

## 1 SEC. 11.

2 1. Without personal liability, the director of the division of the state historical  
3 society shall immediately take possession of all real or personal property of the  
4 state historical society and treat it as property of the state. If any of this property  
5 is money, the director shall deposit it as provided in chapter three hundred three  
6 (303) of the Code.

7 2. To implement any of the provisions of this Act and notwithstanding  
8 anything to the contrary in chapter thirteen (13) of the Code, the executive  
9 council may appoint competent legal counsel to represent the Iowa state historical  
10 department and its divisions. There is appropriated from unappropriated funds in  
11 the general fund of the state an amount necessary to pay the reasonable expense  
12 incurred under this subsection.

Approved June 28, 1976

---

## CHAPTER 1159

### HISTORICAL PRESERVATION DISTRICTS

H. F. 1498

AN ACT relating to establishment of historical preservation districts.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act, unless the  
2 context otherwise requires:

3 1. "Area of historical significance" means contiguous pieces of property of no  
4 greater area than one hundred sixty acres under diverse ownership which:

5 a. Are significant in American history, architecture, archaeology and culture,  
6 and

7 b. Possess integrity of location, design, setting, materials, workmanship, feeling  
8 and association, and

9 c. Are associated with events that have been a significant contribution to the  
10 broad patterns of our history, or

11 d. Are associated with the lives of persons significant in our past, or

12 e. Embody the distinctive characteristics of a type; period; method of  
13 construction; represent the work of a master; possess high artistic values;  
14 represent a significant and distinguishable entity whose components may lack  
15 individual distinction.

16 f. Have yielded, or may be likely to yield, information important in prehistory  
17 or history.

18 2. "Commission" is the five-person body, elected by the qualified electors in the  
19 historical preservation district from persons living in the district for the purpose  
20 of administering this Act.

21 3. "District" means a historical preservation district established under this Act.

22 4. "Division" means the division of historical preservation, Iowa state historical  
23 department.

24 5. "Exterior features" means the architectural style, general design and general  
25 arrangement of the exterior of a building or other structure, including the kind  
26 and texture of the building material and the type and style of all windows, doors,  
27 light fixtures, signs and other appurtenant fixtures. In the case of an outdoor  
28 advertising sign, "exterior features" means the style, material, size and location of  
29 the sign.

30 6. "Property owner" means an individual or corporation who is the owner of  
31 real estate for taxation purposes.

1 SEC. 2. NEW SECTION. **Petition.** Not less than ten percent of the eligible  
2 voters in an area of asserted historical significance may petition the division for a  
3 referendum for the establishment of a district.

4 The petition shall contain a description of the property suggested for inclusion  
5 in the district, the reasons justifying the creation of the district.

1 SEC. 3. NEW SECTION. **Action by division.** The division shall hold a hearing  
2 not less than thirty days or more than sixty days after the petition is received. The  
3 division shall publish notice of the hearing, at a reasonable time before the  
4 hearing is to take place, and shall post notice of the hearing in a reasonable  
5 number of places within the suggested district. The cost of notification shall be  
6 paid by the persons who petition for the establishment of a district.

7 At the hearing the division shall hear interested persons, accept written  
8 presentations, and shall determine whether the suggested district is an area of  
9 historical significance which may properly be established as a historical  
10 preservation district pursuant to the provisions of this Act. The division may  
11 determine the boundaries which shall be established for the district. The division  
12 shall not include property which is not included in the suggested district unless  
13 the owner of such property is given an opportunity to be heard.

14 The division, if it determines that the suggested district meets the criteria for  
15 establishment as a historical preservation district, shall indicate the owners of the  
16 property and residents included and shall forward a list of such owners and  
17 residents to the county commissioner of elections.

18 If the division determines that the suggested district does not meet the criteria  
19 for establishment as a historical preservation district, it shall so notify the  
20 petitioners.

1 SEC. 4. NEW SECTION. **Referendum.** Within thirty days after the receipt of  
2 the list of owners of property and residents within the suggested historical  
3 preservation district, the county commissioner of elections shall fix a date not  
4 more than forty-five days from the receipt of the petition seeking a referendum on  
5 the question of establishment of a historical preservation district. The county  
6 commissioner of elections shall specify the polling place within the suggested  
7 district that will best serve the convenience of the voters and shall appoint from  
8 residents of the proposed district three judges and two clerks of election.

1 SEC. 5. NEW SECTION. **Notice.** The county commissioner of elections shall  
2 post notice of the referendum in a reasonable number of places within the  
3 suggested district a reasonable time before it is to take place. The notice shall  
4 state the purpose of the referendum, a description of the district, the date of the  
5 referendum, the location of the polling place, and the hours when the polls will  
6 open and close.

1 SEC. 6. NEW SECTION. **Voting.** A person shall be qualified to vote at the  
2 referendum if such person is a qualified elector of the area embraced by the  
3 proposed historic district. An historic preservation district is established if a  
4 majority of the persons voting at the referendum votes in favor of its  
5 establishment.

1 SEC. 7. NEW SECTION. **Commission.** At the same time the referendum is  
2 held, an election shall be held for the commission. Each voter at the referendum  
3 may write upon the ballot the names of not more than five persons who are  
4 eligible voters within the district to be members of the commission.

5 The five persons receiving the highest number of votes shall constitute the  
6 commission. In the event one of the five receiving the highest number of votes  
7 elects not to serve on the commission, the person receiving the next highest  
8 number of votes shall serve.

9 Of the initial commission the person receiving the highest number of votes shall  
 10 receive a five-year term of office, the next highest a four-year term, the next  
 11 highest a three-year term, the next highest a two-year term, and the fifth highest a  
 12 one-year term. Thereafter, an election shall be held annually in the district to  
 13 elect a member to a five-year term as each term expires.

