

February 27, 1959.  
Passed on File.

House File 647  
By NIELSEN.

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

## A BILL FOR

An Act relating to the establishment of fire districts in townships and included or adjacent cities and towns, which fire districts shall have power to acquire, rent, maintain and operate fire fighting equipment, and to provide for the levy of taxes for such purposes.

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

- 1 Section 1. Sections three hundred fifty-seven A point one  
2 (357A.1), three hundred fifty-seven A point two (357A.2), three  
3 hundred fifty-seven A point three (357A.3), and three hundred  
4 fifty-seven A point four (357A.4), Code 1958, are hereby repealed  
5 and the following new sections enacted in lieu thereof:
- 6 1. A township fire district may be established, composed of  
7 one (1) township or two (2) or more adjacent townships, and may  
8 include or exclude the entirety of any city or town within or  
9 partly within one (1) or more of such townships and may include  
10 portions of one (1) or more counties.
- 11 2. The purpose of such fire district shall be to purchase,  
12 own, rent, maintain and house fire apparatus or equipment, and  
13 to furnish services in the extinguishing of fires in such district,  
14 and to employ and train the necessary personnel incident thereto,  
15 independently or jointly with any city or town adjacent to or  
16 enclosed within such district.
- 17 3. Electors residing within a proposed fire district in a  
18 number not less than five (5) percent of those voting for  
19 governor within said proposed district at the last general

20 election, may petition the board of supervisors of the county  
21 or counties within which the proposed fire district is located  
22 for an election upon the question of the establishment of such  
23 fire district. The petition shall clearly designate the area  
24 to be included in the district and the place or places where  
25 housing of equipment is proposed, and shall clearly state the  
26 proposal to levy a tax of not more than one and one-half ( $1\frac{1}{2}$ )  
27 mills on all the taxable property within the proposed fire  
28 district for the purposes set out in chapter three hundred  
29 fifty-seven A (357A) of the Code.

30 4. The board of supervisors of the county or counties with  
31 which such petition is filed shall submit the proposition to  
32 the electors of the township or townships and the included  
33 cities and towns, if any, at the next general or primary  
34 election.

35 5. The result of the vote within each city, town, or  
36 township shall be tabulated separately and the fire district  
37 shall include only each individual city, town, or township in  
38 which a majority of the voters voting on the proposition favor  
39 establishment of the fire district. The boundaries of a fire  
40 district may vary from those of the proposed fire district when  
41 the result of the vote, separately tabulated, determines that  
42 the electors of an individual city, town, or township included  
43 within the original petition failed to vote in favor of the  
44 fire district.

45 6. Should the boundaries of the fire district vary from those  
46 of the proposed district, any city, town or township included in  
47 the fire district by virtue of a majority of the electors voting  
48 in favor of the proposition may withdraw from such fire district

49 in the following manner. Upon petition of not less than five  
50 (5) percent of those voting for governor within such city, town  
51 or township at the last general election, to their respective  
52 governing body, such governing body shall call a special election  
53 within sixty (60) days to determine whether such political  
54 subdivision shall remain within the fire district as it varies  
55 from the proposed district.

56 7. After the establishment of a fire district, other areas  
57 may be included by mutual agreement of the board of directors  
58 of the fire district and the governing body of the area sought  
59 to be included.

1 Sec. 2. Sections three hundred fifty-seven A point nine  
2 (357A.9), three hundred fifty-seven A point ten (357A.10), and  
3 three hundred fifty-seven A point eleven (357A.11), Code 1958,  
4 are hereby repealed and the following new sections enacted in  
5 lieu thereof:

6 1. When a fire district has been established by election  
7 as provided herein, the board or boards of supervisors shall  
8 call upon ten (10) days notice and within thirty (30) days  
9 after such election a meeting of all of the members of all of  
10 the governing bodies of all of the townships, cities, or towns  
11 included in the district. At such meeting there shall be  
12 elected from the members of the governing bodies a board of  
13 directors of the fire district. Such board of directors shall  
14 consist of an odd number of three (3) or more of the members  
15 of such governing bodies as shall be set in such meeting.  
16 Membership on the board of directors shall be apportioned to the  
17 political subdivisions of the fire district in proportion to the  
18 population of such subdivision in so far as shall be practicable,

19 but each political subdivision shall have at least one (1)  
20 member of the board chosen from the members of the governing  
21 board of such subdivision. In such meeting, each member of the  
22 meeting shall have one (1) vote on all questions. The presiding  
23 officer of the political subdivision within such fire district  
24 having the greatest population shall be the chairman of such  
25 meeting and shall appoint a secretary. The proceedings of such  
26 meetings shall be made a permanent record of the fire district.

27 2. The terms of the members of the original board of  
28 directors of the fire district shall be staggered so that, in  
29 so far as possible, one-third ( $\frac{1}{3}$ ) of the members shall have  
30 two (2) year terms, one-third ( $\frac{1}{3}$ ) shall have four (4) year  
31 terms, and one-third ( $\frac{1}{3}$ ) shall have six (6) year terms. Such  
32 terms shall be allocated by lot following the election of the  
33 directors. All original and subsequent terms shall commence on  
34 the day of election and shall end at the expiration of the term  
35 or upon qualifying of a successor. Each two (2) years, at the  
36 call of the board of directors of the fire district, a similar  
37 meeting of all members of the governing bodies of all political  
38 subdivisions within the fire district shall be held for the  
39 election of members of the board of directors of the fire  
40 district for six (6) year terms to succeed those members whose  
41 terms shall expire at such meeting. Vacancies in unexpired  
42 terms shall be filled for the remainder of the term by the  
43 governing body of the political subdivision represented by the  
44 positions.

