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FEB 21 1989

HOUSE FILE 366

LOCAL GOVERNMENT  
DO PASS PER AMEND. 3437  
3-17-89 (p. 840)

BY BUHR, CONNORS, JESSE, HOLVECK,  
CARPENTER, SHOULTZ, BISIGNANO,  
RENAUD and SHERZAN

Passed House, Date 4-3-89 (p. 1204) Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 99 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act authorizing a county to exercise certain governmental  
2 powers to protect the public health and welfare, and to levy  
3 special assessments against affected property.

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

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HOUSE FILE 366

H-3437

1 Amend House File 366 as follows:  
2 1. Page 2, by inserting after line 7 the  
3 following:  
4 "5. The procedures for making and levying a  
5 special assessment pursuant to this section and for an  
6 appeal of the assessment are the same procedures as  
7 provided in sections 384.59 through 384.67 and  
8 sections 384.72 through 384.75, provided that the  
9 references in those sections to the council shall be  
10 to the board of supervisors and the references to the  
11 city shall be to the county."

By COMMITTEE ON LOCAL GOVERNMENT  
FOGARTY of Palo Alto, Chairperson

H-3437 FILED MARCH 17, 1989 Adopted 4-3-89 (p. 1203)

HF 366

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1 Section 1. NEW SECTION. 331.384 ABATEMENT OF PUBLIC  
2 HEALTH AND SAFETY HAZARDS -- SPECIAL ASSESSMENTS.

3 1. A county may:

4 a. Require the abatement of a nuisance, public or private,  
5 in any reasonable manner.

6 b. Require the removal of diseased trees or dead wood,  
7 except on publicly owned property or right-of-way.

8 c. Require the removal, repair, or dismantling of a  
9 dangerous building or structure.

10 d. Require the numbering of buildings.

11 e. Require connection to public drainage systems from  
12 abutting property when necessary for public health or safety.

13 f. Require connection to public sewer systems from  
14 abutting property, and require installation of sanitary toilet  
15 facilities and removal of other toilet facilities on the  
16 property.

17 g. Require the cutting or destruction of weeds or other  
18 growth which constitutes a health, safety, or fire hazard.

19 2. If the property owner does not perform an action  
20 required under this section within a reasonable time after  
21 notice, a county may perform the required action and assess  
22 the costs against the property for collection in the same  
23 manner as a property tax. Notice may be in the form of an  
24 ordinance or by certified mail to the property owner as shown  
25 by the records of the county auditor, and shall state the time  
26 within which action is required. However, in an emergency, a  
27 county may perform any action which may be required under this  
28 section without prior notice and assess the costs as provided  
29 in this section after notice to the property owner and  
30 hearing.

31 3. If any amount assessed against property under this  
32 section exceeds one hundred dollars, a county may permit the  
33 assessment to be paid in up to ten annual installments in the  
34 same manner and with the same interest rates provided for  
35 assessments against benefited property under chapter 384,

1 division IV.

2 4. A special assessment levied pursuant to this section,  
3 including all interest and penalties, is a lien against the  
4 benefited property from the date of filing the schedule of  
5 assessments until the assessment is paid. A special  
6 assessment has equal precedence with ordinary taxes and is not  
7 divested by judicial sale.

3437

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EXPLANATION

9 This bill authorizes a county to require the abatement of a  
10 nuisance, the removal of diseased or dead trees from private  
11 property, the repair or removal of dangerous buildings, the  
12 numbering of buildings, connection to public drainage systems,  
13 connection to sanitary sewage systems and installation of  
14 sanitary toilet facilities, and the destruction of weeds and  
15 other growth. If property owners do not perform the required  
16 action within a reasonable time after notice, the county may  
17 perform the action and assess the cost against the property.  
18 In the case of an emergency, the county may perform the  
19 required action with notice and assess the cost after notice  
20 and a hearing.

