

## CHAPTER 618

## PUBLICATION AND POSTING OF NOTICES

Referred to in §331.303

[P]

For Iowa court rule concerning effect of notice by posting,

see R.C.P. 1.1804

Counties; see also chapter 349

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**618.1 Publications in English.**

All notices, proceedings, and other matter whatsoever, required by law or ordinance to be published in a newspaper, shall be published only in the English language and in newspapers published primarily in the English language.

[C73, §306, 307; C97, §549; S13, §549; C24, 27, 31, 35, 39, §11098; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §618.1]

2006 Acts, ch 1019, §1

Referred to in §618.2

**618.2 Violation.**

Any public official who violates the provisions of section 618.1 or who willfully fails to make publication as now required of the public official by law of any notice, report of proceedings or other matter whatsoever, shall be guilty of a simple misdemeanor.

[C97, §550; C24, 27, 31, 35, 39, §11099; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §618.2]

**618.3 Requirements for newspaper for official publication.**

For the purpose of establishing and giving assured circulation to all notices and reports of proceedings required by statute to be published within the state, if newspapers are required to be used, only a newspaper which meets all of the following requirements shall be designated for official publication purposes:

1. Is a newspaper of general circulation that has been published at least once a week for at least fifty weeks per year within the area and regularly mailed through the post office of entry for at least two years.

2. Has a list of subscribers who have paid, or promised to pay, at more than a nominal rate, for copies to be received during a stated period.

3. Devotes at least twenty-five percent of its total column space in more than one-half of its issues during any twelve-month period to information of a public character other than advertising.

4. Is paid for by at least fifty percent of the persons or subscribers to whom it is distributed.

[C35, §11099-e1; C39, §11099.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §618.3]

86 Acts, ch 1183, §4; 2003 Acts, ch 76, §1

Referred to in §10.9, 49.53, 455B.265, 618.14

**618.4 Change in name — effect.**

A change of name or ownership of a newspaper thus designated that does not affect its general circulation as above required shall in no way disqualify such newspaper for selection in making such publication of legal notices.

[C35, §11099-e2; C39, §11099.2; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §618.4]

**618.5 Permissible selection.**

Publications may be made in a newspaper published at least once a week.

[C73, §3832; C97, §1293; S13, §1293; C24, 27, 31, 35, 39, §11100; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §618.5]

2003 Acts, ch 108, §106

**618.6 Selection by plaintiff.**

The plaintiff or executor or the plaintiff's or executor's attorney, in all publications concerning actions, executions, and estates, may designate the newspaper in which such publication shall be made.

[C73, §3832; C97, §1293; S13, §1293; C24, 27, 31, 35, 39, §11101; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §618.6]

**618.7 Selection by county officers.**

The clerk of the district court, sheriff, auditor, treasurer, and recorder shall designate the newspapers in which the notices pertaining to their respective offices shall be published and the board of supervisors shall designate the newspapers in which all other county notices and proceedings, not required to be published in the official county newspapers, shall be published.

[R60, §314; C73, §306; C97, §549; S13, §549; C24, 27, 31, 35, 39, §11102; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §618.7]

Referred to in §331.502, 331.552, 331.602, 331.653, 602.8102(95)

**618.8 Refusal to publish.**

If publication be refused when copy therefor, with the cost or security for payment of the cost, is tendered, such publication may be made in some other newspaper of general circulation at or nearest to the county seat, with the same effect as if made in the newspaper so refusing.

[C73, §3832; C97, §1293; S13, §1293; C24, 27, 31, 35, 39, §11103; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §618.8]

**618.9 Days of publication.**

When the publication is in a newspaper which is published more than once a week, the succeeding publications of such notice shall be on the same day of the week as the first publication. This section shall not apply to any notice for the publication of which provision inconsistent herewith is specially made.

[S13, §1293-a; C24, 27, 31, 35, 39, §11104; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §618.9]

2003 Acts, ch 108, §107

**618.10 Payment for publication.**

Publications required by law shall, in the first instance, be paid for by the party causing publication, and shall be taxed as costs in the proceeding.

