

FILED MAR 8 2005

SENATE FILE 311
BY JOHNSON

LOCAL GOVERNMENT

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to counties by authorizing the board of
2 supervisors to establish an alternative government charter
3 commission by resolution and by authorizing a county to impose
4 an impact fee for new construction.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SC 311 LOCAL GOVERNMENT

1 Section 1. Section 331.232, subsection 1, Code 2005, is
2 amended to read as follows:

3 1. A charter to change a form of county government may be
4 submitted to the electors of a county only by a commission
5 established by resolution of the board upon its own motion or
6 by resolution of the board upon petition of the number of
7 eligible electors of the county equal to at least twenty-five
8 percent of the votes cast in the county for the office of
9 president of the United States or governor at the preceding
10 general election or the signatures of at least ten thousand
11 eligible electors of the county, whichever number is fewer.
12 The board shall within ten days of the filing of a valid
13 petition adopt such a resolution.

14 Sec. 2. NEW SECTION. 331.309 IMPACT FEES FOR CERTAIN
15 TYPES OF DEVELOPMENT -- AUTHORIZATION -- ELECTION --
16 DISTRIBUTION OF FUNDS.

17 1. A county may impose impact fees for new construction
18 subject to the provisions of this section.

19 2. An impact fee may be imposed only by an ordinance.
20 When considering whether to adopt an ordinance imposing an
21 impact fee, the board of supervisors shall hold a public
22 hearing on the question. Notice of the time and place of the
23 hearing shall be published as provided in section 331.305.

24 The ordinance imposing an impact fee shall not become
25 effective unless approved at a special election called for
26 that purpose or at the general election. Notice of the
27 election shall be given by publication as prescribed in
28 section 49.53 in a newspaper of general circulation in the
29 county.

30 The proposition shall be stated on the ballot and the full
31 text of the ordinance posted for the voters pursuant to
32 section 52.25. All absentee voters shall receive the full
33 text of the ordinance.

34 If a majority of those voting on the proposition approves
35 the proposition, the ordinance becomes effective.

1 3. An impact fee shall be collected at the time a building
2 permit is issued by the city or county for new construction
3 and is payable by the person or entity applying for the
4 building permit. If the fee is collected by the city, the
5 city clerk shall, on or before the tenth day of each month,
6 send to the county treasurer the impact fees collected in the
7 previous month.

8 The ordinance imposing an impact fee shall state the amount
9 of the fee to be imposed for each permit for new construction
10 issued. An impact fee shall not exceed two thousand dollars
11 per building permit.

12 4. a. The county may use revenues from collection of
13 impact fees for purposes related to maintaining services and
14 facilities to accommodate the community expansion caused by
15 the development. Such purposes may include, but are not
16 limited to, the following:

17 (1) Parks, green spaces, recreational trails, and
18 recreational facilities.

19 (2) Public libraries and museums.

20 (3) Hospitals and emergency medical services.

21 (4) Fire protection and other emergency services.

22 (5) Law enforcement, including jails and detention
23 facilities.

24 (6) Water and sewer services.

25 (7) Schools and education.

26 b. The board of supervisors is authorized to transfer
27 revenues collected from imposition of impact fees to other
28 local governments to fund any of the purposes listed in
29 paragraph "a".

30 EXPLANATION

31 This bill allows a county board of supervisors to establish
32 a charter commission to study alternative forms of county
33 government by resolution of the board upon its own motion.
34 Currently, a charter commission may only be established by
35 petition of eligible electors.

1 The bill also allows a county to adopt an ordinance
2 imposing an impact fee on new construction. The bill provides
3 that the ordinance shall not take effect until approved at
4 election. The countywide impact fee shall be collected when a
5 building permit for new construction is issued. The bill
6 limits the amount of the impact fee to \$2,000 per building
7 permit issued for new construction.

8 The bill allows the county to use revenues from the impact
9 fees for purposes related to maintaining services and
10 facilities to accommodate the community expansion caused by
11 the development. The bill authorizes the county to transfer
12 impact fee revenues to other local governments to fund those
13 purposes.

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