contracting for library service with the trustees of a free  
12 public library of any city or town.

1 SEC. 300. Section three hundred fifty-eight B point thirteen  
2 (358B.13), Code 1971, is amended as follows:

3 **358B.13 Maintenance expense on proportionate basis.** The mainte-  
4 nance of a county library shall be on a proportionate population basis  
5 whereby each taxing unit as hereinafter defined shall bear its share  
6 in proportion to its population to the whole of said county library  
7 district. The board of library trustees shall on or before July 10 of  
8 each year make an estimate of the amount it deems necessary for the  
9 maintenance of the county library and shall transmit said estimate  
10 in dollars to the board or boards of supervisors and to the city and  
11 town councils within the district. The entire rural area of each  
12 county in the library district shall be considered as a separate taxing  
13 unit. Each city and town which is a part of the county library dis-  
14 trict shall be considered as a separate taxing unit. The board of  
15 supervisors and the council of each city and town composing said  
16 county library district shall make the necessary millage levies ac-  
17 cordingly for library maintenance purposes of , *but the county levy*  
18 *may not to exceed two mills.* Any unexpended balance in the library  
19 maintenance fund at the end of the fiscal year shall remain in said  
20 fund and be available without reappropriation.

1 SEC. 301. Section three hundred fifty-eight B point fourteen  
2 (358B.14), Code 1971, is amended as follows:

3     **358B.14 Not applicable to contract service.** The provisions of this  
 4 chapter pertaining to the establishment of a county library district  
 5 shall not apply to any area receiving library service from any city  
 6 ~~or town library under the provisions of chapter 378~~, unless the peti-  
 7 tion for a county library district shall, in addition to the required  
 8 signatures of electors, ~~be is~~ signed by the governing body of the area  
 9 receiving library service under contract.

1     **SEC. 302.** Section three hundred fifty-eight B point sixteen  
 2 (358B.16), Code 1971, as amended by chapter two hundred five (205),  
 3 section one (1), Acts of the Sixty-fourth General Assembly, First  
 4 Session, is amended to read as follows:

5     **358B.16 Withdrawal of city or town from district.** Whenever any  
 6 incorporated ~~A~~ city or town, having maintained a library pursuant to  
 7 the provisions of chapter 378 for at least ten years and having levied  
 8 a tax of its own for the same purpose, shall decide to ~~may~~ withdraw  
 9 from the county library district, it may do so by giving notice by  
 10 certified mail to the board of library trustees of ~~said the~~ county  
 11 library and the county auditor prior to July 10, by the governing  
 12 body of ~~said incorporated city or town~~, of its withdrawal from the  
 13 county library district, and ~~on that date~~ shall cease to be a part of or  
 14 included in ~~said the~~ county library district.

1     **SEC. 303.** Chapter three hundred fifty-eight B (358B), Code 1971,  
 2 is amended by adding the following new sections:

3     “Whenever a local county historical association is formed in a  
 4 county having a free public library, the trustees of the library may  
 5 unite with the historical association and set apart the necessary room  
 6 to care for articles which come into the possession of the association.  
 7 The trustees may purchase necessary receptacles and materials for  
 8 the preservation and protection of articles which are of a historical  
 9 and educational nature and may pay for the same out of the library  
 10 fund.”

11     “1. Contracts may be made by a school corporation, township,  
 12 county, or the trustees of any county library district for the use by  
 13 their residents of a city library. Townships and counties may enter  
 14 into contracts, but may only contract for the residents outside of  
 15 cities. A contract by a county shall supersede all contracts by town-  
 16 ships or school corporations within the county outside of cities.

17     2. Contracts shall provide for the rate of tax to be levied. They  
 18 may, by mutual consent of the contracting parties, be terminated at  
 19 any time. They may also be terminated by a majority of the voters  
 20 represented by either of the contracting parties, voting on a proposi-  
 21 tion to terminate which shall be submitted by the governing body  
 22 upon a written petition of qualified voters in a number not less than  
 23 five percent of those who voted in the area for governor at the last  
 24 general election.

25     3. The proposition may be submitted at any election provided by  
 26 law which covers the area of the unit seeking to terminate the con-  
 27 tract. The petition shall be presented to the governing body not less  
 28 than forty days before the election at which the question is to be  
 29 submitted.

30     4. The board of trustees of any township which has entered into  
 31 a contract shall at the April meeting levy a tax not exceeding one-

32 fourth mill on the dollar on all taxable property in the township to  
33 create a fund to fulfill its obligation under the contract.

34 The board of supervisors, after it makes such contract, shall levy  
35 annually on the taxable property of the county outside of cities, a  
36 tax of not more than one mill to create a fund to fulfill its obligation  
37 under the contract.

38 5. Qualified voters of that part of any county outside of cities in a  
39 number of not less than twenty-five percent of those in the area who  
40 voted for governor at the last general election may petition the board  
41 of supervisors to submit the proposition of requiring the board of  
42 supervisors to provide library service for them and their area by  
43 contract as provided by this section.

44 6. The board of supervisors shall submit the proposition to the  
45 voters of the county residing outside of cities at the next election,  
46 primary or general, provided that the petition has been filed not less  
47 than forty days prior to the date of the election at which the question  
48 is to be submitted.

49 7. If a majority of those voting upon the proposition favors it, the  
50 board of supervisors shall within thirty days appoint a board of  
51 library trustees from residents of the petitioning area. Vacancies  
52 shall be filled by the board of supervisors.

53 8. The board of trustees is authorized to contract with any library  
54 for library use or service for the benefit of the residents and area  
55 represented by it.

56 9. The board of supervisors shall levy annually on the taxable  
57 property of the county outside of cities, a tax of not more than one  
58 mill to create a fund to fulfill the contract obligations of the trustees  
59 appointed by it."

