

*Do pass per 3119 2/22 (p. 515)*

Local Government  
Brown, Chair  
Wells  
Goodwin

SENATE FILE 85

*May* SENATE FILE 85

BY BROWN

Ways & Means  
Van Gilst, Chair  
Brown  
Gratias

~~XXXX~~ JAN 17, 1983

Passed Senate, Date 2-14-83 (p. 729) Passed House, Date 4-18-83 (p. 1356)

Vote: Ayes 42 Nays 0 Vote: Ayes 93 Nays 2

Approved May 9, 1983

*Written to Resolutions presented (p. 734)*

*Prepared Senate 3-14-83 (p. 736)*

43.0

# A BILL FOR

1 An Act to authorize the creation of land use districts  
2 having the power to adopt and enforce zoning ordinances  
3 and levy a tax.

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

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1 Section 1. NEW SECTION. ELIGIBILITY AND PURPOSE. A land  
2 use district shall not be created under this chapter unless  
3 it is an area of contiguous territory encompassing twenty  
4 thousand acres or more of predominately rural and agricultural  
5 land owned by a single entity which has within its general  
6 boundaries at least seven platted villages which are not  
7 incorporated as municipalities. The eligible electors may  
8 create a land use district to conserve the distinctive and  
9 historical character and peculiar suitability of the area  
10 for particular uses with a view to conserving the value of  
11 all existing and proposed structures and land and to preserve  
12 the quality of life of those citizens residing within the  
13 boundaries of the contiguous area.

14 Sec. 2. NEW SECTION. PETITION. Ten percent or more of  
15 the qualified voters residing within the limits of a proposed  
16 land use district may file a petition in the office of the  
17 county auditor of the county in which the proposed land use  
18 district, or its major portion, is located, requesting that  
19 there be submitted to the qualified voters of the proposed  
20 district the question of whether the territory within the  
21 boundaries of the proposed district shall be organized as  
22 a land use district under this chapter. The petition shall  
23 be addressed to the board of supervisors of the county where  
24 it is filed and shall set forth the following:

- 25 1. An intelligible description of the boundaries of the  
26 territory to be embraced in the district.
- 27 2. The name of the proposed district.
- 28 3. That the public welfare will be promoted by the  
29 establishment of the district.
- 30 4. The signatures of the petitioners.

31 Sec. 3. NEW SECTION. JURISDICTION---DECISIONS--RECORDS.  
32 The board of supervisors of the county in which the proposed  
33 land use district, or its major portion, is located has  
34 jurisdiction of the proceedings on the petition as provided  
35 in this chapter and the decision of a majority of the members

1 of that board is necessary for adoption. All orders of the  
2 board made under this chapter shall be spread at length upon  
3 the records of the proceedings of the board of supervisors,  
4 but need not be published.

5 Sec. 4. NEW SECTION. DATE AND NOTICE OF HEARING. The  
6 board of supervisors to whom the petition is addressed, at  
7 its next regular, special, or adjourned meeting, shall set  
8 the time and place when it will meet for a hearing upon the  
9 petition, and direct the county auditor in whose office the  
10 petition is filed to cause notice to be given to all persons  
11 whom it may concern, without naming them, of the pendency  
12 and prayer of the petition, by publication of a notice once  
13 each week for two consecutive weeks in some newspaper of  
14 general circulation published in the proposed district. The  
15 last publication shall not be less than twenty days prior  
16 to the date set for the hearing of the petition. If no such  
17 newspaper is published in the proposed district, then notice  
18 shall be by posting at least five copies of the notice in  
19 the proposed district at least twenty days before the hearing.  
20 Proof of giving notice shall be made by affidavit of the  
21 publisher or affidavit of the person who posted the notices,  
22 and the proof shall be on file with the county auditor at  
23 the time the hearing begins. The notice of hearing shall  
24 be directed to all persons it may concern, and shall state  
25 the following:

26 1. That a petition has been filed with the county auditor  
27 of that county for establishment of a proposed land use  
28 district and the name of the proposed district.

29 2. An intelligible description of the boundaries of the  
30 territory to be embraced in the district.

31 3. The date, hour, and place where the petition will come  
32 on for hearing before the board of supervisors of the named  
33 county.

34 4. That the board of supervisors will fix and determine  
35 the boundaries of the proposed district as described in the

1 petition, and at the hearing all interested persons shall  
2 have an opportunity to be heard regarding the location and  
3 boundaries of the proposed district and to make suggestions  
4 regarding it.

5 Sec. 5. NEW SECTION. HEARING OF PETITION AND ORDER.

6 The board of supervisors to whom the petition is addressed  
7 shall preside at the hearing provided for in section 4 of  
8 this Act and shall continue the hearing in session, with  
9 adjournments from day to day, if necessary, until completed,  
10 without being required to give any further notice of it.  
11 Proof of the residence and qualification of the petitioners  
12 as qualified voters shall be made by affidavit or otherwise  
13 as the board may direct. The board shall consider the  
14 boundaries of the proposed land use district, whether they  
15 shall be as described in the petition or otherwise, and for  
16 that purpose may alter and amend the petition and limit or  
17 change the boundaries of the proposed district as stated in  
18 the petition. The boundaries of a proposed district shall  
19 not be changed to include property not included in the original  
20 petition and published notice until the owner of that property  
21 is given notice as on the original hearing. All persons  
22 in the proposed district shall have an opportunity to be heard  
23 regarding the location and boundaries of the proposed district  
24 and to make suggestions regarding them. The board of  
25 supervisors, after hearing the statements, evidence, and  
26 suggestions made and offered at the hearing, shall enter an  
27 order fixing the boundaries of the proposed district and  
28 directing that an election be held for the purpose of  
29 submitting to the qualified voters residing within the  
30 boundaries of the proposed district the question of  
31 organization and establishment of the proposed land use  
32 district as determined by the board of supervisors. The order  
33 shall fix a date for the election not more than sixty days  
34 after the date of the order, establish voting precincts within  
35 the proposed district and define their boundaries, and specify

1 the polling places which in the board's judgment will best  
2 serve the convenience of the voters, and shall appoint from  
3 residents of the proposed district three judges and two clerks  
4 of election for each voting precinct established.

5 Sec. 6. NEW SECTION. NOTICE OF ELECTION. In its order  
6 for the election the board of supervisors shall direct the  
7 county auditor to cause notice of the election to be given  
8 by posting at least five copies of the notice in public places  
9 in the proposed district at least twenty days before the date  
10 of election and by publication of the notice once each week  
11 for three consecutive weeks in some newspaper of general  
12 circulation published in the proposed district, or, if no  
13 such newspaper is published within the proposed district,  
14 then in such a newspaper published in the county in which  
15 the major part of the proposed district is located. The last  
16 publication is to be at least twenty days prior to the date  
17 of election. The notice shall state the time and place of  
18 holding the election and the hours when the polls will be  
19 open and closed, the purpose of the election, with the name  
20 of the proposed district and a description of its boundaries,  
21 and shall set forth briefly the limits of each voting precinct  
22 and the location of the polling places. Proof of posting  
23 and publication shall be made in the manner provided in section  
24 4 of this Act and filed with the county auditor.

25 Sec. 7. NEW SECTION. ELECTION. Each qualified voter  
26 residing within the proposed district may cast a ballot at  
27 the election and a person shall not vote in any precinct but  
28 that of the person's residence. Ballots at the election shall  
29 be in substantially the following form:

30 For Land Use District \_\_\_\_\_  
31 Against Land Use District \_\_\_\_\_

32 The election shall be conducted in the manner provided by  
33 law for general elections and the ballots so cast shall be  
34 issued, received, returned, and canvassed in the same manner  
35 and by the same officers, in the county whose board of

1 supervisors is vested with jurisdiction of the proceedings,  
2 as provided by law in the case of ballots cast for county  
3 officers, except as modified by this chapter. The board of  
4 supervisors shall cause a statement of the result of the  
5 election to be spread upon the records of the county auditor.  
6 If a majority of the votes cast upon the question of  
7 incorporation of the proposed district is in favor of the  
8 proposed district, the proposed district becomes an organized  
9 district under this chapter.

10 Sec. 8. NEW SECTION. EXPENSES AND COSTS OF ELECTION.

11 All expenses incurred in carrying out sections 1 through 7  
12 of this Act, including the costs of the election, as determined  
13 by the board of supervisors, shall be paid by the county whose  
14 board is vested with jurisdiction of the proceedings.

15 Sec. 9. NEW SECTION. ELECTION OF TRUSTEES--TERM OF OFFICE.

16 1. If the proposition to establish a land use district  
17 carries, a special election shall be called by the board of  
18 supervisors of the county which conducted the election to  
19 form the district. This special election shall be held within  
20 the newly created district at a single polling place designated  
21 by the county auditor not more than ninety days after the  
22 organization of the land use district. The election shall  
23 be held for the purpose of electing the initial seven members  
24 of the board of trustees of the land use district. The county  
25 auditor shall cause notice of the election to be posted and  
26 published, and shall perform all other acts with reference  
27 to the election, and conduct it in like manner, as nearly  
28 as may be, as provided in this chapter for the election on  
29 the question of establishing the district. Each trustee must  
30 be a United States citizen not less than eighteen years of  
31 age and a resident of the district. Each qualified elector  
32 at the election may write in upon the ballot the names of  
33 not more than seven persons whom the elector desires for  
34 trustees and may cast not more than one vote for each of the  
35 seven persons. The seven persons receiving the highest number

1 of votes cast shall constitute the first board of trustees  
2 of the district.