21 The bill also provides for installment payments and the use  
22 of assessment procedures as provided for cities.

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Un. Local Govt -  
DO PASS 46-89 (p. 1241)  
Amend per 5419 & Do Pass 3/8/90 (p. 955)  
Way. Mem. Do Pass 3/15 (p. 1118)

HOUSE FILE 366

BY BUHR, CONNORS, JESSE, HOLVECK,  
CARPENTER, SHOULTZ, BISIGNANO,  
RENAUD and SHERZAN

(As Amended and Passed by the House April 3, 1989)

Re Passed House, <sup>8.165</sup> Date 4/7/90 (p. 2244) Passed Senate, Date 4/7/90 (p. 1656)  
Vote: Ayes 93 Nays 0 Vote: Ayes 49 Nays 0

Approved April 26, 1990  
*Repassed Senate per 6012 4/7/90 (p. 1705)*  
48-0

**A BILL FOR**

1 An Act authorizing a county to exercise certain governmental  
2 powers to protect the public health and welfare, and to levy  
3 special assessments against affected property.

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

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House Amendments \_\_\_\_\_

**HOUSE FILE 366**

**S-5419**

- 1 Amend House File 366, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 10 through 16.
- 4 2. By relettering paragraphs as required.

By COMMITTEE ON LOCAL GOVERNMENT  
ALVIN V. MILLER, Chairperson

S-5419 FILED MARCH 8, 1990  
*Adopted 4/7 (p. 1656)*

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1 Section 1. NEW SECTION. 331.384 ABATEMENT OF PUBLIC  
2 HEALTH AND SAFETY HAZARDS -- SPECIAL ASSESSMENTS.

3 1. A county may:

4 a. Require the abatement of a nuisance, public or private,  
5 in any reasonable manner.

6 b. Require the removal of diseased trees or dead wood,  
7 except on publicly owned property or right-of-way.

8 c. Require the removal, repair, or dismantling of a  
9 dangerous building or structure.

10 d. Require the numbering of buildings.

11 e. Require connection to public drainage systems from  
12 abutting property when necessary for public health or safety.

13 f. Require connection to public sewer systems from  
14 abutting property, and require installation of sanitary toilet  
15 facilities and removal of other toilet facilities on the  
16 property.

17 g. Require the cutting or destruction of weeds or other  
18 growth which constitutes a health, safety, or fire hazard.

19 2. If the property owner does not perform an action  
20 required under this section within a reasonable time after  
21 notice, a county may perform the required action and assess  
22 the costs against the property for collection in the same  
23 manner as a property tax. Notice may be in the form of an  
24 ordinance or by certified mail to the property owner as shown  
25 by the records of the county auditor, and shall state the time  
26 within which action is required. However, in an emergency, a  
27 county may perform any action which may be required under this  
28 section without prior notice and assess the costs as provided  
29 in this section after notice to the property owner and  
30 hearing.

31 3. If any amount assessed against property under this  
32 section exceeds one hundred dollars, a county may permit the  
33 assessment to be paid in up to ten annual installments in the  
34 same manner and with the same interest rates provided for  
35 assessments against benefited property under chapter 384,

1 division IV.

2 4. A special assessment levied pursuant to this section,  
3 including all interest and penalties, is a lien against the  
4 benefited property from the date of filing the schedule of  
5 assessments until the assessment is paid. A special  
6 assessment has equal precedence with ordinary taxes and is not  
7 divested by judicial sale.

8 5. The procedures for making and levying a special  
9 assessment pursuant to this section and for an appeal of the  
10 assessment are the same procedures as provided in sections  
11 384.59 through 384.67 and sections 384.72 through 384.75,  
12 provided that the references in those sections to the council  
13 shall be to the board of supervisors and the references to the  
14 city shall be to the county.

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## HOUSE FILE 366

S-5560

1 Amend House File 366, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, by inserting before line 15 the  
4 following:

5 "Sec. 100. Section 331.301, subsection 10, Code  
6 Supplement 1989, is amended by striking the subsection  
7 and inserting in lieu thereof the following:

8 10. A county may enter into leases or lease-  
9 purchase contracts for real and personal property in  
10 accordance with the following terms and procedures:

11 a. A county shall lease or lease-purchase real or  
12 personal property only for a term which does not  
13 exceed the economic life of the property, as  
14 determined by the board.

