

J-4/4/95 Local Gov  
S-4/6/95 Do Pass

MAR 16 1995

Place On Calendar

HOUSE FILE 470

BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 185)

Passed House, Date <sup>(P.1163)</sup> 4/3/95 Passed Senate, Date <sup>(P.1152)</sup> 4/12/95  
Vote: Ayes 96 Nays 0 Vote: Ayes 49 Nays 0  
Approved April 24, 1995

A BILL FOR

1 An Act relating to the assessment of certain public improvement  
2 costs to abutting property at the request of the property  
3 owner.

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

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HF 470

1 Section 1. Section 364.12, Code 1995, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 5. A city may cause, without prior  
4 determination and notice, the repair or replacement of public  
5 improvements including, but not limited to, sidewalks, water  
6 stop boxes, and driveway approaches if the property owner does  
7 all of the following:

8 a. Requests the repair and replacement of the public  
9 improvements specified in this subsection abutting the  
10 property owner's property located outside the lot and property  
11 lines and inside the curb lines.

12 b. Waives the requirement of a prior finding by the city  
13 council that the condition of the public improvements  
14 constitutes a nuisance and the requirement of prior notice.

15 c. Consents to the repair of the public improvements and  
16 the assessment of the cost of the repair to the abutting  
17 property.

18 NEW SUBSECTION. 6. If, in repairing and replacing  
19 improvements in the area between the lot or property lines and  
20 the curb lines pursuant to subsection 5, it becomes necessary  
21 for the city to repair or replace adjacent improvements in the  
22 area, the cost of repairing or replacing the adjacent public  
23 improvements may be assessed, with consent of the property  
24 owner, against the property which the public improvements  
25 abut.

26 NEW SUBSECTION. 7. A city may accumulate individual  
27 assessments for the repair and replacement of sidewalks,  
28 driveway approaches, water stop boxes, or similar improvements  
29 or for the abatement of nuisances, and may periodically  
30 certify the assessments to the county treasurer under one or  
31 more assessment schedules.

32 EXPLANATION

33 This bill authorizes a city to repair or replace sidewalks,  
34 water stop boxes, and driveway approaches located outside the  
35 lot and property lines and inside curb lines, and assess the

1 costs of the repair or replacement to the abutting property  
2 owners. The costs may be assessed and paid as other special  
3 assessments if the property owners request the repairs, waive  
4 the requirement of notice that the improvement in its present  
5 condition constitutes a nuisance, and consent to the  
6 assessment of the cost. Also, if, during the repairing or  
7 replacing process, the city finds that adjacent improvements  
8 in the same area also need repair or replacement, the  
9 additional improvements to the sidewalks, water stop boxes, or  
10 driveway approaches may be completed and the costs assessed as  
11 provided in section 364.12, subsection 5.

12 The bill also authorizes a city to accumulate individual  
13 assessments for the repair or replacement of sidewalks,  
14 driveway approaches, and water stop boxes, and periodically  
15 certify the assessments to the county treasurer.

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Carroll, C.H.  
Jacobs  
Mundie

HSB 185

LOCAL GOVERNMENT

Submitted by  
HOUSE FILE 470

BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL  
BY CHAIRPERSON VANDE HOEF)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the assessment of certain public improvement  
2 costs to abutting property at the request of the property  
3 owner.

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

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By

1 Section 1. Section 364.12, subsection 3, Code 1995, is  
2 amended by adding the following new paragraphs:

3 NEW PARAGRAPH. i. Without prior determination and notice,  
4 cause the repair or replacement of public improvements  
5 including, but not limited to, sidewalks, water stop boxes,  
6 and driveway approaches if the property owner does all of the  
7 following:

8 (1) Requests the repair and replacement of the public  
9 improvements specified in this paragraph abutting the property  
10 owner's property located outside the lot and property lines  
11 and inside the curb lines.

12 (2) Waives the requirement of a prior finding by the city  
13 council that the condition of the public improvements  
14 constitutes a nuisance and the requirement of prior notice.

15 (3) Consents to the repair of the public improvements and  
16 the assessment of the cost of the repair to the abutting  
17 property.

18 NEW PARAGRAPH. j. If, in repairing and replacing  
19 improvements in the area between the lot or property lines and  
20 the curb lines pursuant to paragraph "i", it becomes necessary  
21 for the city to repair or replace adjacent improvements in the  
22 area, assess against the abutting property the cost of  
23 repairing or replacing the adjacent public improvements in the  
24 area.

25 NEW PARAGRAPH. k. Accumulate individual assessments for  
26 the repair and replacement of sidewalks, driveway approaches,  
27 water stop boxes, or similar improvements or for the abatement  
28 of nuisances, and may periodically certify the assessments to  
29 the county treasurer under one or more assessment schedules.

30 EXPLANATION

31 This bill authorizes a city to repair or replace sidewalks,  
32 water stop boxes, and driveway approaches located outside the  
33 lot and property lines and inside curb lines, and assess the  
34 costs of the repair or replacement to the abutting property  
35 owners. The costs may be assessed and paid as other special

1 assessments if the property owners request the repairs, waive  
2 the requirement of notice that the improvement in its present  
3 condition constitutes a nuisance, and consent to the  
4 assessment of the cost. Also, if, during the repairing or  
5 replacing process, the city finds that adjacent improvements  
6 in the same area also need repair or replacement, the  
7 additional improvements to the sidewalks, water stop boxes, or  
8 driveway approaches may be completed and the costs assessed as  
9 provided in paragraph "i".

10 The bill also authorizes a city to accumulate individual  
11 assessments for the repair or replacement of sidewalks,  
12 driveway approaches, and water stop boxes, and periodically  
13 certify the assessments to the county treasurer.

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HOUSE FILE 470

AN ACT

RELATING TO THE ASSESSMENT OF CERTAIN PUBLIC IMPROVEMENT  
COSTS TO ABUTTING PROPERTY AT THE REQUEST OF THE PROPERTY  
OWNER.

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

Section 1. Section 364.12, Code 1995, is amended by adding  
the following new subsections:

NEW SUBSECTION. 5. A city may cause, without prior  
determination and notice, the repair or replacement of public  
improvements including, but not limited to, sidewalks, water  
stop boxes, and driveway approaches if the property owner does  
all of the following:

a. Requests the repair and replacement of the public  
improvements specified in this subsection abutting the  
property owner's property located outside the lot and property  
lines and inside the curb lines.

b. Waives the requirement of a prior finding by the city  
council that the condition of the public improvements  
constitutes a nuisance and the requirement of prior notice.

c. Consents to the repair of the public improvements and  
the assessment of the cost of the repair to the abutting  
property.

NEW SUBSECTION. 6. If, in repairing and replacing  
improvements in the area between the lot or property lines and  
the curb lines pursuant to subsection 5, it becomes necessary  
for the city to repair or replace adjacent improvements in the  
area, the cost of repairing or replacing the adjacent public  
improvements may be assessed, with consent of the property  
owner, against the property which the public improvements  
abut.

NEW SUBSECTION. 7. A city may accumulate individual  
assessments for the repair and replacement of sidewalks,  
driveway approaches, water stop boxes, or similar improvements  
or for the abatement of nuisances, and may periodically  
certify the assessments to the county treasurer under one or  
more assessment schedules.

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RON J. CORBETT  
Speaker of the House

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LEONARD L. BOSWELL  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 470, Seventy-sixth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved April 24, 1995

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TERRY E. BRANSTAD  
Governor