

CHAPTER 161**ADMINISTRATION OF SPECIAL LAND USE DISTRICTS***H.F. 569*

AN ACT relating to the administration of special land use districts.

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

Section 1. Section 303.49, subsection 2, Code 1985, is amended to read as follows:

2. Following the initial special election, an annual election shall be held on the second Tuesday of each September at a single polling place within the district designated by the county auditor for the purpose of electing a trustee to replace a trustee whose term will expire. Notice of the election shall be posted by the county auditor at seven or more public places within the district at least two weeks prior to the date of the election. The county auditor shall perform all other acts with reference to the election and conduct it in like manner, as nearly as may be, as provided in this division for the election on the question of establishing the district chapters 45 and 49. Each qualified elector at the election may write upon the ballot the name of vote for one person whom the elector desires as a trustee for each expiring term. The term of office for each trustee elected shall be three years.

Sec. 2. Section 303.52, subsections 1, 2, and 4, Code 1985, are amended to read as follows:

1. The trustees elected under this division constitute the board of trustees for the district, which is the corporate authority of the district, and shall exercise all the powers and manage and control all the affairs of the district. A majority of the board of trustees is a quorum, but a smaller number may adjourn from day to day. The board of trustees may elect a president, vice president, clerk, and a treasurer from their own number and, from without their own number, employees of the district. The compensation of members of the board of trustees is fixed not to exceed ten dollars per day, or any part of a day, for each day the board is actually in session and ten dollars per day when not in session but employed on board service, and twenty cents for every mile traveled in going to and from sessions of the board and in going to and from the place of performing board service. Members of the board shall not receive compensation for more than sixty days of session and board service each year.

2. The board of trustees shall formulate and administer a land use plan which includes all ordinances, resolutions, rules, and regulations necessary for the proper administration of the land use district. The land use plan shall be created for the primary purpose of regulating and restricting, where deemed necessary, the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land in a manner which would maintain or enhance the distinctive historical and cultural character of the district. The ordinances, resolutions, rules, and regulations shall not apply to any tillable farmland, pastureland, timber pasture or forestland located within the district except to structures of an advertising or commercial nature located on the land.

4. The board of trustees shall appoint an administrative officer authorized to enforce the resolutions or ordinances adopted by the board of trustees. The board of trustees may pay the administrative officer such the compensation as it deems fit, not exceeding that authorized for the members of the board, from the funds of the district.

Sec. 3. NEW SECTION. 303.52A INCLUSION OR EXCLUSION OF LAND.

If at least sixty percent of the qualified electors of a land area petition the board of supervisors for inclusion in or exclusion from a land use district, the board shall review the petition and determine if the petition contains a sufficient number of qualified electors residing in the affected land area and, if the petition is sufficient, submit it to the board of trustees of the land use district. The land area to be included in or excluded from the land use district must be contiguous to the land use district. If two thirds of the membership of the board of trustees vote in favor of the petition, the petition shall be granted and the land area included in or excluded from the district.

Sec. 4. Section 303.55, Code 1985, is amended to read as follows:

303.55 MEMBERSHIP OF BOARD.

The board of adjustment shall consist of five members, all of whom shall reside within the district, each to be appointed for a term of five years. For the initial board one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Members shall be are removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of a member whose term becomes vacant. The compensation for the members of the board of adjustment is the same as for the members of the board of trustees.

Sec. 5. Section 303.57, Code 1985, is amended to read as follows:

303.57 APPEALS TO BOARD.

Appeals to the board of adjustment may be taken by any person aggrieved or affected by the land use plan or by a decision of the administrative officer. The appeal shall be taken within a reasonable time, as provided by the rules of the board of adjustment, by filing with the administrative officer and the board of adjustment a notice of appeal specifying the grounds of the appeal.

Sec. 6. Section 303.59, Code 1985, is amended to read as follows:

303.59 DECISION.

In exercising its powers the board may, in conformity with this division, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such the order, requirement, decision, or determination as ought to should be made, and to that end shall have all the powers of the board of trustees from whom the appeal is taken administrative officer of the board.

Approved May 22, 1985