

TITLE 1
ADMINISTRATIVE

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CHAPTER 1
OFFICIAL CITY CODE

SECTION:

- 1-1-1: Title
- 1-1-2: Acceptance
- 1-1-3: Amendments
- 1-1-4: Code Alterations

1-1-1: **TITLE:** Upon the adoption by the City Council, this City Code is hereby declared to be and shall hereafter constitute the official City Code of Sibley. This City Code of ordinances shall be known and cited as the *SIBLEY CITY CODE* and is hereby published by authority of the Council and shall be supplemented to incorporate the most recent legislation of the City as provided in Section 1-1-3 of this Chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this City Code by title in any legal documents. (1992 Code)

1-1-2: **ACCEPTANCE:** The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this State as the ordinances of the City of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1 of this Title. (1992 Code)

1-1-3: **AMENDMENTS:** Any ordinance amending the City Code shall set forth the title, chapter and section number of the

section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code. (1992 Code)

1-1-4: **CODE ALTERATIONS:** It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this City Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the City Council. The City Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk. Any person having in his custody a copy of the City Code shall make every effort to maintain said Code current as to the most recent ordinances passed. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the City Clerk. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the City and shall be returned to the office of the City Clerk when directed so to do by order of the City Council. (1992 Code)

CHAPTER 2
SAVING CLAUSE

SECTION:

- 1-2-1: Repeal of General Ordinances
- 1-2-2: Public Utility Ordinances
- 1-2-3: Court Proceedings
- 1-2-4: Severability Clause

1-2-1: **REPEAL OF GENERAL ORDINANCES:** All general ordinances of the City passed prior to the adoption of this City Code are hereby repealed, except such as are included in this City Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the City; and all special ordinances. (1992 Code)

1-2-2: **PUBLIC UTILITY ORDINANCES:** No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code or by virtue of the

preceding Section, excepting as the City Code may contain provisions for such matters, in which case, this City Code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (1992 Code)

1-2-3: **COURT PROCEEDINGS:** No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable, if any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed, and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this City Code. (1992 Code)

1-2-4: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this City Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of

the remaining portions of this Code, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1992 Code)

CHAPTER 3
DEFINITIONS

SECTION:

- 1-3-1: Construction of Words
- 1-3-2: Definitions, General
- 1-3-3: Catchlines

1-3-1: **CONSTRUCTION OF WORDS:** All general provisions, terms, phrases and expressions contained in this City Code shall be liberally construed in order that the true intent and meaning of the City Council may be fully carried out.

In the construction of this City Code, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provisions:

- A. **May:** Confers a power.
- B. **Must:** States a requirement.
- C. **Shall:** Imposes a mandatory duty.
- D. **Plural/Singular and Gender:** Whenever any word in any section of this City Code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this City Code by words

- D) importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this City Code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto. (1992 Code)
- E. Tense: Words used in the present tense include the future. (1976 Code §1-1.0103)
- F. Ordinance: The word "ordinance" contained in the ordinances of the City has been changed in the content of this City Code to "Title", "Chapter", "Section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the City's ordinances is not meant to amend passage and effective dates of such original ordinances. (1992 Code).

1-3-2: **DEFINITIONS, GENERAL:** Whenever the following words and terms are used in this Code, they shall have the meanings herein ascribed to them unless the context makes such meaning repugnant thereto:

AGENT	A person acting on behalf of another with authority conferred either expressly or impliedly to do so. (1992 Code)
ALLEY	A public right of way, other than a street, affording secondary means of access to abutting property.
CITY	The City of Sibley, Iowa.
CITY CODE	The City Code of the City of Sibley, Iowa.
CLERK	The City Clerk of Sibley, Iowa.
CODE	The specific chapter in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).

COUNCIL	The City Council of Sibley, Iowa.
COUNTY	Osceola County, Iowa. (1976 Code §1-1.0102)
EMPLOYEES	Whenever reference is made in this Code to a City employee by title only, this shall be construed as though followed by the words "of the City of Sibley".
FEE	A sum of money charged by the City for the carrying on of a business, profession or occupation.
LICENSE	The permission granted for the carrying on of a business, profession or occupation. (1992 Code)
MEASURE	An ordinance, amendment, resolution or motion.
MONTH	A calendar month. (1976 Code §1-1.0102)
NUISANCE	Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the City, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the community. (1992 Code)
OATH	Shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn".
OCCUPANT, TENANT	Applied to a building or land, shall include any person who occupies the whole or a part of such building or land whether alone or with others. (1976 Code §1-1.0102)

OFFENSE	Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.
OFFICERS	Whenever reference is made in this Code to a City officer by title only, this shall be construed as though followed by the words "of the City of Sibley".
OPERATOR	The person who is in charge of any operation, business or profession. (1992 Code)
PERSON	An individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust or other legal entity, and includes a trustee, receiver, assignee or similar representative thereof but does not include a governmental body. (1976 Code §1-1.0102)
PERSONAL PROPERTY	Shall include every description of money, goods, chattels, effects, evidences of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right of interest therein. (1992 Code)
PRECEDING, FOLLOWING	Next before and next after, respectively.
PROPERTY	Shall include real property, and tangible and intangible personal property unless clearly indicated otherwise.
PROPERTY OWNER	A person owning private property in the City as shown by the County Auditor's plats of the City.
PUBLIC PLACE	Shall include in its meaning, but is not restricted to, any city-owned open place, such as parks and squares.