3 2. Following the initial special election, an annual elec-  
4 tion shall be held on the second Tuesday of each September  
5 at a single polling place within the district designated by  
6 the county auditor for the purpose of electing a trustee to  
7 replace a trustee whose term will expire. Notice of the  
8 election shall be posted by the county auditor at seven or  
9 more public places within the district at least two weeks  
10 prior to the date of the election. The county auditor shall  
11 perform all other acts with reference to the election and  
12 conduct it in like manner, as nearly as may be, as provided  
13 in this chapter for the election on the question of  
14 establishing the district. Each qualified elector at the  
15 election may write upon the ballot the name of one person  
16 whom the elector desires as a trustee for each expiring term.  
17 The term of office for each trustee elected shall be five  
18 years.

19 3. Vacancies in the office of trustee of a land use  
20 district shall be filled by the remaining members of the board  
21 of trustees for the period extending to the second Tuesday  
22 in September at which time the qualified electors of the  
23 district shall elect a new trustee to fill the vacancy for  
24 the unexpired term. Expenses incurred in carrying out the  
25 annual elections of trustees shall be paid for by the land  
26 use district.

27 Sec. 10. NEW SECTION. TRUSTEE'S BOND. Each trustee  
28 shall, before entering upon the duties of office, execute  
29 a bond payable to the district, with security to be approved  
30 by the board of supervisors which had jurisdiction of the  
31 petition for establishment of the district, in a form and  
32 amount as that board of supervisors may determine, and file  
33 the bond with the county auditor of that county.

34 Sec. 11. NEW SECTION. LAND USE DISTRICT TO BE A BODY  
35 CORPORATE. A land use district organized under this chap-

1 ter is a body corporate and politic, with the name and style  
2 under which it was organized, and by that name and style may  
3 sue and be sued, contract and be contracted with, acquire  
4 and hold real and personal property necessary for corporate  
5 purposes, adopt a corporate seal and alter it, and exercise  
6 all the powers conferred in this chapter.

7 The courts of this state shall take judicial notice of  
8 the existence of a land use district organized under this  
9 chapter.

10 Sec. 12. NEW SECTION. BOARD OF TRUSTEES--POWERS.

11 1. The trustees elected under this chapter constitute  
12 the board of trustees for the district, which is the corporate  
13 authority of the district, and shall exercise all the powers  
14 and manage and control all the affairs of the district. A  
15 majority of the board of trustees is a quorum, but a smaller  
16 number may adjourn from day to day. The board of trustees  
17 may elect a president, clerk, and a treasurer from their own  
18 number and, from without their own number, employees of the  
19 district. The compensation of members of the board of trustees  
20 is fixed not to exceed ten dollars per day, or any part of  
21 a day, for each day the board is actually in session and ten  
22 dollars per day when not in session but employed on board  
23 service, and twenty cents for every mile traveled in going  
24 to and from sessions of the board and in going to and from  
25 the place of performing board service. Members of the board  
26 shall not receive compensation for more than sixty days of  
27 session and board service each year.

28 2. The board of trustees shall formulate and administer  
29 a land use plan which includes all ordinances, resolutions,  
30 rules, and regulations necessary for the proper administration  
31 of the land use district. The land use plan shall be created  
32 for the primary purpose of regulating and restricting, where  
33 deemed necessary, the erection, construction, reconstruction,  
34 alteration, repair, or use of buildings, structures, or land  
35 in a manner which would maintain or enhance the character

1 of the district and with a view to conserving the value of  
2 all property and encouraging the most appropriate use of land  
3 and buildings within the district. The ordinances,  
4 resolutions, rules, and regulations shall apply only to the  
5 platted villages and nonagricultural property within one-half  
6 mile of a platted village.

7 3. The board of trustees shall provide for the manner  
8 in which the land use plan shall be established and enforced  
9 and amended, supplemented, or changed. However, a plan shall  
10 not become effective until after a public hearing on it, at  
11 which parties in interest and citizens of the district shall  
12 have an opportunity to be heard. At least fifteen days notice  
13 of the time and place of the hearing shall be published in  
14 a newspaper of general circulation within the district giving  
15 the time, date, and location of the public hearing.

16 Sec. 13. NEW SECTION. CHANGES AND AMENDMENTS. The land  
17 use plan, once established, may be amended, supplemented,  
18 changed, modified, or repealed. In case, however, of a protest  
19 against a change signed by the owners of twenty percent or  
20 more either of the area included in the proposed change, or  
21 of the immediately adjacent area and within five hundred feet  
22 of the boundaries, the amendment shall not become effective  
23 except by the favorable vote of at least eighty percent of  
24 all of the members of the board of trustees.

25 Sec. 14. NEW SECTION. BOARD OF ADJUSTMENT. The board  
26 of trustees of the district shall provide for the appointment  
27 of a board of adjustment, shall provide that the board of  
28 adjustment may, in appropriate cases, and subject to appro-  
29 priate conditions and safeguards, make special exceptions  
30 to the terms of the land use plan which are in harmony with  
31 its general purpose and intent and in accordance with the  
32 general or specific rules of the plan, and provide that a  
33 property owner aggrieved by the action of the board of trustees  
34 in the adoption of the land use plan may petition the board  
35 of adjustment directly to modify regulations and restrictions

1 as applied to those property owners.

2 Sec. 15. NEW SECTION. MEMBERSHIP OF BOARD. The board  
3 of adjustment shall consist of five members, all of whom shall  
4 reside within the district, each to be appointed for a term  
5 of five years. For the initial board one member shall be  
6 appointed for a term of five years, one for a term of four  
7 years, one for a term of three years, one for a term of two  
8 years, and one for a term of one year. Members shall be  
9 removable for cause by the appointing authority upon written  
10 charges and after public hearing. Vacancies shall be filled  
11 for the unexpired term of a member whose term becomes vacant.

12 Sec. 16. NEW SECTION. RULES. The board of adjustment  
13 shall adopt rules in accordance with any regulation or  
14 ordinance adopted by the board of trustees pursuant to this  
15 chapter. Meetings of the board of adjustment shall be held  
16 at the call of the chairperson and at other times as the board  
17 determines. The chairperson, or the acting chairperson, may  
18 administer oaths and compel the attendance of witnesses.  
19 All meetings of the board shall be open to the public. The  
20 board shall keep minutes of its proceedings, showing the vote  
21 of each member upon each question, or if absent or failing  
22 to vote, indicating that fact, and shall keep records of its  
23 examinations and other official actions, all of which shall  
24 be immediately filed in the office of the board and shall  
25 be a public record.

26 Sec. 17. NEW SECTION. APPEALS TO BOARD. Appeals to the  
27 board of adjustment may be taken by any person aggrieved or  
28 affected by the land use plan. The appeal shall be taken  
29 within a reasonable time, as provided by the rules of the  
30 board of adjustment, by filing with the board of adjustment  
31 a notice of appeal specifying the grounds of the appeal.

32 Sec. 18. NEW SECTION. POWERS OF BOARD. The board of  
33 adjustment may:

34 1. Hear and decide appeals where it is alleged there is  
35 error in an order, requirement, decision, or determination

1 made by an administrative official in the enforcement of this  
2 chapter or of any ordinance adopted pursuant to it.

3 2. Hear and decide special exceptions to the terms of  
4 the ordinance upon which the board is required to pass under  
5 the ordinance.

6 3. Authorize upon appeal, in specific cases, a variance  
7 from the terms of the land use plan which are not contrary  
8 to the public interest, where owing to special conditions  
9 a literal enforcement of the plan would result in unnecessary  
10 hardship, and so that the spirit of the plan shall be observed  
11 and substantial justice done.

12 Sec. 19. NEW SECTION. DECISION. In exercising its powers  
13 the board may, in conformity with this chapter, reverse or  
14 affirm, wholly or partly, or may modify the order, requirement,  
15 decision, or determination appealed from and may make such  
16 order, requirement, decision, or determination as ought to  
17 be made, and to that end shall have all the powers of the  
18 board of trustees from whom the appeal is taken.

19 Sec. 20. NEW SECTION. VOTE REQUIRED. The concurring  
20 vote of three members of the board is necessary to reverse  
21 an order, requirement, decision, or determination, or to  
22 decide in favor of the applicant on a matter upon which it  
23 is required to pass under an ordinance or to effect a variation  
24 in the land use plan.

25 Sec. 21. NEW SECTION. PETITION TO COURT. Any persons,  
26 jointly or severally, aggrieved by a decision of the board  
27 of adjustment under this chapter, or any taxpayer, may present  
28 to a court of record a petition, duly verified, setting forth  
29 that the decision is illegal, in whole or in part, specifying  
30 the grounds of the illegality. The petition shall be presented  
31 to the court within thirty days after the filing of the  
32 decision in the office of the board.

33 Sec. 22. NEW SECTION. REVIEW BY COURT. Upon the pre-  
34 sentation of a petition, the court may allow a writ of  
35 certiorari directed to the board of adjustment to review the

1 decision of the board of adjustment prescribing the time  
2 within which a return must be made and served upon the  
3 relator's attorney, which shall not be less than ten days  
4 and may be extended by the court. The allowance of the writ  
5 does not stay proceedings upon the decision appealed from,  
6 but the court may, on application, on notice to the board  
7 and on due cause shown, grant a restraining order.

