

In Local Govt 3/31/87
Amend (3509) v. D. Pass 4/10/87 (p. 3509)

MAR 13 1987

Place On Calendar

HOUSE FILE 518
BY COMMITTEE ON
LOCAL GOVERNMENT

(Formerly House Study Bill 247)

Passed House, Date 3-31-87 (p. 963) Passed Senate, Date 4/30/87 (p. 1414)

Vote: Ayes 79 Nays 0 Vote: Ayes 45 Nays 0

Approved June 4, 1987

Proposed House 5/6/87 (p. 2020)
8.3-5

A BILL FOR

- 1 An Act relating to powers and duties of certain political
- 2 subdivisions in relation to their operational procedures and
- 3 financial arrangements, and providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE AMENDMENT TO HOUSE FILE 518

H-4100

- 1 Amend House File 518, as passed by the House, as
- 2 follows:
- 3 1. By striking page 4, line 21 through page 5,
- 4 line 5.
- 5 2. Title page, lines 1 and 2, by striking the
- 6 words "certain political subdivisions" and inserting
- 7 the following: "sanitary districts".
- 8 3. By renumbering sections as necessary.

H-4100 FILED APRIL 30, 1987 RECEIVED FROM THE SENATE

House Amendment 5/6/87 (p. 2020)

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1 Section 1. Section 358.13, Code 1987, is amended to read
2 as follows:

3 358.13 ORDINANCES -- PUBLICATION OR POSTING -- TIME OF
4 TAKING EFFECT.

5 All ordinances, resolutions, orders, rules, and regulations
6 adopted by the board ~~shall~~ take effect ~~five-days~~ from and
7 after their adoption and publication. The publication thereof
8 shall be by one publication in a newspaper published of
9 general circulation in the district, or by posting copies
10 thereof in ~~five~~ three public places within the district, or by
11 other steps necessary to inform the public.

12 Sec. 2. Section 358.16, Code 1987, is amended by adding
13 the following new unnumbered paragraphs:

14 NEW UNNUMBERED PARAGRAPH. The board of trustees may
15 require connection to the sanitary sewer system established,
16 maintained, or operated by the district from any adjacent
17 property within the district, and require the installation of
18 sanitary toilets or other sanitary sewage facilities and
19 removal of other toilet and other sewage facilities on the
20 property.

21 NEW UNNUMBERED PARAGRAPH. If the property owner does not
22 perform an action required under the preceding paragraph
23 within a reasonable time after notice and hearing, the board
24 of trustees may perform the required action and assess the
25 costs of the action against the property for collection in the
26 same manner as a property tax. The notice shall state the
27 nature of the action and the time within which the action is
28 required to be performed by the property owner, state the
29 date, time, and place where the property owner will be heard
30 by the board of trustees for the purpose of stating why the
31 intended action should not be required, and shall be given by
32 certified mail to the property owner as shown on the records
33 of the county auditor not less than four nor more than twenty
34 days before the date of the hearing.

35 NEW UNNUMBERED PARAGRAPH. However, in the event of an

1 emergency when the delay of notice and hearing might cause
2 serious loss or injury to persons or property within the
3 district, the board of trustees may perform any action which
4 may be required under this section without prior notice and
5 hearing, and assess the cost as provided in this section,
6 following notice to the property owner and hearing in the time
7 and manner provided in the preceding paragraph. In that event
8 the board of trustees shall, by resolution, make a finding of
9 the necessity to institute emergency proceedings under this
10 section, and shall procure a certificate from a competent
11 registered professional engineer or architect certifying that
12 emergency action is necessary.

13 NEW UNNUMBERED PARAGRAPH. If any amount assessed against
14 property pursuant to this section will exceed one hundred
15 dollars, the board of trustees may permit the assessment to be
16 paid in up to ten annual installments, in the manner and with
17 the same interest rates as provided for assessments against
18 benefited property under chapter 384, division IV.

19 NEW UNNUMBERED PARAGRAPH. An assessment levied pursuant to
20 this section, including all interest and penalties, is a lien
21 against the property with respect to which action was taken
22 from the date of filing the schedule of assessments until the
23 assessment is paid. Assessments have equal precedence with
24 ordinary taxes and are not divested by judicial sale.