45 3. The board of directors shall have and exercise the  
46 following powers:

47 a. To organize by election of one (1) of their members as

48 chairman, and by the election of a secretary and such other  
49 officers as the board may deem necessary.

50 b. To purchase, own, rent, maintain, renew and house fire-  
51 fighting apparatus or equipment for use in fighting and  
52 extinguishing fires within the fire district.

53 c. To employ and train the necessary personnel incident  
54 thereto, independently or jointly with any city or town enclosed  
55 within or adjacent to such district.

56 d. To organize a district fire department comprising the  
57 personnel necessary to use the fire fighting equipment provided  
58 for herein, and to fight and extinguish fires within the  
59 district; to prescribe the qualifications of membership therein,  
60 the maximum number of members and to fix the compensation  
61 thereof, either on a continuing monthly basis or compensation  
62 based on each fire alarm answered or both.

63 e. To remove or replace members of such fire department.

64 f. To accept gifts of personal or real property in the  
65 name of such districts for use in promoting and maintaining  
66 the purposes of the district.

67 4. The board of directors shall on or before August 15 of  
68 each year make an itemized estimate of the total amount it deems  
69 necessary for the maintenance and operation of the fire district  
70 for the calendar year commencing on January 1 following. This  
71 total amount in dollars shall be certified to the county auditor  
72 or auditors of each county in which a portion of the benefited  
73 fire district is located. Each county auditor shall place their  
74 proportionate share upon the tax list for the current year and  
75 each county treasurer shall collect such assessments and taxes  
76 in the same manner as other taxes, and when delinquent they

77 shall draw the same interest and penalties.

78 5. The board of supervisors shall at the time of levying  
79 taxes for county purposes levy the taxes necessary to raise the  
80 funds authorized by chapter three hundred fifty-seven A (357A)  
81 of the Code, and certified to it by law, but if the amount so  
82 certified is in excess of the amount authorized by law, it shall  
83 levy only so much thereof as is authorized by law.

84 6. The board of directors shall use the following form when  
85 certifying the total amount in dollars to the respective county  
86 auditors:

87 CERTIFICATE OF BENEFITED FIRE DISTRICT TAXES

88 State of Iowa  
89 }  
90 County of \_\_\_\_\_ } ss

91 To the county auditor and board of supervisors of \_\_\_\_\_ County,  
92 Iowa. We, \_\_\_\_\_ and \_\_\_\_\_, Chairman and Secretary  
93 of \_\_\_\_\_ Benefited Fire District, \_\_\_\_\_ County,  
94 Iowa do hereby certify, that taxes for the year 19\_\_\_\_ on all  
95 taxable property in said fire district have been regularly voted  
96 for the following named purpose as provided for by law:

97 \_\_\_\_\_

98 Fund	By Whom Voted	Date Voted	Amount Voted
100 Benefited Fire			
101 District			
102			
103			
104			
105			

106 Total Voted \_\_\_\_\_

107 Signed.....

108 (Chairman)

109 Signed.....

110 (Secretary)

111 7. The county treasurer shall on the last day of each month  
112 of the calendar year pay over to the board of directors of the  
113 benefited fire district all taxes collected for such district.

114 8. All moneys received for the maintenance and operation of  
115 the fire district shall be paid out only upon the orders of the  
116 board of directors, signed by its chairman and secretary.

117 9. The board of directors shall, immediately after the close  
118 of each fiscal year, make to the respective governing bodies a  
119 report containing a statement of the condition of the district,  
120 the amount of equipment added or replaced, the number of fire  
121 alarms answered, a complete statement of receipts and  
122 expenditures, including compensation paid to members of the fire  
123 department and such further information as it may deem important.

1 Sec. 3. Section three hundred thirty-four point eight (384.8),  
2 Code 1958, is hereby amended by inserting in line four (4) after  
3 the word, "highway," the words, "benefited fire district,".

1 Sec. 4. Section four hundred forty-four point one (444.1),  
2 Code 1958, is hereby amended by inserting in line three (3) of  
3 such section after the word, "districts," the words, "fire  
4 districts,".

1 Sec. 5. Section four hundred forty-four point two (444.2),  
2 Code 1958, is hereby amended by inserting in line three (3)  
3 after the word, "townships," the words, "fire districts,".

## EXPLANATION OF HOUSE FILE 647

This act will provide that benefited fire districts may include or exclude cities and towns within the proposed fire district and also provides that such a proposed fire district may include portions of one or more counties. It further provides that a benefited district shall be established in the following manner: upon petition of five percent of those voting for governor in the last general election, the board or boards of supervisors shall submit the proposal to form the benefited fire district at the next special or general election. The vote of each city and town will be tabulated separately and only those areas having a majority vote for the proposal will be included. Subsequent areas may be included by mutual agreement. Should the fire district as formed vary from the proposed fire district, any city, town, or township included may withdraw by a petition to their governing body for a special election to submit such proposal to withdraw. When the proposed fire district has been established, the governing bodies of all of the included political subdivisions shall meet for the purpose of electing a board of directors for this fire district. This board of directors will have the power to purchase, own, rent, maintain, and house fire apparatus or equipment, and other powers incidental to the operation of the fire district. Each year the board of directors shall compile a budget for the forthcoming calendar year and shall certify to the county auditor or auditors the total amount in dollars to be raised by taxes. Each county auditor shall place their proportionate share upon the tax list and each county treasurer shall collect such assessments and taxes in the same manner as other taxes and shall on the last day of each month pay to the board of directors all taxes collected for the district.