8     Sec. 23. NEW SECTION. TRIAL TO COURT. If upon the  
9 hearing, which shall be tried de novo, it appears to the court  
10 that testimony is necessary for the proper disposition of  
11 the matter, it may take evidence or appoint a referee to take  
12 evidence as it directs and report the evidence to the court  
13 with findings of fact and conclusions of law, which shall  
14 constitute a part of the proceedings upon which the  
15 determination of the court shall be made. The court may  
16 reverse or affirm, wholly or partly, or may modify the decision  
17 brought up for review.

18     Costs shall not be allowed against the board unless it  
19 appears to the court that it acted with gross negligence or  
20 in bad faith or with malice in making the decision appealed  
21 from.

22     Sec. 24. NEW SECTION. PRECEDENCE. All issues in any  
23 proceedings under sections 1 through 23 of this Act have  
24 preference over all other civil actions and proceedings.

25     Sec. 25. NEW SECTION. RESTRAINING ORDER. If a building  
26 or structure is erected, constructed, reconstructed, altered,  
27 repaired, converted, or maintained, or a building, structure,  
28 or land is used in violation of this chapter or of an ordinance  
29 or other regulation made under this chapter, the board of  
30 trustees, in addition to other remedies, may institute any  
31 appropriate action or proceedings to prevent the unlawful  
32 erection, construction, reconstruction, alteration, repair,  
33 conversion, maintenance, or use, to restrain, correct, or  
34 abate the violation, to prevent the occupancy of the building,  
35 structure, or land, or to prevent any illegal act, conduct,

1 business, or use in, or about the premises.

2 Sec. 26. NEW SECTION. TAXES--POWER TO LEVY--TAX SALES.

3 The board of trustees of a land use district organized under  
4 this chapter may by ordinance levy annually for the purpose  
5 of paying the administrative costs of the district, a tax  
6 upon real property within the territorial limits of the land  
7 use district not exceeding twenty-seven cents per thousand  
8 dollars of the adjusted taxable valuation of the property  
9 for the preceding calendar year. The tax shall be levied  
10 only upon the property within the platted villages and  
11 nonagricultural property within one-half mile of a platted  
12 village.

13 Taxes levied by the board shall be certified on or before  
14 the first day of September to the county auditor of each  
15 county where any of the property included within the  
16 territorial limits of the land use district is located, and  
17 shall be placed upon the tax list for the current year, and  
18 the county treasurer shall collect the taxes in the same  
19 manner as other taxes, and when delinquent they shall draw  
20 the same interest and penalties. All taxes so levied and  
21 collected shall be paid over to the treasurer of the district.

22 Sales for delinquent taxes owing to a land use district  
23 shall be made at the same time and in the same manner as sales  
24 are made for other taxes, and all provisions of the law of  
25 this state relating to the sale of property for delinquent  
26 taxes are applicable, so far as may be, to such sales.

27 Sec. 27. NEW SECTION. RECORDS AND DISBURSEMENTS. The  
28 clerk of each land use district shall keep a record of all  
29 the proceedings and actions of the trustees. The treasurer  
30 shall receive, collect, and disburse all moneys belonging  
31 to the district, and no claim shall be paid or disbursement  
32 made until it has been duly audited by the board of trustees.

33 Sec. 28. NEW SECTION. CONFLICT WITH OTHER REGULATIONS.

34 If the regulations made under this chapter impose higher  
35 standards than are required in any other statute or local

1 ordinance or regulation, the regulations made under this  
2 chapter govern. If any other statute or local ordinance or  
3 regulation imposes higher standards than are required by the  
4 regulations made under authority of this chapter, that statute  
5 or ordinance or regulation governs. If a regulation proposed  
6 or made under this chapter relates to a structure, building,  
7 dam, obstruction, deposit, or excavation in or on the flood  
8 plains of a river or stream, prior approval of the department  
9 of water, air and waste management is required to establish,  
10 amend, supplement, change, or modify the regulation or to  
11 grant a variation or exception from it.

12 Sec. 29. Sections 1 through 28 of this Act are created  
13 as a new chapter.

14 Sec. 30. When the initial board of trustees is elected  
15 under section 9 of this Act the trustees shall be ranked in  
16 the order of votes received from highest to lowest. Any ties  
17 shall be resolved by a random method. The last ranked trustee  
18 shall receive an initial term expiring at the next annual  
19 election for trustees in September, the sixth and fifth ranked  
20 trustees receive an initial term expiring one year later,  
21 the fourth ranked trustee receives an initial term expiring  
22 two years after that election, the third and second ranked  
23 trustees receive initial terms expiring three years after  
24 that election, and the first ranked trustee shall receive  
25 an initial term expiring four years after that election.

26

#### EXPLANATION

27 This bill allows the creation of land use districts in  
28 areas meeting the conditions specified in section 1. If the  
29 electors approve the creation of a district in a special  
30 election a board of seven trustees is elected. The board  
31 of trustees can adopt zoning ordinances applying to platted  
32 villages and nonagricultural property within a half mile of  
33 the villages within the district. The trustees also appoint  
34 a board of adjustment to hear appeals, special exceptions,  
35 and variances. The district has the power to enjoin land

1 uses in violation of the ordinances and to levy a tax not  
2 exceeding twenty-seven cents per thousand dollars of adjusted  
3 taxable valuation upon the real property subject to land use  
4 regulation to pay the administrative costs of the district.

5 The bill takes effect July 1 following enactment.

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SENATE FILE 85  
FISCAL NOTE

REQUESTED BY SENATOR BROWN

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 85 as amended by the Committee on Local Government (S-3119) and the Ways and Means Committee (S-3198) pursuant to Joint Rule 17.

Senate File 85, as amended by the Committee on Local Government (S-3119) and the Ways and Means Committee (S-3198), authorizes the creation of land use districts which encompass at least 20,000 acres of predominately rural and agricultural land including at least seven unincorporated villages. The land use district may be created to conserve the distinctive historical and cultural character and peculiar suitability of the area for particular uses with a view to conserving the value of all existing and proposed structures and land and to preserve the quality of life of those citizens residing within the boundaries of the contiguous area.

These districts shall have the power to adopt and enforce zoning ordinances and to levy a tax not to exceed 27¢ per \$1,000 of adjusted taxable valuation. The ordinances, resolutions, rules, regulations, and the tax levied shall not apply to any tillable farmland, pastureland, timber pasture or forestland located within the district.

FISCAL IMPACT: There is no fiscal effect to the state. However, where such a land use district is created, as applied to those tax classes affected, there will be an increase in property taxes, up to the limit of 27¢ per \$1,000 adjusted taxable valuation. Additionally, there could be some increased administration effects to local governments as the process of levying a tax, by excluding specific classes, does not fall within the framework of the present taxing format.

SOURCE: STATE COMPTROLLER'S OFFICE

(275S, 83-358, CMG)

FILED:  
MARCH 14, 1983

BY LEGISLATIVE FISCAL BUREAU  
DENNIS C. PROUTY, DIRECTOR

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LSB 275S 70

dsb/jw/5

SEVENTIETH GENERAL ASSEMBLY

1983 REGULAR SESSION

DAILY

SENATE CLIP SHEET

WEDNESDAY, FEBRUARY 23, 1983

SENATE FILE 85

S-3119

1 Amend Senate File 85 as follows:

2 1. Page 1, line 7, by inserting after the word  
3 "municipalities" the words "at the time the district  
4 is organized".

5 2. Page 6, line 17, by striking the word "five"  
6 and inserting in lieu thereof the word "three".

7 3. Page 8, by striking lines 4 through 6 and  
8 inserting in lieu thereof the following: "resolutions,  
9 rules, and regulations shall not apply to any tillable  
10 farmland, pastureland, timber pasture or forestland  
11 located within the district."

12 4. Page 8, by inserting after line 15, the  
13 following:

14 "4. The board of trustees shall appoint an  
15 administrative officer authorized to enforce the  
16 resolutions or ordinances adopted by the board of  
17 trustees. The board of trustees may pay the  
18 administrative officer such compensation as it deems  
19 fit, not exceeding that authorized for the members  
20 of the board, from the funds of the district."

21 5. Page 12, by striking lines 9 through 12 and  
22 inserting in lieu thereof the following: "for the  
23 preceding fiscal year. The tax shall not be levied  
24 on any tillable farmland, pastureland, timber pasture  
25 or forestland located within the district."

26 6. Page 12, line 14, by striking the word  
27 "September" and inserting in lieu thereof the word  
28 "March".

29 7. Page 13, by striking lines 17 through 25 and  
30 inserting in lieu thereof the following: "shall be  
31 resolved by a random method. The seventh and sixth  
32 ranked trustees shall receive initial terms expiring  
33 at the next annual election for trustees in September,  
34 the fifth and fourth ranked trustees shall receive  
35 initial terms expiring one year after that election,  
36 and the third, second and first ranked trustees shall  
37 receive initial terms expiring two years after that  
38 election."

39 8. Amend the title, line 1, by inserting after  
40 the word "districts" the words "which encompass at  
41 least twenty thousand acres of predominately rural  
42 and agricultural land including at least seven  
unincorporated villages".

S-3119 FILED

BY COMMITTEE ON LOCAL GOVERNMENT

FEBRUARY 22, 1983

ALVIN MILLER, CHAIR

Adopted 3/14/83 (p 723)

Repealed 1/14/83 (p 723)

## SENATE FILE 85

3198

1 Amend Senate File 85 as follows:

2 1. Page 1, line 2, by striking the word "chapter"  
3 and inserting in lieu thereof the word "Act".