15 b. A lease or lease-purchase contract entered into  
16 by a county may contain provisions similar to those  
17 sometimes found in leases between private parties,  
18 including the obligation of the lessee to pay any of  
19 the costs of operation or ownership of the leased  
20 property, and the right to purchase the leased  
21 property.

22 c. A provision of a lease or lease-purchase  
23 contract which stipulates that a portion of the rent  
24 payments be applied as interest is subject to chapter  
25 74A. Other laws relating to interest rates do not  
26 apply. Chapter 75 shall not be applicable. A county  
27 enterprise is a separate entity under the provisions  
28 of this section whether it is governed by the board or  
29 another governing body.

30 d. The board must follow substantially the same  
31 authorization procedure required for the issuance of  
32 general obligation bonds issued for the same purpose  
33 to authorize a lease or a lease-purchase contract made  
34 payable from the debt service fund.

35 e. The board may authorize a lease or lease-  
36 purchase contract which is payable from the general  
37 fund and which would not cause the total of annual  
38 lease and lease-purchase payments of the county due  
39 from the general fund of the county in any future year  
40 for lease or lease-purchase contracts in force on the  
41 date of the authorization, excluding payments to  
42 exercise purchase options or to pay the expenses of  
43 operation or ownership of the property, to exceed ten  
44 percent of the last certified general fund budget  
45 amount in accordance with the following procedures:

46 (1) The board must follow substantially the  
47 authorization procedures of section 331.443 to  
48 authorize a lease or lease-purchase contract for real  
49 property which is payable from the general fund if the  
50 principal amount of the lease or lease-purchase

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Page 2

1 contract does not exceed the following limits:

- 2 (a) Two hundred thousand dollars in a county  
3 having a population of twenty-five thousand or less.  
4 (b) Two hundred fifty thousand dollars in a county  
5 having a population of more than twenty-five thousand  
6 but not more than fifty thousand.  
7 (c) Three hundred thousand dollars in a county  
8 having a population of more than fifty thousand but  
9 not more than one hundred thousand.  
10 (d) Four hundred thousand dollars in a county  
11 having a population of more than one hundred thousand  
12 but not more than two hundred thousand.

13 (e) Five hundred thousand dollars in a county  
14 having a population of more than two hundred thousand.  
15 (2) The board must follow the following procedures  
16 to authorize a lease or lease-purchase contract for  
17 real property which is payable from the general fund  
18 if the principal amount of the lease or lease-purchase  
19 contract exceeds the limits set forth in subparagraph  
20 (1):

21 (a) The board must institute proceedings for  
22 entering into a lease or lease-purchase contract by  
23 causing a notice of the proposal to enter such lease  
24 or lease-purchase contract, including a statement of  
25 the principal amount and purpose of the lease or  
26 lease-purchase, and the right to petition for an  
27 election, to be published as provided in section  
28 331.305 at least ten days prior to the meeting at  
29 which it is proposed to take such action.

30 (b) If at any time before the date fixed for  
31 taking such action a petition is filed with the  
32 auditor in the manner provided by section 331.306  
33 asking that the question of entering into such lease  
34 or lease-purchase contract be submitted to the  
35 qualified electors of the county, the board shall  
36 either by resolution declare the proposal to enter  
37 into such lease or lease-purchase contract to have  
38 been abandoned or shall direct the county commissioner  
39 of elections to call a special election upon the  
40 question of entering into such lease or lease-purchase  
41 contract. However, for purposes of this paragraph the  
42 petition need not have signatures in excess of one  
43 thousand persons. Notice of the election and its  
44 conduct shall be in the manner provided in subsections  
45 2, 3, and 4 of section 331.442.

46 (c) If no petition is filed, or if a petition is  
47 filed and the proposition of entering into a lease or  
48 lease-purchase contract is approved at the election,  
49 the board may proceed and enter into such lease or  
50 lease-purchase contract.



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Page 3

1 (d) The governing body may authorize a lease or  
2 lease-purchase contract payable from the net revenues  
3 of a county enterprise, or combined county enterprise  
4 by following the authorization procedures of section  
5 331.464.

