

3 Eye, a newspaper published in Burlington, Iowa, and in the Guthrie
4 Center Times, a newspaper published in Guthrie Center, Iowa.

Approved February 28, 1975

I hereby certify that the foregoing Act, House File 173, was published in The Hawk Eye, Burlington, Iowa, March 10, 1975, and in the Guthrie Center Times, Guthrie Center, Iowa, March 5, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 194

STATEWIDE FIRE PROTECTION

H. F. 195

AN ACT relating to statewide fire protection.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred fifty-seven B point one (357B.1),
2 Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **357B.1 Benefited fire districts continued.** A benefited fire dis-
5 trict established under this chapter prior to July 1, 1975 shall provide
6 fire protection within its boundaries until it is dissolved as provided in
7 section five (5) of this Act. A benefited fire district shall not be estab-
8 lished nor shall the territorial boundaries of an established benefited
9 fire district be enlarged after June 30, 1975.

1 SEC. 2. Section three hundred fifty-seven B point two (357B.2),
2 Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **357B.2 Board of trustees.** A benefited fire district shall be gov-
5 erned by a board of trustees consisting of three members who shall
6 serve overlapping, three-year terms. Each trustee shall give bond in an
7 amount to be determined by the board of supervisors, the premium for
8 which shall be paid by the district of the trustee. The members of the
9 board of trustees shall be elected at an election called by the board of
10 supervisors. Notice of the election shall be given by publication in two
11 successive issues of a newspaper having general circulation within the
12 district. The notice shall contain the date, time and location of the
13 election. The final publication of the notice of election shall not be less
14 than one week before the date of election. It is not mandatory for the
15 commissioner of elections to conduct the elections held under this
16 chapter, but the elections shall be conducted in accordance with the
17 provisions of chapter forty-nine (49) of the Code when such provisions
18 are not in conflict with this chapter. The election judges shall be ap-
19 pointed by the board of supervisors from among the qualified electors
20 of the district and shall serve without pay. Any vacancy on the board
21 shall be filled by election or by appointment of the board of supervi-
22 sors for the unexpired term.

1 SEC. 3. Section three hundred fifty-seven B point three (357B.3),
2 Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **357B.3 Powers of the board of trustees.** The board of trustees
5 may purchase, own, rent, or maintain fire apparatus or equipment
6 within the state or outside the territorial jurisdiction and boundary

7 limits of this state and provide housing for such apparatus or equip-
 8 ment. The board of trustees may contract with any public or private
 9 agency under chapter twenty-eight E (28E) of the Code for the purpose
 10 of providing fire protection under this chapter. The board of trustees
 11 may levy an annual tax not exceeding forty and one-half cents per
 12 thousand dollars of assessed value for the purpose of exercising the
 13 powers granted in this section. The board of trustees may purchase ma-
 14 terial and employ persons to provide for the maintenance and opera-
 15 tion of the benefited fire district. The trustees shall be allowed
 16 reimbursement for any necessary expenses incurred in the performance
 17 of their duties, but they shall not receive any other compensation for
 18 their services.

1 SEC. 4. Section three hundred fifty-seven B point four (357B.4),
 2 Code 1975, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **357B.4 Anticipation of tax.** The board of trustees of a benefited
 5 fire district may anticipate the collection of taxes authorized under
 6 section three hundred fifty-seven B point three (357B.3) of the Code
 7 and, for the purpose of providing fire protection, may issue bonds pay-
 8 able in not more than ten equal installments at an interest rate not ex-
 9 ceeding seven percent per annum. The bonds shall be in such form and
 10 payable at such place as specified by resolution of the board of trust-
 11 ees. The provisions of sections twenty-three point twelve (23.12) to
 12 twenty-three point sixteen (23.16), inclusive, and chapter four hundred
 13 eight (408) of the Code, shall apply to such bonds to the extent appli-
 14 cable.

1 SEC. 5. Section three hundred fifty-seven B point five (357B.5),
 2 Code 1975, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **357B.5 Dissolution of district.** Upon petition of a number of
 5 registered voters residing in a district at least equal to thirty-five per-
 6 cent of the property taxpayers in such district, the board of supervisors
 7 may dissolve a benefited fire district and dispose of any remaining
 8 property, the proceeds of which shall first be applied against any out-
 9 standing obligation of the district. Any remaining balance shall be ap-
 10 plied as a tax credit for the property owners of the district. The board
 11 of supervisors shall continue to levy an annual tax after the dissolution
 12 of a district not to exceed forty and one-half cents per thousand dollars
 13 of assessed value of the taxable property of the district until all out-
 14 standing obligations of the district are paid.

1 SEC. 6. Section three hundred fifty-nine point forty-two (359.42),
 2 Code 1975, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **359.42 Township fire protection.** The trustees of each township
 5 in this state shall provide fire protection for the township, exclusive of
 6 any part of the township within a benefited fire district. The trustees
 7 may purchase, own, rent or maintain fire protection apparatus or
 8 equipment and provide housing for such equipment. The trustees may
 9 contract with any public or private agency under chapter twenty-eight
 10 E (28E) of the Code for the purpose of providing fire protection under
 11 this section.

