

## CHAPTER 202

## SANITARY DISPOSAL PROJECTS

S. F. 33

AN ACT relating to sanitary disposal bonds.

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

1 SECTION 1. Section four hundred four point nineteen (404.19), sub-  
2 section two (2), as it appears in Code 1973, as amended by Acts of the  
3 Sixty-fifth General Assembly, 1973 Session, chapter two hundred  
4 twenty-eight (228), section three (3), is amended to read as follows:

5 2. Dump grounds. Cities and towns are hereby authorized to con-  
6 tract indebtedness and to issue general obligation bonds to provide  
7 funds to pay the cost of establishing, constructing, acquiring, purchas-  
8 ing, equipping, improving, extending, reconstructing and repairing  
9 sanitary disposal projects as defined in section four hundred fifty-five  
10 B point seventy-five (455B.75) of the Code or acquiring land for dump  
11 ground purposes. Taxes for the payment of said bonds shall be levied  
12 in accordance with chapter 76 and said bonds shall be payable through  
13 the debt service fund in not more than twenty years and bear interest  
14 at a rate not exceeding five seven percent per annum, and shall be of  
15 such form as the city or town council shall by resolution provide. The  
16 indebtedness incurred for the purpose herein provided in this section  
17 shall not be considered an indebtedness incurred for general or ordi-  
18 nary purposes.

1 SEC. 2. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in Ames  
3 Daily Tribune, a newspaper published in Ames, Iowa, and in The  
4 Nevada Evening Journal, a newspaper published in Nevada, Iowa.

Approved February 12, 1975

I hereby certify that the foregoing Act, Senate File 33, was published in the Ames Daily Tri-  
bune, Ames, Iowa, February 14, 1975, and in The Nevada Evening Journal, Nevada, Iowa,  
February 14, 1975.

MELVIN D. SYNHORST, *Secretary of State*

## CHAPTER 203

## CITY GOVERNMENT

S. F. 526

AN ACT relating to city government by correcting references to electors, modifying provisions  
for administrative agencies, municipal support of industrial projects, joint transit agencies,  
interest rates for city bonds, officers' bonds, federal agreements, annexation and severance,  
forms of city government, compensation and removal of officers, passage of ordinances  
and amendments, the mayor's right to veto, adoption of codes by reference, city utility  
and city budgets, essential and general corporate purpose bonds, special assessments, reve-  
nue bonds and pledge orders, and providing for liens for service charges and restricted resi-  
dence districts.

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

1 SECTION 1. Section four hundred nineteen point one (419.1), subsec-  
2 tion two (2), paragraph (a), Code 1975, is amended to read as follows:

3 2. "Project" means all or any part of, or any interest in, (a) any  
 4 land, buildings or improvements, whether or not in existence at the  
 5 time of issuance of the bonds issued under authority of this chapter,  
 6 which shall be suitable for the use of any voluntary nonprofit hospital,  
 7 clinic or health care facility as defined in section 135C.1, subsection 8,  
 8 or of any private college or university, whether for the establishment  
 9 or maintenance of such college or university, or of any industry or in-  
 10 dustries for the manufacturing, processing or assembling of any agri-  
 11 cultural or manufactured products, even though such processed  
 12 products may require further treatment before delivery to the ultimate  
 13 consumer, or of any commercial enterprise engaged in storing, ware-  
 14 housing, *or* distributing ~~or selling~~ products of agriculture, mining or in-  
 15 dustry including but not limited to barge facilities and river-front  
 16 improvements useful and convenient for the handling and storage of  
 17 goods and products or

1 SEC. 2. Section four hundred nineteen point seven (419.7), Code  
 2 1975, is amended to read as follows:

3 **419.7 Application of proceeds limited.** The proceeds from the  
 4 sale of any bonds, issued under authority of this chapter, shall be ap-  
 5 plied only for the purpose for which the bonds were issued and if, for  
 6 any reason, any portion of such proceeds shall not be needed for the  
 7 purpose for which the bonds were issued, such unneeded portion of said  
 8 proceeds shall be applied to the payment of the principal or the inter-  
 9 est on said bonds. The cost of any project shall be deemed to include  
 10 the actual cost of acquiring a site or the cost of the construction of any  
 11 part of a project which may be constructed including architects' and  
 12 engineers' fees, the purchase price of any part of a project that may be  
 13 acquired by purchase, all expenses in connection with the authoriza-  
 14 tion, sale and issuance of the bonds to finance such acquisition, an  
 15 amount to be held as a bond reserve fund, and the interest on such  
 16 bonds for a reasonable time prior to construction, during construction  
 17 and for not exceeding six months after completion of construction, *and*  
 18 *with respect to any health care facility or voluntary nonprofit hospi-*  
 19 *tal the cost of retiring any existing indebtedness of such health*  
 20 *care facility or voluntary nonprofit hospital which the governing*  
 21 *body of the municipality determines to be reasonably necessary in*  
 22 *connection with the issuance of the bonds.*