6 (e) A lease or lease-purchase contract to which a  
7 county is a party or in which a county has a  
8 participatory interest, is an obligation of a  
9 political subdivision of this state for the purposes  
10 of chapters 502 and 682, and is a lawful investment  
11 for banks, trust companies, building and loan  
12 associations, savings and loan associations,  
13 investment companies, insurance companies, insurance  
14 associations, executors, guardians, trustees, and any  
15 other fiduciaries responsible for the investment of  
16 funds.

17 (f) Property that is lease-purchased by a county  
18 is exempt under section 427.1, subsection 2.

19 (g) A contract for construction by a private party  
20 of property to be leased or lease-purchased by a  
21 county is not a contract for a public improvement  
22 under section 331.341, subsection 1. However, if a  
23 lease-purchase contract is funded in advance by means  
24 of the lessor depositing moneys to be administered by  
25 a county, with the county's obligation to make rent  
26 payments commencing with its receipt of moneys, a  
27 contract for construction of the property in question  
28 awarded by the county is a public improvement and is  
29 subject to section 331.341, subsection 1.

30 Sec. 101. section 331.402, subsection 3, Code  
31 1989, is amended by striking the subsection and  
32 inserting in lieu thereof the following:

33 3. A county may enter into loan agreements to  
34 borrow money for any public purpose in accordance with  
35 the following terms and procedures:

36 a. A loan agreement entered into by a county may  
37 contain provisions similar to those sometimes found in  
38 loan agreements between private parties, including the  
39 issuance of notes to evidence its obligations.

40 b. A provision of a loan agreement which  
41 stipulates that a portion of the payments be applied  
42 as interest is subject to chapter 74A. Other laws  
43 relating to interest rates do not apply. Chapter 75  
44 is not applicable. A county enterprise is a separate  
45 entity under the provisions of this section whether it  
46 is governed by the board or another governing body.

47 c. The board shall follow substantially the same  
48 authorization procedure required for the issuance of  
49 general obligation bonds issued for the same purpose,  
50 to authorize a loan agreement made payable from the

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1 debt service fund.

2 d. The board may authorize a loan agreement which  
3 is payable from the general fund and which would not  
4 cause the total of scheduled annual payments of  
5 principal or interest or both principal and interest  
6 of the county due from the general fund of the county  
7 in any future year with respect to all loan agreements  
8 in force on the date of the authorization to exceed  
9 ten percent of the last certified general fund budget  
10 amount in accordance with the following procedures:

11 (1) The board must follow substantially the  
12 authorization procedures of section 331.443 to  
13 authorize a loan agreement for real property which is  
14 payable from the general fund if the principal amount  
15 of the loan agreement does not exceed the following  
16 limits:

17 (a) Two hundred thousand dollars in a county  
18 having a population of twenty-five thousand or less.

19 (b) Two hundred fifty thousand dollars in a county  
20 having a population of more than twenty-five thousand  
21 but not more than fifty thousand.

22 (c) Three hundred thousand dollars in a county  
23 having a population of more than fifty thousand but  
24 not more than one hundred thousand.

25 (d) Four hundred thousand dollars in a county  
26 having a population of more than one hundred thousand  
27 but not more than two hundred thousand.

28 (e) Five hundred thousand dollars in a county  
29 having a population of more than two hundred thousand.

30 (2) The board must follow the following procedures  
31 to authorize a loan agreement for real property which  
32 is payable from the general fund if the principal  
33 amount of the loan agreement exceeds the limits set  
34 forth in subparagraph (1):

35 (a) The board must institute proceedings for  
36 entering into a loan agreement by causing a notice of  
37 the proposal to enter into such loan agreement,  
38 including a statement of the principal amount and  
39 purpose of the loan agreement, and the right to  
40 petition for an election, to be published as provided  
41 in section 331.305 at least ten days prior to the  
42 meeting at which it is proposed to take such action.

43 (b) If at any time before the date fixed for  
44 taking such action a petition is filed with the  
45 auditor in the manner provided by section 331.306  
46 asking the question of entering into such loan  
47 agreement be submitted to the qualified electors of  
48 the county, the board shall either by resolution  
49 declare the proposal to enter into such loan agreement  
50 to have been abandoned or shall direct the county

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1 commissioner of elections to call a special election  
2 upon the question of entering into such loan  
3 agreement. However, for purposes of this paragraph  
4 the petition need not have signatures in excess of one  
5 thousand persons. Notice of the election and its  
6 conduct shall be in the manner provided in subsections  
7 2, 3, and 4 of section 331.442.