[C51, §2558; R60, §4165; C73, §3838; C97, §1296; C24, 27, 31, 35, 39, §11105; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §618.10]

**618.11 Fees for publication.**

The compensation, when not otherwise fixed, for the publication in a newspaper of any notice, order, citation, or other publication required or allowed by law shall be at a rate of thirty-four cents for one insertion and twenty-three cents for each subsequent insertion for each line of eight point type two inches in length, or its equivalent. Beginning June 1, 2001, and each June 1 thereafter, the director of the department of administrative services shall calculate a new rate for the following fiscal year as prescribed in this section, and shall publish this rate as a notice in the Iowa administrative bulletin prior to the first day of the following calendar month. The new rate shall be effective on the first day of the calendar month following its publication. The rate shall be calculated by applying the

percentage change in the consumer price index for all urban consumers for the last available twelve-month period published in the federal register by the federal department of labor, bureau of labor statistics, to the existing rate as an increase or decrease in the rate rounded to the nearest one-tenth of a cent. The calculation and publication of the rate by the director of the department of administrative services shall be exempt from the provisions of chapters 17A and 25B.

[C73, §3832; C97, §1293; S13, §1293; C24, 27, 31, 35, 39, §11106; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §618.11]

86 Acts, ch 1183, §5; 96 Acts, ch 1098, §4; 98 Acts, ch 1119, §25; 98 Acts, ch 1164, §40; 2000 Acts, ch 1148, §2; 2003 Acts, ch 145, §274

Referred to in §331.302, 349.17, 380.9

#### **618.12 Fee for posting.**

In all cases where an officer in the discharge of the officer's duty is required to post an advertisement or notice, the officer shall, when not otherwise provided, be allowed twenty-five cents, and the same mileage as a sheriff.

[C51, §2558; R60, §4165; C73, §3838; C97, §1296; C24, 27, 31, 35, 39, §11107; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §618.12]

#### **618.13 Publication of docket in certain counties.**

When the petition provided for in rule of civil procedure 1.403 is filed with the clerk of the district court in a county of ninety-eight thousand population or over, the names of the parties plaintiff and defendant in such action, the description of the real estate involved, if any, except for quieting title, partition, and suits involving tax assessments, and the names of the attorneys for the plaintiff, and the docket number assigned to such case, may, in the event the majority of the judges of the judiciary district in which such county lies, so direct, be published once in a daily newspaper having a general circulation in said county; such paper to be designated by a majority of the judges of the district court. Provided, that whenever thereafter such case is assigned for trial or any other pleadings are filed therein, or court action taken with reference thereto, except general orders of court for continuations, the title of such case and kind of pleading shall be published, and if it is in an assignment for trial it shall be carried in printed assignment from day to day until final disposition.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §618.13]

92 Acts, ch 1240, §21

Referred to in §602.8105, 622.93, 624.8

#### **618.14 Publication of matters of public importance.**

The governing body of any municipality or other political subdivision of the state may publish, as straight matter or display, any matter of general public importance, in one or more newspapers, as defined in section 618.3 published in and having general circulation in such municipality or political subdivision, at the legal or appropriate commercial rate, according to the character of the matter published.

In the event there is no such newspaper published in such municipality or political subdivision or in the event publication in more than one such newspaper is desired, publication may be made in any such newspaper having general circulation in such municipality or political subdivision.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §618.14]

87 Acts, ch 221, §34

Referred to in §28M.4, 330A.8, 331.305, 331.403, 536A.11

#### **618.15 Service by certified mail.**

Wherever used in this Code, the following words shall have the meanings respectively ascribed to them unless such meanings are repugnant to the context:

1. The words, "certified mail" mean any form of mail service, by whatever name, provided by the United States post office where the post office provides the mailer with a receipt to prove mailing.

2. The words, "restricted certified mail" mean any form of certified mail as defined in

subsection 1 which carries on the face thereof, in a conspicuous place where it will not be obliterated, the endorsement, "Deliver to addressee only", and for which the post office provides the mailer with a return receipt showing the date of delivery, the place of delivery, and person to whom delivered.

[C31, 35, §5079-d16; C39, §5038.06; C46, 50, 54, §321.503; C58, 62, 66, 71, 73, 75, 77, 79, 81, §618.15]

Referred to in §249F.3, 305B.3, 323.2, 323.3, 458A.22, 522B.14, 562A.8, 562A.29A, 562B.9, 562B.27A, 648.3, 648.5

**618.16 Zoned editions of same newspaper.**

Publication requirements for governmental subdivisions of the state shall be deemed satisfied when publication is made in editions or zoned editions which are delivered to an area within the jurisdiction of the subdivision making the publication even though publication is not made in other editions of the same newspaper.

86 Acts, ch 1183, §6; 89 Acts, ch 214, §6

**618.17 Minimum type size.**

A publication required by law shall be printed in type no smaller than six point.

89 Acts, ch 214, §7

Referred to in §10.9

**618.18 Timely publication required.**

When a publication required by law is not published within one month of submission to the newspaper, the maximum compensation established by law shall be reduced by twenty-five percent.

89 Acts, ch 214, §8