PUBLIC PROPERTY	Any and all property owned by the City or held in the name of the City by any of the departments, commissions or agencies within the City government.
PUBLIC WAY	Shall include any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare. (1976 Code §1-1.0102)
REPEATED OFFENSE	A recurring violation of the same section of the City Code.
RETAILER	Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.
RIGHT OF WAY	The privilege of the immediate use of the roadway or other property. (1992 Code)
SIDEWALK	That portion of the street between the edge of the travelled way, surfacing or curb line and the adjacent property line.
STATE	The State of Iowa.
STATUTES, LAWS	The latest edition of the Code of Iowa, as amended.
STREET	Shall mean and include any public way, highway, street, avenue, boulevard, parkway or other public thoroughfare, and each of such words shall include every other of them and unless otherwise indicated in the text, shall include the entire width between property lines. (1976 Code §1-1.0102)
WHOLESALER	The terms "wholesaler" and "wholesale dealer" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale. (1992 Code)

1-3-2

1-3-3

WRITING, WRITTEN: Shall include printing, typing, lithographing or other mode of representing words and letters.

YEAR: A calendar year. (1976 Code §1-1.0102)

1-3-3: **CATCHLINES:** The catchlines of the several sections of this code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (1992 Code)

September 2014



CHAPTER 4
STANDARD PENALTY

SECTION:

- 1-4-1: Standard Penalty
- 1-4-2: Application Of Provisions
- 1-4-3: Liability Of Officers
- 1-4-4: Scheduled Fines

1-4-1: **STANDARD PENALTY:** Unless another penalty is expressly provided by this code for any particular provision, section or chapter, any person failing to perform a duty or obtain a license required by or violating any provision of this code or any rule or regulation adopted herein by reference shall be guilty of a misdemeanor and, upon conviction, be subject to a fine of not more than one hundred dollars (\$100.00) or imprisonment not to exceed thirty (30) days. (1976 Code §1-1.0107)

1-4-2: **APPLICATION OF PROVISIONS:** The penalty provided in this chapter shall be applicable to every section of this code the same as though it were a part of each and every separate section.

In all cases where the same offense is made punishable or is created by different clauses or sections of this code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply. (1992 Code)

1-4-3: **LIABILITY OF OFFICERS:** No provision of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the city council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (1992 Code)

1-4-4: **SCHEDULED FINES:** Violations of any of the following shall have a scheduled fine of twenty five dollars (\$25.00) payable at the office of the city clerk:

Violation	City Code Section
Open burning	4-5-2
Keeping bothersome or annoying animals	5-4-2C
Operation of golf carts	6-3-12
Engine braking	6-3-13C
Improper parking	6-4-1
Parking by blocking alley or driveway	6-4-1G
Double parking	6-4-1M
Parking between curb and sidewalk	6-4-1P
Parking in no parking zone	6-4-2
Overtime parking	6-4-3
Parking on city street between 2:00 A.M. and 6:00 A.M. during snow removal	6-4-6
Operation of ATVs and ORVs	6-11-3

(Ord. 648-14, 6-9-2014)

CHAPTER 4

STANDARD PENALTY

ARTICLE A. MUNICIPAL INFRACTIONS

SECTION:

- 1-4A-1: Definitions
- 1-4A-2: Violations, Penalties And Alternative Relief
- 1-4A-3: Civil Citations
- 1-4A-4: Criminal Citations
- 1-4A-5: Enforcement Of Provisions

1-4A-1: **DEFINITIONS:**

MUNICIPAL
INFRACTION:

Except for those provisions specifically provided under state law as a felony, an aggravated misdemeanor, or a serious misdemeanor or a simple misdemeanor under chapters 687 through 732 of the Iowa Code; the commission of any act prohibited or declared to be unlawful, an offense or a misdemeanor by this code, or any ordinance or code herein adopted by reference, or omission or failure to perform any act or duty required by this code, or any ordinance or code herein adopted by reference, is a "municipal infraction" and is punishable by civil penalty as provided herein.

OFFICER:

Any employee or official authorized to enforce this code.



no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply. (1992 Code)

1-4-3: **LIABILITY OF OFFICERS:** No provision of this City Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the City Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (1992 Code)

CHAPTER 4

STANDARD PENALTY

ARTICLE A. MUNICIPAL INFRACTIONS

SECTION:

- 1-4A-1: Definitions
- 1-4A-2: Violations, Penalties and Alternative Relief
- 1-4A-3: Civil Citations
- 1-4A-4: Criminal Citations
- 1-4A-5: Enforcement of Provisions

1-4A-1: DEFINITIONS:

MUNICIPAL
INFRACTION:

Except for those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor or a simple misdemeanor under chapters 687 through 732 of the Iowa Code; the commission of any act prohibited or declared to be unlawful, an offense or a misdemeanor by the Municipal Code of the City of Sibley, Iowa, or any ordinance or code herein adopted by reference, or omission or failure to perform any act or duty required by the Municipal Code of the City of Sibley, Iowa, or any ordinance or code herein adopted by reference, is a "municipal infraction" and is punishable by civil penalty as provided herein.