25 NEW UNNUMBERED PARAGRAPH. The procedures for making and
26 levying an assessment pursuant to this section and for an
27 appeal of the assessment are the same procedures as provided
28 in sections 384.59 through 384.67 and sections 384.72 through
29 384.75, except that any notice required in those sections to
30 be published in a newspaper may be sent by certified mail to
31 the owner of the property to be assessed as shown on the
32 records of the county auditor in lieu of the publication. The
33 references in those sections to the city council are
34 applicable to the board of trustees.

35 Sec. 3. Section 358.20, unnumbered paragraph 2, Code 1987,

1 is amended by striking the unnumbered paragraph.

2 Sec. 4. Section 358.22, Code 1987, is amended to read as
3 follows:

4 358.22 SPECIAL ASSESSMENTS.

5 The board of trustees of any a sanitary district may
6 provide for payment of all or any portion of the costs and
7 expenses of acquiring, locating, laying out, constructing,
8 reconstructing, repairing, changing, enlarging, or extending
9 any conduits, ditches, channels, outlets, drains, sewers, or
10 laterals, treatment plants, pumping plants, and other
11 necessary adjuncts thereto, including-pumping-stations, by
12 assessing all, or any portion thereof of the costs, on
13 abutting-and adjacent property according to the benefits
14 derived thereby,-and-for-this-purpose-said. For the purposes
15 of this chapter, the board of trustees may define adjacent
16 property as all that included within a designated benefited
17 district or districts to be fixed by the board, which may be
18 all of the property located within the sanitary district or
19 any lesser portion thereof of that property. It shall
20 ~~constitute-no~~ is not a valid objection to any a special
21 assessment that the improvement for which the ~~same~~ assessment
22 is levied is outside the limits of ~~such~~ the sanitary district,
23 but no a special assessment shall not be made upon property
24 situated outside of ~~such~~ the sanitary district. Special
25 assessments pursuant to this section shall be in proportion to
26 the special benefits conferred upon the property ~~thereby,~~ and
27 not in excess of ~~such~~ the benefits, and ~~the-same~~ an assessment
28 shall not exceed twenty-five percent of the actual value of
29 the property at the time of levy, and the last preceding
30 assessment roll shall be taken as prima-facie evidence of ~~such~~
31 that value.

32 Such The assessments may be made to extend over a period of
33 ten years, payable in as nearly equal annual installments as
34 ~~practicable,-and-certificates-or-bonds-may-be-issued-in~~
35 ~~anticipation-thereof.~~ Proceedings-for-improvements-to-be-made

1 and-paid-for,-in-whole-or-in-part,-by-special-assessments,-as
 2 herein-authorized-shall-be-initiated-by-resolution-of
 3 necessity,-and-said-resolution-and-the-plat,-schedule,
 4 hearings,-notices,-objections,-orders,-assessments,-levies,
 5 contracts,-bonds,-certification-of-assessments,-liens,
 6 payment,-tax-sales,-and-appeals,-and-the-issuance-and-sale-of
 7 certificates,-and-bonds,-shall-correspond,-as-near-as-may-be,
 8 to-the-provisions-therefor-relating-to-special-assessment
 9 bonds-of-a-city,-which-provisions-shall-govern-such
 10 proceedings,-to-the-extent-applicable,-except-as-modified
 11 hereby: A majority vote of the board of trustees shall be is
 12 requisite and sufficient for any action required by the board
 13 of trustees under the-provisions-of this section.

14 Subject to the limitations otherwise stated in this
 15 section, a sanitary district organized under this chapter has
 16 all of the powers to specially assess the costs of
 17 improvements described in this section, including the power to
 18 issue special assessment bonds, warrants, project notes, or
 19 other forms of interim financing obligations, which cities
 20 have under the laws of this state.

