

SENATE FILE 1101

FILED FEB 9 1974

By COMMITTEE ON CITIES AND TOWNS
(Committee on Cities and Towns)

Substituted for H. R. 1130 2-14 (410)

Passed Senate, Date 2-11-74 (348)

Passed House, Date 4-17-74 (1828)

Vote: Ayes 46 Nays 0

Vote: Ayes 93 Nays 0

Approved May 2, 1974

Motion to reconsider filed 4-17 (1852) w. d. 4-23

A BILL FOR

1 An Act relating to the effective dates of the provisions of
2 chapter one thousand eighty-eight (1088) of the Acts of the
3 Sixty-fourth General Assembly, 1972 Session.

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

5 Section 1. Acts of the Sixty-fourth General Assembly,
6 1972 Session, chapter one thousand eighty-eight (1088), section
7 nine (9), is amended to read as follows:

8 Sec. 9.

9 1. The provisions of this Act take effect on July 1, 1972,
10 except that sections one hundred ninety-nine (199) through
11 three hundred fifty-two (352), inclusive, of this Act take
12 effect on July 1, ~~1974~~ 1975.

13 2. Between July 1, 1972, and July 1, ~~1974~~ 1975, a city
14 is not subject to the provisions of sections one (1) through
15 one hundred ninety-eight (198), inclusive, of this Act,
16 divisions one (I) through nine (IX) of the City Code of Iowa,
17 unless the council, by resolution, elects to act under and
18 be subject to one or more of the divisions or parts of a
19 division of the City Code of Iowa, in which case conflicting
20 provisions of law are not applicable to that city. Such an
21 election is conclusive until rescinded by the council.

22 3. On and after July 1, ~~1974~~ 1975, the provisions of
23 sections one (1) through one hundred ninety-eight (198),
24 inclusive, of this Act, divisions one (I) through nine (IX)
25 of the City Code of Iowa, are applicable to all cities.

EXPLANATION

1
2 Because of the need for a supreme court test of the provi-
3 sions of the City Code of Iowa, this bill postpones for one
4 year the dates when the City Code becomes mandatory for all
5 cities, and the effective dates of the coordinating amendments
6 and repeals in chapter 1088, Acts of the 64th General Assembly,
7 often called the "Home Rule Act".

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H-2159

1 Amend Senate File 1101 as passed by the Senate
2 as follows:
3 1. Page 1, by inserting after line 25 the follow-
4 ing:
5 Sec. 2. Acts of the Sixty-fourth General Assembly,
6 1972 Session, chapter one thousand eighty-eight (1088),
7 section two hundred thirty-six (236), is repealed.
8 2. Amend the title, page 1, line 1, by inserting
9 after the word "to" the words " the repeal of a pro-
10 vision and ".

H-2159 Filed and ruled not germane February 12, 1974 *motion to reconsider 2/12 w.r. 2/15* By SCHROEDER of Pottawattamie HOLDEN of Scott CLARK of Lee

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1 Amend the Schroeder amendment, H-2171, to page 1 of
2 Senate File 1101 as passed by the Senate, as follows:

3 1. Line 6, strike the words and figure "graph
4 one (1)" and inserting in lieu thereof the words and
5 figures "graphs one (1) and two (2)".

6 2. Line 9, strike the word "is" and insert in lieu
7 thereof the word "are".

8 3. Insert after line 36 the following:

9 ~~For purposes of the state housing code, the word~~
10 ~~"nuisance" includes nuisance as known at common law or~~
11 ~~in equity jurisprudence, and whatever is dangerous to~~
12 ~~human life or detrimental to health, whatever dwelling~~
13 ~~is overcrowded with occupants or is not provided with~~
14 ~~adequate ingress or egress, or is not sufficiently~~
15 ~~supported, ventilated, sewered, drained, cleaned, or~~
16 ~~lighted, in reference to its intended or actual use,~~
17 ~~and whatever renders the air or human food or drink~~
18 ~~unwholesome, is also a nuisance, and all nuisances are~~
19 ~~illegal. Whenever any dwelling or any building, struc-~~
20 ~~ture, excavation, business pursuit, matter, or thing,~~
21 ~~in or about a dwelling, or the lot on which it is situ-~~
22 ~~ated, or the plumbing, sewerage, drainage, light, or~~
23 ~~ventilation thereof, is in the opinion of the health~~
24 ~~officer in a condition or in effect dangerous or~~
25 ~~detrimental to life or health, the state or local~~
26 ~~health officer may after notice and failure to correct,~~
27 ~~declare that the same to the extent he may specify is~~
28 ~~a public nuisance, and may order the same to be removed,~~
29 ~~abated, suspended, altered, or otherwise improved or~~
30 ~~purified as the order shall specify.~~

