

January 10, 1951.
Passed on File.

Senate File 33
By DYKHOUSE and HATTERY.

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

A BILL FOR

An Act relating to the ordinances of municipal corporations, and to repeal certain sections of chapter three hundred sixty-six (366), Code 1950, relating thereto, and to amend certain sections of said chapter.

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

1 Section 1. Section three hundred sixty-six point two
2 (366.2), Code 1950, is amended by striking all of the last
3 sentence beginning with the word "When" in line eight (8).

1 Sec. 2. Section three hundred sixty-six point three
2 (366.3), Code 1950, is amended by striking from lines one (1)
3 to three (3) the following words: "of a permanent and general
4 nature and those for the appropriation of money".

1 Sec. 3. Section three hundred sixty-six point four
2 (366.4), Code 1950, is amended by striking from lines two (2)
3 and three (3) the following words: "for any of the purposes
4 hereinafter set forth".

5 Further amend said section by striking the colon (:)
6 from line seven (7), inserting a period (.) in lieu thereof,
7 and striking the balance of the section.

1 Sec. 4. Sections three hundred sixty-six point seven

2 (366.7), three hundred sixty-six point eight (366.8), and
3 three hundred sixty-six point nine (366.9), Code 1950, are
4 all repealed and the following new section added to chapter
5 three hundred sixty-six (366), Code 1950, in lieu thereof:

6 Notice of the passage, revision, or amendment of
7 ordinances shall be given to the public in the following
8 manner:

9 1. Upon passage by the council, ordinances shall be
10 published once in the manner provided by section six hundred
11 eighteen point fourteen (618.14).

12 2. When an ordinance is revised or amended, such
13 revision or amendment shall be made in the form prescribed by
14 section three hundred sixty-six point two (366.2) and shall be
15 published once in the manner provided by section six hundred
16 eighteen point fourteen (618.14).

17 3. When a city or town adopts sections of the state
18 law or sections of state departmental regulations as ordinances,
19 publication shall be made of the fact of such adoption, the
20 subject of the sections adopted, and the citation at which
21 they may be found in the state law or published departmental
22 regulations and in the ordinances. Such publication shall be
23 made in the manner provided by section six hundred eighteen
24 point fourteen (618.14).

25 4. Ordinances and revisions or amendments thereof shall
26 take effect on the date of publication or at a subsequent
27 date provided by the council.

28 5. Publication of its existing ordinances in a bound
29 or loose-leaf book or pamphlet by any municipal corporation
30 shall be prima-facie evidence of the passage, content, and
31 legal publication of such ordinances as of the date provided
32 or mentioned therein. Copies of such published ordinances
33 shall be kept available at the clerk's office for public
34 inspection and use.

1 Sec. 5. Building Codes. Any municipal corporation may
2 adopt a building code as an ordinance by the following procedure:

3 1. The Council shall, by resolution, direct the clerk
4 to publish notice that it is proposing to adopt a building
5 code, and that a public hearing on such adoption will be held.
6 Said notice shall be published once each week for two (2)
7 consecutive weeks, as provided in section 618.14, with the
8 date of last publication not less than five nor more than ten
9 days prior to the date of hearing. Said notice shall specify:

10 a. The time and place that said public hearing
11 will be held, at which hearing the council will consider
12 arguments for or against the proposed adoption of the building
13 code;

14 b. That copies of the proposed building code may be
15 seen or may be secured at the office of the clerk.

16 2. After said public hearing, the council may, by
17 resolution adopt said proposed building code or may amend same.

18 3. If the council proposes to amend said building code,
19 before adoption a public hearing on the proposed amended code

20 shall be held in the same manner as herein provided for the
21 code originally proposed.

22 4. Following the public hearings as herein provided,
23 the council may pass an ordinance adopting said code in its
24 original or amended form as the case may be. Said ordinance
25 shall recite:

26 a. That pursuant to published notice, a public
27 hearing or public hearings had been duly held, and the council
28 had determined that the proposed building code, in its
29 original or amended form, as the case may be, should be
30 adopted as an ordinance of the municipal corporation.

31 b. That an official copy of the building code as
32 adopted, including a certificate by the mayor as to its
33 adoption, and its effective date, duly attested by the clerk,
34 is on file at the office of the city clerk.

35 4. Amendments to existing building codes may be
36 adopted by the same procedure and attestation as herein
37 provided for the adoption of original building code ordinances.

Senate File 33
By DYKHOUSE and HATTERY.
(AS PASSED BY THE SENATE)

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4 nature and those for the appropriation of money".

1 Sec. 3. Section three hundred sixty-six point four
2 (366.4), Code 1950, is amended by striking from lines two (2)
3 and three (3) the following words: "for any of the purposes
4 hereinafter set forth".