21 Sec. 5. Section 384.80, subsection 5, Code 1987, is
 22 amended to read as follows:

23 5. "Project" means the acquisition, construction,
 24 reconstruction, extending, remodeling, improving, repairing,
 25 and equipping of all or part of a city utility, combined
 26 utility system, city enterprise, or combined city enterprise
 27 within or without the corporate limits of the city, including
 28 the purchase of entitlement to the use of facilities owned by
 29 other persons.

30 Sec. 6. Section 390.4, subsection 1, Code 1987, is amended
 31 to read as follows:

32 1. Provide that each participant shall own an undivided
 33 interest in the joint facility or be entitled to use of the
 34 joint facility, the ownership interest or entitlement being
 35 equal to the percentage of the money furnished, value of

1 property furnished, or services rendered by each participant
2 toward the total cost of the joint facility, and that each
3 participant shall own and control or be entitled to the use of
4 a like percentage of the output or capacity of the joint
5 facility.

6 Sec. 7. This Act, being deemed of immediate importance,
7 take effect upon enactment.

8 EXPLANATION

9 Section 1 amends the effective date and posting
10 requirements for sanitary district legislation.

11 Section 2 authorizes a sanitary district to require any
12 adjacent property to be connected to the public sanitary sewer
13 system established and maintained by the district, to require
14 installation of sanitary facilities and provides for
15 assessments for these purposes.

16 Section 3 strikes a current restriction prohibiting the
17 utilization of operating revenues derived from sewer charges
18 to pay construction costs which have in the first instance
19 been financed with special assessments against property within
20 the district.

21 Section 4 expands the types of projects which a sanitary
22 district may finance by special assessments. This section
23 also provides that a sanitary district has all of the special
24 assessment powers which a city has.

25 Sections 5 and 6 provide for revenue bonds to purchase
26 entitlement to use of utility facilities by city utilities and
27 in joint city utility agreements.

28 Section 7 provides that this Act is effective upon
29 enactment.

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HOUSE FILE 518

S-3509

- 1 Amend House File 518, as passed by the House, as
2 follows:
3 1. By striking page 4, line 21 through page 5,
4 line 5.
5 2. Title page, lines 1 and 2, by striking the
6 words "certain political subdivisions" and inserting
7 the following: "sanitary districts".
8 3. By renumbering sections as necessary.

S-3509

Filed April 10, 1987

Adopted 4/30/87 (p. 1611)

BY COMMITTEE ON LOCAL GOVERNMENT
ALVIN V. MILLER, Chairperson

HOUSE FILE 518

S-3735

- 1 Amend House File 518, as passed by the House, as
2 follows:
3 1. Page 4, line 29, by inserting after the word
4 "persons" the following: "; provided, however, that
5 if the facility is constructed for the generation of
6 electric power, that facility must be located within
7 the state of Iowa".
8 2. Page 5, by inserting after the word
9 "facility." the following: "This subsection shall
10 permit a participant to be entitled to the use of
11 output or capacity of a joint generating facility only
12 if that generating facility is located within the
13 state of Iowa".

S-3735

Filed April 22, 1987

Placed o/c 4/30 (p. 1611)

BY RAY TAYLOR

HOUSE FILE 518

S-3747

- 1 Amend House File 518, as passed by the House, as
2 follows:
3 1. Page 4, line 29, by inserting after the word
4 "persons" the following: "if the entitlement is
5 freely alienable".
6 2. Page 5, line 5, by inserting after the word
7 "facility" the following: ", and that any entitlement
8 purchased is freely alienable".

S-3747

Filed April 23, 1987

Placed o/c 4/30 (p. 1611)

BY HURLEY W. HALL

HOUSE FILE 518

S-3736

1 Amend House File 518, as passed by the House, as
2 follows:

3 1. Page 4, line 29, by inserting after the word
4 "persons" the following: "; provided, however, that
5 if the facility is constructed for the generation of
6 electric power, that facility must be located within
7 the state of Iowa".

8 2. Page 5, line 5, by inserting after the word
9 "facility." the following: "This subsection shall
10 permit a participant to be entitled to the use of
11 output or capacity of a joint generating facility only
12 if that generating facility is located within the
13 state of Iowa."

