

March 27, 1969

SENATE FILE 568

Passed on File

County Government 4-2, Pass 4-30
Reassigned " " 1-13-70, Pass 1-29
Now " " Pass 5-23 By LAVERTY and GAUDINEER

Passed Senate, Date.....2-5-70..... Passed House, Date.....3-20-70.....

Vote: Ayes53..... Nays0..... Vote: Ayes75..... Nays4.....

ApprovedApril 2, 1970.....

A BILL FOR

1 An Act to provide for establishment of benefited street light-
2 ing districts in unincorporated areas.

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

4 Section 1. The board of supervisors of any county shall,
5 on the petition of twenty-five percent of the resident property
6 owners in any proposed benefited street lighting district, hold
7 a public hearing concerning the establishment of such proposed
8 street lighting district. Such a petition shall include a
9 statement containing the following:

- 10 1. The need for street lighting service.
- 11 2. The district to be served.
- 12 3. The approximate number of families in the district.
- 13 4. The proposed utility to provide the street lighting
14 service.

15 The board of supervisors may require a bond of the petitioners
16 conditioned for the payment of all costs and expenses incurred
17 in the proceedings in case the street lighting district is not
18 established.

19 Sec. 2. A benefited street lighting district may include all
20 or portions of the unincorporated areas of one township and any
21 unincorporated areas of adjoining townships or portions thereof.

22 Sec. 3. Such public hearing shall be held within thirty days
23 of the presentation of the petition. Notice of hearing shall be
24 given by publication in two successive issues of any paper of
25 general circulation within the district. The last publication

1 shall be not less than one week before the proposed hearing.

2 Sec. 4. After the hearing, the board of supervisors may
3 by resolution establish the benefited street lighting district
4 or disallow the petition. The board of supervisors may defer
5 action on such petition for not to exceed ten days after the
6 day first set for a hearing.

7 Sec. 5. When the board of supervisors shall have established
8 a benefited street lighting district, they shall appoint a com-
9 petent disinterested civil engineer, who shall prepare a pre-
10 liminary plat showing:

11 1. The proper design in general outline of the district.

12 2. The lots and parcels of land within the proposed district
13 as they appear on the county auditor's plat books with the names
14 of the owners.

15 3. The assessed valuation of said lots and parcels.

16 The compensation of such engineer on the preliminary investi-
17 gation shall be determined by the board of supervisors. The
18 engineer shall file his report with the county auditor within
19 thirty days of his appointment. The board of supervisors may
20 extend such time upon good cause shown.

21 Sec. 6. After the engineer's report is filed, the board of
22 supervisors shall give notice in the same manner as for the
23 original hearing, of a public hearing to be held concerning the
24 engineer's preliminary plat. On the day set for such hearing,
25 or within ten days thereafter, the board of supervisors shall
26 **approve or disapprove the preliminary plate. The board of super-**
27 **visors may make changes in the boundaries as they appear on the**
28 **engineer's report.**

29 Sec. 7. When a preliminary plat has been approved by the
30 board of supervisors, an election shall be held within the
31 district within sixty days to approve or disapprove the levy
32 **of a tax of not more than two mills on all the taxable property**
33 **within the district, and to choose candidates for the offices**
34 **of trustees of the district. Notice of the election, including**
35 **the time and place of holding the same, shall be given in the**

1 same manner as for the original public hearing as provided
2 herein. The vote shall be by ballot which shall state clearly
3 the proposition to be voted upon, and any qualified voter re-
4 siding within the district at the time of the election shall be
5 entitled to vote. Judges shall be appointed to serve without
6 pay by the board of supervisors from among the qualified voters
7 of the district who will have charge of the election. The
8 proposition shall be deemed to have carried if sixty percent
9 of those voting thereon vote in favor of same.

10 Sec. 8. At such election, the names of candidates for
11 trustee shall be written in by the voters on blank ballots
12 without formal nomination, and the board of supervisors shall
13 appoint three from among the five receiving the highest number
14 of votes as trustees for the district; one to serve for one
15 year, one for two years, and one for three years. The trustees
16 and their successors shall give bond in the amount the board
17 of supervisors may require, the premium of which shall be paid
18 by the district said trustees represent. Vacancies may there-
19 after be filled by election, or by appointment by the board of
20 supervisors. The term of succeeding trustees shall be for three
21 years.