31 If the owner or occupant of any property refuses
32 admittance thereto, or if prior to such refusal an
33 appropriate state or local health officer demonstrates
34 the necessity for a warrant, the officer may make
35 application under oath or affirmation, before a magis-
36 trate for the issuance of a search warrant. Upon
37 proper application, the magistrate may issue such a
38 warrant. In the application the officer shall state
39 that by a search of certain premises, areas, or things
40 designated in the application he may obtain evidence
41 tending to reveal the existence of violations of public
42 health, safety, or welfare requirements imposed by the
43 state housing code or local housing ordinances. The
44 application shall describe the area, premises, or thing
45 to be searched, give the date of the last inspection
46 if known, give the date and time of the proposed inspec-
47 tion, declare the need for such inspection, recite that
48 notice of desire to make an inspection has been given
49 to affected persons and that admission was refused if
50 that be the fact, and state that the inspection has
51 no purpose other than to carry out the purpose of the
52 statute, ordinance, or regulation pursuant to which
53 inspection is made. In making inspections and searches
54 pursuant to this authority, state or local officials
55 must execute the warrant within ten days after its
56 date, in a reasonable manner, and subject to any
57 restrictions imposed by the statute, ordinance or
58 regulation pursuant to which inspection is made.

59 4. Line 39, insert after the word "chapter" the
60 words "relating to the state housing code, with clari-
61 fication of the definition of nuisance and right to
62 inspection of premises".

H-2171

1 Amend Senate File 1101 as follows:

2 1. Page 1, by inserting after line 25 the follow-
3 ing:

4 Sec. 2. Section one hundred thirty-five point
5 eleven (135.11), subsection nine (9), unnumbered para-
6 graph one (1), Code 1973, as amended by Acts of the
7 Sixty-fourth General Assembly, 1972 Session, chapter
8 one thousand eighty-eight (1088), section two hundred
9 thirty-six (236), is further amended to read as follows:
10 9. Establish, publish, and enforce a state housing
11 code containing which shall apply to every city which,
12 by the last federal census, had a population of fif-
13 teen thousand or more, and in all other cities having
14 a population of less than fifteen thousand, the coun-
15 cil may adopt ordinances for the regulation and con-
16 trol of any or all matters covered by the provisions
17 of this chapter containing minimum requirements for
18 the protection of the public health, safety, and wel-
19 fare. The state housing code is subject to the pro-
20 visions of chapter seventeen A (17A) of the Code. The
21 state housing code must contain minimum standards
22 for existing dwellings, and may control the construct-
23 ion or alteration of any dwelling, building to be used
24 as a dwelling, or building or structure on the same
25 lot with a dwelling. The code may divide dwellings
26 into reasonable classifications based upon location
27 or occupancy or both, and establish standards for each
28 classification relative to light, ventilation, sanitat-
29 ion, fire prevention, egress, repair and maintenance,
30 alteration and improvement, and use. In establishing
31 the state housing code, the department may consider
32 any national standard codes relating to building con-
33 struction and housing, and shall, so far as practicable,
34 make the housing code consistent with rules of the
35 state fire marshall relating to fire safety in
36 housing.

37 2. Amend the title, page 1, line 3, by inserting
38 before the period the words ", and to the applicability
39 of a provision of that chapter".

H-2171 Filed - *Withdrawn 4/17*
February 12, 1974

By SCHROEDER of Pottawattamie

H-2170

1 Amend Senate File 1101 as passed by the Senate
2 as follows:

3 1. Page 1, by striking lines 11 and 12 and insert-
4 ing in lieu thereof the following:

5 two hundred thirty-five (235) and two hundred
6 thirty-seven (237) through three hundred fifty-two
7 (352), inclusive, of this Act take effect on July 1,
8 1974 1975, and section two hundred thirty-six (236)
9 takes effect on July 1, 2075.

H-2170 Filed - *Withdrawn 4/17*
February 12, 1974

By SCHROEDER of Pottawattamie