1 SEC. 304. Section three hundred fifty-nine point twenty-four  
2 (359.24), Code 1971, is amended as follows:

3 OFFICES ABOLISHED

4 **359.24 Clerk and trustees abolished.** Where a ~~town or a city, not~~  
5 ~~acting under a special charter,~~ constitutes one or more civil townships  
6 the boundary lines of which coincide throughout with the boundary  
7 lines of the ~~town or city,~~ the offices of township clerk and trustee are  
8 abolished.

1 SEC. 305. Section three hundred fifty-nine point twenty-six  
2 (359.26), Code 1971, is amended as follows:

3 **359.26 Transfer of funds.** The moneys and assets belonging to  
4 such civil township shall become the moneys and assets of the city  
5 ~~or town~~ in which said civil township is situated, and the township  
6 clerks shall turn such moneys and assets over to the city ~~or town~~  
7 treasurer *or clerk*, to be disbursed by ~~such the city or town~~ in the  
8 same manner and for the same purposes as required by law for the  
9 disposition of township funds, and such cities ~~or towns~~ shall assume  
10 all liabilities of a civil township to which the provisions of this section  
11 ~~shall~~ apply.

1 SEC. 306. Section three hundred fifty-nine point twenty-seven  
2 (359.27), Code 1971, is amended as follows:

3 **359.27 Payment of funds.** County treasurers are hereby author-  
4 ized to pay over to the ~~city or town~~ treasurers *or clerks of cities*  
5 which come under the provisions of sections 359.24, 359.25 and 359.26

6 all funds which would otherwise be paid over to the township clerks  
7 of such townships.

1 SEC. 307. Section three hundred fifty-nine point forty-five  
2 (359.45), Code 1971, is amended as follows:

3 359.45 **Anticipatory bonds.** Townships may anticipate the collec-  
4 tion of taxes authorized by sections 359.43 and 359.44, and for such  
5 purposes may issue bonds payable in not more than ten equal annual  
6 installments and at a rate of interest not exceeding seven percent  
7 per annum and payable at such place and be in such form as the  
8 board of trustees shall designate by resolution. Sections 23.12 to  
9 23.16, inclusive, and ~~chapter 408~~ *provisions of law relating to essen-*  
10 *tial corporate purpose bonds of a city*, so far as applicable, shall  
11 apply to such bonds.

1 SEC. 308. Section three hundred fifty-nine point forty-six  
2 (359.46), subsection one (1), Code 1971, is amended as follows:

3 1. For each day of service of eight hours necessarily engaged in  
4 official business, to be paid out of the county treasury, four dollars  
5 each. ~~In townships embraced entirely within the limits of special~~  
6 ~~charter cities, the compensation of township trustees shall be four~~  
7 ~~dollars per day.~~

1 SEC. 309. Chapter three hundred sixty-seven (367), Code 1971, is  
2 amended by adding the following new section:

3 "When the mayor is absent or unable to act, the mayor pro tem  
4 may hold mayor's court, but only in cases of violation of a city law."

1 SEC. 310. Section four hundred three point fourteen (403.14),  
2 subsection two (2), Code 1971, is amended as follows:

3 2. As used in this section, the term "urban renewal project powers"  
4 shall include the rights, powers, functions and duties of a municipal-  
5 ity under this chapter, ~~including~~ *except* the following:

6 a. The power to determine an area to be a slum or blighted area  
7 or combination thereof and to designate such area as appropriate  
8 for an urban renewal project and to hold any public hearings required  
9 with respect thereto;

10 b. The power to approve urban renewal plans and modifications  
11 thereof;

12 c. The power to establish a general plan for the locality as a whole;

13 d. The power to formulate a workable program under section  
14 403.3;

15 e. The power to make the determinations and findings provided for  
16 in section 403.4, and section 403.5, subsection 4;

17 f. The power to issue general obligation bonds;

18 g. The power to appropriate funds, to levy taxes and assessments,  
19 and to exercise other powers provided for in section 403.6, subsection  
20 8.

1 SEC. 311. Section four hundred nine point fourteen (409.14), un-  
2 numbered paragraph one (1), Code 1971, is amended as follows:

3 No county auditor or recorder shall hereafter file or record, nor  
4 permit to be filed or recorded, any plat purporting to lay out or sub-  
5 divide any tract of land into lots and blocks within any city having  
6 a population by the latest federal census of twenty-five thousand or  
7 over, or within a city of any size ~~having a plan commission organized~~

8 ~~under the provisions of chapter 373 which by ordinance adopts the~~  
9 ~~restrictions of this section~~ or, except as hereinafter provided, within  
10 two miles of the limits of such city, unless such plat has been first  
11 filed with and approved by the council of such city as provided in  
12 section 409.7, and by the city plan commission as required by law in  
13 cities where such commission exists.