OFFICER:

Any employee or official authorized to enforce the Municipal Code of the City of Sibley, Iowa.

Officer (cont.) The Sibley City Administrator is hereby authorized to designate employees or officials authorized to enforce the Sibley Municipal Code.

REPEAT OFFENSE: A recurring violation of the same section of the Code of Ordinances. (1992 Code)

1-4A-2: VIOLATIONS, PENALTIES AND ALTERNATIVE RELIEF:

- A. A Municipal infraction is punishable by a civil penalty as provided in the following schedule, unless a specific schedule of civil penalties is provided for specific offenses elsewhere in the Code.

Schedule of Civil Penalties

First offense	\$ 50.00
Second repeat offense	100.00
All other repeat offenses	200.00

- B. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.
- C. Seeking a civil penalty as authorized in this Article does not preclude the City from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief. (1992 Code).

1-4A-3: CIVIL CITATIONS:

- A. Any officer authorized by the City to enforce the Municipal Code of the City may issue a civil citation to a person who commits a Municipal infraction.
- B. The citation may be served by personal service or by certified mail, return receipt requested.
- C. A copy of the citation shall be sent or delivered to the Clerk of the District Court.

- D. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:
1. The name and address of the defendant.
 2. The name or description of the infraction attested to by the officer issuing the citation.
 3. The location and time of the infraction.
 4. The amount of civil penalty to be assessed or the alternative relief sought, or both.
 5. The manner, location, and time in which the penalty may be paid.
 6. The time and place of court appearance.
 7. The penalty for failure to appear in court. (1992 Code)

1-4A-4: **CRIMINAL CITATIONS:** This Article does not preclude a peace officer from issuing a criminal citation for a violation of the City Code or regulations if criminal penalties are also provided for the violation. (1992 Code)

1-4A-5: **ENFORCEMENT OF PROVISIONS:** This Article shall not preclude or limit the authority of the City to enforce the provisions of its Municipal Code by criminal sanctions or other lawful means. (1992 Code)

CHAPTER 5
CITY CHARTER

SECTION:

- 1-5-1: Title
 1-5-2: Form of Government
 1-5-3: Number and Term of Council
 1-5-4: Term of Mayor
 1-5-5: Powers and Duties of Officers
 1-5-6: Copies on File

1-5-1: **TITLE:** This Chapter may be cited as the *Charter of the City of Sibley, Iowa*. (1976 Code §1-2.0101)

1-5-2: **FORM OF GOVERNMENT:** The form of government of the City is the Mayor-Council form of government. (1976 Code §1-2.0102)

1-5-3: **NUMBER AND TERM OF COUNCIL:** The Council consists of two (2) Councilmembers elected at large and one Councilmember from each of three (3) wards as established by the City Code,¹ elected for terms of four (4) years. (1976 Code §1-2.0104)

1-5-4: **TERM OF MAYOR:** The Mayor² is elected for a term of two (2) years. (1976 Code §1-2.0105)

1. See Section 1-9-2 of this Title.
 2. See Section 1-6-1 of this Title.

1-5-5

1-5-6

1-5-5: **POWERS AND DUTIES OF OFFICERS:** The City Council and Mayor and other City officers have such powers and shall perform such duties as are authorized or required by State law¹ and by the ordinances, resolutions, rules and regulations of the City. (1976 Code §1-2.0103)

1-5-6: **COPIES ON FILE:** The City Clerk shall keep an official copy of the Charter on file with the official records of the Clerk, the Secretary of State and shall keep copies of the Charter available at the Clerk's office for public inspection. (1976 Code §1-2.0106)

1. I.C. §§364.1 through 364.24.

CHAPTER 6
MAYOR AND COUNCIL

SECTION:

- 1-6-1: Mayor, Term of Office
- 1-6-2: Mayor's Powers and Duties
- 1-6-3: Mayor Pro Tempore
- 1-6-4: City Council, Number and Term
- 1-6-5: City Council Powers and Duties
- 1-6-6: Exercise of Power
- 1-6-7: Meetings
- 1-6-8: Appointment of Officers
- 1-6-9: Compensation

1-6-1: **MAYOR, TERM OF OFFICE:** The Mayor is elected for a term of two (2) years. (1976 Code §1-3.0101)

1-6-2: **MAYOR'S POWERS AND DUTIES:** The powers and duties of the Mayor shall be as follows:

A. **Chief Executive Officer:** Supervise all departments of the City and give direction to department heads concerning the functions of the departments. He shall have the power to examine all functions of the Municipal departments, their records and to call for special reports from department heads at any time.