1 SEC. 3. Chapter twenty-eight E (28E), Code 1975, is amended by  
 2 adding the following new section:

3 **NEW SECTION. Transit policy—joint agreement—city debt.**

4 1. It is the public policy of this state to encourage the establishment  
 5 or acquisition of urban mass transit systems and the equipment, main-  
 6 tenance and operation thereof by public agencies in cooperation with,  
 7 and with the assistance of the urban mass transportation administra-  
 8 tion of the United States department of transportation, pursuant to  
 9 the provisions of the Urban Mass Transportation Act of 1964, as  
 10 amended, title forty-nine (49), sections one thousand six hundred one  
 11 (1601) et seq., United States Code, which requires unification or official  
 12 coordination of local mass transportation services on an area-wide basis  
 13 as a condition of such assistance.

14 2. An agreement between one or more cities and other public agen-  
 15 cies for this purpose may be made and carried out without an election  
 16 and the agency created thereby may jointly exercise through a board  
 17 of trustees as provided by the agreement all the rights, powers, privi-  
 18 leges and immunities of cities related to the provision of mass transpor-  
 19 tation services, except the authority to incur bonded indebtedness.

20 3. A city which is a party in a joint transit agency may issue general  
21 corporate purpose bonds for the support of a capital program for the  
22 joint agency in the following manner:

23 a. The council shall give notice and conduct a hearing on the pro-  
24 posal in the manner set forth in section three hundred eighty-four  
25 point twenty-five (384.25) of the Code. However, the notice must be  
26 published at least ten days prior to the hearing, and if a petition valid  
27 under section three hundred sixty-two point four (362.4) of the Code is  
28 filed with the clerk of the city prior to the hearing, asking that the  
29 question of issuing the bonds be submitted to the qualified electors of  
30 the city, the council shall either by resolution declare the proposal  
31 abandoned or shall direct the county commissioner of elections to call  
32 a special election to vote upon the question of issuing the bonds. No-  
33 tice of the election and its conduct shall be in the manner provided in  
34 section three hundred eighty-four point twenty-six (384.26) of the  
35 Code.

36 b. If no petition is filed, or if a petition is filed and the proposition  
37 of issuing bonds is approved at the election, the council may proceed  
38 with the authorization and issuance of the bonds.

39 An agreement may provide for full or partial payment from transit  
40 revenues to the cities for meeting debt service on such bonds.

41 This subsection shall be construed as granting additional power with-  
42 out limiting the power already existing in cities, and as providing an  
43 alternative independent method for the carrying out of any project for  
44 the issuance and sale of bonds for the financing of a city's share of a  
45 capital expenditures project of a joint transit agency, and no further  
46 proceedings with respect to the authorization of the bonds shall be re-  
47 quired.

1 SEC. 4. Chapter twenty-eight G (28G), Code 1975, is repealed.

1 SEC. 5. Chapter seventy-five (75), Code 1975, is amended by adding  
2 the following new section:

3 **NEW SECTION. Maximum interest rates.** Unless otherwise provid-  
4 ed by law, the maximum rates of interest on all bonds issued by a city  
5 shall be as follows:

6 1. General obligation bonds or other evidences of indebtedness pay-  
7 able from general taxation may bear interest at a rate not exceeding  
8 seven percent per annum.

9 2. Revenue bonds or obligations, the principal and interest of which  
10 are to be paid solely and only from the revenue derived from the oper-  
11 ations of the project for which the bonds or obligations are issued, may  
12 bear interest at a rate not exceeding seven and one-half percent per an-  
13 num. This subsection shall not apply to revenue bonds issued pursuant  
14 to chapter four hundred nineteen (419) of the Code.

15 3. Special assessment bonds or certificates, the principal and interest  
16 of which are payable from special assessments levied against benefited  
17 property may bear interest at a rate not exceeding seven percent per  
18 annum.

1 SEC. 6. Section sixty-four point thirteen (64.13), Code 1975, is  
2 amended to read as follows:

3 **64.13 Municipal officers.** The bonds of all municipal officers  
4 who are required to give bonds shall each be in such penal sum as may  
5 be provided by law or as the council shall from time to time prescribe  
6 by ordinance; but the bonds of mayors shall not be in less sum than  
7 five hundred dollars each council may provide for a surety bond run-  
8 ning to the city and covering all city officers and employees not

9 *otherwise covered and conditioned as specified for bonds in section*  
10 *sixty-four point two (64.2) of the Code.*

1 SEC. 7. Section sixty-four point nineteen (64.19), subsection five (5),  
2 Code 1975, is amended to read as follows:

3 5. By the ~~mayer~~ *council*, or as ~~may~~ *be* provided by ordinance, in  
4 case of city officers.