S-3736

Filed April 22, 1987

BY RAY TAYLOR

Placed on 4/30 (p. 1611)

HOUSE FILE 518

S-3737

1 Amend House File 518 as passed by the House, as
2 follows:

3 1. Page 4, line 29, by inserting after the word
4 "persons." the following: "The proposed purchase of
5 entitlement shall be submitted at any city election by
6 the city council on its own motion. If a majority of
7 those voting in the city election does not approve the
8 proposal, the same or a similar proposal may be
9 submitted to the voters no sooner than one year from
10 the date of the election at which the proposal was
11 defeated."

12 2. Page 5, line 5, by inserting after the word
13 "facility" the following: ", and provide that any
14 proposed purchase of entitlement shall be submitted at
15 any city election by each of the city councils of the
16 participant cities on their own motions. If a
17 majority of those voting in a city do not approve the
18 proposal, the same or a similar proposal may be
19 submitted to the voters no sooner than one year from
20 the date of the election at which the proposal was
21 defeated."

S-3737

Filed April 22, 1987

BY EDGAR H. HOLDEN

Placed on 4/30 (p. 1611)

HOUSE FILE 518

S-3819

- 1 Amend House File 518, as passed by the House, as
2 follows:
3 1. Page 4, line 28, by striking the words
4 "entitlement to the use of" and inserting in lieu
5 thereof the words "a leasehold interest in".
6 2. Page 4, line 33, by striking the words "use
7 of" and inserting in lieu thereof the word "lease".
8 3. Page 4, line 34, by striking the word
9 "entitlement" and inserting in lieu thereof the words
10 "leasehold interest".
11 4. Page 5, line 3, by striking the words "the use
12 of" and inserting in lieu thereof the word "lease".

S-3819

Filed April 27, 1987

BY RAY TAYLOR

Placed into file (p. 1611)

HOUSE FILE 518

S-3919

- 1 Amend House File 518, as passed by the House as
2 follows:
3 1. Page 4, line 29, by inserting after the word
4 "persons" the following: ", and the purchase of
5 entitlement shall be subject to the contract letting
6 procedures of chapter 384, division VI".
7 2. Page 5, line 5, by inserting after the word
8 "facility" the following: ", and the purchase of
9 entitlement shall be subject to the contract letting
10 procedures of chapter 384, division VI".

S-3919

Filed April 30, 1987

BY RICHARD VANDE HOEF

RULED OUT OF ORDER *(p. 1611)*

HOUSE FILE 518

S-3921

- 1 Amend House File 518 as passed by the House as
2 follows:
3 1. Page 1, by inserting after line 13 the
4 following:
5 "NEW UNNUMBERED PARAGRAPH. The board of trustees
6 and the governing body of any political subdivision of
7 the state shall not enact an ordinance regulating the
8 ownership, possession, legal transfer, lawful
9 transportation, registration, or licensing of firearms
10 when the ownership, possession, transfer, or
11 transportation is otherwise lawful under the laws of
12 this state. An ordinance existing on or after the
13 effective date of this section is void."

S-3921

Filed April 30, 1987

BY HURLEY W. HALL

RULED OUT OF ORDER *(p. 1614)*

NSB 247

LOCAL GOVERNMENT

Handwritten notes:
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H.C. 14

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to powers and duties of certain political
2 subdivisions in relation to their operational procedures and
3 financial arrangements, and providing an effective date.

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

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SUB COMMITTEE ASSIGNMENTS

CHAIR: *Hatch*

COMMITTEE: *Local Government*

3/10/87

1 Section 1. Section 358.13, Code 1987, is amended to read
2 as follows:

3 358.13 ORDINANCES -- PUBLICATION OR POSTING -- TIME OF
4 TAKING EFFECT.

5 All ordinances, resolutions, orders, rules, and regulations
6 adopted by the board shall take effect ~~five-days~~ from and
7 after their adoption and publication. The publication thereof
8 shall be by one publication in a newspaper of general
9 circulation published in the district, or by posting copies
10 thereof in ~~five~~ three public places within the district, or by
11 other steps necessary to inform the public.