1 SEC. 312. Section four hundred fourteen point twenty-two  
2 (414.22), Code 1971, is repealed.

1 SEC. 313. Section four hundred nineteen point eleven (419.11),  
2 Code 1971, is amended as follows:

3 **419.11 Tax equivalent to be paid—assessment procedure—appeal.**  
4 Any municipality acquiring, purchasing, constructing, reconstruct-  
5 ing, improving or extending any industrial buildings, as provided in  
6 this chapter, shall annually pay out of the revenue from such indus-  
7 trial buildings to the state of Iowa and to the city, town, school dis-  
8 trict and any other political subdivision, authorized to levy taxes, a  
9 sum equal to the amount of tax, determined by applying the millage  
10 rate of the taxing district to the assessed value of the property, which  
11 the state, county, city, town, school district or other political sub-  
12 division would receive if the property were owned by any private  
13 person or corporation, any other statute to the contrary notwith-  
14 standing. For purposes of arriving at such tax equivalent, the prop-  
15 erty shall be valued and assessed by the assessor in whose jurisdic-  
16 tion the property is located, in accordance with chapter 441, but the  
17 municipality, the lessee on behalf of the municipality, and such other  
18 persons as are authorized by chapter 441 shall be entitled to protest  
19 any assessment and take appeals in the same manner as any tax-  
20 payer. Such valuations shall be included in any summation of valua-  
21 tions in the taxing district for all purposes known to the law. Income  
22 from this source shall be considered under the provisions of section  
23 ~~24.3~~ 97, subsection 1, *paragraph b, of this Act*. If and to the extent  
24 the proceedings under which the bonds authorized to be issued under  
25 the provisions of this chapter so provide, the municipality may agree  
26 to cooperate with the lessee of a project in connection with any ad-  
27 ministrative or judicial proceedings for determining the validity or  
28 amount of any such payments and may agree to appoint or designate  
29 and reserve the right in and for such lessee to take all action which  
30 the municipality may lawfully take in respect of such payments and  
31 all matters relating thereto, provided, however, that such lessee shall  
32 bear and pay all costs and expenses of the municipality thereby  
33 incurred at the request of such lessee or by reason of any such action  
34 taken by such lessee in behalf of the municipality. Any lessee of a  
35 project which has paid, as rentals additional to those required to be  
36 paid pursuant to section 419.5, the amounts required by the first  
37 sentence of this section to be paid by the municipality shall not be  
38 required to pay any such taxes to the state or to any such county,  
39 city, town, school district or other political subdivision, any other  
40 statute to the contrary notwithstanding. This section shall not be  
41 applicable to any municipality acquiring, purchasing, constructing,  
42 reconstructing, improving, or extending any buildings for the pur-  
43 pose of establishing, maintaining, or assisting any private college or  
44 university.



1 SEC. 314. Sections four hundred twenty point fourteen (420.14)  
2 through four hundred twenty point sixteen (420.16), four hundred  
3 twenty point thirty-one (420.31), and four hundred twenty point  
4 thirty-four (420.34) through four hundred twenty point forty  
5 (420.40), Code 1971, are repealed.

1 SEC. 315. Section four hundred twenty point forty-one (420.41),  
2 Code 1971, is amended as follows:

3 **420.41 Applicability of provisions.**

4 1. Except as hereinafter in this section provided, the provisions of  
5 this Code which, by their terms, are made applicable to all municipal  
6 corporations, shall be applicable to cities organized under special  
7 charter, and the provisions of this Code, applicable by their terms to  
8 municipal corporations of a certain population, shall be applicable  
9 to cities under special charter of like population, and except as  
10 hereinafter in this section provided, said special charters shall have  
11 no further force and effect.

12 2. To whatever extent provisions made applicable by subsection 1  
13 of this section to cities organized under special charter shall be  
14 inconsistent with the provisions of this chapter, the provisions so  
15 made applicable shall be construed to provide additional rights,  
16 powers and privileges to such cities or to provide alternative proce-  
17 dures which such cities may adopt or avail themselves of at the  
18 election of their respective governing bodies or appropriate officers,  
19 insofar as such provisions, so made applicable, are susceptible to  
20 such construction. Insofar as such provisions, so made applicable,  
21 are not susceptible to such construction the provisions of this chapter  
22 shall be controlling.

23 3. Notwithstanding the provisions of subsection 1 of this section,  
24 nothing herein contained 1. *No state law* shall be deemed to impair,  
25 alter or affect the provisions of any such special charter or any  
26 existing amendment thereto in any of the following respects:

27 a. As an act of incorporation or as evidence thereof.

28 b. In respect of authority to license, tax and regulate various per-  
29 sons, occupations, amusements, places and objects, as said general  
30 subjects of licensing, taxing and regulation are more specifically set  
31 forth in the respective charters of such cities.

32 c. In respect of the levy and collection of taxes for city purposes,  
33 in accordance with provisions of the respective charters of such cities  
34 and other provisions of law relating to such levy and collections  
35 including, but without limitation, provisions relating to liens, dis-  
36 traint, tax sales, redemptions, tax deeds and other provisions inci-  
37 dent to the levy and collection of taxes; provided that this paragraph  
38 shall apply only with respect to cities which prior to and currently  
39 with the taking effect of this subsection collect general city taxes  
40 directly or by or through their own officers, rather than indirectly  
41 and by or through any other public body or officer thereof.

42 d. In respect of the election or appointment of a clerk, treasurer,  
43 police magistrate and marshal or in respect of the authority, func-  
44 tions, duties or compensation of any thereof.

45 e. In respect of the power or authority of any such city to borrow  
46 and expend money and issue bonds or other evidences of indebtedness  
47 therefor.

48 f. In respect of the appropriation, condemning or taking of land  
49 and property by any such city for public purposes and in respect of  
50 procedure and appeals in connection with any such taking.

51 g. In respect of the power to enact, make, adopt, amend and repeal  
52 ordinances necessary or proper in connection with any provisions  
53 referred to in paragraphs "a" to "f" inclusive, of this subsection.

54 ~~4. Notwithstanding the provisions of subsection 1 of this section,~~  
55 ~~the 2. The~~ fiscal year for special charter cities, which prior to and  
56 concurrently with the taking effect of this subsection collect general  
57 city taxes directly through their own officers, and for all departments,  
58 boards and commissions thereof, shall be as established by city  
59 ordinance.

60 ~~5. Notwithstanding the provisions of subsection 1 of this section,~~  
61 ~~special 3. Special~~ charter cities which prior to and concurrently with  
62 the taking effect of this subsection collect general city taxes directly  
63 through their own officers, shall, within the applicable provisions of  
64 ~~chapter 404 sections 82 through 93, inclusive, of this Act,~~ make the  
65 appropriations for the necessary expenditures for the next ensuing  
66 fiscal year by ordinance. The proposed ordinance shall, upon first  
67 reading, be placed on file with the clerk for public inspection, and,  
68 upon second reading, if and as amended, forthwith be published in a  
69 newspaper of general circulation, together with the time and place  
70 for a public hearing on said proposed ordinance, which hearing shall  
71 be not less than ten days prior to the council meeting at which it shall  
72 be placed upon its passage.