B. **Council Duties:**

1. **Presiding Officer:** Act as presiding officer at all regular and special Council meetings. The Mayor Pro Tem¹ shall serve in this capacity in the Mayor's absence.

1. See Section 1-6-3 of this Chapter.

- B) 2. Special Meetings: Call special meetings of the Council when he deems such meetings necessary to the interests of the City.
3. Veto: Sign, veto or take no action on an ordinance, amendment or resolution passed by the Council; however, the Mayor may not veto a measure if he was entitled to vote on the measure at the time of passage. If he exercises his veto power, he must explain the reason for such veto to the Council at the time of the veto. The Council may override the Mayor's veto by a two-thirds ($\frac{2}{3}$) majority of the Council members.¹
4. Reports to Council: Make such oral or written reports to the Council at the first meeting of every month as required. These reports shall concern Municipal affairs generally, the Municipal departments and recommendations suitable for Council action.
- C. Negotiations and Contracts:
1. Negotiations: Represent the City in all negotiations properly entered into in accordance with law or ordinance. He shall not represent the City where this duty is specifically delegated to another officer by law or ordinance.
2. Contracts: Sign all contracts on behalf of the City whenever authorized by the Council.
- D. Professional Services: Upon order of the Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the Council, he shall conduct himself in accordance with the City Code and the laws of the State.
- E. Licenses and Permits: Sign all licenses and permits which have been granted by the Council, except those designated by law or ordinance to be issued by another Municipal officer.
- F. Nuisances: Order, in writing, to be removed at public expense, any nuisance for which no person can be found responsible and liable. The order to remove said nuisances shall be carried out by the proper City official.

1. See also subsection 1-6-6B of this Chapter.

- G. Absentee Officer: Make appropriate provision that duties of any absentee officer be carried on during such absence. (1976 Code §1-3.0102; 1992 Code)

1-6-3: **MAYOR PRO TEMPORE:¹**

- A. Vice President of Council: The Mayor Pro Tempore shall be vice-president of the Council. (1976 Code §1-3.0201)
- B. Powers and Duties: Except for the limitations otherwise provided herein, the Mayor Pro Tempore shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform his duties. In the exercise of the duties of his office, the Mayor Pro Tempore shall not have power to employ or discharge from employment officers or employees that the Mayor has the power to appoint, employ or discharge without the approval of the Council. (1976 Code §1-3.0202)
- C. Voting Rights: The Mayor Pro Tempore shall have the right to vote as a member of the Council. (1976 Code §1-3.0203)
- D. Compensation: If the Mayor Pro Tem performs the duties of the Mayor during his absence or disability for a continuous period of fifteen (15) days or more, the Mayor Pro Tem may be paid for that period such compensation as determined by the Council, based upon his performance of the Mayor's duties and upon the compensation of the Mayor. (1976 Code §1-3.0204)

1-6-4: **CITY COUNCIL, NUMBER AND TERM:** The Council consists of two (2) Councilmembers elected at large and one Councilmember from each of three (3) wards as established by the City Code,² elected for terms of four (4) years. (1976 Code §1-3.0301)

1-6-5: **CITY COUNCIL POWERS AND DUTIES:** The powers and duties of the Council shall include, but are not limited to, the following:

1. See also subsection 1-6-2B1 of this Chapter.
2. See Section 1-9-2 of this Title.

- A. General: All powers of the City are vested in the Council except as otherwise provided by law¹ or ordinance.
- B. Wards: By ordinance, the Council may divide the City into wards based upon population, change the boundaries of wards, eliminate wards or create new wards.
- C. Fiscal Authority: The Council shall apportion and appropriate all funds and audit and allow all bills, accounts, payrolls and claims and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvement or repairs which may be specially assessed.
- D. Public Improvements: The Council shall make all orders for the doing of work or the making or construction of any improvements, bridges or buildings.
- E. Contracts: The Council shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the City unless either made by ordinance or resolution adopted by the Council or reduced to writing and approved by the Council or expressly authorized by ordinance or resolution adopted by the Council. All contracts and all ordinances and resolutions making contracts or authorizing the making of contracts shall be drawn or approved by the City Attorney before the same are made or passed.
- F. Employees: The Council shall authorize, by resolution, the number, duties and compensation of employees not otherwise provided for by State law or the City Code.
- G. Records: The Council shall maintain records of its proceedings.
- H. Setting Compensation for Elected Officers: By ordinance, the Council shall prescribe the compensation of the Mayor, Councilmembers and other elected City officers, but a change in the compensation of the Mayor shall not become effective during the term in which the increase is adopted, and the Council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December immediately following a regular City election. A change in the compensation of Councilmembers shall become effective for all

1. I.C. §364.2(1).

council members at the beginning of the term of the council members elected at the election next following the adoption of the increase in compensation. (1976 Code §1-3.0302; amd. 1992 Code)

1-6-6: **EXERCISE OF POWER:** The council shall exercise a power only by the passage of a motion, resolution, amendment or ordinance in the following manner:

- A. Approved Action By Council: Passage of an ordinance, amendment or resolution requires an affirmative vote of not less than a majority of the council members. A motion to spend public funds in excess of ten thousand dollars (\$10,000.00) on any one project or a motion to accept public improvements and facilities upon their completion also requires an affirmative vote of not less than a majority of the council members. Each council member's vote on an ordinance, amendment or resolution must be recorded.

