

Do Pass per
3239 2/20

Reprinted 3/1/79

JAN 30 1979

HOUSE FILE 174

Cities

By JOHNSON of Woodbury

Passed House, Date 2-26-79 (p. 676) Passed Senate, Date _____

Vote: Ayes 90 Nays 4 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

3239

1 An Act to increase the membership and voting requirements of
2 the boards of adjustment of cities.

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

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1 Section 1. Section four hundred fourteen point eight
2 (414.8), Code 1979, is amended to read as follows:

3 414.8 MEMBERSHIP. The board of adjustment shall consist
4 of ~~five~~ seven members each to be appointed for a term of five
5 years, excepting that when the board shall first be created
6 ~~one-member~~ two members shall be appointed for a term of five
7 years, ~~one~~ two for a term of four years, one for a term of
8 three years, one for a term of two years, and one for a term
9 of one year. Members shall be removable for cause by the
10 appointing authority upon written charges and after public
11 hearing. Vacancies shall be filled for the unexpired term
12 of any member whose term becomes vacant.

13 Sec. 2. Section four hundred fourteen point fourteen
14 (414.14), Code 1979, is amended to read as follows:

15 414.14 VOTE REQUIRED. The concurring vote of ~~three~~ four
16 members of the board shall be necessary to reverse any order,
17 requirement, decision, or determination of any such
18 administrative official, or to decide in favor of the applicant
19 on any matter upon which it is required to pass under any
20 such ordinance or to effect any variation in such ordinance.

21 Sec. 3. NEW SECTION. TRANSITIONAL PROVISIONS. Of the
22 two additional members to be appointed to a board of adjust-
23 ment existing on the effective date of this Act, one member
24 shall be appointed to an initial term of five years and one
25 member shall be appointed to an initial term of four years.
26 The terms of office of members of a board of adjustment serving
27 unexpired terms of office on the effective date of this Act,
28 shall expire according to their original appointments.

29 Sec. 4. This Act is effective January first following
30 its enactment.

31 EXPLANATION

32 This bill increases the membership of a city board of
33 adjustment from five to seven members and, correspondingly,
34 the concurrence of four members rather than three members
35 is required for official actions of the board.

HOUSE FILE 174

H-3239

1 Amend House File 174 as follows:

2 1. Page 1, by striking line 4 and inserting in
3 lieu thereof the words "of five or seven members as
4 determined by the council. ~~each-to~~ Members of a five
5 member board shall be appointed for a term of five".

6 2. Page 1, line 6, by striking the words "one
7 ~~member~~ two members and inserting in lieu thereof the
8 words "one member".

9 3. Page 1, line 7, by striking the words "one
10 two" and inserting in lieu thereof the word "one".

11 4. Page 1, line 9, by inserting after the word
12 "year." the words "Members of a seven-member board
13 shall be appointed for a term of five years, except
14 when the board shall first be created two members
15 shall be appointed for a term of five years, two
16 members for a term of four years, one for a term of
17 three years, one for a term of two years, and one
18 for a one-year term. A five-member board shall not
19 carry out its business without having three members
20 present and a seven-member board shall not carry out
21 its business without having four members present.

22 5. Page 1, line 15, by striking the words "~~three~~
23 four" and inserting in lieu thereof the word "three".

24 6. Page 1, line 16, by inserting after the word
25 "board" the words "in the case of a five-member board,
26 and four members in the case of a seven-member board,".

27 7. Page 1, line 22, by striking the words "to
28 be appointed to a" and inserting in lieu thereof the
29 words "which may be appointed to increase a five-
30 member".

31 8. Page 1, line 23, by striking the words "existing
32 on" and inserting in lieu thereof the words "to a
33 seven-member board after".

34 9. Title page, lines 1 and 2, by striking the
35 words "to increase the membership and voting
36 requirements of" and inserting in lieu thereof the
37 words "relating to the membership of".

H-3239 FILED *Adopted 2/26 (p. 676)* BY COMMITTEE ON CITIES
FEBRUARY 20, 1979

Sen. Cities 3/1, Do Pass 3/22 (p. 918)

House File 174

Cities
Taylor, Chairperson
Hansen
Palmer

HOUSE FILE 174

By JOHNSON of Woodbury

(As Amended and Passed by the House)

Passed House, Date 5-7-79 (p. 2107) Passed Senate, Date 4-6-79 (p. 1109)

Vote: Ayes 95 Nays 0 Vote: Ayes 43 Nays 0

Approved June 6, 1979

A BILL FOR

1 An Act relating to the membership of the boards of adjustment
2 of cities.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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HOUSE FILE 174

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S-3257

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Amend House File 174, as amended, passed and
reprinted by the House, as follows:

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1. Page 1, line 18, by inserting after the word

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"present." the following: "A majority of the members
of the board of adjustment shall be persons

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representing the public at large and shall not be
involved in the business of purchasing or selling
real estate."