1 SEC. 316. Section four hundred twenty point forty-three (420.43),  
2 Code 1971, is amended as follows:

3 **420.43 Application of certain terms.** Whenever the words "boards  
4 of supervisors", "county auditor or recorder of deeds", and "county  
5 treasurer" are used in any section made applicable by this chapter  
6 to special charter cities, the words "city council", "city clerk" or  
7 "city recorder", and "city collector or treasurer" shall be respectively  
8 substituted.

9 This section shall not be construed as depriving boards of super-  
10 visors, county auditors, and county treasurers of their powers to  
11 spread tax levies and collect taxes certified by cities acting under  
12 special charter as provided in ~~sections~~ *section* 420.206 and ~~404.3~~ *other*  
13 *state law*. Nothing contained herein shall be deemed to affect the  
14 procedure for the assessment of property by the city or county  
15 assessor.

1 SEC. 317. Sections four hundred twenty point forty-six (420.46),  
2 four hundred twenty point fifty-nine (420.59) through four hundred  
3 twenty point sixty-one (420.61), inclusive, four hundred twenty point  
4 one hundred fifty-six (420.156), four hundred twenty point one hun-  
5 dred fifty-eight (420.158), four hundred twenty point one hundred  
6 sixty (420.160) through four hundred twenty point one hundred  
7 sixty-four (420.164), inclusive, four hundred twenty point one hun-  
8 dred sixty-six (420.166), through four hundred twenty point one  
9 hundred eighty (420.180), inclusive, four hundred twenty point one  
10 hundred eighty-two (420.182) through four hundred twenty point  
11 one hundred eighty-nine (420.189), inclusive, four hundred twenty  
12 point two hundred four (420.204), four hundred twenty point two

13 hundred five (420.205), four hundred twenty point two hundred fifty  
 14 (420.250) through four hundred twenty point two hundred eighty-  
 15 five (420.285), inclusive, and four hundred twenty point two hundred  
 16 eighty-nine (420.289) through four hundred twenty point three hun-  
 17 dred four (420.304), inclusive, Code 1971, are repealed.

1 SEC. 318. Section four hundred forty-one point twenty-one  
 2 (441.21), subsection two (2), Code 1971, is amended as follows:

3 2. For the purpose of computing the debt limitations for municipi-  
 4 talities, political subdivisions and school districts as provided in sec-  
 5 tions ~~407.1 and 407.2~~, the term "actual value" as used in said sections  
 6 shall mean means the "actual value" as determined by this section  
 7 and entered opposite each item, and as listed on the tax list as pro-  
 8 vided in section 443.2 as "actual value".

9 Whenever any board of review or other tribunal charges the  
 10 assessed value of property, all applicable records of assessment shall  
 11 be adjusted to reflect such change in both assessed value and actual  
 12 value of such property.

1 SEC. 319. Section four hundred forty-three point twenty-two  
 2 (443.22), Code 1971, is amended as follows:

3 **443.22 Uniform assessments mandatory.** All assessors and as-  
 4 sessing bodies, including the department of revenue having authority  
 5 over the assessment of property for tax purposes, shall comply with  
 6 the provisions of sections ~~420.284~~, 428.4, 428.29, 434.15, 435.7,  
 7 438.13, 441.21, 441.45 and 443.5. The department of revenue having  
 8 authority over such assessments, shall exercise its powers and per-  
 9 form its duties under section 421.17 and other applicable laws so as  
 10 to require the uniform and consistent application of said section.

1 SEC. 320. Section four hundred forty-six point twenty-one  
 2 (446.21), Code 1971, is amended as follows:

3 **446.21 Applicable statute.** ~~Section 391.68 shall apply to~~ In all tax  
 4 sales made under the provisions of ~~this Act, section 446.19, any~~  
 5 *holder of any special assessment certificate against a lot or parcel of*  
 6 *ground, or any holder of a bond payable in whole or in part out of a*  
 7 *special assessment against any lot or parcel of ground, or any city*  
 8 *within which such lot or parcel of ground is situated, which lot or*  
 9 *parcel of ground has been sold for taxes, either general or special,*  
 10 *shall be entitled to an assignment of any certificate of tax sale of said*  
 11 *property for any general taxes or special taxes thereon, upon tender*  
 12 *to the holder or to the county auditor of the amount to which the*  
 13 *holder of the tax sale certificate would be entitled in case of redemp-*  
 14 *tion.*

1 SEC. 321. Section four hundred fifty-three point one (453.1),  
 2 Code 1971, is amended as follows:

3 **453.1 Deposits in general.** The treasurer of state, and of each  
 4 county, ~~city, town,~~ county public hospital, merged area hospital,  
 5 memorial hospital and school corporation, *the treasurer or other*  
 6 *financial officer of each city,* and each township clerk and each county  
 7 recorder, auditor, sheriff, each clerk and bailiff of the municipal  
 8 court, and clerk of the district court, and each secretary of a school  
 9 board shall deposit all funds in their hands in such banks as are first  
 10 approved by the executive council, board of supervisors, ~~city or town~~

11 council, board of hospital trustees, memorial hospital commission,  
 12 board of school directors, or *city council*, respectively; provided,  
 13 however, that the treasurer of state and the treasurer or *other finan-*  
 14 *cial officer designated by the governing body* of each political sub-  
 15 division shall invest all funds not needed for current operating  
 16 expenses in time certificates of deposit in banks listed as approved  
 17 depositories pursuant to this chapter or in investments permitted  
 18 by section 452.10. The list of public depositories and the amounts  
 19 severally deposited therein shall be a matter of public record. The  
 20 term "bank" means a bank or a private bank, as defined in section  
 21 524.103.