8 (c) If no petition is filed, or if a petition is  
9 filed and the proposition of entering into the loan  
10 agreement is approved at an election, the board may  
11 proceed and enter into such loan agreement.

12 (d) The governing body may authorize a loan  
13 agreement payable from the net revenues of a county  
14 enterprise or combined county enterprise by following  
15 the authorization procedures of section 331.464.

16 (e) A loan agreement to which a county is a party  
17 or in which a county has a participatory interest, is  
18 an obligation of a political subdivision of this state  
19 for the purpose of chapters 502 and 682, and is a  
20 lawful investment for banks, trust companies, building  
21 and loan associations, savings and loan associations,  
22 investment companies, insurance companies, insurance  
23 associations, executors, guardians, trustees, and any  
24 other fiduciaries responsible for the investment of  
25 funds.

26 Sec. 102. Section 364.4, subsection 4, Code 1989,  
27 is amended by striking the subsection and inserting in  
28 lieu thereof the following:

29 4. Enter into leases or lease-purchase contracts  
30 for real and personal property in accordance with the  
31 following terms and procedures:

32 a. A city shall lease or lease-purchase real or  
33 personal property only for a term which does not  
34 exceed the economic life of the property, as  
35 determined by the governing body.

36 b. A lease or lease-purchase contract entered into  
37 by a city may contain provisions similar to those  
38 sometimes found in leases between private parties,  
39 including the obligation of the lessee to pay any of  
40 the costs of operation of ownership of the leased  
41 property, and the right to purchase the leased  
42 property.

43 c. A provision of a lease or lease-purchase  
44 contract which stipulates that a portion of the rent  
45 payments be applied as interest is subject to chapter  
46 74A. Other laws relating to interest rates do not  
47 apply. Chapter 75 shall not be applicable. A city  
48 utility or city enterprise is a separate entity under  
49 the provisions of this section whether it is governed  
50 by the council or another governing body.

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1 d. The governing body must follow substantially  
2 the same authorization procedure required for the  
3 issuance of general obligation bonds issued for the  
4 same purpose to authorize a lease or a lease-purchase  
5 contract made payable from the debt service fund.

6 The governing body may authorize a lease or lease-  
7 purchase contract which is payable from the general  
8 fund and which would not cause the total of annual  
9 lease and lease-purchase payments of the city due from  
10 the general fund of the city in any future year for  
11 lease or lease-purchase contracts in force on the date  
12 of the authorization, excluding payments to exercise  
13 purchase options or to pay the expenses of operation  
14 or ownership of the property, to exceed ten percent of  
15 the last certified general fund budget amount in  
16 accordance with the following procedures:

17 (1) The governing body must follow substantially  
18 the authorization procedures of section 384.25 to  
19 authorize a lease or lease-purchase contract for real  
20 property which is payable from the general fund if the  
21 principal amount of the lease or lease-purchase  
22 contract does not exceed the following limits:

23 (a) Twenty-five thousand dollars in a city having  
24 a population of five thousand or less.

25 (b) Seventy-five thousand dollars in a city having  
26 a population of more than five thousand but not more  
27 than seventy-five thousand.

28 (c) One hundred fifty thousand dollars in a city  
29 having a population of more than seventy-five  
30 thousand.

31 (2) The governing body must follow the following  
32 procedures to authorize a lease or lease-purchase  
33 contract for real property which is payable from the  
34 general fund if the principal amount of the lease or  
35 lease-purchase contract exceeds the limits set forth  
36 in subparagraph (1):

37 (a) The governing body may institute proceedings  
38 to enter into a lease or lease-purchase contract by  
39 causing a notice of the proposal to enter into the  
40 lease or lease-purchase contract, including a  
41 statement of the principal amount and purpose of the  
42 lease or lease-purchase contract, and the right to  
43 petition for an election, to be published at least  
44 once in a newspaper of general circulation within the  
45 city at least ten days prior to the meeting at which  
46 it is proposed to take action to enter into the lease  
47 or lease-purchase contract.