- B. Overriding Mayor's Veto: Within thirty (30) days after the mayor's veto¹, the council may repass the ordinance or resolution by a vote of not less than two-thirds ($\frac{2}{3}$) of the council members and the ordinance or resolution becomes effective upon repassage and publication.

- C. Measures Become Effective: Measures passed by the council, other than motions, become effective in one of the following ways:
 - 1. If the mayor signs the measure, a resolution becomes effective immediately upon signing, and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

 - 2. 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.

 - 3. If the mayor takes no action on the measure, a resolution becomes effective fourteen (14) days after the date of passage, and an ordinance or amendment becomes law when published, but not

1. See subsection 1-6-2B3 of this chapter.

sooner than fourteen (14) days after the day of passage, unless a subsequent effective date is provided within the measure. (1976 Code §1-3.0303)

1-6-7: **MEETINGS:** Meetings of the council shall be as follows:
(1976 Code §1-3.0304)

- A. Regular Meetings: The regular meetings of the city council shall be on the second and fourth Monday of each month at five o'clock (5:00) P.M. in the council chambers at the city hall. The time and place of the regular meetings of the city council shall be subject to amendment by resolution of the city council. Specific dates for regular meetings for the following month shall be subject to change by motion at the last meeting of each month. (Ord. 617-09, 4-27-2009, eff. 1-1-2010)
- B. Special Meetings: Special meetings shall be held upon call of the mayor or upon the written request of a majority of the members of the council submitted to the clerk. Notice of a special meeting shall specify the date, time, place and subject of the meeting, and such notice shall be given personally or left at the usual place of residence of each member of the council. A record of the service of notice shall be maintained by the clerk.
- C. Quorum: A majority of all council members is a quorum.
- D. Rules Of Procedure: The council shall determine the rules of its own proceedings by resolution and the clerk shall keep such rules on file for public inspection. (1976 Code §1-3.0304)

1-6-8: **APPOINTMENT OF OFFICERS:**

- A. By Mayor: The mayor shall appoint the following officials:

Mayor pro tem¹
Library board of trustees²
Planning and zoning commission³

1. See section 1-6-3 of this chapter.

2. See section 2-3-1 of this code.

3. See section 2-1-1 of this code.

Historic preservation commission¹
Board of park and recreation commissioners²

(1976 Code §1-3.0103; amd. 1992 Code; Ord. 568-00, 11-13-2000)

B. City Council: The council shall appoint the following officials and prescribe their powers, duties, qualifications, compensation and terms of office:

- City administrator³
- City clerk⁴
- City attorney⁵
- Zoning board of adjustment
- Utilities superintendent⁶
- Electric superintendent
- Airport commission⁷
- Street commissioner
- Plumbing inspector

(1976 Code §1-3.0305; amd. 1992 Code; Ord. 590-04, 7-12-2004)

1-6-9: **COMPENSATION:**

A. Mayor: The salary of the mayor shall be three hundred dollars (\$300.00) per month. (Ord. 512-87, 10-26-1987, eff. 1-1-1988)

B. City Council: The salary of each council member shall be forty five dollars (\$45.00) for each regular meeting of the council attended and for special meetings attended, shall be determined as follows:

<u>Meeting</u>	<u>Compensation</u>
Less than 1/2 hour	\$15.00
1/2 hour but less than 1 hour	30.00
1 hour or over	45.00

(Ord. 617-09, 4-27-2009, eff. 1-1-2010)

1. See subsection 2-5-3B of this code.
 2. See section 2-6-2 of this code.
 3. See chapter 7, article A of this title.
 4. See chapter 7, article B of this title.
 5. See chapter 7, article C of this title.
 6. See section 7-6-2 of this code.
 7. See title 2, chapter 4 of this code.