1 SEC. 322. Section four hundred fifty-three point four (453.4),  
 2 Code 1971, is amended as follows:

3 453.4 **Location of depositories.** Deposits by the treasurer of state  
 4 shall be in banks located in this state; by a county officer or county  
 5 public hospital officer or merged area hospital officer, in banks located  
 6 in his county or in an adjoining county within this state; by a  
 7 memorial hospital treasurer, in a bank located within this state  
 8 which shall be selected by such memorial hospital treasurer and  
 9 approved by the memorial hospital commission; by a city or town  
 10 treasurer or *other city financial officer*, in banks located in the city  
 11 or town, but in the event there is no bank in such city or town then  
 12 in any other bank located in this state which shall be selected as such  
 13 depository by the city or town council; by a school treasurer or by a  
 14 school secretary in a bank within this state which shall be selected  
 15 by the board of directors or the trustees of such school district; by a  
 16 township clerk in a bank located within this state which shall be  
 17 selected by such township clerk and approved by the trustees of such  
 18 township. Provided, that deposits may be made in banks outside of  
 19 Iowa for the purpose of paying principal and interest on bonded  
 20 indebtedness of any municipality when such deposit is made not more  
 21 than ten days before the date such principal or interest becomes due.

1 SEC. 323. Section four hundred fifty-three point nine (453.9),  
 2 unnumbered paragraph one (1), Code 1971, as amended by chapter  
 3 two hundred twenty-one (221), section three (3), Acts of the Sixty-  
 4 fourth General Assembly, First Session, is amended to read as fol-  
 5 lows:

6 453.9 **Investment of sinking funds.** The governing council or  
 7 board who by law are authorized to direct the depositing of funds  
 8 shall be authorized to direct the treasurer or *other designated finan-*  
 9 *cial officer* to invest any fund not an active fund needed for current  
 10 use and which is being accumulated as a sinking fund for a definite  
 11 purpose, the interest on which is used for the same purpose, in sav-  
 12 ings accounts in banks, in the certificates or warrants provided by  
 13 section 454.19, or make time deposits of such funds as provided in  
 14 this chapter and receive time certificates of deposit therefor, or in  
 15 bonds or other evidences of indebtedness issued, assumed, or guaran-  
 16 teed by the United States of America, or by any agency or instru-  
 17 mentality thereof, or in local certificates or warrants issued by any  
 18 municipality or school district within the county, or in municipal or  
 19 school district bonds which constitute a general liability, and the  
 20 treasurer or *other officer* when so directed shall so invest such fund.

1 SEC. 324. Section four hundred fifty-three point thirteen (453.13),  
2 Code 1971, is amended as follows:

3 453.13 **Investment report to state auditor.** The treasurer, or other  
4 *financial officer designated by the governing body*, of each political  
5 subdivision except townships shall submit an investment report to  
6 the auditor of state on forms provided within fifteen days following  
7 the close of each fiscal year of the political subdivision. The report  
8 shall be comprised of the following information, all of which shall  
9 relate to the previous calendar year: Total demand deposits placed  
10 in depositories; total funds invested; description and disposition of  
11 investments; dates of investment; rates of interest earned or return  
12 on the investments; and such other information as the auditor of  
13 state may reasonably require pertaining to public funds.

1 SEC. 325. Section four hundred fifty-four point six (454.6), Code  
2 1971, is amended as follows:

3 454.6 **Duty of treasurers.** It shall be the duty of all school trea-  
4 surers, city and town treasurers or other *financial officers designated*  
5 *by the city council*, and township clerks of the county to keep on file  
6 with the county treasurer a list of such depositories.

1 SEC. 326. Chapter four hundred fifty-five (455), Code 1971, is  
2 amended by adding the following new section:

3 "Any board, as defined in section four hundred fifty-five point four  
4 (455.4) of the Code, may by contract permit any city to discharge  
5 adequately treated sewage into drainage ditches. The contract shall  
6 fix the rental, make provision for termination, and shall provide that  
7 no nuisance shall be created."

1 SEC. 327. Section four hundred sixty-nine point thirty-one  
2 (469.31), Code 1971, is repealed.

1 SEC. 328. Section four hundred seventy-one point four (471.4),  
2 Code 1971, is amended by adding the following new subsection:

3 "Upon all cities for public purposes which are reasonable and neces-  
4 sary as an incident to the powers and duties conferred upon cities."

1 SEC. 329. Chapter four hundred seventy-three A (473A), Code  
2 1971, is amended by adding the following new section:

3 "A metropolitan planning commission may contract with profes-  
4 sional consultants, the Iowa development commission, or the federal  
5 government, for local planning assistance."

1 SEC. 330. Section four hundred seventy-eight point twenty-one  
2 (478.21), Code 1971, is amended as follows:

3 478.21 **Railway and highway crossing at grade.** Wherever a rail-  
4 way track crosses or shall hereafter cross a highway, street or alley,  
5 the railway company owning such track and the state highway com-  
6 mission, in the case of primary highways, the board of supervisors  
7 of the county in which such crossing is located, in the case of second-  
8 ary roads, or the council of the city or town, in the case of streets  
9 and alleys located within such a city or town, may agree upon the  
10 location and manner of crossing, or crossing protection, or upon a  
11 separation of grades so as to carry such highway over or under the  
12 railway track, and upon any change, alteration, vacation or reloca-  
13 tion of such highway, street or alley, and upon repairs, alteration,

14 or elimination of any crossing, and upon the expense each party shall  
 15 pay for such changes, except that if flasher light or gate signals are  
 16 ordered installed the maintenance thereof shall be assumed by the  
 17 railroad; provided, however, nothing contained herein in this section  
 18 shall be construed to affect any of limits the provisions of chapter 387  
 19 section 17 of this Act.