22 Sec. 9. The trustees may purchase street lighting service
23 and facilities and may levy an annual tax not to exceed two
24 mills for the purpose of exercising the powers granted in this
25 Act. This levy shall be optional with the trustees, but no
26 levy shall be made unless first approved by the voters as pro-
27 vided herein. The trustees may purchase material, employ labor,
28 and may perform all other acts necessary to properly maintain
29 and operate the benefited street lighting district. The trustees
30 shall be allowed necessary expenses in the discharge of the
31 duties, but shall not receive any salary.

32 Sec. 10. Benefited street lighting districts may anticipate
33 the collection of taxes by the levy herein provided, and to
34 carry out the purposes of this Act may issue bonds payable in
35 not more than ten equal installments, with the rate of interest

1 thereon to not exceed seven percent per annum. No indebted-
2 ness shall be incurred under this Act until authorized by an
3 election. Such election shall be held and notice given in
4 the same manner as the election provided herein for the autho-
5 rization of a tax levy, and the same sixty percent vote shall
6 be necessary to authorize indebtedness. Both propositions may
7 be submitted to the voters in the same election.

8 Sec. 11. Upon petition of thirty-five percent of resident
9 voters, the board of supervisors may dissolve a benefited
10 street lighting district and dispose of any remaining property,
11 proceeds of which shall first be applied against outstanding
12 obligations and any balance shall be applied to tax credit
13 of property owners of the district. The board of supervisors
14 shall continue to levy tax after dissolution of a district,
15 of not to exceed two mills on all the taxable property of the
16 district, until all outstanding obligations of the district
17 are paid.

18 Sec. 12. The owner of any property in an unincorporated
19 area immediately contiguous to the boundaries of any established
20 benefited street lighting district may petition the board of
21 supervisors to be included in the district. Upon receipt of
22 such petition the board shall submit the request to a competent
23 disinterested civil engineer to investigate the feasibility of
24 adding such additional territory and to make a report to the
25 board. If the board agrees that said property should be added
26 to the district, the tax levy for the next year shall be
27 applied to said property and on the first day of the said next
28 year said property shall be considered a part of the district.
29 If the benefited street lighting district lies in more than
30 one county the joint action of the boards of supervisors shall
31 be required to add additional territory.

32 Sec. 13. The owner of any property joining an established
33 benefited street lighting district shall pay to the board of
34 trustees of the district an initial fee to be computed as
35 follows:

- 1 1. The board of trustees shall first determine fair
2 market value of all property and improvements owned by the
3 benefited street lighting district, less any indebtedness.
- 4 2. The board shall then determine the assessed value of
5 all property in said district. This shall be divided into the
6 value determined in subsection one (1) of this section.
- 7 3. The board shall determine the assessed value of the
8 property of each landowner joining the established district.
- 9 4. The result obtained in subsection two (2) shall be
10 multiplied by the result obtained in subsection three (3).
11 The result shall be the initial fee to be charged each land-
12 owner.
- 13 The initial fees paid to the district trustees shall be
14 used to help defray the cost and maintenance of the district's
15 street lighting service.

EXPLANATION OF SENATE FILE 568

This bill will permit the establishment of street lighting districts in unincorporated areas.

1 Amend Senate File 568 as follows:

2 1. By inserting in line 6, page 1, after the word,
3 "district" the words, "if the assessed valuation of the
4 property owned by the petitioners represents at least twenty-
5 five percent of the total assessed value of the proposed
6 district".

7 2. By inserting in line 21, page 1, after the period (.),
8 the following new sentence: "However, such district shall
9 contain only such area wherein the benefits derived from such
10 street lighting shall be ratably spread between those people
11 and families to be served."

Filed - *Adopted 2-5*

February 4, 1970

By LAVERTY, POTGETER and GAUDINEER