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S-3257 FILED *Adopted 4/6 (p. 1109)*
MARCH 21, 1979

BY WILLIAM D. PALMER
RAY TAYLOR

1 Section 1. Section four hundred fourteen point eight
2 (414.8), Code 1979, is amended to read as follows:

3 414.8 MEMBERSHIP. The board of adjustment shall consist
4 of five or seven members as determined by the council. each
5 to Members of a five member board shall be appointed for a
6 term of five years, excepting that when the board shall first
7 be created one member shall be appointed for a term of five
8 years, one for a term of four years, one for a term of three
9 years, one for a term of two years, and one for a term of
10 one year. Members of a seven-member board shall be appointed
11 for a term of five years, except when the board shall first
12 be created two members shall be appointed for a term of five
13 years, two members for a term of four years, one for a term
14 of three years, one for a term of two years, and one for a
15 one-year term. A five-member board shall not carry out its
16 business without having three members present and a seven-
17 member board shall not carry out its business without having
18 four members present. Members shall be removable for cause
19 by the appointing authority upon written charges and after
20 public hearing. Vacancies shall be filled for the unexpired
21 term of any member whose term becomes vacant.

22 Sec. 2. Section four hundred fourteen point fourteen
23 (414.14), Code 1979, is amended to read as follows:

24 414.14 VOTE REQUIRED. The concurring vote of three members
25 of the board in the case of a five-member board, and four
26 members in the case of a seven-member board, shall be necessary
27 to reverse any order, requirement, decision, or determination
28 of any such administrative official, or to decide in favor
29 of the applicant on any matter upon which it is required to
30 pass under any such ordinance or to effect any variation in
31 such ordinance.

32 Sec. 3. NEW SECTION. TRANSITIONAL PROVISIONS. Of the
33 two additional members which may be appointed to increase
34 a five-member board of adjustment to a seven-member board
35 after the effective date of this Act, one member shall be

1 appointed to an initial term of five years and one member
2 shall be appointed to an initial term of four years. The
3 terms of office of members of a board of adjustment serving
4 unexpired terms of office on the effective date of this Act,
5 shall expire according to their original appointments.
6 Sec. 4. This Act is effective January first following
7 its enactment.

8 EXPLANATION

9 This bill increases the membership of a city board of
10 adjustment from five to seven members and, correspondingly,
11 the concurrence of four members rather than three members
12 is required for official actions of the board.

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23 SENATE AMENDMENT TO
24 HOUSE FILE 174

25 H-3828

26 1 Amend House File 174 as amended, passed and
27 2 reprinted by the House as follows:
28 3 1. Page 1, line 18, by inserting after the word
29 4 "present." the following: "A majority of the members
30 5 of the board of adjustment shall be persons
31 6 representing the public at large and shall not be
32 7 involved in the business of purchasing or selling
33 8 real estate.".

34 H-3828 FILED
35 APRIL 10, 1979

RECEIVED FROM THE SENATE
House concurred 5/7 (p. 2107)

HOUSE FILE 174

AN ACT

RELATING TO THE MEMBERSHIP OF THE BOARDS OF ADJUSTMENT OF
CITIES.

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

Section 1. Section four hundred fourteen point eight
(414.8), Code 1979, is amended to read as follows:

414.8 MEMBERSHIP. The board of adjustment shall consist
of five or seven members ~~each to~~ as determined by the council.
Members of a five-member board shall be appointed for a term
of five years, excepting that when the board shall first be
created 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 of a seven-member board shall be appointed
for a term of five years, except when the board shall first
be created two members shall be appointed for a term of five
years, two members for a term of four years, one for a term
of three years, one for a term of two years, and one for a
one-year term. A five-member board shall not carry out its
business without having three members present and a seven-
member board shall not carry out its business without having
four members present. A majority of the members of the board
of adjustment shall be persons representing the public at
large and shall not be involved in the business of purchasing
or selling real estate. 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 any member whose term becomes vacant.

Sec. 2. Section four hundred fourteen point fourteen
(414.14), Code 1979, is amended to read as follows:

414.14 VOTE REQUIRED. The concurring vote of three members
of the board in the case of a five-member board, and four
members in the case of a seven-member board, shall be necessary
to reverse any order, requirement, decision, or determination
of any such administrative official, or to decide in favor
of the applicant on any matter upon which it is required to
pass under any such ordinance or to effect any variation in
such ordinance.

Sec. 3. NEW SECTION. TRANSITIONAL PROVISIONS. Of the
two additional members which may be appointed to increase
a five-member board of adjustment to a seven-member board
after the effective date of this Act, one member shall be
appointed to an initial term of five years and one member
shall be appointed to an initial term of four years. The
terms of office of members of a board of adjustment serving
unexpired terms of office on the effective date of this Act,
shall expire according to their original appointments.

Sec. 4. This Act is effective January first following its enactment.

FLOYD H. MILLEN
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 174, Sixty-eighth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved June 6, 1979

ROBERT D. RAY
Governor