48 (b) If any time before the date fixed for taking  
49 action to enter into the lease or lease-purchase  
50 contract, a petition is filed with the clerk of the

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1 general fund by causing a notice of the proposal to  
 2 enter into the loan agreement, including a statement  
 3 of the principal amount and purpose of the loan  
 4 agreement, and the right to petition for an election,  
 5 to be published at least once in a newspaper of  
 6 general circulation within the city at least ten days  
 7 prior to the meeting at which it is proposed to take  
 8 action to enter into the loan agreement.

9 (2) If any time before the date fixed for taking  
 10 action to enter into the loan agreement, a petition is  
 11 filed with the clerk of the city in the manner  
 12 provided by section 362.4, asking that the question of  
 13 entering into the loan agreement be submitted to the  
 14 qualified electors of the city, the governing body  
 15 shall either by resolution declare the proposal to  
 16 enter into the loan agreement to have been abandoned  
 17 or shall direct the county commissioner of elections  
 18 to call a special election upon the question of  
 19 entering into the loan agreement. However, for  
 20 purposes of this paragraph, the petition need not have  
 21 signatures in excess of one thousand persons. Notice  
 22 of the election and its conduct shall be in the manner  
 23 provided in subsections 2, 3, and 4 of section 384.26.

24 (3) If no petition is filed, or if a petition is  
 25 filed and the proposition of entering into the loan  
 26 agreement is approved at an election, the governing  
 27 body may proceed and enter into the loan agreement.

28 The governing body may authorize a loan agreement  
 29 payable from the net revenues of a city utility,  
 30 combined utility system, city enterprise, or combined  
 31 city enterprise by following the authorization  
 32 procedures of section 384.83.

33 (c) A loan agreement to which a city is a party,  
 34 or in which the city has a participatory interest, is  
 35 an obligation of a political subdivision of this state  
 36 for the purposes of chapters 502 and 682, and is a  
 37 lawful investment for banks, trust companies, building  
 38 and loan associations, savings and loan associations,  
 39 investment companies, insurance companies, insurance  
 40 associations, executors, guardians, trustees, and any  
 41 other fiduciaries responsible for the investment of  
 42 funds.

43 Sec. 104.

44 Sections 100 through 103 of this Act are applicable  
 45 to a lease, lease-purchase, or loan agreement entered  
 46 into on or after July 1, 1990."

47 2. Title page, line 2, by inserting after the  
 48 word "welfare" the following: "the right of cities  
 49 and counties to enter into lease, lease-purchase, or  
 50 loan agreements".

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1 3. Title page, line 3, by inserting after the  
 2 word "property" the following: ", and providing an  
 3 applicability date".

By JOHN W. JENSEN

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Page 7

1 city in the manner provided by section 362.4, asking  
2 that the question of entering into the lease or lease-  
3 purchase contract be submitted to the qualified  
4 electors of the city, the governing body shall either  
5 by resolution declare the proposal to enter into the  
6 lease or lease-purchase contract to have been  
7 abandoned or shall direct the county commissioner of  
8 elections to call a special election upon the question  
9 of entering into the lease or lease-purchase contract.  
10 However, for purposes of this paragraph, the petition  
11 need not have signatures in excess of one thousand  
12 persons. Notice of the election and its conduct shall  
13 be in the manner provided in subsections 2, 3, and 4  
14 of section 384.26.

15 (c) If no petition is filed, or if a petition is  
16 filed and the proposition of entering into the lease  
17 or lease-purchase contract is approved at an election,  
18 the governing body may proceed and enter into the  
19 lease or lease-purchase contract.

20 The governing body may authorize a lease or lease-  
21 purchase contract payable from the net revenues of a  
22 city utility, combined utility system, city  
23 enterprise, or combined city enterprise by following  
24 the authorization procedures of section 384.83.

25 (d) A lease or lease-purchase contract to which a  
26 city is a party or in which a city has a participatory  
27 interest, is an obligation of a political subdivision  
28 of this state for the purposes of chapters 502 and  
29 682, and is a lawful investment for banks, trust  
30 companies, building and loan associations, savings and  
31 loan association, investment companies, insurance  
32 companies, insurance associations, executors,  
33 guardians, trustees, and any other fiduciaries  
34 responsible for the investment of funds.