1 SEC. 8. Section sixty-four point nineteen (64.19), Code 1975, is  
2 amended by striking subsection six (6).

1 SEC. 9. Section sixty-four point twenty-three (64.23), subsection six  
2 (6), Code 1975, is amended to read as follows:

3 6. For officers of cities, and officers not otherwise provided for, ~~when~~  
4 ~~both bond and oath are required~~, in the office of the officer or clerk of  
5 the body approving the bond, *or in cities, as otherwise provided by*  
6 *ordinance.*

1 SEC. 10. Section sixty-four point twenty-three (64.23), Code 1975, is  
2 amended by striking subsection seven (7).

1 SEC. 11. Section three hundred sixty-two point two (362.2), Code  
2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. "Eligible elector" means the same as it is defined  
4 in section thirty-nine point three (39.3), subsection one (1), of the  
5 Code.

1 SEC. 12. Section three hundred sixty-two point four (362.4), Code  
2 1975, is amended to read as follows:

3 **362.4 Petition of voters.** If a petition of the voters is authorized  
4 by the city code, the petition is valid if signed by ~~voters eligible elec-~~  
5 ~~tors~~ of the city equal in number to ten percent of the persons who vot-  
6 ed at the last preceding regular city election, but not less than ten  
7 persons, unless otherwise provided by state law.

1 SEC. 13. Section three hundred sixty-four point five (364.5), Code  
2 1975, is amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. A city may enter into an agreement  
4 with the federal government acting through any of its authorized agen-  
5 cies, and may carry out provisions of the agreement as necessary to  
6 meet federal requirements to obtain the funds or cooperation of the  
7 federal government or its agencies for the planning, construction, reha-  
8 bilitation, or extension of a public improvement.

1 SEC. 14. Section three hundred sixty-eight point four (368.4), Code  
2 1975, is amended to read as follows:

3 **368.4 Annexing moratorium.** A city, *following notice and*  
4 *hearing*, may *by resolution* agree with another city or cities to refrain  
5 from annexing specifically described territory for a period not to ex-  
6 ceed ten years *and, following notice and hearing, may by resolution*  
7 *extend the agreement for subsequent periods not to exceed ten years*  
8 *each.* If such an agreement is in force, the board shall dismiss a peti-  
9 tion or plan which violates the terms of the agreement.

1 SEC. 15. Section three hundred sixty-eight point seven (368.7), un-  
2 numbered paragraph two (2), Code 1975, is amended to read as fol-  
3 lows:

4 *An application for annexation under this section must be ap-*  
5 *proved by resolution of the council which receives the application.*  
6 If the territory is within the urbanized area of a city other than the

7 city to which the request for annexation is directed, the application  
 8 must also be approved by the board. ~~The application must also be ap-~~  
 9 ~~proved by the council which receives the application.~~ Upon receiving  
 10 the required approval, ~~the territory becomes a part of the adjoining~~  
 11 ~~city~~ the council shall file a copy of the map and resolution with the  
 12 board. The annexation is completed when the board has filed copies  
 13 of the applicable portions of the proceedings as required in section  
 14 three hundred sixty-eight point twenty (368.20), subsection two (2)  
 15 of the Code.

1 SEC. 16. Section three hundred sixty-eight point eight (368.8), Code  
 2 1975, is amended to read as follows:

3 **368.8 Severing territory.** Any territory may be severed upon the  
 4 unanimous consent of all owners of the territory and ~~approved~~ *approval*  
 5 by resolution of the council of the city in which the territory is lo-  
 6 cated. The council shall provide in the resolution for the equitable dis-  
 7 tribution of assets and equitable distribution and assumption of  
 8 liabilities of the territory as between the city and the severed territory.  
 9 *The council shall file a copy of the resolution and a map with the*  
 10 *board. The severance shall be completed upon filing when the board*  
 11 *has filed copies of the resolution and map as provided in section*  
 12 *368.20, subsection 2.*

1 SEC. 17. Section three hundred sixty-eight point fourteen (368.14),  
 2 unnumbered paragraph one (1), Code 1975, is amended to read as fol-  
 3 lows:

4 If a petition is not dismissed, the board shall direct the appointment  
 5 of local representatives to serve with board members as a committee to  
 6 consider the proposal. Each local representative is entitled to receive  
 7 from the state his actual and necessary expenses spent in performance  
 8 of committee duties. Two board members and one local representative,  
 9 or if the number of local representatives exceeds one, two board mem-  
 10 bers and at least one-half of the appointed local representatives, are re-  
 11 quired for a quorum of the committee. A local representative must be a  
 12 qualified ~~voter~~ *elector* of the territory or city he represents, and must  
 13 be selected as follows:

1 SEC. 18. Section three hundred seventy-two point two (372.2), sub-  
 2 section one (1), Code 1975, is amended to read as follows:

3 1. ~~Voters~~ *Eligible electors* of the city, equal in number to at least  
 4 twenty-five percent of the persons who voted at the last regular city  
 5 election, may petition the mayor to adopt a different form of city gov-  
 6 ernment.