12 Sec. 2. Section 358.16, Code 1987, is amended by adding
13 the following new unnumbered paragraphs:

14 NEW UNNUMBERED PARAGRAPH. The board of trustees may
15 require connection to the sanitary sewer system established,
16 maintained, or operated by the district from any adjacent
17 property within the district, and require the installation of
18 sanitary toilets or other sanitary sewage facilities and
19 removal of other toilet and other sewage facilities on the
20 property.

21 NEW UNNUMBERED PARAGRAPH. If the property owner does not
22 perform an action required under the preceding paragraph
23 within a reasonable time after notice and hearing, the board
24 of trustees may perform the required action and assess the
25 costs of the action against the property for collection in the
26 same manner as a property tax. The notice shall state the
27 nature of the action and the time within which the action is
28 required to be performed by the property owner, state the
29 date, time, and place where the property owner will be heard
30 by the board of trustees for the purpose of stating why the
31 intended action should not be required, and shall be given by
32 certified mail to the property owner as shown on the records
33 of the county auditor not less than four nor more than twenty
34 days before the date of the hearing.

35 NEW UNNUMBERED PARAGRAPH. However, in the event of an

1 emergency when the delay of notice and hearing might cause
2 serious loss or injury to persons or property within the
3 district, the board of trustees may perform any action which
4 may be required under this section without prior notice and
5 hearing, and assess the cost as provided in this section,
6 following notice to the property owner and hearing in the time
7 and manner provided in the preceding paragraph. In that event
8 the board of trustees shall, by resolution, make a finding of
9 the necessity to institute emergency proceedings under this
10 section, and shall procure a certificate from a competent
11 registered professional engineer or architect certifying that
12 emergency action is necessary.

13 NEW UNNUMBERED PARAGRAPH. If any amount assessed against
14 property pursuant to this section will exceed one hundred
15 dollars, the board of trustees may permit the assessment to be
16 paid in up to ten annual installments, in the manner and with
17 the same interest rates as provided for assessments against
18 benefited property under chapter 384, division IV.

19 NEW UNNUMBERED PARAGRAPH. An assessment levied pursuant to
20 this section, including all interest and penalties, is a lien
21 against the property with respect to which action was taken
22 from the date of filing the schedule of assessments until the
23 assessment is paid. Assessments have equal precedence with
24 ordinary taxes and are not divested by judicial sale.

25 NEW UNNUMBERED PARAGRAPH. The procedures for making and
26 levying an assessment pursuant to this section and for an
27 appeal of the assessment are the same procedures as provided
28 in sections 384.59 through 384.67 and sections 384.72 through
29 384.75, except that any notice required in those sections to
30 be published in a newspaper may be sent by certified mail to
31 the owner of the property to be assessed as shown on the
32 records of the county auditor in lieu of the publication. The
33 references in those sections to the city council are
34 applicable to the board of trustees.

35 Sec. 3. Section 358.20, unnumbered paragraph 2, Code 1987,

1 is amended by striking the unnumbered paragraph.

2 Sec. 4. Section 358.22, Code 1987, is amended to read as
3 follows:

4 358.22 SPECIAL ASSESSMENTS.

5 The board of trustees of any a sanitary district may
6 provide for payment of all or any portion of the costs and
7 expenses of acquiring, locating, laying out, constructing,
8 reconstructing, repairing, changing, enlarging, or extending
9 any conduits, ditches, channels, outlets, drains, sewers, or
10 laterals, treatment plants, pumping plants, and other
11 necessary adjuncts thereto, including-pumping-stations, by
12 assessing all, or any portion thereof of the costs, on
13 abutting-and adjacent property according to the benefits
14 derived thereby,-and-for-this-purpose-said. For the purposes
15 of this chapter, the board of trustees may define adjacent
16 property as all that included within a designated benefited
17 district or districts to be fixed by the board, which may be
18 all of the property located within the sanitary district or
19 any lesser portion thereof of that property. It shall
20 constitute-no is not a valid objection to any a special
21 assessment that the improvement for which the same assessment
22 is levied is outside the limits of such the sanitary district,
23 but no a special assessment shall not be made upon property
24 situated outside of such the sanitary district. Special
25 assessments pursuant to this section shall be in proportion to
26 the special benefits conferred upon the property thereby, and
27 not in excess of such the benefits, and the-same an assessment
28 shall not exceed twenty-five percent of the actual value of
29 the property at the time of levy, and the last preceding
30 assessment roll shall be taken as prima-facie evidence of such
31 that value.

