Reprinted

FILED FEB 20 1991

SENATE FILE 221

BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 178)

Passed Senate, Date 3/27/91 (p.848) Passed House, Date 4/18/91 (P.1369)

Vote: Ayes 47 Nays 0   Vote: Ayes 94 Nays 1

Approved May 9, 1991 (P.1848)

A BILL FOR

1 An Act relating to amending or repealing city ordinances.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1   Section 1. Section 380.2, Code 1991, is amended by
2 striking the section and inserting in lieu thereof the
3 following:
4   380.2 AMENDMENT.
5   An amendment to an ordinance or code of ordinances must do
6 all of the following:
7   1. Refer to the number of the section, subsection, or
8 other subpart of the ordinance or code of ordinances that is
9 being amended or to the chapter or section of the ordinance or
10 code of ordinances that is being repealed.
11   2. Set forth the portion of the ordinance being amended,
12 but not repealed, and indicate the insertions or deletions on
13 the text of that portion.
14   3. Be prefaced by a brief statement of the purpose of the
15 amendment or repeal.
16   EXPLANATION
17   This bill allows amendments to a subpart of a city
18 ordinance or code of ordinances and requires that only the
19 subpart being amended be identified and the changes indicated
20 on the text, rather than setting forth the entire ordinance
21 being amended. It also requires that any chapter or section
22 of a city ordinance code of ordinances being repealed be
23 identified, but not set forth in full.
24   The bill also requires that the amendment or repeal be
25 prefaced by a brief statement setting forth the purpose of the
26 amendment or repeal.
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S-3087

1   Amend Senate File 221 as follows:
2   1. By striking everything after the enacting
3 clause and inserting the following:
4   "Section 1. Section 380.2, Code 1991, is amended
5 to read as follows:
6   380.2 AMENDMENT.
7   An amendment to an ordinance or to a code of
8 ordinances must specifically repeal the ordinance or
9 code, or the section, or subsection, paragraph, or
10 subpart to be amended, and must set forth in-full the
11 ordinance, code, section, or subsection, paragraph, or
12 subpart as amended.
13   Sec. 2. Section 380.10, Code 1991, is amended by
14 adding the following new unnumbered paragraphs:
15   NEW UNNUMBERED PARAGRAPH. A city may by ordinance
16 adopt by reference any portion of the Code of Iowa in
17 effect at the time of the adoption in the manner
18 provided in section 380.8 for adoption of a proposed
19 code of ordinances containing a proposed new ordinance
20 or amendment, subject to the following limitations:
21   1. The ordinance shall describe the subject matter
22 and identify the portion of the Code of Iowa adopted
23 by chapter, section, and subsection or other subpart,
24 as applicable.
25   2. A portion of the Code of Iowa may be adopted by
26 reference only if the criminal penalty provided by the
27 law adopted does not exceed thirty days' imprisonment
28 or a one hundred dollar fine.
29   3. Amendments or other changes to those portions
30 of the Code of Iowa which have been adopted by
31 reference shall serve as an automatic modification of
32 the applicable ordinance.
33   NEW UNNUMBERED PARAGRAPH. An ordinance which
34 adopts by reference any portion of the Code of Iowa
35 may provide that violations of the ordinance are
36 municipal infractions and subject to the limitations
37 of section 364.22."
38   2. Title page, line 1, by inserting after the
39 word "ordinances" the following: ", and adopting by
40 reference portions of the Code of Iowa".
41   3. By renumbering as necessary.
                              By FLORENCE BUHR

S-3087 FILED MARCH 5, 1991
Adopted 3/27 (p 898)

SENATE FILE *221*

BY   COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 178)

(AS AMENDED AND PASSED BY THE SENATE MARCH 27, 1991)

<u>ALL New Language by the Senate</u>

Re Passed Senate, Date 4/24/91 (p 1446) Passed House, Date 4/15/91 (p 1369)