1 SEC. 19. Section three hundred seventy-two point four (372.4), Code  
 2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975  
 3 Session, House File seven hundred twenty-three (723), section thirteen  
 4 (13), is amended to read as follows:

5 **372.4 Mayor-council form.** A city governed by the mayor-coun-  
 6 cil form has a mayor and five councilmen elected at large, unless by  
 7 ordinance a city so governed chooses to have a mayor elected at large  
 8 and an odd number of councilmen but not less than five, including at  
 9 least two councilmen elected at large and one councilman elected by  
 10 and from each ward. *The council may, by ordinance, provide for a*  
 11 *city manager and prescribe his powers and duties, and as long as*  
 12 *the council contains an odd number of councilmen, may change the*  
 13 *number of wards, abolish wards, or increase the number of council-*  
 14 *men at large without changing the form.*

15 However, a city governed, on the effective date of this section, by  
 16 the mayor-council form composed of a mayor and a council consisting  
 17 of two councilmen elected at large, and one councilman from each of  
 18 four wards, or a special charter city governed, on the effective date of  
 19 this section, by the mayor-council form composed of a mayor and a  
 20 council consisting of two councilmen elected at large and one council-  
 21 man elected from each of eight wards, may continue until the form of  
 22 government is changed as provided in section 372.2 or section 372.9.  
 23 While a city is thus operating with an even number of councilmen, the  
 24 mayor may vote to break a tie vote on motions *not involving ordi-*  
 25 *nances, resolutions or appointments made by the council alone*, and  
 26 in a special charter city operating with ten councilmen under this sec-  
 27 tion, the mayor may vote to break a tie vote on all measures.

28 The mayor shall appoint a councilman as mayor pro tem, and ~~a~~  
 29 *shall appoint the marshal or chief of police except where an intergov-*  
 30 *ernmental agreement makes other provisions for police protection.*  
 31 Other officers must be selected as directed by the council. The mayor is  
 32 not a member of the council and may not vote as a member of the  
 33 council.

34 ~~The council may by ordinance provide for a city manager and pre-~~  
 35 ~~scribe his powers, duties, and compensation.~~

1 SEC. 20. Section three hundred seventy-two point five (372.5), un-  
 2 numbered paragraph three (3), Code 1975, is amended to read as fol-  
 3 lows:

4 A city governed by the commission form and having a council com-  
 5 posed of a mayor and two councilmen elected at large may continue  
 6 with a council of three until the form of government is changed as pro-  
 7 vided in section 372.2 or section 372.9 *or without changing the form,*  
 8 *may submit to the voters the question of increasing the council to*  
 9 *five members assigned to the five departments as set out in this sec-*  
 10 *tion.*

1 SEC. 21. Section three hundred seventy-two point nine (372.9), sub-  
 2 section one (1), paragraph b, Code 1975, is amended to read as follows:

3 b. ~~Voters~~ *Eligible electors* of the city equal in number to at least  
 4 twenty-five percent of the persons who voted at the last regular city  
 5 election petitioning the council to appoint a charter commission to pre-  
 6 pare a proposed charter. The council shall, within thirty days of the  
 7 filing of a valid petition, appoint a charter commission composed of  
 8 not less than five nor more than fifteen members. The charter commis-  
 9 sion shall, within six months of its appointment, prepare and file with  
 10 the council a proposed charter.

1 SEC. 22. Section three hundred seventy-two point ten (372.10), un-  
 2 numbered paragraph one (1), Code 1975, is amended to read as fol-  
 3 lows:

4 A home rule charter must contain ~~and is limited to~~ provisions for:

1 SEC. 23. Section three hundred seventy-two point thirteen (372.13),  
 2 subsections four (4), six (6), seven (7) and eight (8), Code 1975, are  
 3 amended to read as follows:

4 4. Except as otherwise provided by state or city law, the council may  
 5 appoint ~~and remove~~ city officers and employees, and prescribe their  
 6 powers, duties, compensation, and terms. The appointment of a city  
 7 manager must be made on the basis of his qualifications and not on  
 8 the basis of political affiliation.