35 (e) Property that is lease-purchased by a city is  
36 exempt under section 427.1, subsection 2.

37 (f) A contract for construction by a private party  
38 of property to be leased or lease-purchased by a city  
39 is not a contract for a public improvement under  
40 section 384.95, subsection 1, except for purposes of  
41 section 384.102. However, if a lease-purchase  
42 contract is funded in advance by means of the lessor  
43 depositing moneys to be administered by a city, with  
44 the city's obligations to make rent payments  
45 commencing with its receipt of moneys, a contract for  
46 construction of the property in question awarded by  
47 the city is subject to division VI of chapter 384.

48 Sec. 103. Section 384.24A, Code 1989, is amended  
49 by striking the section and inserting in lieu thereof  
50 the following:

## HOUSE FILE 366

## S-5935

1 Amend the amendment, S-5560, to House File 366, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, line 9, by striking the word "real"  
5 and inserting the following: "land or a building".  
6 2. Page 1, line 11, by striking the word "real"  
7 and inserting the following: "land or a building".  
8 3. Page 1, lines 48 and 49, by striking the words  
9 "real property" and inserting the following: "land or  
10 a building".  
11 4. Page 2, line 17, by striking the words "real  
12 property" and inserting the following: "land or a  
13 building".  
14 5. Page 4, line 13, by striking the words "real  
15 property" and inserting the following: "land or a  
16 building".  
17 6. Page 4, line 31, by striking the words "real  
18 property" and inserting the following: "land or a  
19 building".  
20 7. Page 5, line 30, by striking the word "real"  
21 and inserting the following: "land or a building".  
22 8. Page 5, line 32, by striking the word "real"  
23 and inserting the following: "land or a building".  
24 9. Page 6, lines 19 and 20, by striking the words  
25 "real property" and inserting the following: "land or  
26 a building".  
27 10. Page 6, line 33, by striking the words "real  
28 property" and inserting the following: "land or a  
29 building".  
30 11. Page 8, line 32, by striking the words "real  
31 property" and inserting the following: "land or a  
32 building".  
33 12. Page 8, lines 45 and 46, by striking the  
34 words "real property" and inserting the following:  
35 "land or a building".

By JOHN W. JENSEN

S-5935 FILED APRIL 5, 1990

*v/o 4/7 (p. 1650)*

## HOUSE FILE 366

## S-5928

1 Amend the amendment, S-5560, to House File 366, as  
2 amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, lines 48 and 49 by striking the words  
5 "real property" and inserting the following: "land or  
6 a building".

By JOHN W. JENSEN

S-5928 FILED APRIL 5, 1990

*v/o 4/7 (p. 1656)*

~~SENATE AMENDMENT TO HOUSE FILE 366~~

H-6165

- 1 Amend House File 366, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 10 through 16.
- 4 2. By relettering paragraphs as required.

RECEIVED FROM THE SENATE

H-6165 FILED APRIL 7, 1990  
CONCURRED AS AMENDED *by 6170 (p. 2244)*

HOUSE FILE 366

H-6170

- 1 Amend Senate amendment, H-6165, to House File 366,
- 2 as amended, passed, and reprinted by the House, as
- 3 follows:

- 4 1. Page 1, line 3, by striking the figure "10"
- 5 and inserting the following: "13".

By FOGARTY of Palo Alto  
CONNORS of Polk

H-6170 FILED APRIL 7, 1990  
ADOPTED *(p. 2244)*

~~HOUSE AMENDMENT TO SENATE AMENDMENT TO~~  
HOUSE FILE 366

S-6012

- 1 Amend Senate amendment, H-6165, to House File 366,
- 2 as amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 3, by striking the figure "10"
- 5 and inserting the following: "13".

