

House Study Bill 196 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON WAGNER)

A BILL FOR

1 An Act relating to the construction of subdivision improvements
2 and certain notice requirements.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 354.8, Code 2011, is amended to read as
2 follows:

3 **354.8 Review and approval by governing bodies.**

4 1. A proposed subdivision plat lying within the
5 jurisdiction of a governing body shall be submitted to that
6 governing body for review and approval prior to recording.
7 Governing bodies shall apply reasonable standards and
8 conditions in accordance with applicable statutes and
9 ordinances for the review and approval of subdivisions. The
10 governing body, within sixty days of application for final
11 approval of the subdivision plat, shall determine whether the
12 subdivision conforms to its comprehensive plan and shall give
13 consideration to the possible burden on public improvements
14 and to a balance of interests between the proprietor, future
15 purchasers, and the public interest in the subdivision when
16 reviewing the proposed subdivision and when requiring the
17 installation of public improvements in conjunction with
18 approval of a subdivision. The governing body shall not issue
19 final approval of a subdivision plat unless the subdivision
20 plat conforms to sections 354.6, 354.11, and 355.8.

21 2. If the subdivision plat and all matters related to final
22 approval of the subdivision plat conform to the standards and
23 conditions established by the governing body, and conform
24 to this chapter and chapter 355, the governing body, by
25 resolution, shall approve the plat and certify the resolution
26 which shall be recorded with the plat. The recorder shall
27 refuse to accept a subdivision plat presented for recording
28 without a resolution from each applicable governing body
29 approving the subdivision plat or waiving the right to review.

30 3. The governing body may require a proprietor to provide a
31 bond in an amount determined by the governing body to secure
32 construction of subdivision improvements, and may condition the
33 release of the bond on the governing body's acceptance of the
34 subdivision improvements as having been properly constructed in
35 accordance with the applicable design requirements. As used

1 in this section, the term "subdivision improvements" means any
2 fixture, structure, or other improvement to land required to be
3 constructed or installed by the proprietor as a condition of
4 the governing body's approval of a subdivision plat.

5 4. a. For a city with a population equal to or greater
6 than fifty thousand, if the proprietor or the contractor for
7 the construction of subdivision improvements has provided
8 the name and facsimile number or electronic mail address of
9 the contractor, the city shall notify the contractor, either
10 by facsimile or electronic mail, not less than forty-eight
11 hours in advance of the date on which the city will consider
12 the acceptance of subdivision improvements constructed by the
13 contractor.

14 b. For a city with a population equal to or greater than
15 twenty-five thousand but less than fifty thousand, a proprietor
16 or the contractor for the construction of subdivision
17 improvements may request that the city notify the contractor,
18 either by facsimile or electronic mail, not less than
19 forty-eight hours in advance of the date on which the city will
20 consider the acceptance of subdivision improvements constructed
21 by the contractor. Upon the receipt of such a request to
22 notify the contractor, the city shall provide such notice.

23 c. A city's failure to provide notice pursuant to paragraph
24 "a" or "b" shall not impose any responsibility on the city
25 for the payment of any amounts owed by a proprietor to a
26 contractor.

27 5. A city may establish jurisdiction to review subdivisions
28 or plats of survey outside its boundaries pursuant to the
29 provisions of section 354.9. In the case of a city, the
30 provisions of this section apply to the review by the city of
31 both subdivision plats and plats of survey.

32 EXPLANATION

33 This bill relates to the construction of subdivision
34 improvements and certain notice requirements.

35 The bill permits a governing body to require that a

1 proprietor submit a bond in order to secure the construction
2 of subdivision improvements. The bill permits a governing
3 body to condition the release of such a bond upon the proper
4 construction of such improvements. A governing body is a city
5 council or a county board of supervisors.

6 The bill requires that a city with a population equal to
7 or greater than 50,000 provide 48-hour advance notice to a
8 contractor before considering the acceptance of subdivision
9 improvements constructed by the contractor, if the proprietor
10 or contractor has provided certain contact information for the
11 contractor.

12 The bill requires that a city with a population equal to
13 or greater than 25,000 but less than 50,000 provide 48-hour
14 advance notice to a contractor before considering the
15 acceptance of subdivision improvements constructed by the
16 contractor, if the proprietor or contractor has requested
17 that such notice be given and has provided certain contact
18 information for the contractor.

19 The bill provides that a city is not responsible for any
20 amounts owed by a proprietor to a contractor due to a failure
21 to provide notice under the bill.