9       6. ~~Immediately~~ *Within fifteen days* following a regular or special  
 10 meeting of the council, the clerk shall ~~prepare a condensed statement~~  
 11 ~~cause the minutes~~ of the proceedings of the council, including the total  
 12 expenditure from each city fund, ~~and cause the statement~~ to be  
 13 published in a newspaper of general circulation in the city. The ~~state-~~  
 14 ~~ment~~ *publication* shall include a list of all claims allowed and a sum-  
 15 mary of all receipts, and shall show the gross amount of the claim.  
 16 *Matters discussed in closed session pursuant to section twenty-eight*  
 17 *A point three (28A.3) of the Code shall not be published until en-*  
 18 *tered on the public minutes.* However, in cities having more than one  
 19 hundred fifty thousand population the council shall each month print  
 20 in pamphlet form a detailed itemized statement of all receipts and dis-  
 21 bursements of the city, and a summary of its proceedings during the  
 22 preceding month, and furnish copies to the city library, the daily news-  
 23 papers of the city, and to persons who apply at the office of the city  
 24 clerk, and the pamphlet shall constitute publication as required. Fail-  
 25 ure by the clerk to make publication is a misdemeanor. The provisions  
 26 of this subsection are applicable in cities in which a newspaper is pub-  
 27 lished, or in cities of two hundred population or over, but in all other  
 28 cities, posting the statement in three public places in the city which  
 29 have been permanently designated by ordinance is sufficient compli-  
 30 ance with this subsection.

31       7. By ordinance, the council may divide the city into wards based  
 32 upon population, change the boundaries of wards, *eliminate wards* or  
 33 create new wards.

34       8. By ordinance, the council shall prescribe the compensation of the  
 35 mayor, councilmen, and other elected city officers, but ~~an increase~~ a  
 36 *change* in the compensation of the mayor shall not become effective  
 37 during the term in which the increase is adopted, and the council shall  
 38 not adopt such an ordinance ~~increasing~~ *changing* the compensation of  
 39 the mayor or councilmen during the months of November and Decem-  
 40 ber immediately following a regular city election. ~~An increase~~ A  
 41 *change* in the compensation of councilmen shall become effective for  
 42 all councilmen at the beginning of the term of the councilmen elected  
 43 at the election next following the ~~increase~~ *change* in compensation.

44       *No elected city officer shall receive any other compensation for*  
 45 *any other city office or city employment during his term of office,*  
 46 *but may be reimbursed for his actual expenses. However, if the may-*  
 47 *or pro tem performs the duties of the mayor during his absence or*  
 48 *disability for a continuous period of fifteen days or more, the may-*  
 49 *or pro tem may be paid for that period such compensation as deter-*  
 50 *mined by the council, based upon his performance of the mayor's*  
 51 *duties and upon the compensation of the mayor.*

1       SEC. 24. Chapter three hundred seventy-two (372), Code 1975, is  
 2 amended by adding the following new section:

3       NEW SECTION. Except as otherwise provided by state or city law, all  
 4 persons appointed to city office may be removed by the officer or body  
 5 making the appointment, but every such removal shall be by written  
 6 order. The order shall give the reasons, be filed in the office of the city  
 7 clerk, and a copy shall be sent by certified mail to the person removed  
 8 who, upon request filed with the clerk within thirty days of the date of  
 9 mailing the copy, shall be granted a public hearing before the council  
 10 on all issues connected with the removal. The hearing shall be held  
 11 within thirty days of the date the request is filed, unless the person re-  
 12 moved requests a later date.

1 SEC. 25. Section three hundred seventy-six point four (376.4), un-  
2 numbered paragraphs one (1) and four (4), Code 1975, are amended to  
3 read as follows:

4 ~~A voter~~ *An eligible elector* of a city may become a candidate for an  
5 elective city office by filing with the city clerk a valid petition request-  
6 ing that his name be placed on the ballot for that office. The petition  
7 must be filed not more than sixty-five days nor less than forty days be-  
8 fore the date of the election, and must be signed by ~~voters~~ *eligible*  
9 *electors* equal in number to at least two percent of those who voted to  
10 fill the same office at the last regular city election, but not less than  
11 ten persons. Nomination petitions shall be filed not later than five  
12 o'clock p.m. on the last day for filing.

13 The petition must include the affidavit of at least one ~~voter~~ *eligible*  
14 *elector* other than the petitioners and the individual for whom the pe-  
15 tition is being filed, stating the affiant's knowledge, information, and  
16 belief as to the residence of the petitioners.

