

training courses by the department of education, and testing of applicants to verify successful completion of training courses.

Approved April 20, 1989

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**CHAPTER 39**  
CITY AND COUNTY AMENDMENTS  
*S.F. 500*

**AN ACT** relating to the powers and duties of certain local governmental bodies, by providing for the use of ordinances in certain instances, by changing procedures for certain city elections, by requiring written veto messages, by changing filing procedures for a special assessment, and by specifying the duties of city finance offices.

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

Section 1. Section 103A.10, subsection 2, paragraph b, Code 1989, is amended to read as follows:

b. In each governmental subdivision where the governing body has ~~adopted a resolution enacted an ordinance~~ accepting the application of the code.

Sec. 2. Section 103A.12, unnumbered paragraphs 1 and 2, Code 1989, are amended to read as follows:

The state building code ~~shall be~~ is applicable in each governmental subdivision of the state in which the governing body has ~~adopted or enacted a resolution or an ordinance~~ accepting the applicability of the code and ~~shall have~~ has filed a certified copy of the ~~resolution or ordinance~~ in the office of the commissioner and in the office of the secretary of state. The state building code ~~shall become~~ becomes effective in the governmental subdivision upon the date fixed by the governmental ~~subdivision resolution or ordinance~~, if the date is not more than six months after the date of adoption of the ~~resolution or ordinance~~.

A governmental subdivision in which the state building code is applicable may by ~~resolution or ordinance~~, at any time after one year has elapsed since the code became applicable, withdraw from the application of the code, if before the ~~resolution or ordinance~~ is voted upon, the local governing body holds a public hearing after giving not less than four nor more than twenty days' public notice, together with written notice to the commissioner of the time, place, and purpose of the hearing. A certified copy of the vote of the local governing body shall be transmitted within ten days after the vote is taken to the commissioner and to the secretary of state for filing. The ~~resolution or ordinance shall become~~ becomes effective at a time to be specified in it, which ~~shall must~~ be not less than one hundred eighty days after the date of adoption. Upon the effective date of the ~~resolution or ordinance~~, the state building code ~~shall cease~~ ceases to apply to the governmental subdivision except that construction of ~~any~~ a building or structure pursuant to a permit previously issued ~~shall is~~ not be affected by the withdrawal.

Sec. 3. NEW SECTION. 103A.25 PRIOR RESOLUTIONS.

A resolution accepting the state building code, which was adopted before the effective date of this Act, is an ordinance for the purpose of this chapter.

Sec. 4. Section 327G.32, unnumbered paragraph 3, Code 1989, is amended to read as follows:

~~This~~ Other portions of this section notwithstanding, a political subdivision may pass a ~~resolution or an ordinance~~ regulating the length of time a specific crossing may be blocked if the political subdivision demonstrates that a ~~resolution or an ordinance~~ is necessary for public

safety or convenience. If a ~~resolution or~~ ordinance is passed the political subdivision shall, within thirty days of the effective date of the ~~resolution or~~ ordinance, notify the department and the railroad corporation using the crossing affected by the ~~resolution or~~ ordinance. The ~~resolution or~~ ordinance shall does not become effective unless the department and the railroad corporation are notified within thirty days. The ~~resolution or~~ ordinance shall become becomes effective thirty days after notification unless a person files an objection to the ~~resolution or~~ ordinance with the department. If an objection is filed the department shall notify the department of inspections and appeals which shall hold a hearing. ~~The~~ After a hearing by the department of inspections and appeals, the state department of transportation may disapprove the ~~resolution or~~ ordinance if public safety or convenience does not require a ~~resolution or~~ the ordinance. The decision of the state department of transportation is final agency action. The ~~resolution or~~ ordinance approved by the political subdivision is ~~prima facie~~ prima facie evidence that the ~~resolution or~~ ordinance is adopted to preserve public safety or convenience.

Sec. 5. Section 327G.32, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A resolution regulating the length of time a specific crossing may be blocked, which was adopted before the effective date of this Act, is an ordinance for the purposes of this section.

Sec. 6. Section 372.2, subsections 1 and 2, Code 1989, are amended to read as follows:

1. Eligible electors of the city, equal in number to at least twenty-five percent of the persons who voted at the last regular city election, may petition the ~~mayor council to adopt~~ submit to the electors the question of adopting a different form of city government.