1 SEC. 331. Section four hundred seventy-eight point twenty-eight  
 2 (478.28), Code 1971, is amended as follows:

3 478.28 **Railway crossings near Mississippi river.** When in the  
 4 construction of a railway it becomes necessary to cross another rail-  
 5 way near the shore of the Mississippi river, each shall be so con-  
 6 structed and maintained at the point of crossing that the respective  
 7 roadbeds thereof shall be above high-water mark in such river; but  
 8 where the crossing occurs within the limits of any city or town con-  
 9 taining six thousand or more inhabitants, the council or other govern-  
 10 ing authorities thereof may establish the crossing grade.

1 SEC. 332. Section four hundred eighty-three point two (483.2),  
 2 subsection eight (8), Code 1971, is amended as follows:

3 8. The signatures of a majority of the resident freehold taxpayers  
 4 of the proposed district; except that in cities of any form of govern-  
 5 ment having a population of twenty-five thousand or over, not more  
 6 than two thousand such signatures shall be required the provisions of  
 7 section 4 of this Act apply.

1 SEC. 333. Section four hundred eighty-four point eleven (484.11),  
 2 Code 1971, is amended as follows:

3 484.11 **Franchises.** Cities and towns under any form of govern-  
 4 ment may, as provided by law, authorize or forbid the construction  
 5 and operation of such railways upon, over, or along the streets, alleys,  
 6 and public grounds within their limits and prescribe the conditions  
 7 and regulations for such construction and operation. The right to  
 8 operate as a street railway shall not be granted for a period exceed-  
 9 ing twenty-five years.

1 SEC. 334. Section four hundred ninety A point twenty-three  
 2 (490A.23), Code 1971, is amended as follows:

3 490A.23 **Cities and towns\*—conflict of service.** The application  
 4 of section 397.28 to public utilities, as defined in this chapter, with  
 5 respect to the regulating of rates and services of such public utilities  
 6 to the extent such jurisdiction and powers are conferred upon the  
 7 commission in this chapter is hereby repealed. All rights of municip-  
 8 al corporations to franchise and regulate use of streets, alleys and  
 9 other public property, and all rights acquired by franchise or agree-  
 10 ment shall be preserved in such municipalities, excepting only the  
 11 duties and jurisdiction conferred upon the commission in this chap-  
 12 ter. Except as otherwise provided by chapter two hundred sixteen  
 13 (216), Acts of the Sixty-fourth General Assembly, First Session,  
 14 whenever the corporate boundaries of any city or town are extended,  
 15 utility service, as defined in section 490A.1, shall be provided in such  
 16 extended area by the public utility or the municipally owned utility  
 17 serving such city or town immediately prior to the extension of such

\*According to enrolled Act.

18 boundaries. In the event service is provided, in such extended area,  
19 at the time of the extension of the corporate boundaries, by a public  
20 utility which does not have a municipal franchise for such city ~~or~~  
21 ~~town~~, the facilities located within such extended area shall be pur-  
22 chased at the end of six years from the date the corporate boundaries  
23 shall have been extended by the franchised public utility of such city  
24 ~~or town~~ or by the municipal utility serving such city ~~or town~~ and the  
25 municipal franchised public utility or municipally owned utility shall  
26 furnish such service without interruption upon the acquisition  
27 thereof, except as otherwise provided by chapter two hundred six-  
28 teen (216), Acts of the Sixty-fourth General Assembly, First Session.  
29 The franchised or municipally owned utility shall pay to the utility  
30 serving in the annexed area the fair and reasonable value of its prop-  
31 erties within such annexed area by exchange of other electric utility  
32 property outside such city ~~or town~~ on a fair and reasonable basis  
33 giving due consideration to revenue from and value of the respective  
34 properties. In the event the public utilities involved are unable to  
35 agree as to the terms of such exchange, either utility may file an  
36 application with the commission requesting that the commission  
37 determine such fair and reasonable terms for such exchange. After  
38 notice and hearing the commission shall determine fair and reason-  
39 able terms for such exchange, or in the event no appropriate prop-  
40 erties can be exchanged the commission shall fix and determine the  
41 fair and reasonable value of the property within the annexed area,  
42 and such transfer shall be made as directed by the commission. Until  
43 such determination by the commission, the facilities shall remain in  
44 place and service to the public shall be maintained by the owner.  
45 However, the utility not having a municipal franchise and serving  
46 such annexed area shall not extend service to any additional points  
47 of delivery within such annexed area if the commission, after notice  
48 and hearing, with due consideration of any unnecessary duplication  
49 of facilities, shall determine that such extension is not in the public  
50 interest. Provided, however, that production, generation, high-  
51 voltage transmission facilities and high-voltage transformers owned  
52 by a utility in territory annexed to a city ~~or town~~ shall be exempt  
53 from the operation of this section, and provided further that if a  
54 public utility not having a municipal franchise at the time of the  
55 extension of the corporate boundaries subsequently acquires a muni-  
56 cial franchise as contemplated by chapter 397 within six years of  
57 the extension of the corporate boundaries such utility shall be exempt  
58 from the operation of this section. All other laws and parts of laws  
59 inconsistent with this chapter are hereby repealed; provided, how-  
60 ever, that nothing in this chapter shall be construed to repeal or  
61 impair any provision of chapter 397, except as expressly provided in  
62 this section with respect to section 397.28.

1 SEC. 335. Section five hundred nine A point one (509A.1), Code  
2 1971, is amended as follows:

3 **509A.1 Authority of governing body.** The governing body of the  
4 state, county, school district, ~~city, town~~ or any institution supported  
5 in whole or in part by public funds may establish plans for and  
6 procure group insurance, health or medical service for the employees  
7 of the state, county, school district, ~~city, town~~ or tax-supported  
8 institution.

