

House File 651 - Introduced

HOUSE FILE 651

BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 154)

A BILL FOR

1 An Act concerning local government notice requirements on certain
2 actions.

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

unofficial

1 Section 1. Section 103A.12, subsection 2, Code 2025, is
2 amended to read as follows:

3 2. A governmental subdivision in which the state building
4 code is applicable may by ordinance, at any time after one year
5 has elapsed since the code became applicable, withdraw from the
6 application of the code. The local governing body shall hold
7 a public hearing, ~~after giving not less than four but not more~~
8 ~~than twenty days' public notice,~~ together with written notice to
9 the commissioner of the time, place, and purpose of the hearing
10 provided in a manner consistent with section 362.3, before the
11 ordinance to withdraw is voted upon. A certified copy of the
12 vote of the local governing body shall be transmitted within ten
13 days after the vote is taken to the commissioner. The ordinance
14 becomes effective at a time to be specified in the ordinance,
15 which must be not less than one hundred eighty days after the
16 date of adoption. Upon the effective date of the ordinance,
17 the state building code ceases to apply to the governmental
18 subdivision except that construction of a building or structure
19 pursuant to a permit previously issued is not affected by the
20 withdrawal.

21 Sec. 2. Section 368.3, subsection 2, Code 2025, is amended to
22 read as follows:

23 2. A city may also be discontinued in accordance with the
24 following procedures. The council shall adopt a resolution
25 of intent to discontinue and shall call a public hearing on
26 the proposal to discontinue. Notice of the time and place of
27 the public hearing and the proposed action shall be published
28 as provided in section 362.3, ~~except that at least ten days'~~
29 ~~notice must be given.~~ At the public hearing, the council shall
30 receive oral and written comments regarding the proposal from
31 any person. Thereafter, the council, at the same meeting or
32 at a subsequent meeting, may pass a resolution of discontinuance
33 or pass a resolution abandoning the proposal. If the council
34 passes a resolution of discontinuance, a petition may be filed
35 with the clerk in the manner provided in section 362.4, within

1 thirty days following the effective date of the resolution,
2 requesting that the question of discontinuance be submitted to
3 the registered voters of the city. Upon receipt of a petition
4 requesting an election, the council shall direct the county
5 commissioner of elections to call a special election on the
6 question of discontinuance or shall adopt a resolution abandoning
7 the discontinuance. Notice of the election shall be given by
8 publication as required in section 49.53. If a majority of
9 those voting approve the discontinuance or if no petition for an
10 election is filed, the clerk shall send a copy of the resolution
11 of discontinuance and, if an election is held, the results of
12 the election to the board. The board shall take control of the
13 property of the discontinued city and shall supervise procedures
14 necessary to carry out the discontinuance in accordance with
15 section 368.21.

16 Sec. 3. Section 372.4, subsection 4, Code 2025, is amended to
17 read as follows:

18 4. In a city having a population of less than five hundred,
19 the city council may adopt a resolution of intent to reduce the
20 number of council members from five to three and shall call a
21 public hearing on the proposal. Notice of the time and place
22 of the public hearing shall be published as provided in section
23 362.3, ~~except that at least ten days' notice must be given.~~ At
24 the public hearing, the council shall receive oral and written
25 comments regarding the proposal from any person. Thereafter,
26 the council, at the same meeting as the public hearing or at
27 a subsequent meeting, may adopt a final resolution to reduce
28 the number of council members from five to three or may adopt
29 a resolution abandoning the proposal. If the council adopts a
30 final resolution to reduce the number of council members from
31 five to three, a petition meeting the same requirements specified
32 in section 362.4 for petitions authorized by city code may be
33 filed with the clerk within thirty days following the effective
34 date of the final resolution, requesting that the question of
35 reducing the number of council members from five to three be

1 submitted to the registered voters of the city. Upon receipt
2 of a petition requesting an election, the council shall direct
3 the county commissioner of elections to put the proposal on
4 the ballot for the next regular city election. If the ballot
5 proposal is adopted, the new council shall be elected at the next
6 following regular city election. If a petition is not filed,
7 the council shall notify the county commissioner of elections
8 by July 1 of the year of the regular city election and the new
9 council shall be elected at that regular city election. If the
10 council notifies the commissioner of elections after July 1 of
11 the year of the regular city election, the change shall take
12 effect at the next following regular city election. The council
13 shall determine by ordinance whether the three council members
14 are elected at large or by ward.

15 Sec. 4. Section 384.16, subsection 3, Code 2025, is amended
16 to read as follows:

17 3. Following, and not until, completion of requirements of
18 section 24.2A are completed, the council shall set a time
19 and place for public hearing on the budget before the final
20 certification date and shall publish notice of the hearing ~~not~~
21 ~~less than ten nor more than twenty days before the hearing~~
22 pursuant to section 362.3 in a newspaper published at least once
23 weekly and having general circulation in the city. However, if
24 the city has a population of two hundred or less, publication
25 may be made by posting in three public places in the city. A
26 summary of the proposed budget and a description of the procedure
27 for protesting the city budget under section 384.19, in the form
28 prescribed by the director of the department of management, shall
29 be included in the notice. Proof of publication of the notice
30 under this subsection 3 must be filed with the county auditor.
31 The department of management shall prescribe the form for the
32 public hearing notice for use by cities.