Vote: Ayes _47_ Nays _0_   Vote: Ayes _94_ Nays _1_

Approved *May 9, 1991 (p 1848)*

A BILL FOR

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36251 An Act relating to amending or repealing city ordinances, and
   2    adopting by reference portions of the Code of Iowa.
   3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1   Section 1. Section 380.2, Code 1991, is amended to read as
2 follows:
3   380.2 AMENDMENT.
4   An amendment to an ordinance or to a code of ordinances
5 must specifically repeal the ordinance or code, or the
6 section, or subsection, paragraph, or subpart to be amended,
7 and must set forth in-full the ordinance, code, section, or
8 subsection, paragraph, or subpart as amended.
9   Sec. 2. Section 380.10, Code 1991, is amended by adding
10 the following new unnumbered paragraphs:
11   NEW UNNUMBERED PARAGRAPH. A city may by ordinance adopt by
12 reference any portion of the Code of Iowa in effect at the
13 time of the adoption in the manner provided in section 380.8
14 for adoption of a proposed code of ordinances containing a
15 proposed new ordinance or amendment, subject to the following
16 limitations:
17   1. The ordinance shall describe the subject matter and
18 identify the portion of the Code of Iowa adopted by chapter,
19 section, and subsection or other subpart, as applicable.
20   2. A portion of the Code of Iowa may be adopted by
21 reference only if the criminal penalty provided by the law
22 adopted does not exceed thirty days' imprisonment or a one
23 hundred dollar fine.
24   3. Amendments or other changes to those portions of the
25 Code of Iowa which have been adopted by reference shall serve
26 as an automatic modification of the applicable ordinance.
27   NEW UNNUMBERED PARAGRAPH. An ordinance which adopts by
28 reference any portion of the Code of Iowa may provide that
29 violations of the ordinance are municipal infractions and
30 subject to the limitations of section 364.22.
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SENATE FILE 221

H-3625

1   Amend Senate File 221, as amended, passed, and
2 reprinted by the Senate, as follows:
3   1. Page 1, by inserting before line 1 the fol-
4 lowing:
5   "Section 1. Section 331.302, subsection 4, Code
6 1991, is amended to read as follows:
7   4. An amendment to an ordinance or to a code of
8 ordinances shall specifically repeal the ordinance or
9 code, or the section, or subsection, paragraph, or
10 subpart to be amended, and shall set forth in-full the
11 ordinance, code, section, or subsection, paragraph, or
12 subpart as amended.
13   Sec. 2. Section 331.302, Code 1991, is amended by
14 adding the following new subsection:
15   NEW SUBSECTION. 4A. a. A county may by ordinance
16 adopt by reference any portion of the Code of Iowa in
17 effect at the time of the adoption in the manner
18 provided in section 380.8 for adoption of a proposed
19 code of ordinances containing a proposed new ordinance
20 or amendment, subject to the following limitations:
21   (1) The ordinance shall describe the subject
22 matter and identify the portion of the Code of Iowa
23 adopted by chapter, section, and subsection or other
24 subpart, as applicable.
25   (2) A portion of the Code of Iowa may be adopted
26 by reference only if the criminal penalty provided by
27 the law adopted does not exceed thirty days'
28 imprisonment or a one hundred dollar fine.
29   (3) Amendments or other changes to those portions
30 of the Code of Iowa which have been adopted by
31 reference shall serve as an automatic modification of
32 the applicable ordinance.
33   b. An ordinance which adopts by reference any
34 portion of the Code of Iowa may provide that
35 violations of the ordinance are county infractions and
36 subject to the limitations of section 331.307."
37   2. Title page, line 1, by inserting after the
38 word "city" the following: "or county".

                        By COMMITTEE ON LOCAL GOVERNMENT
                          DVORSKY of Johnson, Chairperson

H-3625   FILED APRIL 15, 1991
Adopted 4/18/91 (p. 1369)

HOUSE AMENDMENT TO
SENATE FILE 221

S-3518

1   Amend Senate File 221, as amended, passed, and
2 reprinted by the Senate, as follows:
3   1. Page 1, by inserting before line 1 the fol-
4 lowing:
5   "Section 1. Section 331.302, subsection 4, Code
6 1991, is amended to read as follows:
7   4. An amendment to an ordinance or to a code of
8 ordinances shall specifically repeal the ordinance or
9 code, or the section, ~~or~~ subsection, paragraph, or
10 subpart to be amended, and shall set forth ~~in full~~ the
11 ordinance, code, section, ~~or~~ subsection, paragraph, or
12 subpart as amended.
13   Sec. 2. Section 331.302, Code 1991, is amended by
14 adding the following new subsection:
15   NEW SUBSECTION. 4A. a. A county may by ordinance
16 adopt by reference any portion of the Code of Iowa in
17 effect at the time of the adoption in the manner
18 provided in section 380.8 for adoption of a proposed
19 code of ordinances containing a proposed new ordinance
20 or amendment, subject to the following limitations:
21   (1) The ordinance shall describe the subject
22 matter and identify the portion of the Code of Iowa
23 adopted by chapter, section, and subsection or other
24 subpart, as applicable.
25   (2) A portion of the Code of Iowa may be adopted
26 by reference only if the criminal penalty provided by
27 the law adopted does not exceed thirty days'
28 imprisonment or a one hundred dollar fine.
29   (3) Amendments or other changes to those portions
30 of the Code of Iowa which have been adopted by
31 reference shall serve as an automatic modification of
32 the applicable ordinance.
33   b. An ordinance which adopts by reference any
34 portion of the Code of Iowa may provide that
35 violations of the ordinance are county infractions and
36 subject to the limitations of section 331.307."
37   2. Title page, line 1, by inserting after the
38 word "city" the following: "or county".
                         RECEIVED FROM THE HOUSE

S-3518 FILED APRIL 22, 1991
Senate concurred 4/24/91 (p 1446)

BUHR, W.
BORLAUG
FRAISE

SENATE FILE *221*

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON MILLER)

Passed Senate, Date _____   Passed House, Date _____

Vote: Ayes _____ Nays _____   Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to amending or repealing city ordinances.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1   Section 1. Section 380.2, Code 1991, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4   380.2 AMENDMENT.

