

5-31/3/96 Do Pass

FEB 20 1996
Place On Calendar

HOUSE FILE 2259
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HF 488)

Passed House, ^(P.479) Date 2/28/96 Passed Senate, Date 4-9-96 ^(P.1285)
Vote: Ayes 94 Nays 1 Vote: Ayes 50 Nays 0
Refused Hse Approved 4-17-96

(P.1541) 94-1 4/11/96

A BILL FOR

- 1 An Act relating to city sewer or water utility connections.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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HF 2259

1 Section 1. Section 384.38, subsection 3, Code 1995, is
2 amended to read as follows:

3 3. A city may establish, by ordinance or by resolution
4 adopted as an ordinance after twenty days' notice published in
5 accordance with section 362.3, and a public hearing consistent
6 ~~with the requirements of section 384.50,~~ one or more districts
7 and schedules of fees for the connection of property to the
8 city sewer or water utility. If the governing body directs
9 that notice be made by mail, the notice shall be as required
10 in section 384.50. Each person whose property will be served
11 by connecting to the city sewer or water utility shall pay a
12 connection fee to the city. The ordinance shall be certified
13 by the city and recorded in the office of the county recorder
14 of the county in which a district is located. The connection
15 fees are due and payable when a utility connection application
16 is filed with the city. A connection fee ~~shall not exceed~~ may
17 include the equitable part of the total original cost to the
18 city of extending the utility to the properties within the
19 ~~district, less any part of the cost which has been previously~~
20 ~~assessed or paid to the city under this division IV,~~ including
21 reasonable interest from the date of construction to the date
22 of payment. All fees collected under this subsection shall be
23 paid to the city treasurer. The moneys collected as fees
24 shall only be used for the purposes of operating the utility,
25 or to pay debt service on obligations issued to finance
26 improvements or extensions to the utility.

27 EXPLANATION

28 This bill allows a city to adopt by ordinance or resolution
29 after 20 days' notice, one or more districts and schedules of
30 fees for connecting to city sewer or water. The bill requires
31 that notice be published in accordance with section 362.3
32 which generally requires publication in a newspaper published
33 at least once weekly and having general circulation in the
34 city. Any notice made by mail must be sent to each property
35 owner whose property is subject to the assessment as required

1 under section 384.50.

2 The bill provides that the connection fee may include the
3 equitable cost of extending the utility to the properties,
4 including reasonable interest from the date of construction to
5 the date of payment.

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HOUSE FILE 2259

S-5527

1 Amend House File 2259, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 26 the
4 following:

5 "Sec. ____ . Section 384.38, Code 1995, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 4. If a city annexation plan
8 includes annexation of an area adjoining the city and
9 a petition has not been presented as provided in
10 section 384.41, the state mandate contained in section
11 455B.172, subsections 3, 4, and 5, shall not apply
12 until such time as the annexation takes place or until
13 the annexation plan is abandoned."

By MERLIN E. BARTZ

Out of order 4/3/96 (P. 1236)

S-5527 FILED MARCH 25, 1996

HOUSE FILE 2259

S-5684

1 Amend House File 2259, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 26, the
4 following:

5 "This subsection shall not apply when a city
6 annexation plan includes annexation of an area
7 adjoining the city and a petition has not been
8 presented as provided in section 384.41 for a city
9 sewer or water utility connection. Until annexation
10 takes place, or the annexation plan is abandoned, the
11 state mandate contained in section 455B.172,
12 subsections 3, 4, and 5, shall not apply unless the
13 individual property owner voluntarily pays the
14 connection fee and requests to be connected to the
15 city sewer or water utility."

By MERLIN E. BARTZ

S-5684 FILED APRIL 8, 1996

adopted 4-9-96

(P. 1285)

SENATE AMENDMENT TO HOUSE FILE 2259

H-5899

1 Amend House File 2259, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 26, the
4 following:

5 "This subsection shall not apply when a city
6 annexation plan includes annexation of an area
7 adjoining the city and a petition has not been
8 presented as provided in section 384.41 for a city
9 sewer or water utility connection. Until annexation
10 takes place, or the annexation plan is abandoned, the
11 state mandate contained in section 455B.172,
12 subsections 3, 4, and 5, shall not apply unless the
13 individual property owner voluntarily pays the
14 connection fee and requests to be connected to the
15 city sewer or water utility."

RECEIVED FROM THE SENATE

H-5899 FILED APRIL 9, 1996

House concurred 4/11/96 (p. 1541)

HOUSE FILE 2259

AN ACT
RELATING TO CITY SEWER OR WATER UTILITY CONNECTIONS.

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

Section 1. Section 384.38, subsection 3, Code 1995, is amended to read as follows:

3. A city may establish, by ordinance or by resolution adopted as an ordinance after twenty days' notice published in accordance with section 362.3, and a public hearing consistent with the requirements of section 384.50, one or more districts and schedules of fees for the connection of property to the city sewer or water utility. If the governing body directs that notice be made by mail, the notice shall be as required in section 384.50. Each person whose property will be served by connecting to the city sewer or water utility shall pay a connection fee to the city. The ordinance shall be certified by the city and recorded in the office of the county recorder of the county in which a district is located. The connection fees are due and payable when a utility connection application is filed with the city. A connection fee ~~shall not exceed~~ may include the equitable ~~part of the total original~~ cost to the city of extending the utility to the properties ~~within the district, less any part of the cost which has been previously assessed or paid to the city under this division IV, including reasonable interest from the date of construction to the date of payment.~~ All fees collected under this subsection shall be paid to the city treasurer. The moneys collected as fees shall only be used for the purposes of operating the utility, or to pay debt service on obligations issued to finance improvements or extensions to the utility.

This subsection shall not apply when a city annexation plan includes annexation of an area adjoining the city and a

petition has not been presented as provided in section 384.41 for a city sewer or water utility connection. Until annexation takes place, or the annexation plan is abandoned, the state mandate contained in section 455B.172, subsections 3, 4, and 5, shall not apply unless the individual property owner voluntarily pays the connection fee and requests to be connected to the city sewer or water utility.

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2259, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved 4/17, 1996

TERRY E. BRANSTAD
Governor