1 SEC. 336. Section five hundred nine A point two (509A.2), Code  
2 1971, is amended as follows:

3 **509A.2 Sources of funds.** The funds for such plans shall be cre-  
4 ~~ated from the following sources: solely from the contributions of~~  
5 ~~employees, or from contributions wholly or in part by the governing~~  
6 ~~body.~~

7 1. Contributions from employees who elect to participate in any  
8 such plan; and

9 2. Contributions authorized by the city council from the general  
10 fund of said city in amounts not exceeding the aggregate amounts  
11 assessed against and collected from employees who elect to partici-  
12 pate in any such plan. The funds for each plan shall be kept sepa-  
13 rately.

14 3. Solely from the contributions of employees, except as provided  
15 in subsections 1 and 2 above, for any plan established after July 4,  
16 1962, or from contributions wholly or in part by the governing body.

1 SEC. 337. Section five hundred nine A point four (509A.4), Code  
2 1971, is amended as follows:

3 **509A.4 Participation optional.** Participation in any such plan  
4 shall be optional with all employees eligible to the benefits thereof as  
5 provided by the rules and regulations adopted by the governing body  
6 pursuant thereto. Election to participate therein shall be in writing  
7 signed by the employee and filed with the city council governing body.

1 SEC. 338. Section five hundred nine A point eleven (509A.11),  
2 Code 1971, is amended as follows:

3 **509A.11 Definitions.** For purposes of this division the following  
4 terms shall have the following meaning:

5 1. The words "governing body" means the executive council of the  
6 state, the board of supervisors of counties, the school boards of school  
7 districts, ~~the city or town council of cities or towns~~ and the super-  
8 intendent or other person in charge of an institution supported in  
9 whole or in part by public funds.

10 2. The words "public body" means the state, a county, school dis-  
11 trict, ~~city, town~~ or institution supported in whole or in part by public  
12 funds.

1 SEC. 339. Section five hundred forty-six A point one (546A.1),  
2 Code 1971, is amended as follows:

3 **546A.1 License required.** It shall be unlawful for any person,  
4 firm or corporation to sell, dispose of, or offer for sale at public  
5 auction at any place outside the limits of any city ~~or town~~ in the  
6 state of Iowa, or within the limits of any city ~~or town~~ in the state of  
7 Iowa that has not by ordinance enacted pursuant to the provisions  
8 of section 368.6 provided for the licensing of sales by auction, any  
9 new merchandise, unless such person, firm or corporation and the  
10 owners of such merchandise, if it is not owned by the vendors, shall  
11 have first secured a license as herein provided and shall have com-  
12 plied with the regulations hereinafter set forth.

1 SEC. 340. Section five hundred forty-six A point five (546A.5),  
2 Code 1971, is amended as follows:

3 **546A.5 Issuance of license.** Upon the filing of such application  
4 and after the applicant has fully complied with all the provisions of



5 this chapter, the board of supervisors, by its chairman, shall issue to  
 6 the applicant a license authorizing the holding of such auction sale  
 7 as proposed in said application. Such license shall not be transfer-  
 8 able, and shall be valid only in the county where issued, and shall not  
 9 be valid in any ~~town or~~ city in such county which has enacted an  
 10 ordinance pursuant to ~~section 368.6~~ providing for the licensing of  
 11 auction sales.

1 SEC. 341. Section five hundred sixty-five point six (565.6), Code  
 2 1971, is amended as follows:

3 **565.6 Gifts to municipal corporations.** Counties, ~~cities, towns,~~  
 4 ~~the park board of any city or town,~~ and civil townships wholly out-  
 5 side of any city ~~or town,~~ and school corporations, are authorized to  
 6 take and hold property, real and personal, by gift and bequest; and  
 7 to administer the same through the proper officer in pursuance of the  
 8 terms of the gift or bequest. No title shall pass unless accepted by  
 9 the governing board of the corporation ; *or* township; ~~or park board.~~  
 10 Conditions attached to such gifts or bequests become binding upon  
 11 the corporation ; *or* township; ~~or park board~~ upon acceptance thereof.

1 SEC. 342. Section five hundred sixty-five point eight (565.8),  
 2 Code 1971, is amended as follows:

3 **565.8 Tax voted to maintain.** When any county, ~~city, or town~~  
 4 ~~shall receive receives~~ by gift or devise, property, real or personal, for  
 5 the purpose of establishing any institution of benevolence including  
 6 hospitals, and no sufficient fund or endowment is provided for its  
 7 maintenance, or is received upon condition that the donee or devisee  
 8 provide for aiding the maintenance of such institution by a tax levy  
 9 upon the assessed property of such municipality, it shall be the duty  
 10 of the governing board of such municipality to submit by resolution  
 11 to the qualified electors thereof at a regular or special election the  
 12 question whether there shall be levied upon the assessed property of  
 13 such municipality an annual tax not exceeding three-fourths mill on  
 14 the dollar for the purpose of aiding the maintenance of such institu-  
 15 tion. The said proposition shall be submitted in the manner provided  
 16 for similar propositions in the title on elections.

1 SEC. 343. Section five hundred sixty-five point twelve (565.12),  
 2 Code 1971, is amended as follows:

3 **565.12 Condition as to annuity.** When a gift or bequest is con-  
 4 ditioned upon the payment of an annuity to the donor, or any other  
 5 person, the governing board of ~~such municipality a county or city~~  
 6 may, upon acceptance of such gift or bequest, agree to pay such  
 7 annuity providing the amount thereof does not exceed five percent  
 8 of the amount of the gift or bequest and does not exceed the amount  
 9 realized from a one mill tax levy upon the taxable property of said  
 10 municipality.

1 SEC. 344. Section five hundred sixty-five point thirteen (565.13),  
 2 Code 1971, is amended as follows:

3 **565.13 Annuity tax.** To provide for the payment of such annuity,  
 4 ~~said municipality the county or city,~~ through its proper officers, shall  
 5 annually thereafter levy a tax, not exceeding three-fourths mill *if*  
 6 *levied by a county,* sufficient to pay such annuity.