5   An amendment to an ordinance or code of ordinances must do
6 all of the following:

7   1. Refer to the number of the section, subsection, or
8 other subpart of the ordinance or code of ordinances that is
9 being amended or to the chapter or section of the ordinance or
10 code of ordinances that is being repealed.

11   2. Set forth the portion of the ordinance being amended,
12 but not repealed, and indicate the insertions or deletions on
13 the text of that portion.

14   3. Be prefaced by a brief statement of the purpose of the
15 amendment or repeal.

16   EXPLANATION

17   This bill allows amendments to a subpart of a city
18 ordinance or code of ordinances and requires that only the
19 subpart being amended be identified and the changes indicated
20 on the text, rather than setting forth the entire ordinance
21 being amended. It also requires that any chapter or section
22 of a city ordinance code of ordinances being repealed be
23 identified, but not set forth in full.

24   The bill also requires that the amendment or repeal be
25 prefaced by a brief statement setting forth the purpose of the
26 amendment or repeal.

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LSB 1907SC 74

SENATE FILE 221

AN ACT
RELATING TO AMENDING OR REPEALING CITY OR COUNTY ORDINANCES,
AND ADOPTING BY REFERENCE PORTIONS OF THE CODE OF IOWA.

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

Section 1.   Section 331.302, subsection 4, Code 1991, is
amended to read as follows:

4.   An amendment to an ordinance or to a code of ordinances
shall specifically repeal the ordinance or code, or the
section, or subsection, paragraph, or subpart to be amended,
and shall set forth in full the ordinance, code, section, or
subsection, paragraph, or subpart as amended.

Sec. 2.   Section 331.302, Code 1991, is amended by adding
the following new subsection:

NEW SUBSECTION.   4A.   a.   A county may by ordinance adopt
by reference any portion of the Code of Iowa in effect at the
time of the adoption in the manner provided in section 380.8
for adoption of a proposed code of ordinances containing a
proposed new ordinance or amendment, subject to the following
limitations:

(1)   The ordinance shall describe the subject matter and
identify the portion of the Code of Iowa adopted by chapter,
section, and subsection or other subpart, as applicable.

(2)   A portion of the Code of Iowa may be adopted by
reference only if the criminal penalty provided by the law
adopted does not exceed thirty days' imprisonment or a one
hundred dollar fine.

(3)   Amendments or other changes to those portions of the
Code of Iowa which have been adopted by reference shall serve
as an automatic modification of the applicable ordinance.

b.   An ordinance which adopts by reference any portion of
the Code of Iowa may provide that violations of the ordinance
are county infractions and subject to the limitations of
section 331.307.

Sec. 3.   Section 380.2, Code 1991, is amended to read as
follows:

380.2   AMENDMENT.

An amendment to an ordinance or to a code of ordinances
must specifically repeal the ordinance or code, or the
section, or subsection, paragraph, or subpart to be amended,
and must set forth in full the ordinance, code, section, or
subsection, paragraph, or subpart as amended.

Sec. 4.   Section 380.10, Code 1991, is amended by adding
the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH.   A city may by ordinance adopt by
reference any portion of the Code of Iowa in effect at the
time of the adoption in the manner provided in section 380.8
for adoption of a proposed code of ordinances containing a
proposed new ordinance or amendment, subject to the following
limitations:

1.   The ordinance shall describe the subject matter and
identify the portion of the Code of Iowa adopted by chapter,
section, and subsection or other subpart, as applicable.

2.   A portion of the Code of Iowa may be adopted by
reference only if the criminal penalty provided by the law
adopted does not exceed thirty days' imprisonment or a one
hundred dollar fine.

3.   Amendments or other changes to those portions of the
Code of Iowa which have been adopted by reference shall serve
as an automatic modification of the applicable ordinance.

NEW UNNUMBERED PARAGRAPH.   An ordinance which adopts by
reference any portion of the Code of Iowa may provide that

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violations of the ordinance are municipal infractions and subject to the limitations of section 364.22.

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JOE J. WELSH
President of the Senate

_____

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 221, Seventy-fourth General Assembly.

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JOHN F. DWYER
Secretary of the Senate

Approved _____*May 9*_____, 1991

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TERRY E. BRANSTAD
Governor