2. Within ~~one week~~ fifteen days after receiving a valid petition, the ~~mayor council~~ shall proclaim a special city election to be held within sixty days to determine whether the city shall change to a different form of government. The ~~mayor council~~ shall notify the county commissioner of elections to publish notice of the election and conduct the election pursuant to ~~the provisions of chapters 39 to 53~~. The county commissioner of elections shall certify the results of the election to the ~~mayor council~~.

Sec. 7. Section 372.2, subsection 5, paragraph b, Code 1989, is amended to read as follows:

b. The change of form does not alter any right or liability of the city in effect ~~at the time of the special election at which the form was adopted~~ when the new form takes effect.

Sec. 8. Section 372.9, subsection 3, Code 1989, is amended to read as follows:

3. The proposed home rule charter must be submitted at a special city election on a date selected by the mayor ~~after consulting regarding the date on which the election may most conveniently be held with the county commissioner of elections who will be responsible for conducting the election and council in accordance with section 47.6~~. However, the date of the election must be not less than thirty nor more than sixty days after the last publication of the proposed home rule charter.

Sec. 9. Section 372.13, subsection 8, Code 1989, is amended to read as follows:

8. By ordinance, the council shall prescribe the compensation of the mayor, council members, and other elected city officers, but a change in the compensation of the mayor ~~shall does not~~ become effective during the term in which the change is adopted, and the council shall not adopt ~~such~~ an ordinance changing the compensation of the mayor, ~~or~~ council members, ~~or other elected officers~~ during the months of November and December ~~immediately following in the year of~~ a regular city election. A change in the compensation of council members ~~shall become becomes~~ effective for all council members at the beginning of the term of the council members elected at the election next following the change in compensation. Except as provided in section 362.5, an elected city officer ~~shall is not entitled to~~ receive any other compensation for any other city office or city employment during that officer's tenure in office, but may be reimbursed for actual expenses incurred. However, if the mayor pro tem performs the duties of the mayor during the mayor's absence or disability for a continuous period of

fifteen days or more, the mayor pro tem may be paid for that period ~~such~~ the compensation as determined by the council, based upon the mayor pro tem's performance of the mayor's duties and upon the compensation of the mayor.

Sec. 10. Section 380.6, subsection 2, Code 1989, is amended to read as follows:

2. If the mayor vetoes the measure, the mayor shall explain the reasons for the veto in a written message to the council at the time of the veto. Within thirty days after the mayor's veto, the council may pass the measure again by a vote of not less than two-thirds of the council members. If the mayor vetoes a measure and the council repasses the measure after the mayor's veto, a resolution becomes effective immediately upon repassage, and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

Sec. 11. Section 384.51, unnumbered paragraph 3, Code 1989, is amended to read as follows:

After adopting the resolution of necessity, the clerk shall certify to the county treasurer of each county in which the city assessed property is located, a copy of the resolution of necessity, the plat, and the schedule of assessments. In counties in which taxes are collected in two or more places, the resolution of necessity, the plat, and the schedule of assessments shall be certified to the office of county treasurer where the special assessments are collected. The county treasurer shall preserve the resolution, plat, and schedule as a part of the records of the office until the city certifies the final assessment schedule as provided in section 384.60 or certifies that the public improvement has been abandoned.

Sec. 12. Section 453.1, subsection 1, Code 1989, is amended to read as follows:

1. All funds held in the hands of the following officers or institutions shall be deposited in one or more depositories first approved by the appropriate governing body as indicated: For the treasurer of state, by the executive council; for judicial officers and court employees, by the supreme court; for the county treasurer, recorder, auditor, and sheriff, by the board of supervisors; for the city treasurer or other designated financial officer of a city, by the city council; for the county public hospital or merged area hospital, by the board of hospital trustees; for a memorial hospital, by the memorial hospital commission; for a school corporation, by the board of school directors; for a city utility or combined utility system established under chapter 388, by the utility board; for a regional library established under chapter 303B, by the regional board of library trustees; and for an electric power agency as defined in section 28F.2, by the governing body of the electric power agency. However, the treasurer of state and the treasurer of each political subdivision or the designated financial officer of a city shall invest all funds not needed for current operating expenses in time certificates of deposit in approved depositories pursuant to this chapter or in investments permitted by section 452.10. The list of public depositories and the amounts severally deposited in the depositories are matters of public record. This subsection does not limit the definition of "public funds" contained in subsection 2.

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