32 Such The assessments may be made to extend over a period of
33 ten years, payable in as nearly equal annual installments as
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35 anticipation-thereof. Proceedings-for-improvements-to-be-made

1 and-paid-for,-in-whole-or-in-part,-by-special-assessments,-as
 2 herein-authorized-shall-be-initiated-by-resolution-of
 3 necessity,-and-said-resolution-and-the-plat,-schedule,
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 9 bonds-of-a-city,-which-provisions-shall-govern-such
 10 proceedings,-to-the-extent-applicable,-except-as-modified
 11 hereby. A majority vote of the board of trustees shall-be is
 12 requisite and sufficient for any action required by the board
 13 of trustees under the-provisions-of this section.

14 Subject to the limitations otherwise stated in this
 15 section, a sanitary district organized under this chapter has
 16 all of the powers to specially assess the costs of
 17 improvements described in this section, including the power to
 18 issue special assessment bonds, warrants, project notes, or
 19 other forms of interim financing obligations, which cities
 20 have under the laws of this state.

21 Sec. 5. Section 384.80, subsection 5, Code 1987, is
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23 5. "Project" means the acquisition, construction,
 24 reconstruction, extending, remodeling, improving, repairing,
 25 and equipping of all or part of a city utility, combined
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1 property furnished, or services rendered by each participant
2 toward the total cost of the joint facility, and that each
3 participant shall own and control or be entitled to the use of
4 a like percentage of the output or capacity of the joint
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6 Sec. 7. This Act, being deemed of immediate importance,
7 take effect upon enactment.

8 EXPLANATION

9 Section 1 amends the effective date and posting
10 requirements for sanitary district legislation.

11 Section 2 authorizes a sanitary district to require any
12 adjacent property to be connected to the public sanitary sewer
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14 installation of sanitary facilities and provides for
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17 utilization of operating revenues derived from sewer charges
18 to pay construction costs which have in the first instance
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20 the district.

21 Section 4 expands the types of projects which a sanitary
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25 Sections 5 and 6 provide for revenue bonds to purchase
26 entitlement to use of utility facilities by city utilities and
27 in joint city utility agreements.

28 Section 7 provides that this Act is effective upon
29 enactment.

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HOUSE FILE 518

AN ACT

RELATING TO POWERS AND DUTIES OF SANITARY DISTRICTS IN RELATION TO THEIR OPERATIONAL PROCEDURES AND FINANCIAL ARRANGEMENTS, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 358.13, Code 1987, is amended to read as follows:

358.13 ORDINANCES -- PUBLICATION OR POSTING -- TIME OF TAKING EFFECT.

All ordinances, resolutions, orders, rules, and regulations adopted by the board shall take effect five days from and after their adoption and publication. The publication thereof shall be by one publication in a newspaper published of general circulation in the district, or by posting copies thereof in five three public places within the district, or by other steps necessary to inform the public.

Sec. 2. Section 358.16, Code 1987, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The board of trustees may require connection to the sanitary sewer system established, maintained, or operated by the district from any adjacent property within the district, and require the installation of sanitary toilets or other sanitary sewage facilities and removal of other toilet and other sewage facilities on the property.

NEW UNNUMBERED PARAGRAPH. If the property owner does not perform an action required under the preceding paragraph within a reasonable time after notice and hearing, the board of trustees may perform the required action and assess the costs of the action against the property for collection in the same manner as a property tax. The notice shall state the nature of the action and the time within which the action is required to be performed by the property owner, state the date, time, and place where the property owner will be heard by the board of trustees for the purpose of stating why the intended action should not be required, and shall be given by certified mail to the property owner as shown on the records of the county auditor not less than four nor more than twenty days before the date of the hearing.