4 2. Page 1, line 7, by inserting after the words  
5 "municipalities" the words "as of March 1, 1983".

6 3. Page 1, lines 8 and 9, by striking the words  
7 "and historical" and inserting in lieu thereof the  
8 words "historical and cultural".

9 4. Page 1, line 13, by inserting after the word  
10 "area" the words "by preserving its historical and  
11 cultural quality".

12 5. Page 1, by inserting after line 27 the  
13 following:

14 "3. That the territory to be embraced in the  
15 district has a distinctive historical and cultural  
16 character which might be preserved by the establishment  
17 of the district."

18 6. Page 1, line 35, by striking the word "chapter"  
19 and inserting in lieu thereof the word "Act".

20 7. Page 2, line 2, by striking the word "chapter"  
21 and inserting in lieu thereof the word "Act".

22 8. Page 5, line 3, by striking the word "chapter"  
23 and inserting in lieu thereof the word "Act".

24 9. Page 5, line 9, by striking the word "chapter"  
25 and inserting in lieu thereof the word "Act".

26 10. Page 5, line 28, by striking the word "chapter"  
27 and inserting in lieu thereof the word "Act".

28 11. Page 6, line 13, by striking the word "chapter"  
29 and inserting in lieu thereof the word "Act".

30 12. Page 6, by inserting after line 26 the  
31 following:

32 "4. When the initial board of trustees is elected  
33 under this section the trustees shall be ranked in  
34 the order of votes received from highest to lowest.  
35 Any ties shall be resolved by a random method. The  
36 last ranked trustee shall receive an initial term  
37 expiring at the next annual election for trustees  
38 in September, the sixth and fifth ranked trustees  
39 receive an initial term expiring one year later, the  
40 fourth ranked trustee receives an initial term expiring  
41 two years after that election, the third and second  
42 ranked trustees receive initial terms expiring three  
43 years after that election, and the first ranked trustee  
44 shall receive an initial term expiring four years  
45 after that election."

46 13. By striking from page 6, line 35 and page  
47 7, line 1 the word "chapter" and inserting in lieu  
48 thereof the word "Act".

49 14. Page 7, line 9, by striking the word "chapter"  
50 and inserting in lieu thereof the word "Act".

S-3198

- 1 15. Page 7, line 11, by striking the word "chapter"  
2 and inserting in lieu thereof the word "Act".  
3 16. Page 7, line 35, by inserting after the word  
4 "the" the words "distinctive historical and cultural".  
5 17. Page 8, by striking lines 1 through 3 and  
6 inserting in lieu thereof the words "of the district.  
7 The ordinances,".  
8 18. Page 9, line 15, by striking the word "chapter"  
9 and inserting in lieu thereof the word "Act".  
10 19. Page 10, line 2, by striking the word "chapter"  
11 and inserting in lieu thereof the word "Act".  
12 20. Page 10, line 13, by striking the word  
13 "chapter" and inserting in lieu thereof the word  
14 "Act".  
15 21. Page 10, line 27, by striking the word  
16 "chapter" and inserting in lieu thereof the word  
17 "Act".  
18 22. Page 11, line 28, by striking the word  
19 "chapter" and inserting in lieu thereof the word  
20 "Act".  
21 23. Page 11, line 29, by striking the word  
22 "chapter" and inserting in lieu thereof the word  
23 "Act".  
24 24. Page 12, line 4, by striking the word "chapter"  
25 and inserting in lieu thereof the word "Act".  
26 25. Page 12, line 34, by striking the word  
27 "chapter" and inserting in lieu thereof the word  
28 "Act".  
29 26. Page 13, line 2, by striking the word "chapter"  
30 and inserting in lieu thereof the word "Act".  
31 27. Page 13, line 4, by striking the word "chapter"  
32 and inserting in lieu thereof the word "Act".  
33 28. Page 13, line 6, by striking the word "chapter"  
34 and inserting in lieu thereof the word "Act".  
35 29. Page 13, line 13, by striking the word  
36 "chapter" and inserting in lieu thereof the word  
37 "division of chapter 303".  
38 30. Page 13, by striking lines 14 through 25.

S-3198 FILED  
MARCH 8, 1983

BY COMMITTEE ON WAYS AND MEANS  
WILLIAM D. PALMER, CHAIR

*Adopted 3/14/83 (p. 728)*

*Reconsidered. A - Adopted, B - 4/12 3/14 (p. 735)*

Ways and Means: Varn, Chair; Brammer and McKean.

21. 1983  
To Pass 4/6/83 (p. 1110)

SENATE FILE 85

Finance 4/6

Senate File 85

BY BROWN

Finance: Doderer, Chair; Hummel and Norland.

To Pass 4/14/83

(AS AMENDED AND PASSED BY THE SENATE MARCH 14, 1983)

Passed Senate, Date 3-14-83 (p. 729) Passed House, Date 4-18-83 (p. 1356)

Vote: Ayes 43 Nays 0 Vote: Ayes 93 Nays 2

Approved May 9, 1983 (p. 1640)

# A BILL FOR

1 An Act to authorize the creation of land use districts which  
 2 encompass at least twenty thousand acres of predominately  
 3 rural and agricultural land including at least seven unin-  
 4 corporated villages having the power to adopt and enforce  
 5 zoning ordinances and levy a tax.

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

## SENATE FILE 85

H-3765

1 Amend Senate File 85 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 13, by inserting after line 30 the  
4 following:

5 "Sec. 29. NEW SECTION. DISSOLUTION. Upon  
 6 receiving a petition signed by at least ten percent  
 7 of the qualified voters residing within the limits  
 8 of a land use district requesting the dissolution  
 9 of the district, the board of supervisors shall enter  
 10 an order directing that an election be held for the  
 11 purpose of submitting to the qualified voters residing  
 12 within the district the question of dissolving the  
 13 district. The election shall be held as provided  
 14 in sections 6 through 8 of this Act. If a majority  
 15 of the votes cast upon the question is against the  
 16 land use district, the district shall be dissolved."

17 2. Page 13, line 31, by striking the number "28"  
18 and inserting in lieu thereof the number "29".

H-3765 FILED APRIL 18, 1983  
LOST (p. 1356)

BY SCHROEDER of Pottawattamie

1 Section 1. NEW SECTION. ELIGIBILITY AND PURPOSE. A land  
2 use district shall not be created under this Act unless it  
3 is an area of contiguous territory encompassing twenty thousand  
4 acres or more of predominately rural and agricultural land  
5 owned by a single entity which has within its general  
6 boundaries at least seven platted villages which are not  
7 incorporated as municipalities at the time the district is  
8 organized. The eligible electors may create a land use  
9 district to conserve the distinctive historical and cultural  
10 character and peculiar suitability of the area for particular  
11 uses with a view to conserving the value of all existing and  
12 proposed structures and land and to preserve the quality of  
13 life of those citizens residing within the boundaries of the  
14 contiguous area by preserving its historical and cultural  
15 quality.

16 Sec. 2. NEW SECTION. PETITION. Ten percent or more of  
17 the qualified voters residing within the limits of a proposed  
18 land use district may file a petition in the office of the  
19 county auditor of the county in which the proposed land use  
20 district, or its major portion, is located, requesting that  
21 there be submitted to the qualified voters of the proposed  
22 district the question of whether the territory within the  
23 boundaries of the proposed district shall be organized as  
24 a land use district under this chapter. The petition shall  
25 be addressed to the board of supervisors of the county where  
26 it is filed and shall set forth the following:

- 27 1. An intelligible description of the boundaries of the  
28 territory to be embraced in the district.
- 29 2. The name of the proposed district.
- 30 3. That the territory to be embraced in the district has  
31 a distinctive historical and cultural character which might  
32 be preserved by the establishment of the district.
- 33 4. That the public welfare will be promoted by the  
34 establishment of the district.
- 35 5. The signatures of the petitioners.

1      Sec. 3. NEW SECTION. JURISDICTION---DECISIONS--RECORDS.

2 The board of supervisors of the county in which the proposed  
3 land use district, or its major portion, is located has  
4 jurisdiction of the proceedings on the petition as provided  
5 in this Act and the decision of a majority of the members  
6 of that board is necessary for adoption. All orders of the  
7 board made under this Act shall be spread at length upon the  
8 records of the proceedings of the board of supervisors, but  
9 need not be published.

10     Sec. 4. NEW SECTION. DATE AND NOTICE OF HEARING. The

11 board of supervisors to whom the petition is addressed, at  
12 its next regular, special, or adjourned meeting, shall set  
13 the time and place when it will meet for a hearing upon the  
14 petition, and direct the county auditor in whose office the  
15 petition is filed to cause notice to be given to all persons  
16 whom it may concern, without naming them, of the pendency  
17 and prayer of the petition, by publication of a notice once  
18 each week for two consecutive weeks in some newspaper of  
19 general circulation published in the proposed district. The  
20 last publication shall not be less than twenty days prior  
21 to the date set for the hearing of the petition. If no such  
22 newspaper is published in the proposed district, then notice  
23 shall be by posting at least five copies of the notice in  
24 the proposed district at least twenty days before the hearing.  
25 Proof of giving notice shall be made by affidavit of the  
26 publisher or affidavit of the person who posted the notices,  
27 and the proof shall be on file with the county auditor at  
28 the time the hearing begins. The notice of hearing shall  
29 be directed to all persons it may concern, and shall state  
30 the following:

31     1. That a petition has been filed with the county auditor  
32 of that county for establishment of a proposed land use  
33 district and the name of the proposed district.