1 SEC. 26. Section three hundred eighty point three (380.3), Code  
2 1975, is amended to read as follows:

3 **380.3 Two readings considerations before action final pas-**  
4 **sage—how waived.** A proposed ordinance or amendment must be ~~re-~~  
5 ~~ceived considered~~ and ~~placed on file~~ *voted on for passage* at two  
6 council meetings prior to the meeting at which it is to be finally ~~act-~~  
7 ~~ed upon passed~~, unless this requirement is suspended by a recorded  
8 vote of not less than three-fourths of the council members.

9 However, if a summary of the proposed ordinance or amendment is  
10 published as provided in section 362.3, prior to its first ~~filing~~ *consider-*  
11 *ation*, and copies are available at the time of publication at the office  
12 of the city clerk, the ordinance or amendment must be ~~received consid-~~  
13 ~~ered~~ and ~~placed on file~~ *voted on for passage* at one meeting prior to  
14 the meeting at which it is to be finally ~~acted upon~~ *passed*, unless this  
15 requirement is suspended by a recorded vote of not less than three-  
16 fourths of the council members.

1 SEC. 27. Section three hundred eighty point five (380.5), Code 1975,  
2 is amended to read as follows:

3 **380.5 Mayor.** The mayor may sign, veto, or take no action on an  
4 ordinance, amendment, or resolution passed by the council. *However,*  
5 *the mayor may not veto a measure if the mayor was entitled to vote*  
6 *on the measure at the time of passage.*

1 SEC. 28. Section three hundred eighty point ten (380.10), Code  
2 1975, is amended to read as follows:

3 **380.10 Adoption by reference.** A city may adopt the provisions  
4 of any *statewide or nationally recognized standard* code or portions  
5 of any *such* code by an ordinance which identifies the code by subject  
6 matter, source and date, and incorporates the provisions by reference  
7 without setting them forth in full. Such code or portion must be adopt-  
8 ed *only after notice and hearing* in the manner provided in section  
9 380.8.

1 SEC. 29. Section three hundred eighty-four point two (384.2), un-  
2 numbered paragraph one (1), Code 1975, is amended to read as fol-  
3 lows:

4 Except as otherwise provided for special charter cities, a city's fiscal  
5 year shall be as provided in section 24.2, subsection 4. All city property  
6 taxes must be certified by a city to the county auditor on or before the  
7 fifteenth day of March of each year, unless otherwise provided by state



8 law. However, municipal utilities, if not supported by taxation or  
 9 the proceeds of outstanding indebtedness payable from taxes may,  
 10 with the council's consent, choose to operate on a fiscal year which  
 11 is the calendar year. The receipt by the utility of payments from  
 12 other governmental funds for public fire protection, street lighting  
 13 or other public use of the utility's services shall not be deemed sup-  
 14 port by taxation. After notice and hearing in the same manner as  
 15 required for the city's regular budget under section three hundred  
 16 eighty-four point sixteen (384.16) of the Code, the utility budget  
 17 must be approved by resolution of the council not later than twenty  
 18 days prior to the beginning of the calendar year for which the bud-  
 19 get applies.

1 SEC. 30. Section three hundred eighty-four point sixteen (384.16),  
 2 subsections two (2) and three (3), Code 1975, are amended to read as  
 3 follows:

4 2. Not less than twenty days before the date that a budget must be  
 5 certified to the county auditor *and not less than ten days before the*  
 6 *date set for the hearing*, the clerk shall ~~provide~~ *make available* a suf-  
 7 ficient number of copies of the *detailed* budget to meet ~~reasonable de-~~  
 8 ~~mands~~ *the requests* of taxpayers and organizations, and have them  
 9 available for distribution at the offices of the mayor and clerk and at  
 10 the city library, if any, or *have a copy posted* at one of the three  
 11 places designated by ordinance for posting notices *if there is no li-*  
 12 *brary*.

13 3. The council shall set a time and place for public hearing on the  
 14 budget before the final certification date and shall publish notice be-  
 15 fore the hearing as provided in section 362.3. *A summary of the pro-*  
 16 *posed budget shall be included in the notice*. Proof of publication  
 17 must be filed with the county auditor.

1 SEC. 31. Section three hundred eighty-four point twenty-four  
 2 (384.24), subsection three (3), Code 1975, is amended by adding the fol-  
 3 lowing new paragraphs:

4 NEW PARAGRAPH. The reconstruction and improvement of dams al-  
 5 ready owned.

6 NEW PARAGRAPH. The reconstruction, extension, and improvement of  
 7 an airport already owned.

8 NEW PARAGRAPH. The rehabilitation and improvement of parks al-  
 9 ready owned, including the removal, replacement and planting of trees  
 10 thereon.