5 Further amend said section by striking the colon (:)
6 from line seven (7), inserting a period (.) in lieu thereof,
7 and striking the balance of the section.

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5 three hundred sixty-six (366), Code 1950, in lieu thereof:

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8 manner:

9 1. Upon passage by the council, ordinances shall be
10 published once in the manner provided by section six hundred
11 eighteen point fourteen (618.14).

12 2. When an ordinance is revised or amended, such
13 revision or amendment shall be made in the form prescribed by
14 section three hundred sixty-six point two (366.2) and shall be
15 published once in the manner provided by section six hundred
16 eighteen point fourteen (618.14).

17 3. When a city or town adopts sections of the state
18 law or sections of state departmental regulations as ordinances,
19 publication shall be made of the fact of such adoption, the
20 subject of the sections adopted, and the citation at which
21 they may be found in the state law or published departmental
22 regulations and in the ordinances. Such publication shall be
23 made in the manner provided by section six hundred eighteen
24 point fourteen (618.14).

25 4. Ordinances and revisions or amendments thereof shall
26 take effect on the date of publication or at a subsequent
27 date provided by the council.

28 5. Publication of its existing ordinances in a bound
29 or loose-leaf book or pamphlet by any municipal corporation
30 shall be prima-facie evidence of the passage, content, and
31 legal publication of such ordinances as of the date provided
32 or mentioned therein. Copies of such published ordinances
33 shall be kept available at the clerk's office for public
34 inspection and use.

35 6. Publication by a municipal corporation, in cities having
36 more than one hundred fifty thousand (150,000) population, of
37 its ordinances in the form of a bound or loose-leaf municipal
38 code, or as a new edition of such municipal code, or as
39 supplements to an existing edition of such municipal code, shall
40 be deemed a sufficient publication and in lieu of publication in
41 a newspaper, provided that: (a) Copies of such bound or
42 loose-leaf codes shall be kept available at the clerk's office
43 for public inspection and for sale at cost to the public; (b)
44 A copy of such municipal code shall be furnished to the state
45 law library, the municipal library, if any, and to a newspaper
46 of general circulation in the municipality; (c) Copies of all
47 amendments, new ordinances, and a list of repealed ordinances
48 shall be provided, on or before the tenth day of the month
49 succeeding final action thereon by the council, in the form
50 of pamphlets or loose-leaf inserts, and made available to the
51 public in the same manner as provided in paragraphs (a) and
52 (b) hereof.

1 Sec. 5. Building Codes. Any municipal corporation may

2 adopt a building code as an ordinance by the following procedure:

3 1. The Council shall, by resolution, direct the clerk
4 to publish notice that it is proposing to adopt a building
5 code, and that a public hearing on such adoption will be held.

6 Said notice shall be published once each week for two (2)
7 consecutive weeks, as provided in section 618.14, with the
8 date of last publication not less than five nor more than ten
9 days prior to the date of hearing. Said notice shall specify:

10 a. The time and place that said public hearing
11 will be held, at which hearing the council will consider
12 arguments for or against the proposed adoption of the building
13 code;

14 b. That copies of the proposed building code may be
15 seen or may be secured at the office of the clerk.

16 2. After said public hearing, the council may, by
17 resolution adopt said proposed building code or may amend same.

18 3. If the council proposes to amend said building code,
19 before adoption a public hearing on the proposed amended code
20 shall be held in the same manner as herein provided for the
21 code originally proposed.

22 4. Following the public hearings as herein provided,
23 the council may pass an ordinance adopting said code in its
24 original or amended form as the case may be. Said ordinance
25 shall recite:

26 a. That pursuant to published notice, a public
27 hearing or public hearings had been duly held, and the council

28 had determined that the proposed building code, in its
29 original or amended form, as the case may be, should be
30 adopted as an ordinance of the municipal corporation.

31 b. That an official copy of the building code as
32 adopted, including a certificate by the mayor as to its
33 adoption, and its effective date, duly attested by the clerk,
34 is on file at the office of the city clerk.

35 4. Amendments to existing building codes may be
36 adopted by the same procedure and attestation as herein
37 provided for the adoption of original building code ordinances.

1 Sec. 6. Every ordinance or resolution appropriating
2 money or ordering any street improvement or sewer, or making
3 or authorizing the making of any contract, or granting any
4 franchise or right to occupy or use the streets, highways,
5 bridges, or public places in the municipal corporation for
6 any purpose, shall be complete in the form in which it is
7 finally passed, and remain on file with the city clerk for
8 public inspection at least one week before the final passage
9 or adoption thereof, and a motion therefor in writing indicating
10 the nature of such ordinance or resolution shall become part
11 of the council's proceedings.