RECEIVED FROM THE HOUSE

S-6012 FILED APRIL 7, 1990  
CONCURRED *(p. 1707)*



HOUSE FILE 366

AN ACT

AUTHORIZING A COUNTY TO EXERCISE CERTAIN GOVERNMENTAL POWERS  
TO PROTECT THE PUBLIC HEALTH AND WELFARE, AND TO LEVY  
SPECIAL ASSESSMENTS AGAINST AFFECTED PROPERTY.

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

Section 1. NEW SECTION. 331.384 ABATEMENT OF PUBLIC  
HEALTH AND SAFETY HAZARDS -- SPECIAL ASSESSMENTS.

1. A county may:
  - a. Require the abatement of a nuisance, public or private, in any reasonable manner.
  - b. Require the removal of diseased trees or dead wood, except on publicly owned property or right-of-way.

- c. Require the removal, repair, or dismantling of a dangerous building or structure.
  - d. Require the numbering of buildings.
  - e. Require connection to public drainage systems from abutting property when necessary for public health or safety.
  - f. Require the cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard.
2. If the property owner does not perform an action required under this section within a reasonable time after notice, a county may perform the required action and assess the costs against the property for collection in the same manner as a property tax. Notice may be in the form of an ordinance or by certified mail to the property owner as shown by the records of the county auditor, and shall state the time within which action is required. However, in an emergency, a county may perform any action which may be required under this section without prior notice and assess the costs as provided in this section after notice to the property owner and hearing.
  3. If any amount assessed against property under this section exceeds one hundred dollars, a county may permit the assessment to be paid in up to ten annual installments in the same manner and with the same interest rates provided for assessments against benefited property under chapter 384, division IV.
  4. A special assessment levied pursuant to this section, including all interest and penalties, is a lien against the benefited property from the date of filing the schedule of assessments until the assessment is paid. A special assessment has equal precedence with ordinary taxes and is not divested by judicial sale.
  5. The procedures for making and levying a special 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.

provided that the references in those sections to the council shall be to the board of supervisors and the references to the city shall be to the county.

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DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 366, Seventy-third General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved April 26, 1990

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TERRY E. BRANSTAD  
Governor

S-5560

Page 8

1 384.24A LOAN AGREEMENTS.

2 A city may enter into loan agreements to borrow  
3 money for any public purpose in accordance with the  
4 following terms and procedures:

5 1. A loan agreement entered into by a city may  
6 contain provisions similar to those sometimes found in  
7 loan agreements between private parties, including the  
8 issuance of notes to evidence its obligations.

9 2. A provision of a loan agreement which  
10 stipulates that a portion of the payments be applied  
11 as interest is subject to chapter 74A. Other laws  
12 relating to interest rates do not apply. Chapter 75  
13 is not applicable. A city utility or city enterprise  
14 is a separate entity under this section whether it is  
15 governed by the council or another governing body.

16 3. The governing body shall following  
17 substantially the same authorization procedure  
18 required for the issuance of general obligation bonds  
19 issued for the same purpose, to authorize a loan  
20 agreement made payable from the debt service fund.

21 The governing body may authorize a loan agreement  
22 which is payable from its general fund and which would  
23 not cause the total of scheduled annual payments of  
24 principal or interest or principal and interest of the  
25 city due from the general fund of the city in any  
26 future year with respect to all loan agreements in  
27 force on the date of the authorization, to exceed ten  
28 percent of the last certified general fund budget  
29 amount in accordance with the following procedures:

30 (a) The governing body must follow substantially  
31 the authorization procedures of section 384.25 to  
32 authorize a loan agreement for real property which is  
33 payable from the general fund if the principal amount  
34 of the loan agreement does not exceed the following  
35 limits:

36 (1) Twenty-five thousand dollars in a city having  
37 a population of five thousand or less.

38 (2) Seventy-five thousand dollars in a city having  
39 a population of more than five thousand but not more  
40 than seventy-five thousand.

41 (3) One hundred fifty thousand dollars in a city  
42 having a population of more than seventy-five  
43 thousand.

44 (b) The governing body must follow the following  
45 procedures to authorize a loan agreement for real  
46 property which is payable from the general fund if the  
47 principal amount of the loan agreement exceeds the  
48 limits set forth in subparagraph (a):

49 (1) The governing body may institute proceedings  
50 to enter into a loan agreement payable from its