11 NEW PARAGRAPH. The rehabilitation and improvement of area televi-  
 12 sion translator systems already owned.

13 NEW PARAGRAPH. The aiding in the planning, undertaking, and car-  
 14 rying out of urban renewal projects under the authority of chapter four  
 15 hundred three (403) of the Code, and all of the purposes set out in sec-  
 16 tion four hundred three point twelve (403.12) of the Code. However,  
 17 bonds issued for this purpose are subject to the right of petition for an  
 18 election as provided in section three hundred eighty-four point twenty-  
 19 six (384.26) of the Code, without limitation on the amount of the bond  
 20 issue or the size of the city, and the council shall include notice of the  
 21 right of petition in the notice required under section three hundred  
 22 eighty-four point twenty-five (384.25), subsection two (2) of the Code.

1 SEC. 32. Section three hundred eighty-four point twenty-four  
 2 (384.24), subsection four (4), paragraphs d and g, Code 1975, are  
 3 amended to read as follows:

4 d. The acquisition, construction, reconstruction, and improvement of  
 5 dams *at the time of acquisition*.

6 g. The aiding in the planning, undertaking, and carrying out of ur-  
 7 ban renewal projects under the authority of chapter 403, and all of the  
 8 purposes set out in section 403.12 *The acquisition, construction, re-*  
 9 *construction, and improvement of airports at the time of establish-*  
 10 *ment.*

1 SEC. 33. Section three hundred eighty-four point twenty-six  
 2 (384.26), Code 1975, is amended by adding the following new subsec-  
 3 tion:

4 NEW SUBSECTION. a. Notwithstanding the provisions of subsection  
 5 two (2) of this section, a council may, in lieu of calling an election, in-  
 6 stitute proceedings for the issuance of bonds for a general corporate  
 7 purpose by causing a notice of the proposal to issue the bonds, includ-  
 8 ing a statement of the amount and purpose of the bonds, together with  
 9 the maximum rate of interest which the bonds are to bear, and the  
 10 right to petition for an election, to be published at least once in a  
 11 newspaper of general circulation within the city at least ten days prior  
 12 to the meeting at which it is proposed to take action for the issuance of  
 13 the bonds subject to the following limitations:

14 (1) In cities having a population of five thousand or less, in an  
 15 amount of not more than twenty-five thousand dollars.

16 (2) In cities having a population of more than five thousand and not  
 17 more than seventy-five thousand, in an amount of not more than  
 18 seventy-five thousand dollars.

19 (3) In cities having a population in excess of seventy-five thousand,  
 20 in an amount of not more than one hundred fifty thousand dollars.

21 b. If at any time before the date fixed for taking action for the issu-  
 22 ance of the bonds, a petition is filed with the clerk of the city in the  
 23 manner provided by section three hundred sixty-two point four (362.4)  
 24 of the Code, asking that the question of issuing the bonds be submitted  
 25 to the qualified electors of the city, the council shall either by resolu-  
 26 tion declare the proposal to issue the bonds to have been abandoned or  
 27 shall direct the county commissioner of elections to call a special elec-  
 28 tion upon the question of issuing the bonds. Notice of the election and  
 29 its conduct shall be in the manner provided in the preceding subsec-  
 30 tions of this section.

31 c. If no petition is filed, or if a petition is filed and the proposition  
 32 of issuing the bonds is approved at an election, the council may pro-  
 33 ceed with the authorization and issuance of the bonds.

1 SEC. 34. Section three hundred eighty-four point fifty-nine (384.59),  
 2 subsection three (3), Code 1975, is amended to read as follows:

3 3. The amount to be assessed against each lot, which shall include  
 4 the assessment for the default fund, if any, and the amount of defi-  
 5 ciency, if any, which may be subsequently assessed against each lot un-  
 6 der section 384.63. ~~No special assessment against any lot shall be more~~  
 7 ~~than ten percent in excess of the estimated cost, as provided in the pre-~~  
 8 ~~liminary schedule required under section 384.47.~~

1 SEC. 35. Section three hundred eighty-four point sixty-two (384.62),  
 2 unnumbered paragraph two (2), Code 1975, is amended to read as fol-  
 3 lows:

4 Special assessments for the construction or repair of underground  
 5 connections for private property for gas, water, sewers, or electricity  
 6 may be assessed to each lot for the actual cost of each connection for  
 7 that lot, and the twenty-five percent limitation does *not* apply. Such  
 8 connections shall not be installed to service railway right of way with-  
 9 out written agreement with the railway company owning or leasing the  
 10 right of way.

1 SEC. 36. Section three hundred eighty-four point eighty-two  
2 (384.82), subsection one (1), Code 1975, is amended by adding the fol-  
3 lowing new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. A city may deliver its revenue bonds  
5 to the federal government or any agency thereof which has loaned the  
6 city money for sanitary or solid waste projects, water projects or other  
7 projects for which the government has a loan program.

