

January 10, 1951.  
Passed on File.

**Senate File 24**  
By DYKHOUSE, HATTERY.

Passed Senate, Date.....  
Vote: Ayes..... Nays.....  
Passed House, Date .....

Vote: Ayes..... Nays.....  
Approved .....

# A BILL FOR

An Act relating to municipal platting, planning, and zoning and to amend chapters four hundred nine (409), four hundred fourteen (414), three hundred seventy-three (373), and three hundred fifty-eight-A (358A), Code 1950, relating thereto.

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

## PLATS

1 Section 1. Section four hundred nine point one (409.1),  
2 Code 1950, is amended as follows:

3 1. By striking from lines one (1) and two (2) the word  
4 "original".

5 2. By striking from lines three (3) and four (4) the  
6 words "has subdivided, or shall hereafter subdivide" and  
7 inserting in lieu thereof the word "subdivides".

8 3. By striking from line four (4) the word "three" and  
9 inserting in lieu thereof the word "two".

1 Sec. 2. Section four hundred nine point five (409.5),  
2 Code 1950, is amended by inserting after the word "council"  
3 in line three (3) the words ", as shown on the profile and  
4 cross section plans which are made a part of the plat and  
5 shall be submitted with the subdivision proposal,".

1     Sec. 3. Section four hundred nine point seven (409.7),

2     Code 1950, is amended as follows:

3     1. By striking from line six (6) the word "and".

4     2. By inserting in line six (6) after the numerals

5     "409.6," the following: "and 409.14,".

1     Sec. 4. Section four hundred nine point fourteen (409.14),

2     Code 1950, is amended by striking from lines five (5) to

3     seven (7) the words "having a population by the latest federal

4     census of twenty-five thousand or over".

1     Sec. 5. Section four hundred nine point twenty-two

2     (409.22), Code 1950, is amended as follows:

3     1. By striking from line two (2) the word "town".

4     2. By striking all of said section after the word

5     "situated," in line eight (8) and inserting in lieu thereof

6     the words "and a copy of said petition shall be filed with

7     the clerk of the municipal corporation having platting

8     jurisdiction."

1     Sec. 6. Section four hundred nine point twenty-three

2     (409.23), Code 1950, is amended as follows:

3     1. By striking from lines one (1) and two (2) the words

4     "At the term of court next following the" and inserting in

5     lieu thereof the word "Upon".

6     2. By striking from line three (3) the words "and notice".

7     3. By inserting after the word "county" in line six (6)

8     the words "by two publications, the second of which shall

9     appear".

1     Sec. 7. Section four hundred nine point forty-five  
2     (409.45), Code 1950, is repealed and the following enacted in  
3     lieu thereof:

4     “Whoever sells, contracts to sell, or attempts to sell  
5     land located within the platting jurisdiction of any municipal  
6     corporation by reference to, or by use in any other manner as  
7     a sales promotion device of a plat of a subdivision which has  
8     not been approved by the council and duly recorded and filed  
9     in the office of the county recorder shall be guilty of a  
10    misdemeanor.”

#### ZONING

1     Sec. 8. Section four hundred fourteen point nine (414.9),  
2     Code 1950, is amended by inserting after the word “public” in  
3     line nine (9) the following sentence: “All hearings before  
4     the board shall be open to the public and at least fifteen days  
5     notice thereof shall be given by publication in the manner  
6     provided by section six hundred eighteen point fourteen  
7     (618.14).”

1     Sec. 9. Chapter four hundred fourteen (414), Code 1950,  
2     is amended by adding the following new section:

3     “The zoning commission shall have power, subject to the  
4     approval of the council, to employ and fix the compensation  
5     of such employees and special counsel as are necessary to  
6     carry out the duties of the commission.”

1     Sec. 10. Section three hundred fifty-eight A point one  
2     (358A.1), Code 1950, is repealed and the following enacted in

3 lieu thereof: "The provisions of this chapter shall apply to  
4 all counties."

1 Sec. 11. Section three hundred fifty-eight A point three  
2 (358A.3), Code 1950, is amended by striking the comma after  
3 the word "town" in line eighteen (18), inserting a period (.)  
4 in lieu thereof, and striking the balance of the section.

1 Sec. 12. Section three hundred fifty-eight A point six  
2 (358A.6), Code 1950, is amended by adding the following sentence:  
3 "Any amendment, supplement, change, or repeal of district  
4 regulations, restrictions, or boundaries shall be referred to  
5 the county zoning commission for consideration and report at  
6 least thirty days before final action thereon is taken by the  
7 board of supervisors."

1 Sec. 13. Section three hundred fifty-eight A point  
2 seven (358A.7), Code 1950, is amended by inserting after the  
3 word "feet" in line nine (9) the words ", exclusive of  
4 highways and railroad right of way,".

1 Sec. 14. Section three hundred fifty-eight A point eight  
2 (358A.8), Code 1950, is amended by adding the following:  
3 "Such commission shall consist of not less than seven  
4 resident voters of the county, who shall hold office for terms  
5 of five years except that the first commissioners appointed  
6 in any county shall be appointed for such terms that not more  
7 than one third of the membership will expire in any one year.  
8 Vacancies caused by resignation or otherwise shall be filled  
9 by appointments for the unexpired portion of said term."

1     Sec. 15. Chapter three hundred fifty-eight A (358A),  
2 Code 1950, is amended by adding the following new section:  
3     “The board of supervisors shall appropriate such funds  
4 as they deem necessary for use of the zoning commission and  
5 said commission, subject to the approval of the board of  
6 supervisors shall expend such funds for such purposes and may  
7 hire and pay the compensation of such employees as are  
8 necessary to carry out their duties.”.

#### PLANNING

1     Sec. 16. Section three hundred seventy-three point nine  
2 (373.9), Code 1950, is repealed and the following enacted in  
3 lieu thereof:

4     “Such plan commission shall prepare and submit to the  
5 council a comprehensive plan for the development of the  
6 municipality and related areas. For purposes of preparing  
7 such plan the commission shall have power to make or cause  
8 to be made all necessary surveys, studies, maps, plans,  
9 drawings, charts, or other related descriptive matter.”.

1     Sec. 17. Section three hundred seventy-three point  
2 twelve (373.12), Code 1950, is amended by striking from lines  
3 four (4) and five (5) the words “adjacent thereto” and  
4 inserting in lieu thereof the words “or within a radius of  
5 one mile outside the limits thereof”.

1     Sec. 18. Section three hundred seventy-three point  
2 thirteen (373.13), Code 1950, is amended by inserting after  
3 the word “council” in line sixteen (16) the words “, after

4 holding at least one public hearing upon published notice  
5 in the same manner as aforesaid,”.

1 Sec. 20. Section three hundred seventy-three point  
2 twenty (373.20), Code 1950, is amended by adding the following  
3 sentence: “Before any such amendment shall be effective,  
4 published notice shall be given and public hearings held  
5 before the plan commissioner and before the council in the  
6 same manner as provided for the adoption and approval of  
7 city plans.”