34     2. An intelligible description of the boundaries of the  
35 territory to be embraced in the district.

1 3. The date, hour, and place where the petition will come  
2 on for hearing before the board of supervisors of the named  
3 county.

4 4. That the board of supervisors will fix and determine  
5 the boundaries of the proposed district as described in the  
6 petition, and at the hearing all interested persons shall  
7 have an opportunity to be heard regarding the location and  
8 boundaries of the proposed district and to make suggestions  
9 regarding it.

10 Sec. 5. NEW SECTION. HEARING OF PETITION AND ORDER.

11 The board of supervisors to whom the petition is addressed  
12 shall preside at the hearing provided for in section 4 of  
13 this Act and shall continue the hearing in session, with  
14 adjournments from day to day, if necessary, until completed,  
15 without being required to give any further notice of it.  
16 Proof of the residence and qualification of the petitioners  
17 as qualified voters shall be made by affidavit or otherwise  
18 as the board may direct. The board shall consider the  
19 boundaries of the proposed land use district, whether they  
20 shall be as described in the petition or otherwise, and for  
21 that purpose may alter and amend the petition and limit or  
22 change the boundaries of the proposed district as stated in  
23 the petition. The boundaries of a proposed district shall  
24 not be changed to include property not included in the original  
25 petition and published notice until the owner of that property  
26 is given notice as on the original hearing. All persons in  
27 the proposed district shall have an opportunity to be heard  
28 regarding the location and boundaries of the proposed district  
29 and to make suggestions regarding them. The board of  
30 supervisors, after hearing the statements, evidence, and  
31 suggestions made and offered at the hearing, shall enter an  
32 order fixing the boundaries of the proposed district and  
33 directing that an election be held for the purpose of  
34 submitting to the qualified voters residing within the  
35 boundaries of the proposed district the question of

1 organization and establishment of the proposed land use  
2 district as determined by the board of supervisors. The order  
3 shall fix a date for the election not more than sixty days  
4 after the date of the order, establish voting precincts within  
5 the proposed district and define their boundaries, and specify  
6 the polling places which in the board's judgment will best  
7 serve the convenience of the voters, and shall appoint from  
8 residents of the proposed district three judges and two clerks  
9 of election for each voting precinct established.

10 Sec. 6. NEW SECTION. NOTICE OF ELECTION. In its order  
11 for the election the board of supervisors shall direct the  
12 county auditor to cause notice of the election to be given  
13 by posting at least five copies of the notice in public places  
14 in the proposed district at least twenty days before the date  
15 of election and by publication of the notice once each week  
16 for three consecutive weeks in some newspaper of general  
17 circulation published in the proposed district, or, if no  
18 such newspaper is published within the proposed district,  
19 then in such a newspaper published in the county in which  
20 the major part of the proposed district is located. The last  
21 publication is to be at least twenty days prior to the date  
22 of election. The notice shall state the time and place of  
23 holding the election and the hours when the polls will be  
24 open and closed, the purpose of the election, with the name  
25 of the proposed district and a description of its boundaries,  
26 and shall set forth briefly the limits of each voting precinct  
27 and the location of the polling places. Proof of posting  
28 and publication shall be made in the manner provided in section  
29 4 of this Act and filed with the county auditor.

30 Sec. 7. NEW SECTION. ELECTION. Each qualified voter  
31 residing within the proposed district may cast a ballot at  
32 the election and a person shall not vote in any precinct but  
33 that of the person's residence. Ballots at the election shall  
34 be in substantially the following form:

35 For Land Use District \_\_\_\_\_

1                   Against Land Use District

2 The election shall be conducted in the manner provided by  
3 law for general elections and the ballots so cast shall be  
4 issued, received, returned, and canvassed in the same manner  
5 and by the same officers, in the county whose board of  
6 supervisors is vested with jurisdiction of the proceedings,  
7 as provided by law in the case of ballots cast for county  
8 officers, except as modified by this Act. The board of  
9 supervisors shall cause a statement of the result of the  
10 election to be spread upon the records of the county auditor.  
11 If a majority of the votes cast upon the question of  
12 incorporation of the proposed district is in favor of the  
13 proposed district, the proposed district becomes an organized  
14 district under this Act.

15       Sec. 8. NEW SECTION.   EXPENSES AND COSTS OF ELECTION.  
16 All expenses incurred in carrying out sections 1 through 7  
17 of this Act, including the costs of the election, as determined  
18 by the board of supervisors, shall be paid by the county whose  
19 board is vested with jurisdiction of the proceedings.

20       Sec. 9. NEW SECTION.   ELECTION OF TRUSTEES--TERM OF OFFICE.

21       1. If the proposition to establish a land use district  
22 carries, a special election shall be called by the board of  
23 supervisors of the county which conducted the election to  
24 form the district. This special election shall be held within  
25 the newly created district at a single polling place designated  
26 by the county auditor not more than ninety days after the  
27 organization of the land use district. The election shall  
28 be held for the purpose of electing the initial seven members  
29 of the board of trustees of the land use district. The county  
30 auditor shall cause notice of the election to be posted and  
31 published, and shall perform all other acts with reference  
32 to the election, and conduct it in like manner, as nearly  
33 as may be, as provided in this Act for the election on the  
34 question of establishing the district. Each trustee must  
35 be a United States citizen not less than eighteen years of

1 age and a resident of the district. Each qualified elector  
2 at the election may write in upon the ballot the names of  
3 not more than seven persons whom the elector desires for  
4 trustees and may cast not more than one vote for each of the  
5 seven persons. The seven persons receiving the highest number  
6 of votes cast shall constitute the first board of trustees  
7 of the district.

8 2. Following the initial special election, an annual  
9 election shall be held on the second Tuesday of each September  
10 at a single polling place within the district designated by  
11 the county auditor for the purpose of electing a trustee to  
12 replace a trustee whose term will expire. Notice of the  
13 election shall be posted by the county auditor at seven or  
14 more public places within the district at least two weeks  
15 prior to the date of the election. The county auditor shall  
16 perform all other acts with reference to the election and  
17 conduct it in like manner, as nearly as may be, as provided  
18 in this Act for the election on the question of establishing  
19 the district. Each qualified elector at the election may  
20 write upon the ballot the name of one person whom the elector  
21 desires as a trustee for each expiring term. The term of  
22 office for each trustee elected shall be three years.

23 3. Vacancies in the office of trustee of a land use  
24 district shall be filled by the remaining members of the board  
25 of trustees for the period extending to the second Tuesday  
26 in September at which time the qualified electors of the  
27 district shall elect a new trustee to fill the vacancy for  
28 the unexpired term. Expenses incurred in carrying out the  
29 annual elections of trustees shall be paid for by the land  
30 use district.

31 4. When the initial board of trustees is elected under  
32 this section the trustees shall be ranked in the order of  
33 votes received from highest to lowest. Any ties shall be  
34 resolved by a random method. The last ranked trustee shall  
35 receive an initial term expiring at the next annual election

1 for trustees in September, the sixth and fifth ranked trustees  
2 receive an initial term expiring one year later, the fourth  
3 ranked trustee receives an initial term expiring two years  
4 after that election, the third and second ranked trustees  
5 receive initial terms expiring three years after that election,  
6 and the first ranked trustee shall receive an initial term  
7 expiring four years after that election.

8 Sec. 10. NEW SECTION. TRUSTEE'S BOND. Each trustee  
9 shall, before entering upon the duties of office, execute  
10 a bond payable to the district, with security to be approved  
11 by the board of supervisors which had jurisdiction of the  
12 petition for establishment of the district, in a form and  
13 amount as that board of supervisors may determine, and file  
14 the bond with the county auditor of that county.

15 Sec. 11. NEW SECTION. LAND USE DISTRICT TO BE A BODY  
16 CORPORATE. A land use district organized under this Act is  
17 a body corporate and politic, with the name and style under  
18 which it was organized, and by that name and style may sue  
19 and be sued, contract and be contracted with, acquire and  
20 hold real and personal property necessary for corporate  
21 purposes, adopt a corporate seal and alter it, and exercise  
22 all the powers conferred in this chapter.

23 The courts of this state shall take judicial notice of  
24 the existence of a land use district organized under this  
25 Act.

26 Sec. 12. NEW SECTION. BOARD OF TRUSTEES--POWERS.

27 1. The trustees elected under this Act constitute the  
28 board of trustees for the district, which is the corporate  
29 authority of the district, and shall exercise all the powers  
30 and manage and control all the affairs of the district. A  
31 majority of the board of trustees is a quorum, but a smaller  
32 number may adjourn from day to day. The board of trustees  
33 may elect a president, clerk, and a treasurer from their own  
34 number and, from without their own number, employees of the  
35 district. The compensation of members of the board of trustees

1 is fixed not to exceed ten dollars per day, or any part of  
2 a day, for each day the board is actually in session and ten  
3 dollars per day when not in session but employed on board  
4 service, and twenty cents for every mile traveled in going  
5 to and from sessions of the board and in going to and from  
6 the place of performing board service. Members of the board  
7 shall not receive compensation for more than sixty days of  
8 session and board service each year.

