

House File 353 - Introduced

HOUSE FILE 353

BY FISHER

A BILL FOR

1 An Act relating to the methods of collection for expenses

2 incurred in abating a nuisance or other hazards.

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

1 Section 1. Section 331.384, Code 2019, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. In lieu of collecting the costs
4 of performing the required action by special assessment,
5 the county may assess the costs incurred in performing the
6 required action by charging the costs to an account of a
7 county enterprise or combined county enterprise, as defined in
8 section 331.461, an account of a city utility, as defined in
9 section 362.2, an account of a combined utility system, city
10 enterprise, or combined city enterprise, as defined in section
11 384.80, or an account of a joint water utility under chapter
12 389, for a utility or service of the applicable utility or
13 enterprise being provided to the subject property. The charge
14 entered shall be considered a delinquent rate or charge and
15 the procedures and authority for collection by the applicable
16 utility or enterprise shall apply. If the amount charged under
17 this subsection is paid, the applicable utility or enterprise
18 shall transfer the amount paid to the county.

19 Sec. 2. Section 364.12, Code 2019, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 4A. In lieu of the methods for collection
22 under subsection 3, paragraph "h", and subsection 4, the city
23 may assess the costs incurred in performing the required action
24 by charging the costs to an account of a county enterprise or
25 combined county enterprise, as defined in section 331.461,
26 an account of a city utility, as defined in section 362.2,
27 an account of a combined utility system, city enterprise, or
28 combined city enterprise, as defined in section 384.80, or
29 an account of a joint water utility under chapter 389, for
30 a utility or service of the applicable utility or enterprise
31 being provided to the subject property. The charge entered
32 shall be considered a delinquent rate or charge and the
33 procedures and authority for collection by the applicable
34 utility or enterprise shall apply. If the amount charged under
35 this subsection is paid, the applicable utility or enterprise

1 shall transfer the amount paid to the city.

2 Sec. 3. Section 657.7, Code 2019, is amended to read as
3 follows:

4 **657.7 Expenses — how collected.**

5 1. The expense of abating a nuisance by virtue of a warrant
6 can be collected by the officer in the same manner as damages
7 and costs are collected on execution, except that the materials
8 of any buildings, fences, or other things that may be removed
9 as a nuisance may be first levied upon and sold by the officer,
10 and if any of the proceeds remain after satisfying the expense
11 of the removal, such balance must be paid by the officer to the
12 defendant, or to the owner of the property levied upon; and
13 if said proceeds are not sufficient to pay such expenses, the
14 officer must collect the residue thereof.

15 2. In lieu of the method for collection under subsection 1,
16 the expense of abating a nuisance incurred by the governmental
17 entity and for which a warrant is issued may alternatively
18 be charged by the governmental entity to an account of a
19 county enterprise or combined county enterprise, as defined
20 in section 331.461, the bill of a city utility, as defined in
21 section 362.2, the bill of a combined utility system, city
22 enterprise, or combined city enterprise, as defined in section
23 384.80, or the bill of a joint water utility under chapter
24 389, for a utility or service of the applicable utility or
25 enterprise being provided to the subject property. The charge
26 entered shall be considered a delinquent rate or charge and
27 the procedures and authority for collection by the applicable
28 utility or enterprise shall apply. If the amount charged under
29 this subsection is paid, the applicable utility or enterprise
30 shall transfer the amount paid to the governmental entity.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill relates to the methods of collection for costs
35 incurred by governmental entities for the abatement of certain

1 nuisances and hazards.

2 The bill provides that if an action required to abate or
3 remedy a nuisance or hazard within a reasonable time after
4 notice, the city or county, as applicable, may perform the
5 required action and assess the costs by charging the costs
6 to an account of specified city or county utilities and
7 enterprises providing utilities or services to the subject
8 property. The charge entered is considered a delinquent rate
9 or charge and the procedures and authority for collection by
10 the applicable utility or enterprise applies. If the amount
11 charged is paid, the applicable utility or enterprise is
12 required to transfer the amount paid to the applicable city or
13 county.

14 The bill provides similar authority for governmental
15 entities that incur costs to remedy a nuisance under Code
16 chapter 657.