CHAPTER 7
CITY OFFICERS AND EMPLOYEES

SECTION:

- 1-7-1: Oaths
- 1-7-2: Bonds
- 1-7-3: Powers And Duties
- 1-7-4: Meetings
- 1-7-5: Conflict Of Interest
- 1-7-6: Inspection Of Books And Records
- 1-7-7: Resignations, Removals And Vacancies
- 1-7-8: Compensation
- 1-7-9: Holidays

1-7-1: **OATHS:**

- A. **Qualify For Office:** All elected officers and the following appointed officers shall qualify for office by taking the prescribed oath:

City clerk
Deputy city clerk

- B. **Prescribed Oath:** The prescribed oath is:

I, (name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) in Sibley as now or hereafter required by law.¹

1. IC §63-10.



C. **Officers Empowered to Administer Oaths:** The following are empowered to administer oaths and to take affirmations in any matter pertaining to the business of their respective office:

1. The Mayor.
2. The Clerk.
3. Members of all boards, commissions or bodies created by law. (1976 Code §1-1.0201; 1992 Code)

1-7-2: BONDS:

- A. **Bonds Required:** Each Municipal officer required by law or City Code to be bonded shall, before entering upon the duties of his office, execute to the City a good and sufficient bond, to be approved by the Mayor, conditioned on the faithful performance of his duties and the proper handling and accounting for the money and property of the City in his charge.
- B. **Surety:** Any association or corporation which makes a business of insuring the fidelity of others and which has authority to do such business within this State shall be accepted as surety on any bonds required herein.
- C. **Amount of Bonds:** Each officer named shall be bonded in the amount shown:

Mayor	\$500.00
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The Council shall provide by resolution for a surety bond for any other officer or employee that the Council deems necessary or, except for the Mayor, for a blanket bond. The City shall pay the premium on all official bonds.

- D. **Bonds Filed:** All bonds, when duly executed, shall be filed with the Clerk. (1976 Code §1-1.0202)

1-7-3: POWERS AND DUTIES:

- A. Generally: Each Municipal officer shall exercise the powers and perform the duties prescribed by law and City Code or as otherwise directed by the Council unless contrary to State law or City Charter. (1976 Code §1-1.0203)
- B. Property to Successor: Each officer shall transfer to his successor in office all books, papers, records, documents and property in his custody and appertaining to his office. (1976 Code §1-1.0205)

1-7-4: **MEETINGS:** All meetings of the Council, any board or commission or any committee of the foregoing bodies, shall comply with the following:

- A. Open to Public: Meetings shall be open to the public at all times, and any meetings which are not open to the public are prohibited, unless closed meetings are expressly permitted by law.

Any meeting may be closed by affirmative vote of two-thirds ($\frac{2}{3}$) of its members present, when necessary:

1. To prevent irreparable and needless injury to the reputation of an individual whose employment or discharge is under consideration;
 2. To prevent premature disclosure of information on real estate proposed to be purchased; or
 3. For some other exceptional reason so compelling as to override the general public policy in favor of public meetings.
- B. Advance Notice of Meetings: Each public agency shall give advance public notice of the time and place of each meeting by notifying the communications media or in some other way which gives reasonable notice to the public. When it is necessary to hold an emergency meeting without notice, the nature of the emergency shall be stated in the minutes. (1976 Code §1-1.0206)

1-7-5: **CONFLICT OF INTEREST:**

- A. Prohibited Interests; Exceptions: A City officer or employee shall not have an interest, direct or indirect, in any contract or job of

A) work or material or the profits thereof or services to be furnished or performed for the City unless expressly permitted by law. A contract entered into in violation of this Section is void. The provisions of this Section do not apply to:

1. Compensation of Officers: The payment of lawful compensation of a City officer or employee holding more than one City office or position, the holding of which is not incompatible with another public office or is not prohibited by law.¹

2. Investment of Funds: The designation of a bank or trust company as a depository, paying agent or for investment of funds.

3. Stock Interests: Contracts² in which a City officer or employee has an interest solely by reason of employment or a stock interest of the kind described in subsection A8 of this Section, or both, if the contracts are made by competitive bid, publicly invited and opened, and if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement or preparation of any part of the contract. The competitive bid requirement of this subsection shall not be required for any contract for professional services not customarily awarded by competitive bid.

4. Newspaper: The designation of an official newspaper.

5. Existing Contracts: A contract in which a City officer or employee has an interest if the contract was made before the time he was elected or appointed, but the contract may not be renewed.

6. Volunteers: Contracts with volunteer firemen or civil defense volunteers.³

7. Corporations: A contract with a corporation in which a City officer or employee has an interest by reason of stockholdings when less than five percent (5%) of the outstanding stock of the corporation is owned or controlled, directly or indirectly, by the officer or employee or the spouse or immediate family of such officer or employee.⁴

1. I.C. §362.3(2).

2. I.C. §362.5.

3. I.C. §362.5(8).

4. I.C. §362.5(9).

- A) 8. Competitive Bids: A contract made by competitive bid, publicly invited and opened, in which a member of a city board of trustees, commission or administrative agency has an interest if he is not authorized by law to participate in the awarding of the contract. The competitive bid requirement of this subsection does not apply to any contract for professional services not customarily awarded by competitive bid.

9. Contracts: Contracts made by a city of less than three thousand (3,000) population, upon competitive bid, in writing, publicly invited and opened. (1976 Code §1-1.0207; 1992 Code)

B. Federal Grant Funds Code of Conduct:

1. Purpose: The purpose of this Code of Conduct is to ensure the efficient, fair and professional administration of Federal grant funds in compliance with Federal Office of Management and Budget (OMB) circular A-102, attachment O, paragraph 7 and other applicable Federal and State standards, regulations and laws.

