

House File 2213

H-8019

1 Amend House File 2213 as follows:

2 1. Page 1, after line 4 by inserting:

3 <Sec. _____. NEW SECTION. 364.10 Utility meters — equipment
4 used to facilitate telecommunications service — city authority.

5 Notwithstanding any other provision of law to the contrary,
6 an ordinance, motion, resolution, or amendment adopted by
7 a city regarding the type or location of utility meters
8 or equipment used to facilitate telecommunications service
9 in relation to residential real property shall govern the
10 installation of such meters or equipment and shall not be
11 subject to preemption by any other regulatory authority or
12 interconnection agreement.

13 Sec. _____. NEW SECTION. 557.21A Utility meters — equipment
14 used to facilitate telecommunications service — declaration of
15 covenants.

16 1. In this section, unless the context requires otherwise:

17 a. "Association" means an Iowa corporation responsible for
18 the operation of a community in which the voting membership
19 is made up of parcel owners or their agents, or a combination
20 thereof, and in which membership is a mandatory condition of
21 parcel ownership, and which is authorized to impose assessments
22 that, if unpaid, may become a lien on the parcel.

23 b. "Community" means the real property that is or will be
24 subject to a declaration of covenants that is recorded in the
25 county where the property is located.

26 c. "Declaration of covenants" means a recorded written
27 instrument in the nature of covenants running with the
28 land subjecting the land comprising the community to the
29 jurisdiction and control of an association in which the parcel
30 owners, or their association representatives, must be members.

31 d. "Member" means a member of an association and may
32 include but is not limited to a parcel owner or an association
33 representing parcel owners or a combination of each.

34 e. "Parcel" means a platted or unplatted lot, tract, unit,
35 or other subdivision of residential real property within a

1 community, as described in the declaration of covenants and to
2 which the following apply:

3 (1) Is capable of separate conveyance.

4 (2) The parcel owner or an association in which the parcel
5 owner must be a member is obligated as follows:

6 (a) By the governing documents to be a member of an
7 association that serves the community.

8 (b) To pay to the association assessments that, if not paid,
9 may result in a lien.

10 *f. "Parcel owner"* means the record owner of legal title to a
11 parcel.

12 2. Notwithstanding any other provision of law to the
13 contrary, but subject to section 364.10, the declaration of
14 covenants shall govern the type or location of utility meters
15 and equipment used to facilitate telecommunications service
16 installed on a parcel.>

17 2. Page 1, after line 6 by inserting:

18 <Sec. ____ . RETROACTIVE APPLICABILITY. The following
19 apply retroactively to utility meters and equipment used to
20 facilitate telecommunications service installed prior to and on
21 or after the effective date of this Act:

22 1. The section of this Act enacting section 364.10.

23 2. The section of this Act enacting section 557.21A.>

24 3. Title page, by striking lines 1 and 2 and inserting
25 <An Act relating to public utilities, including extending
26 the repeal date of the Iowa cell siting Act and the
27 regulation of utility meters and equipment used to facilitate
28 telecommunications service, and including effective date and
29 retroactive applicability provisions.>

30 4. By renumbering as necessary.

SHIPLEY of Van Buren