14 Vacancies in the commission occurring between elections shall be filled by the  
 15 remaining members of the commission by majority vote. Should a majority of  
 16 those voting vote not to establish the district, the election shall be void.

1 SEC. 8. NEW SECTION. **Controls.** After the establishment of a district, an  
 2 exterior portion of any building, exterior fixture, or other exterior structure, or  
 3 any above-ground utility structure or any type of outdoor advertising sign shall  
 4 not be erected, altered, restored, moved or demolished within such district until  
 5 after an application for a certificate of appropriateness as to exterior features has  
 6 been submitted to and approved by the commission.

1 SEC. 9. NEW SECTION. **Interior.** The commission shall not consider or  
 2 attempt to control the interior arrangement of any building in the district.

1 SEC. 10. NEW SECTION. **Use of structures.** No change in the use of any  
 2 structure or property within a designated historical district shall be permitted  
 3 until after an application for a certificate of appropriateness has been submitted  
 4 to and approved by the commission. For purposes of this section "use" means the  
 5 legal enjoyment of property that consists in its employment, exercise, or practice.

1 SEC. 11. NEW SECTION. **Procedures.** Prior to issuance or denial of a  
 2 certificate of appropriateness the commission shall take such action as may  
 3 reasonably be required to inform persons likely to be materially affected by the  
 4 application, and shall give the applicant and such persons an opportunity to be  
 5 heard. In cases where the commission deems it necessary, it may hold a public  
 6 hearing concerning the application. The commission shall vote upon any  
 7 application for a certificate of appropriateness within sixty days after its  
 8 submission to the commission.

9 If the commission determines that the proposed construction, reconstruction,  
 10 alteration, restoration, moving, demolition, or the change in use is appropriate, it  
 11 shall forthwith approve such application and shall issue to the applicant a  
 12 certificate of appropriateness.

13 If the commission determines that the proposed construction, reconstruction,  
 14 alteration, restoration, moving or demolition of buildings, structures, appurtenant  
 15 fixtures, outdoor advertising signs or natural features, or the proposed change in  
 16 use would be incongruous with the historical, architectural, archaeological or  
 17 cultural aspects of the district, a certificate of appropriateness shall not be issued,  
 18 and the commission shall place upon its records the reasons for such  
 19 determination and shall notify the applicant of such determination, furnishing the  
 20 applicant an attested copy of its reasons and its recommendations, if any, as  
 21 appearing in the records of the commission.

22 The commission may approve the application in any case where a person  
 23 would suffer extreme hardship, not including loss of profit, unless the certificate  
 24 of appropriateness was issued. Any applicant aggrieved by a determination of the  
 25 commission may appeal to the district court for the county in which the land  
 26 concerned is located within sixty days of the commission's action.

1 SEC. 12. NEW SECTION. **Action by commission.** The commission shall take  
 2 action to enjoin any attempts to construct, reconstruct, alter, restore, move, or  
 3 demolish any exterior feature, or to change the use of the property within the  
 4 district without a certificate of appropriateness.

1 SEC. 13. NEW SECTION. **Ordinary maintenance and repair.** Nothing in this  
 2 Act shall be construed to prevent the ordinary maintenance or repair of any  
 3 exterior feature in a district which does not involve a change in design, material

4 or outer appearance, nor to prevent the construction, reconstruction, alteration,  
5 restoration or demolition of any such feature which is required by public safety  
6 because of an unsafe or dangerous condition.

1 SEC. 14. NEW SECTION. **Termination of district.** Two years after the  
2 establishment of a district, a referendum for the termination of the district shall  
3 be held if ten percent of the eligible voters in the district so request. If the  
4 qualified electors, by a majority of those voting, favor termination, this Act will  
5 no longer have any effect on the property formerly included in the district.

6 If an election is held to terminate a district under this section and such attempt  
7 fails, another referendum for termination of the district in question shall not take  
8 place for a period of two years.

Approved May 27, 1976

CHAPTER 1160

LIBRARY SERVICES

S. F. 1191

AN ACT providing for the financing of library services by revising the taxing authority for library maintenance purposes and making an appropriation to the Iowa library department.

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

1 SECTION 1. There is appropriated from the general fund of the state to the  
2 Iowa library department, including the state regional library system, for the fiscal  
3 year beginning July 1, 1976, and ending June 30, 1977, the following amounts, or  
4 so much thereof as may be necessary, to be used in the manner designated:

	1976-1977 <u>Fiscal Year</u>
5	
6	
7	IOWA LIBRARY DEPARTMENT
8	1. Law library division:
9	For salaries, support, maintenance and miscellaneous purposes .....\$ 149,947
10	2. Medical library division:
11	For salaries, support, maintenance and miscellaneous purposes .....\$ 93,116
12	3. State library commission:
13	For salaries, support, maintenance and miscellaneous purposes .....\$ 291,245
14	4. Regional library system:
15	For state aid except as provided in this subsection .....\$ 666,132

16 The general assembly anticipates that federal funds will be available to the  
17 regional library system in an amount approximating two hundred sixteen  
18 thousand (216,000) dollars. However, if such federal funds do not become  
19 available, it is the intent of the general assembly that it will appropriate an  
20 amount of funds to replace those funds anticipated that do not become available  
21 during the fiscal year beginning July 1, 1976.

1 SEC. 2. Section three hundred three B point nine (303B.9), Code 1975, is  
2 amended to read as follows:

3 **303B.9 Local financial support.** A regional board shall have the authority to  
4 require as a condition for receiving services under section 303B.6 that a  
5 governmental subdivision maintain any millage tax levy for library maintenance  
6 purposes that is in effect on July 1, 1973; ~~and that commencing~~ *Commencing* July  
7 1, 1977, a public library receiving services under said section shall be funded by