1 SEC. 345. Section five hundred sixty-five point fourteen (565.14),  
2 Code 1971, is amended as follows:  
3 **565.14 Limitation on acceptance.** No agreement shall be made  
4 *by a county* unless the annuity provided for therein, and all annuities  
5 provided for under prior agreements, may be paid from the proceeds  
6 of one annual tax levy of three-fourths mill.

1 SEC. 346. Section five hundred sixty-six point seventeen (566.17),  
2 Code 1971, is amended as follows:  
3 **566.17 Delegates to conventions.** Every ~~city, county, town,~~ or  
4 township having a cemetery under its control may delegate not to  
5 exceed two officials from each cemetery so controlled to attend meet-  
6 ings of cemetery officials, and certain expenses, including association  
7 dues, not to exceed twenty-five dollars, of said delegates may be paid  
8 out of the cemetery fund of said ~~city, county, town,~~ or township. ~~The~~  
9 ~~expense of such delegates shall not exceed the expenses allowed under~~  
10 ~~section 363.42.~~

1 SEC. 347. Section five hundred sixty-six point eighteen (566.18),  
2 Code 1971, is amended as follows:  
3 **566.18 Subscribing to publications.** The cemetery officials of  
4 every ~~city, county, town,~~ or township having a cemetery under its  
5 control may subscribe to one or more publications devoted exclusively  
6 to cemetery management, but said subscriptions may be paid out of  
7 the cemetery fund of the ~~city, county, town,~~ or township.

1 SEC. 348. Section six hundred thirteen A point three (613A.3),  
2 Code 1971, is amended as follows:  
3 **613A.3 Actual knowledge of defect as defense.** In any action  
4 subject to the provisions of this chapter ~~or section 389.12~~, an affir-  
5 mative showing that the injured party had actual knowledge of the  
6 existence of the alleged obstruction, disrepair, defect, accumulation,  
7 or nuisance at the time of the occurrence of the injury, and a further  
8 showing that an alternate safe route was available and known to the  
9 injured party, shall constitute a defense to the action.

1 SEC. 349. Section six hundred thirteen A point eight (613A.8),  
2 Code 1971, is amended as follows:  
3 **613A.8 Officers and employees defended.** The governing body  
4 shall defend any of its officers and employees, whether elected or  
5 appointed and, except in cases of malfeasance in office or willful or  
6 wanton neglect of duty, shall save harmless and indemnify such  
7 officers and employees against any tort claim or demand, whether  
8 groundless or otherwise, arising out of an alleged act or omission  
9 occurring in the performance of duty. Any independent or auton-  
10 omous board or commission of a municipality having authority to  
11 disburse funds for a particular municipal function without approval  
12 of the governing body shall similarly defend, save harmless and  
13 indemnify its officers and employees against such tort claims or  
14 demands. ~~This section is intended to confer power in addition to that~~  
15 ~~conferred by section 368A.1.~~

1 SEC. 350. Section seven hundred nine point twenty-five (709.25),  
2 Code 1971, is amended as follows:  
3 **709.25 Larceny from parking meter.** If any person opens, steals,  
4 takes and carries away, or attempts to open, steal, take and carry

5 away money, regardless of the value or amount thereof, from a  
 6 parking meter erected and maintained by a city ~~or town~~ pursuant to  
 7 section ~~390-7~~, he shall be guilty of larceny from a parking meter and  
 8 upon the first conviction thereof he shall be punished by imprison-  
 9 ment in the penitentiary or county jail for not more than one year,  
 10 or by fine of not more than five hundred dollars, or by both such fine  
 11 and imprisonment; upon each subsequent conviction thereof he shall  
 12 be punished by imprisonment in the penitentiary for not more than  
 13 five years, or by fine of not more than one thousand dollars, or by  
 14 both such fine and imprisonment.

1 SEC. 351. Section seven hundred fifty point five (750.5), Code  
 2 1971, is amended as follows:

3 **750.5 Duty of city council to install—costs.** The council of each  
 4 city of *two thousand or more population* shall, ~~and the council of any~~  
 5 ~~town may~~, install in such place as said council may determine at least  
 6 one such locked-in radio receiving set as may be prescribed by the  
 7 commissioner of public safety for use in law enforcement and police  
 8 work. ~~The cost of any such installation shall be paid from the public~~  
 9 ~~safety fund of said city or town.~~

1 SEC. 352. Section seven hundred fifty point six (750.6), unnum-  
 2 bered paragraph one (1), and subsection one (1), Code 1971, is  
 3 amended as follows:

4 **750.6 Additional communications systems.** ~~The council of any~~  
 5 ~~city or town and the~~ *The board of supervisors of any county shall*  
 6 have in addition to the foregoing the discretionary authority:

7 1. To purchase, lease, own, and maintain additional radio, elec-  
 8 tronic communications and telecommunications systems as may be  
 9 deemed necessary by said agency for the efficient operation of the  
 10 law-enforcement agencies under its jurisdiction, and to pay the cost  
 11 thereof from the general fund of said county; ~~or the public safety~~  
 12 ~~fund of said city or town.~~

Approved March 16, 1972.

## CHAPTER 1089

### URBAN BUS FEES

S. F. 471

AN ACT relating to the annual registration fee for urban transit company vehicles.

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

1 SECTION 1. Section three hundred eighty-six C point two (386C.2),  
 2 Code 1971, is amended as follows:

3 **386C.2 Vehicle registration.** Any person, firm, corporation or com-  
 4 pany operating an urban transit system shall pay to the county trea-  
 5 surer annually as a registration fee for each bus, car or vehicle used  
 6 in the transportation of passengers, ~~twenty-five~~ *five* dollars, which  
 7 shall be paid into the municipal street fund. Any urban transit com-  
 8 pany operated by a municipality shall not be required to pay such