

February 7, 1957.
County and Township Affairs.

House File 233

By NOVAK, MENSING, HENDRIX,
SANTEE, BALLHAGEN, COFF-
MAN, PIERCE, DARRINGTON,
NADEN, WEIK, HALL, OSSIAN,
SERSLAND, CHALUPA, BURRIS,
JOHNS, LOSS and COVERDALE.

Passed House, Date 3-1 Passed Senate, Date 4-19
Vote: Ayes 82 Nays 0 Vote: Ayes 43 Nays 0
Approved 4-26-57

A BILL FOR

An Act to provide for benefited fire districts, to require election thereon, and to provide for the financing thereof.

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

- 1 Section 1. The board of supervisors of any county shall,
- 2 on the petition of twenty-five percent of the resident property
- 3 owners in any proposed benefited fire district, grant a
- 4 hearing relative to the establishment of such proposed fire
- 5 district. Such petition shall set out the following and any
- 6 other pertinent facts:
 - 7 1. The need of co-operative fire protection.
 - 8 2. The approximate district to be served.
 - 9 3. The approximate number of families in the district.
- 10 The board of supervisors may, at its option, require a bond
- 11 of the petitioners as provided in section four hundred fifty-five
- 12 point ten (455.10) of the Code.
- 1 Sec. 2. The benefited fire district may include all of one
- 2 township and any adjoining township or portion thereof.
- 1 Sec. 3. When the board of supervisors receives a petition
- 2 for the establishment of a benefited fire district, a public
- 3 hearing shall be held within twenty (20) days of the
- 4 presentation of the petition. Notice of hearing shall be

5 given by posting bills in three (3) public places within the
6 district, or by publication in two successive issues of any
7 paper of general circulation within the district. The last
8 publication or posting shall be not less than one (1) week before
9 the proposed hearing.

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

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

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

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

1 Sec. 8. On receipt of the engineer's report, the board of
2 supervisors shall give notice in the same manner as before, of a
3 hearing on the engineer's tentative design and dummy plat. On the
4 day set, or within ten (10) days thereafter, the board of

5 supervisors shall approve or disapprove the engineer's plan. If
6 it shall appear advisable, the board of supervisors may make
7 changes in the boundaries as they appear on the engineer's report.

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

1 Sec. 10. At the election provided for in section nine (9),
2 the names of the trustees shall be written by the voter on blank
3 ballots without formal nomination and the board of supervisors
4 shall appoint three (3) from among the five (5) receiving the
5 highest number of votes as trustees for the district, one (1) to
6 serve for one (1) year, one (1) for two (2) years, and one (1) for
7 three (3) years, which trustees and their successors shall give
8 bond in the amount the board of supervisors may require, the

9 premium of which shall be paid by the district said trustees
10 represent. Vacancies may thereafter be filled by election, or by
11 appointment by the board of supervisors. The term of succeeding
12 trustees shall be for three (3) years.

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

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

1 Sec. 13. When the boundary lines of such benefited fire
2 district shall include an entire township, the township trustees
3 shall no longer levy the tax provided by section three hundred

4 fifty-nine point forty-three (359.43) of the code; and any
 5 indebtedness incurred for the purposes of sections three
 6 hundred fifty-nine point forty-two (359.42) to three hundred
 7 fifty-nine point forty-five (359.45), inclusive of the code, shall
 8 be assumed by the benefited fire district and all the assets of
 9 said township which relate to the fire-fighting operation shall be
 10 transferred to the benefited fire district. Any property in the
 11 township purchased for dual purposes shall be held jointly.

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

EXPLANATION OF HOUSE FILE 233

At the present time one township may provide fire protection for portions of adjoining townships, but are not allowed their property assessments for bonding purposes toward purchase of fire department equipment. This act provides for formation of a fire district and allows all served to participate in decisions and expenditures.

HOUSE FILE 233

- 1 Amend House File 233, section one (1) line one (1)
- 2 following the word "county" by adding the words "or
- 3 counties".
- 4 Amend section two (2) line one (1) by adding after
- 5 the word "all" the words "or portions".
- 6 Further amend section two (2) line two (2) by
- 7 striking the words "township or portion" and inserting
- 8 thereof the words "townships or portions." ✓

Filed and adopted
 March 1, 1957.

HENDRIX of Muscatine.

HOUSE FILE 233

- 1 Amend House File 233 by adding a new section as follows.
- 2 "Sec. 15. This Act being deemed of immediate importance
- 3 shall be in full force and effect upon its publication in the
- 4 Kanawha Reporter, a newspaper published at Kanawha, Iowa,
- 5 and in the Dallas County News, published at Adel, Iowa "

Offered and adopted
 March 1, 1957.

RIEHM of Hancock.