9 2. The board of trustees shall formulate and administer  
10 a land use plan which includes all ordinances, resolutions,  
11 rules, and regulations necessary for the proper administration  
12 of the land use district. The land use plan shall be created  
13 for the primary purpose of regulating and restricting, where  
14 deemed necessary, the erection, construction, reconstruction,  
15 alteration, repair, or use of buildings, structures, or land  
16 in a manner which would maintain or enhance the distinctive  
17 historical and cultural character of the district. The  
18 ordinances, resolutions, rules, and regulations shall not  
19 apply to any tillable farmland, pastureland, timber pasture  
20 or forestland located within the district.

21 3. The board of trustees shall provide for the manner  
22 in which the land use plan shall be established and enforced  
23 and amended, supplemented, or changed. However, a plan shall  
24 not become effective until after a public hearing on it, at  
25 which parties in interest and citizens of the district shall  
26 have an opportunity to be heard. At least fifteen days notice  
27 of the time and place of the hearing shall be published in  
28 a newspaper of general circulation within the district giving  
29 the time, date, and location of the public hearing.

30 4. The board of trustees shall appoint an administrative  
31 officer authorized to enforce the resolutions or ordinances  
32 adopted by the board of trustees. The board of trustees may  
33 pay the administrative officer such compensation as it deems  
34 fit, not exceeding that authorized for the members of the  
35 board, from the funds of the district.

1     Sec. 13. NEW SECTION. CHANGES AND AMENDMENTS. The land  
2 use plan, once established, may be amended, supplemented,  
3 changed, modified, or repealed. In case, however, of a protest  
4 against a change signed by the owners of twenty percent or  
5 more either of the area included in the proposed change, or  
6 of the immediately adjacent area and within five hundred feet  
7 of the boundaries, the amendment shall not become effective  
8 except by the favorable vote of at least eighty percent of  
9 all of the members of the board of trustees.

10    Sec. 14. NEW SECTION. BOARD OF ADJUSTMENT. The board  
11 of trustees of the district shall provide for the appointment  
12 of a board of adjustment, shall provide that the board of  
13 adjustment may, in appropriate cases, and subject to  
14 appropriate conditions and safeguards, make special exceptions  
15 to the terms of the land use plan which are in harmony with  
16 its general purpose and intent and in accordance with the  
17 general or specific rules of the plan, and provide that a  
18 property owner aggrieved by the action of the board of trustees  
19 in the adoption of the land use plan may petition the board  
20 of adjustment directly to modify regulations and restrictions  
21 as applied to those property owners.

22    Sec. 15. NEW SECTION. MEMBERSHIP OF BOARD. The board  
23 of adjustment shall consist of five members, all of whom shall  
24 reside within the district, each to be appointed for a term  
25 of five years. For the initial board one member shall be  
26 appointed for a term of five years, one for a term of four  
27 years, one for a term of three years, one for a term of two  
28 years, and one for a term of one year. Members shall be  
29 removable for cause by the appointing authority upon written  
30 charges and after public hearing. Vacancies shall be filled  
31 for the unexpired term of a member whose term becomes vacant.

32    Sec. 16. NEW SECTION. RULES. The board of adjustment  
33 shall adopt rules in accordance with any regulation or  
34 ordinance adopted by the board of trustees pursuant to this  
35 Act. Meetings of the board of adjustment shall be held at

1 the call of the chairperson and at other times as the board  
2 determines. The chairperson, or the acting chairperson, may  
3 administer oaths and compel the attendance of witnesses.  
4 All meetings of the board shall be open to the public. The  
5 board shall keep minutes of its proceedings, showing the vote  
6 of each member upon each question, or if absent or failing  
7 to vote, indicating that fact, and shall keep records of its  
8 examinations and other official actions, all of which shall  
9 be immediately filed in the office of the board and shall  
10 be a public record.

11 Sec. 17. NEW SECTION. APPEALS TO BOARD. Appeals to the  
12 board of adjustment may be taken by any person aggrieved or  
13 affected by the land use plan. The appeal shall be taken  
14 within a reasonable time, as provided by the rules of the  
15 board of adjustment, by filing with the board of adjustment  
16 a notice of appeal specifying the grounds of the appeal.

17 Sec. 18. NEW SECTION. POWERS OF BOARD. The board of  
18 adjustment may:

19 1. Hear and decide appeals where it is alleged there is  
20 error in an order, requirement, decision, or determination  
21 made by an administrative official in the enforcement of this  
22 Act or of any ordinance adopted pursuant to it.

23 2. Hear and decide special exceptions to the terms of  
24 the ordinance upon which the board is required to pass under  
25 the ordinance.

26 3. Authorize upon appeal, in specific cases, a variance  
27 from the terms of the land use plan which are not contrary  
28 to the public interest, where owing to special conditions  
29 a literal enforcement of the plan would result in unnecessary  
30 hardship, and so that the spirit of the plan shall be observed  
31 and substantial justice done.

32 Sec. 19. NEW SECTION. DECISION. In exercising its powers  
33 the board may, in conformity with this Act, reverse or affirm,  
34 wholly or partly, or may modify the order, requirement,  
35 decision, or determination appealed from and may make such

1 order, requirement, decision, or determination as ought to  
2 be made, and to that end shall have all the powers of the  
3 board of trustees from whom the appeal is taken.

4 Sec. 20. NEW SECTION. VOTE REQUIRED. The concurring  
5 vote of three members of the board is necessary to reverse  
6 an order, requirement, decision, or determination, or to  
7 decide in favor of the applicant on a matter upon which it  
8 is required to pass under an ordinance or to effect a variation  
9 in the land use plan.

10 Sec. 21. NEW SECTION. PETITION TO COURT. Any persons,  
11 jointly or severally, aggrieved by a decision of the board  
12 of adjustment under this Act, or any taxpayer, may present  
13 to a court of record a petition, duly verified, setting forth  
14 that the decision is illegal, in whole or in part, specifying  
15 the grounds of the illegality. The petition shall be presented  
16 to the court within thirty days after the filing of the  
17 decision in the office of the board.

18 Sec. 22. NEW SECTION. REVIEW BY COURT. Upon the  
19 presentation of a petition, the court may allow a writ of  
20 certiorari directed to the board of adjustment to review the  
21 decision of the board of adjustment prescribing the time  
22 within which a return must be made and served upon the  
23 relator's attorney, which shall not be less than ten days  
24 and may be extended by the court. The allowance of the writ  
25 does not stay proceedings upon the decision appealed from,  
26 but the court may, on application, on notice to the board  
27 and on due cause shown, grant a restraining order.

28 Sec. 23. NEW SECTION. TRIAL TO COURT. If upon the  
29 hearing, which shall be tried de novo, it appears to the court  
30 that testimony is necessary for the proper disposition of  
31 the matter, it may take evidence or appoint a referee to take  
32 evidence as it directs and report the evidence to the court  
33 with findings of fact and conclusions of law, which shall  
34 constitute a part of the proceedings upon which the  
35 determination of the court shall be made. The court may

1 reverse or affirm, wholly or partly, or may modify the decision  
2 brought up for review.

3 Costs shall not be allowed against the board unless it  
4 appears to the court that it acted with gross negligence or  
5 in bad faith or with malice in making the decision appealed  
6 from.

7 Sec. 24. NEW SECTION. PRECEDENCE. All issues in any  
8 proceedings under sections 1 through 23 of this Act have  
9 preference over all other civil actions and proceedings.

10 Sec. 25. NEW SECTION. RESTRAINING ORDER. If a building  
11 or structure is erected, constructed, reconstructed, altered,  
12 repaired, converted, or maintained, or a building, structure,  
13 or land is used in violation of this Act or of an ordinance  
14 or other regulation made under this Act, the board of trustees,  
15 in addition to other remedies, may institute any appropriate  
16 action or proceedings to prevent the unlawful erection,  
17 construction, reconstruction, alteration, repair, conversion,  
18 maintenance, or use, to restrain, correct, or abate the  
19 violation, to prevent the occupancy of the building, structure,  
20 or land, or to prevent any illegal act, conduct, business,  
21 or use in, or about the premises.

22 Sec. 26. NEW SECTION. TAXES--POWER TO LEVY--TAX SALES.  
23 The board of trustees of a land use district organized under  
24 this Act may by ordinance levy annually for the purpose of  
25 paying the administrative costs of the district, a tax upon  
26 real property within the territorial limits of the land use  
27 district not exceeding twenty-seven cents per thousand dollars  
28 of the adjusted taxable valuation of the property for the  
29 preceding fiscal year. The tax shall not be levied on any  
30 tillable farmland, pastureland, timber pasture or forestland  
31 located within the district.

32 Taxes levied by the board shall be certified on or before  
33 the first day of March to the county auditor of each county  
34 where any of the property included within the territorial  
35 limits of the land use district is located, and shall be

1 placed upon the tax list for the current year, and the county  
2 treasurer shall collect the taxes in the same manner as other  
3 taxes, and when delinquent they shall draw the same interest  
4 and penalties. All taxes so levied and collected shall be  
5 paid over to the treasurer of the district.

6 Sales for delinquent taxes owing to a land use district  
7 shall be made at the same time and in the same manner as sales  
8 are made for other taxes, and all provisions of the law of  
9 this state relating to the sale of property for delinquent  
10 taxes are applicable, so far as may be, to such sales.