NEW UNNUMBERED PARAGRAPH. However, in the event of an emergency when the delay of notice and hearing might cause serious loss or injury to persons or property within the district, the board of trustees may perform any action which may be required under this section without prior notice and hearing, and assess the cost as provided in this section, following notice to the property owner and hearing in the time and manner provided in the preceding paragraph. In that event the board of trustees shall, by resolution, make a finding of the necessity to institute emergency proceedings under this section, and shall procure a certificate from a competent registered professional engineer or architect certifying that emergency action is necessary.

NEW UNNUMBERED PARAGRAPH. If any amount assessed against property pursuant to this section will exceed one hundred dollars, the board of trustees may permit the assessment to be paid in up to ten annual installments, in the manner and with the same interest rates as provided for assessments against benefited property under chapter 384, division IV.

NEW UNNUMBERED PARAGRAPH. An assessment levied pursuant to this section, including all interest and penalties, is a lien

against the property with respect to which action was taken from the date of filing the schedule of assessments until the assessment is paid. Assessments have equal precedence with ordinary taxes and are not divested by judicial sale.

NEW UNNUMBERED PARAGRAPH. The procedures for making and levying an assessment pursuant to this section and for an appeal of the assessment are the same procedures as provided in sections 384.59 through 384.67 and sections 384.72 through 384.75, except that any notice required in those sections to be published in a newspaper may be sent by certified mail to the owner of the property to be assessed as shown on the records of the county auditor in lieu of the publication. The references in those sections to the city council are applicable to the board of trustees.

Sec. 3. Section 358.20, unnumbered paragraph 2, Code 1987, is amended by striking the unnumbered paragraph.

Sec. 4. Section 358.22, Code 1987, is amended to read as follows:

358.22 SPECIAL ASSESSMENTS.

The board of trustees of any sanitary district may provide for payment of all or any portion of the costs and expenses of acquiring, locating, laying out, constructing, reconstructing, repairing, changing, relaying, or extending any conduits, ditches, channels, outlets, drains, sewers, or laterals, treatment plants, pumping plants, and other necessary adjuncts thereto, including pumping stations, by assessing all, or any portion thereof of the costs, on abutting and adjacent property according to the benefits derived thereby and for this purpose said. For the purposes of this chapter, the board of trustees may define adjacent property as all that included within a designated benefited district or districts to be fixed by the board, which may be all of the property located within the sanitary district or any lesser portion thereof of that property. It shall constitute no valid objection to any special

assessment that the improvement for which the same assessment is levied is outside the limits of such the sanitary district, but no special assessment shall not be made upon property situated outside of such the sanitary district. Special assessments pursuant to this section shall be in proportion to the special benefits conferred upon the property thereby, and not in excess of such the benefits, and the same an assessment shall not exceed twenty-five percent of the actual value of the property at the time of levy, and the last preceding assessment roll shall be taken as prima-facie evidence of such that value.

Such The assessments may be made to extend over a period of ten years, payable in as nearly equal annual installments as practicable, ~~and certificates or bonds may be issued in anticipation thereof. Proceedings for improvements to be made and paid for, in whole or in part, by special assessments, as herein authorized shall be initiated by resolution of necessity and said resolution and the plat, schedule, hearings, notices, objections, orders, assessments, levies, contracts, bonds, certification of assessments, liens, payments, tax sales, and appeals, and the issuance and sale of certificates and bonds, shall correspond as near as may be to the provisions hereof relating to special assessment bonds of a city, which provisions shall govern such proceedings, to the extent applicable, except as modified hereby.~~ A majority vote of the board of trustees shall be the requisite and sufficient for any action required by the board of trustees under the provisions of this section.

Subject to the limitations otherwise stated in this section, a sanitary district organized under this chapter has all of the powers to specially assess the costs of improvements designed in this section, including the power to issue special assessment bonds, warrants, project notes, or other forms of interim financing obligations, which cities have under the laws of this state.

Sec. 5. This Act, being deemed of immediate importance, takes effect upon enactment.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 518, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved June 4, 1987

TERRY E. BRANSTAD
Governor

H. F. 518