33 Sec. 5. Section 384.50, subsection 1, Code 2025, is amended
34 to read as follows:

35 1. The clerk shall publish notice of the date, time, and

1 place of the hearing once each week for two consecutive weeks
2 in the manner provided by section 362.3, ~~the first publication~~
3 ~~of which shall be not less than ten days before the date of the~~
4 ~~hearing.~~

5 Sec. 6. Section 400.1, subsection 1, Code 2025, is amended to
6 read as follows:

7 1. In cities having a population of eight thousand or over
8 and having a paid fire department or a paid police department,
9 the mayor, one year after a regular city election, with the
10 approval of the council, shall appoint three civil service
11 commissioners. The ~~mayor~~ city shall publish notice of the
12 names of persons selected for appointment ~~no less than thirty~~
13 ~~days prior to a vote by the city council pursuant to section~~
14 362.3. Commissioners shall hold office, one until the first
15 Monday in April of the second year, one until the first Monday
16 in April of the third year, and one until the first Monday
17 in April of the fourth year after such appointment, whose
18 successors shall be appointed for a term of four years. In
19 cities having a population of more than seventy thousand, the
20 city council may establish, by ordinance, the number of civil
21 service commissioners at not less than three.

22 Sec. 7. Section 404.2, subsection 6, Code 2025, is amended to
23 read as follows:

24 6. The city or county has adopted the proposed or amended
25 plan for the revitalization area after the requisite number of
26 hearings. The city or county may subsequently amend this plan
27 after a hearing. Notice of the hearing shall be published as
28 provided in section 362.3 or 331.305, ~~except that at least seven~~
29 ~~days' notice must be given and the public hearing shall not be~~
30 ~~held earlier than the next regularly scheduled city council or~~
31 ~~board of supervisors meeting following the published notice. A~~
32 city ~~which~~ that has adopted a plan for a revitalization area
33 ~~which~~ that covers all property within the city limits may amend
34 that plan at any time, pursuant to this section, to include
35 property ~~which~~ that has been or will be annexed to the city.

1 The provisions of the original plan shall be applicable to
2 the property ~~which~~ that is annexed and the property shall be
3 considered to have been part of the revitalization area as of the
4 effective date of its annexation to the city.

5 Sec. 8. Section 414.4, Code 2025, is amended to read as
6 follows:

7 **414.4 Zoning regulations, district boundaries, amendments.**

8 The council of the city shall provide for the manner in
9 which the regulations and restrictions and the boundaries of
10 the districts shall be determined, established, and enforced,
11 and from time to time amended, supplemented, or changed.
12 However, the regulation, restriction, or boundary shall not
13 become effective until after a public hearing at which parties in
14 interest and citizens shall have an opportunity to be heard. The
15 notice of the time and place of the hearing shall be published
16 as provided in section 362.3, ~~except that at least seven days'~~
17 ~~notice must be given and in no case shall the public hearing~~
18 ~~be held earlier than the next regularly scheduled city council~~
19 ~~meeting following the published notice.~~

20 EXPLANATION

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

23 Under current law, notice requirements for local governments
24 vary as follows: state building codes adopted by ordinance and
25 later repealed require a public hearing after giving not less
26 than 4 but not more than 20 days' notice; a city resolution of
27 intent to discontinue requires a public hearing on the proposal
28 to discontinue the city with at least 10 days' notice; a city
29 resolution to reduce the number of council members from five to
30 three requires a public hearing on the proposal with at least
31 10 days' notice; city council budget certifications require a
32 public hearing with not less than 10 nor more than 20 days'
33 notice; city resolutions of necessity for public improvements
34 require a public hearing with not less than 10 days' notice
35 to the property owners subject to the special assessment; city

1 appointments of civil service commissioners require published
2 notice of the proposed appointments for no less than 30 days
3 prior to a vote by the city council; amendments to city or county
4 revitalization area plans require a hearing with at least 7 days'
5 notice and the public hearing shall not be held earlier than the
6 next regularly scheduled city council or board of supervisors
7 meeting following the published notice; and when a city council
8 amends, supplements, or changes regulations and restrictions or
9 the boundaries of districts, a public hearing is required with
10 at least 7 days' notice and the public hearing shall not be held
11 earlier than the next regularly scheduled city council meeting
12 following the published notice.

13 This bill changes the notice requirements in accordance with
14 Code section 362.3 for these local government actions as follows:
15 the notice must be published at least once, for a period of not
16 less than 4 nor more than 20 days before the date of the hearing
17 or other action; the publication must be in a newspaper published
18 at least once weekly and having general circulation in the city;
19 and if the city has a population of 200 or less, or if the city
20 has no newspaper, the publication is made by posting in three
21 public places in the city that have been permanently designated
22 by local government ordinance.