11 Sec. 27. NEW SECTION. RECORDS AND DISBURSEMENTS. The  
12 clerk of each land use district shall keep a record of all  
13 the proceedings and actions of the trustees. The treasurer  
14 shall receive, collect, and disburse all moneys belonging  
15 to the district, and no claim shall be paid or disbursement  
16 made until it has been duly audited by the board of trustees.

17 Sec. 28. NEW SECTION. CONFLICT WITH OTHER REGULATIONS.  
18 If the regulations made under this Act impose higher standards  
19 than are required in any other statute or local ordinance  
20 or regulation, the regulations made under this Act govern.  
21 If any other statute or local ordinance or regulation imposes  
22 higher standards than are required by the regulations made  
23 under authority of this Act, that statute or ordinance or  
24 regulation governs. If a regulation proposed or made under  
25 this Act relates to a structure, building, dam, obstruction,  
26 deposit, or excavation in or on the flood plains of a river  
27 or stream, prior approval of the department of water, air  
28 and waste management is required to establish, amend,  
29 supplement, change, or modify the regulation or to grant a  
30 variation or exception from it.

31 Sec. 29. Sections 1 through 28 of this Act are created  
32 as a new division of chapter 303.

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SENATE FILE 85

AN ACT

TO AUTHORIZE THE CREATION OF LAND USE DISTRICTS WHICH ENCOMPASS AT LEAST TWENTY THOUSAND ACRES OF PREDOMINATELY RURAL AND AGRICULTURAL LAND INCLUDING AT LEAST SEVEN UNINCORPORATED VILLAGES HAVING THE POWER TO ADOPT AND ENFORCE ZONING ORDINANCES AND LEVY A TAX.

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

Section 1. NEW SECTION. ELIGIBILITY AND PURPOSE. A land use district shall not be created under this Act unless it is an area of contiguous territory encompassing twenty thousand acres or more of predominately rural and agricultural land owned by a single entity which has within its general boundaries at least seven platted villages which are not incorporated as municipalities at the time the district is organized. The eligible electors may create a land use district to conserve the distinctive historical and cultural character and peculiar suitability of the area for particular uses with a view to conserving the value of all existing and proposed structures and land and to preserve the quality of life of those citizens residing within the boundaries of the contiguous area by preserving its historical and cultural quality.

Sec. 2. NEW SECTION. PETITION. Ten percent or more of the qualified voters residing within the limits of a proposed land use district may file a petition in the office of the county auditor of the county in which the proposed land use district, or its major portion, is located, requesting that there be submitted to the qualified voters of the proposed district the question of whether the territory within the boundaries of the proposed district shall be organized as a land use district under this chapter. The petition shall

be addressed to the board of supervisors of the county where it is filed and shall set forth the following:

1. An intelligible description of the boundaries of the territory to be embraced in the district.
2. The name of the proposed district.
3. That the territory to be embraced in the district has a distinctive historical and cultural character which might be preserved by the establishment of the district.
4. That the public welfare will be promoted by the establishment of the district.
5. The signatures of the petitioners.

Sec. 3. NEW SECTION. JURISDICTION--DECISIONS--RECORDS. The board of supervisors of the county in which the proposed land use district, or its major portion, is located has jurisdiction of the proceedings on the petition as provided in this Act and the decision of a majority of the members of that board is necessary for adoption. All orders of the board made under this Act shall be spread at length upon the records of the proceedings of the board of supervisors, but need not be published.

Sec. 4. NEW SECTION. DATE AND NOTICE OF HEARING. The board of supervisors to whom the petition is addressed, at its next regular, special, or adjourned meeting, shall set the time and place when it will meet for a hearing upon the petition, and direct the county auditor in whose office the petition is filed to cause notice to be given to all persons whom it may concern, without naming them, of the pendency and prayer of the petition, by publication of a notice once each week for two consecutive weeks in some newspaper of general circulation published in the proposed district. The last publication shall not be less than twenty days prior to the date set for the hearing of the petition. If no such newspaper is published in the proposed district, then notice shall be by posting at least five copies of the notice in the proposed district at least twenty days before the hearing.

Proof of giving notice shall be made by affidavit of the publisher or affidavit of the person who posted the notices, and the proof shall be on file with the county auditor at the time the hearing begins. The notice of hearing shall be directed to all persons it may concern, and shall state the following:

1. That a petition has been filed with the county auditor of that county for establishment of a proposed land use district and the name of the proposed district.

2. An intelligible description of the boundaries of the territory to be embraced in the district.

3. The date, hour, and place where the petition will come on for hearing before the board of supervisors of the named county.

4. That the board of supervisors will fix and determine the boundaries of the proposed district as described in the petition, and at the hearing all interested persons shall have an opportunity to be heard regarding the location and boundaries of the proposed district and to make suggestions regarding it.

Sec. 5. NEW SECTION. HEARING OF PETITION AND ORDER.

The board of supervisors to whom the petition is addressed shall preside at the hearing provided for in section 4 of this Act and shall continue the hearing in session, with adjournments from day to day, if necessary, until completed, without being required to give any further notice of it. Proof of the residence and qualification of the petitioners as qualified voters shall be made by affidavit or otherwise as the board may direct. The board shall consider the boundaries of the proposed land use district, whether they shall be as described in the petition or otherwise, and for that purpose may alter and amend the petition and limit or change the boundaries of the proposed district as stated in the petition. The boundaries of a proposed district shall not be changed to include property not included in the original

petition and published notice until the owner of that property is given notice as on the original hearing. All persons in the proposed district shall have an opportunity to be heard regarding the location and boundaries of the proposed district and to make suggestions regarding them. The board of supervisors, after hearing the statements, evidence, and suggestions made and offered at the hearing, shall enter an order fixing the boundaries of the proposed district and directing that an election be held for the purpose of submitting to the qualified voters residing within the boundaries of the proposed district the question of organization and establishment of the proposed land use district as determined by the board of supervisors. The order shall fix a date for the election not more than sixty days after the date of the order, establish voting precincts within the proposed district and define their boundaries, and specify the polling places which in the board's judgment will best serve the convenience of the voters, and shall appoint from residents of the proposed district three judges and two clerks of election for each voting precinct established.

Sec. 6. NEW SECTION. NOTICE OF ELECTION. In its order for the election the board of supervisors shall direct the county auditor to cause notice of the election to be given by posting at least five copies of the notice in public places in the proposed district at least twenty days before the date of election and by publication of the notice once each week for three consecutive weeks in some newspaper of general circulation published in the proposed district, or, if no such newspaper is published within the proposed district, then in such a newspaper published in the county in which the major part of the proposed district is located. The last publication is to be at least twenty days prior to the date of election. The notice shall state the time and place of holding the election and the hours when the polls will be open and closed, the purpose of the election, with the name

of the proposed district and a description of its boundaries, and shall set forth briefly the limits of each voting precinct and the location of the polling places. Proof of posting and publication shall be made in the manner provided in section 4 of this Act and filed with the county auditor.

Sec. 7. NEW SECTION. ELECTION. Each qualified voter residing within the proposed district may cast a ballot at the election and a person shall not vote in any precinct but that of the person's residence. Ballots at the election shall be in substantially the following form:

For Land Use District                    \_\_\_ \_\_\_

Against Land Use District            \_\_\_ \_\_\_

The election shall be conducted in the manner provided by law for general elections and the ballots so cast shall be issued, received, returned, and canvassed in the same manner and by the same officers, in the county whose board of supervisors is vested with jurisdiction of the proceedings, as provided by law in the case of ballots cast for county officers, except as modified by this Act. The board of supervisors shall cause a statement of the result of the election to be spread upon the records of the county auditor. If a majority of the votes cast upon the question of incorporation of the proposed district is in favor of the proposed district, the proposed district becomes an organized district under this Act.

Sec. 8. NEW SECTION. EXPENSES AND COSTS OF ELECTION. All expenses incurred in carrying out sections 1 through 7 of this Act, including the costs of the election, as determined by the board of supervisors, shall be paid by the county whose board is vested with jurisdiction of the proceedings.

Sec. 9. NEW SECTION. ELECTION OF TRUSTEES--TERM OF OFFICE.

1. If the proposition to establish a land use district carries, a special election shall be called by the board of supervisors of the county which conducted the election to form the district. This special election shall be held within

the newly created district at a single polling place designated by the county auditor not more than ninety days after the organization of the land use district. The election shall be held for the purpose of electing the initial seven members of the board of trustees of the land use district. The county auditor shall cause notice of the election to be posted and published, and shall perform all other acts with reference to the election, and conduct it in like manner, as nearly as may be, as provided in this Act for the election on the question of establishing the district. Each trustee must be a United States citizen not less than eighteen years of age and a resident of the district. Each qualified elector at the election may write in upon the ballot the names of not more than seven persons whom the elector desires for trustees and may cast not more than one vote for each of the seven persons. The seven persons receiving the highest number of votes cast shall constitute the first board of trustees of the district.

2. Following the initial special election, an annual election shall be held on the second Tuesday of each September at a single polling place within the district designated by the county auditor for the purpose of electing a trustee to replace a trustee whose term will expire. Notice of the election shall be posted by the county auditor at seven or more public places within the district at least two weeks prior to the date of the election. The county auditor shall perform all other acts with reference to the election and conduct it in like manner, as nearly as may be, as provided in this Act for the election on the question of establishing the district. Each qualified elector at the election may write upon the ballot the name of one person whom the elector desires as a trustee for each expiring term. The term of office for each trustee elected shall be three years.

