

Reported Recommending
Ind. Postponed
Passed House
Failed to Pass House
Passed Senate
Failed to Pass Senate

House File 374

February 26, 1947.
Passed on File.

By AERONAUTICS COMMITTEE.

A BILL FOR

An Act to amend sections three hundred twenty-nine point four (329.4), three hundred twenty-nine point six (329.6), three hundred twenty-nine point nine (329.9) and three hundred twenty-nine point twelve (329.12), Code 1946, relating to airport zoning, actions for the establishment of airport zoning regulations with respect to extra-territorial airport hazard areas, the courts wherein such actions may be maintained and the parties to such actions, airport zoning commissions, action by counties with respect to airport zoning and airport zoning boards of adjustment.

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

1 Section 1. Subsection two (2) of section three hundred
2 twenty-nine point four (329.4), Code 1946, is hereby amended by
3 inserting after the word "area" and before the word "is" in line
4 fourteen (14) thereof, the words "or any part thereof".

1 Sec. 2. Section three hundred twenty-nine point six (329.6),
2 Code 1946, is hereby amended by striking from line ten (10)
3 thereof the word "municipality" and inserting in lieu thereof, the
4 words "airport hazard area, or any part thereof," and said section
5 is hereby further amended by striking the word "proceedings" in
6 lines thirteen (13) and fourteen (14) thereof and inserting in lieu
7 thereof the word "provisions" and said section is hereby further
8 amended by striking the period (.) at the end of line fifteen (15)

9 thereof, and inserting in lieu thereof, the following: "provided,
10 however, that such municipality shall be joined as a party defendant
11 in any such action."

1 Sec. 3. Section three hundred twenty-nine point nine
2 (329.9), Code 1946, is hereby amended by adding thereto following
3 the first sentence thereof, the following: "Any action taken on
4 the part of any county under this chapter shall be by resolution
5 of the board of supervisors thereof and no such action shall be
6 taken without a majority of the board of supervisors voting
7 therefor and consenting thereto." and said section is hereby
8 further amended by striking therefrom the last sentence thereof,
9 and by inserting in lieu thereof, the following: "The airport
10 zoning commission shall consist of two members from each
11 municipality selected by the governing body thereof and one
12 additional member to act as chairman and to be selected by a
13 majority vote of the members selected by the municipality. The
14 terms of the members of the airport zoning commission shall be
15 for six years excepting that when the board shall first be
16 created, one of the members appointed by each municipality shall
17 be appointed for a term of two years and one for a term of four
18 years. Members shall be removed for cause by the appointing
19 authority upon written charges after public hearing. Vacancies
20 shall be filled for the unexpired term of any member whose office
21 becomes vacant in the same manner in which said member was
selected."

1 Sec. 4. Section three hundred twenty-nine point twelve
2 (329.12), Code 1946, is hereby amended by inserting therein following

3 the first paragraph thereof, the following: "The concurring vote
4 of a majority of the board shall be necessary to reverse any order,
5 requirement, decision or determination of any administrative
6 official or to decide in favor of the applicant on any matter upon
7 which it is required to pass under any regulations adopted pursuant
8 to this chapter or to effect any variance therefrom." and said
9 section is hereby further amended by striking from the last line
10 thereof, the word "term" and inserting in lieu thereof the word
11 "office" and said section is hereby further amended by striking
12 the period (.) at the end thereof and inserting in lieu thereof
13 the following: "in the same manner in which said member was
14 selected. The terms of the members of the board of adjustment
15 shall be for five years, excepting that when the board shall
16 first be created, one of the members appointed by each
17 municipality shall be appointed for a term of two years and one
18 for a term of four years."

1 Sec. 5. This act shall not affect the validity of any
2 action taken by any political subdivision creating an airport
3 zoning commission, appointing any existing comprehensive zoning
4 commission as an airport zoning commission or for any other
5 purpose under the provisions of chapter three hundred twenty-nine
6 (329), Code 1946, prior to the effective date of
7 this act.

1 Sec. 6. This act being deemed of immediate importance
2 shall be in full force and effect from and after its passage and
3 publication in the, a newspaper published

4 at, Iowa, and in the,

5 a newspaper published at, Iowa.

EXPLANATION OF H. F. 374

The purpose of this bill is to provide for certain necessary corrective and clarifying amendments to the Airport Zoning Act.