2. Application: This Code of Conduct applies to all officers or agents of the City engaged in the award or administration of contracts supported by Federal grant funds.¹

3. Requirements: No officer, employee or agent of the City shall participate in the selection, award or administration of a contract supported by Federal grant funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- a. The employee, officer or agent;
- b. Any member of his immediate family;
- c. His partner; or
- d. An organization which employs, or is about to employ, any of the above,

has a financial or other interest in the firm selected for award.

The City officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or subcontractors.

¹ See Chapter 8, Article B of this Title.

FC § 65 B.5

- B) 4. Remedies: To the extent permitted by Federal, State or local laws or regulation, violation of these standards may cause penalties, sanctions or other disciplinary actions to be taken against the City's officers, employees or agents or the contractor's potential contractors, subcontractors or their agents. (Ord. 498-83, 12-5-83)

1-7-6: **INSPECTION OF BOOKS AND RECORDS:** All books and records required to be kept by law¹ or ordinance shall be open to inspection by the public upon request. (1976 Code §1-1.0204)

1-7-7: **RESIGNATIONS, REMOVALS AND VACANCIES:**

- A. Resignations of Elected Officials: An elected officer who wishes to resign may do so by submitting his resignation, in writing, to the Clerk so that it shall be properly recorded and considered. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which he was elected if, during that time, the compensation of the office has been increased. (1976 Code §1-1.0208)
- B. Removal of Appointed Officers: Except as otherwise provided by State or City law,² all persons appointed to City office may be removed by the officer or body making the appointment, but every such removal shall be by written order. The order shall give the reasons, be filed in the office of the Clerk, and a copy shall be sent by certified mail to the person removed who, upon request filed with the Clerk within thirty (30) days of the date of mailing the copy, shall be granted a public hearing before the Council on all issues connected with the removal. The hearing shall be held within thirty (30) days of the date the request is filed, unless the person removed requests a later date. (1976 Code §1-1.0209)
- C. Removal of Elective Officer: Any City officer elected by the people may be removed from office, after hearing on written charges filed with the City Council for any cause which would be ground for an equitable action for removal, but such removal can only be made by a two-thirds ($\frac{2}{3}$) vote of the entire City Council.

1. I.C. §22.2.

2. I.C. §66.1 et seq., for removal of elective or appointive officers. For filling vacancies see I.C. §372.13.

D. **Reasons for Removal:** Any appointive or elective officer, except such as may be removed only by impeachment, holding any public office in the City, may be removed from office for any of the following reasons:

1. For wilful or habitual neglect or refusal to perform the duties of the office.
2. For wilful misconduct or maladministration in office.
3. For corruption.
4. For extortion.
5. Upon conviction of a felony.
6. For intoxication, or upon conviction of being intoxicated.
7. Upon conviction of violating the provisions of chapter 56, Iowa Code. (1992 Code)

E. **Vacancies:** When a vacancy occurs in an elected office during the term of office, it must be filled by the Council for the period of time until the next regular City election. When a vacancy occurs in an appointed office, it must be filled by the appointing authority. (1976 Code §1-1.0210)

1-7-8: **COMPENSATION:** Unless otherwise provided in this City Code, the compensation of all officers and employees shall be set by resolution of Council. (Ord. 512-87, 10-26-87, eff. 1-1-88)

1-7-9: **HOLIDAYS:** The following days shall be designated as legal holidays.

One-half day New Year's Eve
 New Year's Day
 Memorial Day
 Independence Day
 Labor Day
 Thanksgiving Day
 One-half day Christmas Eve
 Christmas Day
 (1976 Code §1-1.0211; 1992 Code)

CHAPTER 7
CITY OFFICERS AND EMPLOYEES
ARTICLE A. CITY ADMINISTRATOR

SECTION:

- 1-7A-1: Appointment and Term
1-7A-2: Powers and Duties
1-7A-3: Responsibility

1-7A-1: **APPOINTMENT AND TERM:** The office of City Administrator is hereby created which shall be filled by appointment of the Council.¹ The appointee shall hold office during the pleasure of the Council. (1976 Code §1-4.0401)

1-7A-2: **POWERS AND DUTIES:**² The powers and duties of the City Administrator shall include:

- A. **Enforcement:** Enforcement of all City laws and regulations as directed by the Council.
- B. **Administration:** Administration of City policies established by the Council.
- C. **Policy:** Continuous study of the City government's operating procedures, organization and facilities and to recommend fiscal and other policies to the Mayor and Council whenever necessary.
- D. **Budget:** Preparation and administration of the City's annual operating budget.