3. Vacancies in the office of trustee of a land use district shall be filled by the remaining members of the board

of trustees for the period extending to the second Tuesday in September at which time the qualified electors of the district shall elect a new trustee to fill the vacancy for the unexpired term. Expenses incurred in carrying out the annual elections of trustees shall be paid for by the land use district.

4. When the initial board of trustees is elected under this section the trustees shall be ranked in the order of votes received from highest to lowest. Any ties shall be resolved by a random method. The last ranked trustee shall receive an initial term expiring at the next annual election for trustees in September, the sixth and fifth ranked trustees receive an initial term expiring one year later, the fourth ranked trustee receives an initial term expiring two years after that election, the third and second ranked trustees receive initial terms expiring three years after that election, and the first ranked trustee shall receive an initial term expiring four years after that election.

Sec. 10. NEW SECTION. TRUSTEE'S BOND. Each trustee shall, before entering upon the duties of office, execute a bond payable to the district, with security to be approved by the board of supervisors which had jurisdiction of the petition for establishment of the district, in a form and amount as that board of supervisors may determine, and file the bond with the county auditor of that county.

Sec. 11. NEW SECTION. LAND USE DISTRICT TO BE A BODY CORPORATE. A land use district organized under this Act is a body corporate and politic, with the name and style under which it was organized, and by that name and style may sue and be sued, contract and be contracted with, acquire and hold real and personal property necessary for corporate purposes, adopt a corporate seal and alter it, and exercise all the powers conferred in this chapter.

The courts of this state shall take judicial notice of the existence of a land use district organized under this Act.

Sec. 12. NEW SECTION. BOARD OF TRUSTEES--POWERS.

1. The trustees elected under this Act constitute the board of trustees for the district, which is the corporate authority of the district, and shall exercise all the powers and manage and control all the affairs of the district. A majority of the board of trustees is a quorum, but a smaller number may adjourn from day to day. The board of trustees may elect a president, clerk, and a treasurer from their own number and, from without their own number, employees of the district. The compensation of members of the board of trustees is fixed not to exceed ten dollars per day, or any part of a day, for each day the board is actually in session and ten dollars per day when not in session but employed on board service, and twenty cents for every mile traveled in going to and from sessions of the board and in going to and from the place of performing board service. Members of the board shall not receive compensation for more than sixty days of session and board service each year.

2. The board of trustees shall formulate and administer a land use plan which includes all ordinances, resolutions, rules, and regulations necessary for the proper administration of the land use district. The land use plan shall be created for the primary purpose of regulating and restricting, where deemed necessary, the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land in a manner which would maintain or enhance the distinctive historical and cultural character of the district. The ordinances, resolutions, rules, and regulations shall not apply to any tillable farmland, pastureland, timber pasture or forestland located within the district.

3. The board of trustees shall provide for the manner in which the land use plan shall be established and enforced and amended, supplemented, or changed. However, a plan shall not become effective until after a public hearing on it, at which parties in interest and citizens of the district shall

have an opportunity to be heard. At least fifteen days notice of the time and place of the hearing shall be published in a newspaper of general circulation within the district giving the time, date, and location of the public hearing.

4. The board of trustees shall appoint an administrative officer authorized to enforce the resolutions or ordinances adopted by the board of trustees. The board of trustees may pay the administrative officer such compensation as it deems fit, not exceeding that authorized for the members of the board, from the funds of the district.

Sec. 13. NEW SECTION. CHANGES AND AMENDMENTS. The land use plan, once established, may be amended, supplemented, changed, modified, or repealed. In case, however, of a protest against a change signed by the owners of twenty percent or more either of the area included in the proposed change, or of the immediately adjacent area and within five hundred feet of the boundaries, the amendment shall not become effective except by the favorable vote of at least eighty percent of all of the members of the board of trustees.

Sec. 14. NEW SECTION. BOARD OF ADJUSTMENT. The board of trustees of the district shall provide for the appointment of a board of adjustment, shall provide that the board of adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the land use plan which are in harmony with its general purpose and intent and in accordance with the general or specific rules of the plan, and provide that a property owner aggrieved by the action of the board of trustees in the adoption of the land use plan may petition the board of adjustment directly to modify regulations and restrictions as applied to those property owners.

Sec. 15. NEW SECTION. MEMBERSHIP OF BOARD. The board of adjustment shall consist of five members, all of whom shall reside within the district, each to be appointed for a term of five years. For the initial board one member shall be

appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of a member whose term becomes vacant.

Sec. 16. NEW SECTION. RULES. The board of adjustment shall adopt rules in accordance with any regulation or ordinance adopted by the board of trustees pursuant to this Act. Meetings of the board of adjustment shall be held at the call of the chairperson and at other times as the board determines. The chairperson, or the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

Sec. 17. NEW SECTION. APPEALS TO BOARD. Appeals to the board of adjustment may be taken by any person aggrieved or affected by the land use plan. The appeal shall be taken within a reasonable time, as provided by the rules of the board of adjustment, by filing with the board of adjustment a notice of appeal specifying the grounds of the appeal.

Sec. 18. NEW SECTION. POWERS OF BOARD. The board of adjustment may:

1. Hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Act or of any ordinance adopted pursuant to it.
2. Hear and decide special exceptions to the terms of the ordinance upon which the board is required to pass under the ordinance.

3. Authorize upon appeal, in specific cases, a variance from the terms of the land use plan which are not contrary to the public interest, where owing to special conditions a literal enforcement of the plan would result in unnecessary hardship, and so that the spirit of the plan shall be observed and substantial justice done.

Sec. 19. NEW SECTION. DECISION. In exercising its powers the board may, in conformity with this Act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the board of trustees from whom the appeal is taken.

Sec. 20. NEW SECTION. VOTE REQUIRED. The concurring vote of three members of the board is necessary to reverse an order, requirement, decision, or determination, or to decide in favor of the applicant on a matter upon which it is required to pass under an ordinance or to effect a variation in the land use plan.

Sec. 21. NEW SECTION. PETITION TO COURT. Any persons, jointly or severally, aggrieved by a decision of the board of adjustment under this Act, or any taxpayer, may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within thirty days after the filing of the decision in the office of the board.

Sec. 22. NEW SECTION. REVIEW BY COURT. Upon the presentation of a petition, the court may allow a writ of certiorari directed to the board of adjustment to review the decision of the board of adjustment prescribing the time within which a return must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ does not stay proceedings upon the decision appealed from,

but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

Sec. 23. NEW SECTION. TRIAL TO COURT. If upon the hearing, which shall be tried de novo, it appears to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take evidence as it directs and report the evidence to the court with findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Costs shall not be allowed against the board unless it appears to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

Sec. 24. NEW SECTION. PRECEDENCE. All issues in any proceedings under sections 1 through 23 of this Act have preference over all other civil actions and proceedings.

Sec. 25. NEW SECTION. RESTRAINING ORDER. If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or a building, structure, or land is used in violation of this Act or of an ordinance or other regulation made under this Act, the board of trustees, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate the violation, to prevent the occupancy of the building, structure, or land, or to prevent any illegal act, conduct, business, or use in, or about the premises.

Sec. 26. NEW SECTION. TAXES--POWER TO LEVY--TAX SALES. The board of trustees of a land use district organized under this Act may by ordinance levy annually for the purpose of paying the administrative costs of the district, a tax upon

real property within the territorial limits of the land use district not exceeding twenty-seven cents per thousand dollars of the adjusted taxable valuation of the property for the preceding fiscal year. The tax shall not be levied on any tillable farmland, pastureland, timber pasture or forestland located within the district.

Taxes levied by the board shall be certified on or before the first day of March to the county auditor of each county where any of the property included within the territorial limits of the land use district is located, and shall be placed upon the tax list for the current year, and the county treasurer shall collect the taxes in the same manner as other taxes, and when delinquent they shall draw the same interest and penalties. All taxes so levied and collected shall be paid over to the treasurer of the district.

Sales for delinquent taxes owing to a land use district shall be made at the same time and in the same manner as sales are made for other taxes, and all provisions of the law of this state relating to the sale of property for delinquent taxes are applicable, so far as may be, to such sales.

Sec. 27. NEW SECTION. RECORDS AND DISBURSEMENTS. The clerk of each land use district shall keep a record of all the proceedings and actions of the trustees. The treasurer shall receive, collect, and disburse all moneys belonging to the district, and no claim shall be paid or disbursement made until it has been duly audited by the board of trustees.

Sec. 28. NEW SECTION. CONFLICT WITH OTHER REGULATIONS. If the regulations made under this Act impose higher standards than are required in any other statute or local ordinance or regulation, the regulations made under this Act govern. If any other statute or local ordinance or regulation imposes higher standards than are required by the regulations made under authority of this Act, that statute or ordinance or regulation governs. If a regulation proposed or made under this Act relates to a structure, building, dam, obstruction,

deposit, or excavation in or on the flood plains of a river or stream, prior approval of the department of water, air and waste management is required to establish, amend, supplement, change, or modify the regulation or to grant a variation or exception from it.

Sec. 29. Sections 1 through 28 of this Act are created as a new division of chapter 303.

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ROBERT T. ANDERSON  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 85, Seventieth General Assembly.

\_\_\_\_\_  
K. MARIE THAYER  
Secretary of the Senate

Approved May 9 1983

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TERRY E. BRANSTAD  
Governor