1 SEC. 37. Section three hundred eighty-four point eighty-three  
2 (384.83), subsection five (5), Code 1975, is amended to read as follows:

3 5. Revenue bonds *and pledge orders* issued pursuant to this division  
4 are negotiable instruments.

1 SEC. 38. Section three hundred eighty-four point eighty-four  
2 (384.84), subsection one (1), Code 1975, is amended by adding the fol-  
3 lowing new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. All rates or charges for the services of  
5 sewer systems, sewage treatment, solid waste collection, solid waste dis-  
6 posal, or any of these, if not paid as provided by ordinance of council,  
7 or resolution of trustees, shall constitute a lien upon the premises  
8 served by any of these services and may be certified to the county au-  
9 ditor and collected in the same manner as taxes.

1 SEC. 39. Section three hundred ninety-two point one (392.1), Code  
2 1975, is amended to read as follows:

3 **392.1 Establishment by ordinance.** If the council wishes to es-  
4 tablish an administrative agency, it shall do so by an ordinance which  
5 indicates the title, powers, and duties of the agency, the method of ap-  
6 pointment *or election*, qualifications, compensation, and term of mem-  
7 bers, and other appropriate matters relating to the agency. The title of  
8 an administrative agency must be appropriate to its function. The  
9 council may not delegate to an administrative agency any of the pow-  
10 ers, authorities, and duties prescribed in division V of chapter 384 or in  
11 chapter 388, except that the council may delegate to an administrative  
12 agency power to establish and collect charges, and dispense the moneys  
13 received for the use of a city facility, including a city enterprise, as de-  
14 fined in section 384.24, so long as there are no revenue bonds or pledge  
15 orders outstanding which are payable from the revenues of the city en-  
16 terprise. Except as otherwise provided in this chapter, the council may  
17 delegate rule-making authority to the agency for matters within the  
18 scope of the agency's powers and duties, and may prescribe penalties  
19 for violation of agency rules which have been adopted by ordinance.  
20 Rules governing the use by the public of any city facility must be  
21 made readily available to the public.

1 SEC. 40. Chapter four hundred fourteen (414), Code 1975, is amend-  
2 ed by adding the following new section:

3 NEW SECTION. **Restricted residence districts.** A city may, and  
4 upon petition of sixty percent of the owners of the real estate in the  
5 district sought to be affected who are residents of the city shall, desig-  
6 nate and establish, after notice and hearing, restricted residence dis-  
7 tricts within the city limits.

8 In the ordinance designating and establishing a restricted residence  
9 district, the city may establish reasonable rules for the use and occu-  
10 pancy of buildings of all kinds within the district, and provide that no  
11 building or other structure, except residences, schoolhouses, churches,  
12 and other similar structures, shall be erected, altered, repaired, or occu-  
13 pied without first securing from the city council a permit to be issued

14 under reasonable rules as may be provided in the ordinance. An ordi-  
 15 nance and rules passed under this section shall not conflict with appli-  
 16 cable building and housing codes.

17 A building or structure erected, altered, repaired, or used in viola-  
 18 tion of an ordinance passed under this section shall be deemed a nui-  
 19 sance.

20 When a city has proceeded under the other provisions of this chap-  
 21 ter, this section shall no longer be in effect for the city.

Approved July 18, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

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## CHAPTER 204

### EQUALIZATION OF PROPERTY VALUATIONS

H. F. 885

AN ACT to exempt the equalization of property from the provisions of the Iowa administra-  
 tive procedure Act.

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

1 SECTION 1. Section four hundred twenty-one point seventeen  
 2 (421.17), Code 1975, is amended by adding the following new subsec-  
 3 tion:

4 NEW SUBSECTION. The provisions of sections seventeen A point ten  
 5 (17A.10) through seventeen A point eighteen (17A.18) of the Code re-  
 6 lating to contested cases shall not apply to any matters involving the  
 7 equalization of valuations of classes of property as authorized by chap-  
 8 ters four hundred twenty-one (421) and four hundred forty-one (441) of  
 9 the Code. This exemption shall not apply to a hearing before the state  
 10 board of tax review.

Approved June 16, 1975

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## CHAPTER 205

### TAX EQUALIZATION ORDERS

S. F. 545

AN ACT relating to the effective date of equalization orders issued by the director of revenue  
 and providing for an appropriation for the Iowa consumer price index.

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

1 SECTION 1. Section four hundred twenty-one point twenty (421.20),  
 2 Code 1975, is amended to read as follows:

3 **421.20 Actions.** The director of revenue may bring actions of  
 4 mandamus or injunction or any other proper actions in the district  
 5 court to compel the performance of any order made by the director or  
 6 to require any board of equalization or any other officer or person to  
 7 perform any duty required by this chapter. The director shall select