1 SEC. 7. Section three hundred fifty-nine point forty-three (359.43),
 2 Code 1975, as amended by Senate File ninety (90)* as enacted by the

*Ch 196 of the Acts

3 Sixty-sixth General Assembly, 1975 Session, section one (1), is amended
4 by striking the section and inserting in lieu thereof the following:

5 **359.43 Tax levy.** The township trustees may levy an annual tax
6 not exceeding forty and one-half cents per thousand dollars of assessed
7 value of the taxable property in the township, excluding any property
8 within a benefited fire district or within the corporate limits of a city,
9 for the purpose of exercising the powers granted in section three
10 hundred fifty-nine point forty-two (359.42) of the Code. However, in
11 any township having a fire protection agreement with a special charter
12 city having a paid fire department, the township trustees may levy an
13 annual tax not exceeding fifty-four cents per thousand dollars of the
14 assessed value of the taxable property for such purpose and in any
15 township which has a common boundary with a city having a popula-
16 tion of two hundred thousand or more, the township trustees may levy
17 an annual tax not exceeding sixty-seven and one-half cents per thou-
18 sand dollars of assessed value of taxable property for fire protection
19 purposes.

1 SEC. 8. Section three hundred fifty-nine point forty-five (359.45),
2 Code 1975, is amended to read as follows:

3 **359.45 Anticipatory bonds.** Townships may anticipate the col-
4 lection of taxes authorized by ~~sections~~ *section 359.43 and 359.44*, and
5 for such purposes may issue bonds payable in not more than ten equal
6 annual installments and at a rate of interest not exceeding seven per-
7 cent per annum and payable at such place and be in such form as the
8 board of trustees shall designate by resolution. Sections 23.12 to 23.16,
9 inclusive, and provisions of law relating to essential corporate purpose
10 bonds of a city, so far as applicable, shall apply to such bonds.

1 SEC. 9. Chapter three hundred sixty-four (364), Code 1975, is
2 amended by adding the following new section:

3 **NEW SECTION. Municipal fire protection.** Each city shall provide
4 for the protection of life and property against fire and may establish,
5 house, equip, staff, uniform and maintain a fire department. A city
6 may establish fire limits and may, consistent with code standards pro-
7 mulgated by nationally recognized fire prevention agencies regulate
8 the storage, handling, use, and transportation of all inflammables,
9 combustibles, and explosives within the corporate limits and inspect for
10 and abate fire hazards. A city may provide conditions upon which the
11 fire department will answer calls outside the corporate limits or the ter-
12 ritorial jurisdiction and boundary limits of this state. A city shall have
13 the same governmental immunity outside its corporate limits when
14 providing fire protection as when operating within the corporate limits.
15 Firemen operating equipment on calls outside the corporate limits
16 shall be entitled to the benefits of chapter four hundred ten (410) or
17 four hundred eleven (411) of the Code when otherwise qualified.

1 SEC. 10. Section eighty-five point sixty-one (85.61), subsections one
2 (1) and eight (8), Code 1975, are amended to read as follows:

3 1. "Employer" includes and applies to any person, firm, association,
4 or corporation, state, county, municipal corporation, school corpora-
5 tion, area education agency, *township as an employer of volunteer*
6 *firemen only, benefited fire district* and the legal representatives of a
7 deceased employer.

8 8. The term "volunteer firemen" shall mean any active member of
9 an organized volunteer fire department in this state and any other per-
10 son performing services as a volunteer fireman for a municipality,
11 *township or benefited fire district* at the request of the chief or other

12 person in command of the fire department of such municipality, *town-*
 13 *ship or benefited fire district*, or of any other officer of such munici-
 14 pality, *township or benefited fire district* having authority to demand
 15 such service, and who is not a full-time member of a paid fire depart-
 16 ment. A person performing such services shall not be classified as a cas-
 17 ual employee.

1 SEC. 11. NEW SECTION. **Use of federal revenue sharing**
 2 **funds.** The board of supervisors may appropriate federal revenue
 3 sharing funds to aid in providing fire protection services and equip-
 4 ment jointly with any other public agency of this state to residents of
 5 such county. The board of supervisors may use federal revenue sharing
 6 funds for providing other services and equipment for use of the resi-
 7 dents of the county. The use of federal revenue sharing funds shall be
 8 consistent with federal law and rules promulgated pursuant to such
 9 law.

1 SEC. 12. Sections three hundred fifty-seven B point six (357B.6),
 2 three hundred fifty-seven B point seven (357B.7), three hundred fifty-
 3 seven B point eight (357B.8), three hundred fifty-seven B point nine
 4 (357B.9), three hundred fifty-seven B point ten (357B.10), three
 5 hundred fifty-seven B point eleven (357B.11), three hundred fifty-
 6 seven B point twelve (357B.12), three hundred fifty-seven B point
 7 thirteen (357B.13), three hundred fifty-seven B point fourteen
 8 (357B.14), three hundred fifty-seven B point fifteen (357B.15), three
 9 hundred fifty-seven B point sixteen (357B.16), three hundred fifty-
 10 seven B point seventeen (357B.17), and three hundred fifty-nine point
 11 forty-four (359.44), Code 1975, are repealed.

Approved June 3, 1975

CHAPTER 195

STREET LIGHTING

S. F. 397

AN ACT relating to benefited street lighting districts.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred fifty-seven C point one (357C.1),
 2 unnumbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 The board of supervisors of any county shall, on the petition of
 5 twenty-five percent of the resident property owners in any proposed
 6 benefited street lighting district if the assessed valuation of the proper-
 7 ty owned by the petitioners represents at least twenty-five percent of
 8 the total assessed value of the proposed district, *or the board of super-*
 9 *visors of any county with a population in excess of two hundred fif-*
 10 *ty thousand persons shall, on the petition of twenty-five percent of*
 11 *the resident property owners in any proposed benefited lighting dis-*
 12 *trict*, hold a public hearing concerning the establishment of such pro-
 13 posed street lighting district. Such a petition shall include a statement
 14 containing the following:

Approved June 5, 1975