1. See also subsection 1-6-8B of this Title.

2. See also subsection 1-7C-2C of this Chapter and Section 12-1-6 of this Code.

- E. Supervision: Supervision of the City's administrative policies and procedures including personnel and purchasing.
- F. Information: Keeping the Mayor and Council informed on the progress of its programs and the status of its policies.
- G. Coordination: Coordinating and directing all City services provided through the various departments.
- H. Employees: Appointment and removal of City employees in accordance with union contracts and/or Council policies and ordinances regarding this activity.
- I. Boards and Commissions: Study possible joint administrative arrangements with independent boards and commissions such as the Library Board, Park Board, Planning and Zoning Commission and Airport Board and make recommendations for such arrangements as are mutually acceptable. (1976 Code §1-4.0402)
- J. Other Duties: Such other duties as may hereafter be directed by the Council, and the Mayor may delegate such other duties as are compatible to the City Administrator's office and permitted under the law.¹ (1976 Code §1-4.0407)

1-7A-3: RESPONSIBILITY:

- A. The City Administrator shall be directly responsible to the Council for the administration of Municipal affairs as set forth herein.
- B. The departments and agencies that currently report directly to the Council shall report and be responsible to the City Administrator.
- C. All departmental activity requiring the attention of the Council shall be brought before that body by the Administrator, and all Council policy concerning administration shall be coordinated through the City Administrator. (1976 Code §1-4.0403)
- D. The City Clerk shall perform all duties required by the statutes of the State² under the direction of the City Administrator. The City Administrator shall have the same authority to sign City warrants as does the City Clerk. (1976 Code §1-4.0406)

1. I.C. §372.8.

2. I.C. §372.13(3).

- E. The City Attorney, shall not be under the jurisdiction of the City Administrator but will continue to be directly responsible to the Council. (1976 Code §1-4.0405; 1992 Code)

CHAPTER 7
CITY OFFICERS AND EMPLOYEES
ARTICLE B. CITY CLERK¹

SECTION:

- 1-7B-1: Powers and Duties
1-7B-2: City Seal

1-7B-1: POWERS AND DUTIES:²

- A. Generally: The Clerk or, in his absence or inability to act, the Deputy Clerk, shall have the powers and duties as provided in this Article, the City Code and the law. (1976 Code §1-4.0101)
- B. Meetings:
1. Recording and Publication of Council Meeting Minutes: The Clerk shall attend all regular and special Council meetings and, within fifteen (15) days following a regular or special meeting, shall cause the minutes of the proceedings thereof to be published. Such publication shall include a list of all claims allowed, a summary of all receipts and the gross amount of the claims approved. (1976 Code §1-4.0102)
 2. Attendance at Meetings: At the direction of the Council, the Clerk shall attend meetings of committees, boards and commissions. He shall record and preserve a correct record of the proceedings of such meetings. (1976 Code §1-4.0108)

1. See subsection 1-6-8B of this Title for appointment.
2. See Section 1-8-2 of this Title.

C. Council Measures:¹

1. Recording Measures: The Clerk shall promptly record each measure considered by the Council with a statement, where applicable, indicating whether the Mayor signed, vetoed or took no action on the measure and whether the measure was repassed after the Mayor's veto. (1976 Code §1-4.0103)

2. Authentication: The Clerk shall authenticate all measures, except motions, with his signature, certifying the time and manner of publication when required. (1976 Code §1-4.0105)

3. Certification: The Clerk shall certify all measures establishing any zoning district, building lines or fire limits and a plat showing the district, lines or limits to the Osceola County Recorder containing the affected parts of the City. (1976 Code §1-4.0106; 1992 Code)

D. Publications: The Clerk shall cause to be published all ordinances, enactments, proceedings and official notices requiring publication as follows:

1. Time: If notice of an election, hearing or other official action is required by the City Code or law, the notice must be published at least once, not less than four (4) nor more than twenty (20) days before the date of the election, hearing or other action, unless otherwise provided by law.

2. Manner of Publication: A publication required by the City Code or law must be in a newspaper published at least once weekly and having general circulation in the City. (1976 Code §1-4.0104)

E. Records: The Clerk shall maintain the specified City records in the following manner:

1. Ordinances and Codes: Maintain copies of all effective City ordinances and codes for public use.

2. Custody: Have custody and be responsible for the safekeeping of all writings or documents in which the City is a party in interest unless otherwise specifically directed by law or ordinance.

1. See also subsection 1-7C-2C of this Chapter.

- E) 3. Maintenance: Maintain all City records for at least ten (10) years; except, that ordinances, Council proceedings and records and documents relating to real property transactions or bond issues must be maintained permanently. Bonds and coupons may be destroyed after two (2) years from the retirement of debt, and a record of destruction shall be placed with the original bond record.
4. Provide Copy: Furnish, upon request, to any Municipal officer a copy of any record, paper or public document under his control when it may be necessary to such officer in the discharge of his duty. He shall furnish a copy to any citizen when requested upon payment of the fee set by Council resolution. He shall, under the direction of the Mayor or other authorized officer, affix the Seal of the corporation¹ to those public documents or instruments which, by ordinance and City Code, are required to be attested by the affixing of the Seal.
5. Filing of Communications: Keep and file all communications and petitions directed to the Council or to the City generally. He shall endorse thereon the action of the Council taken upon matters considered in such communications and petitions. (1976 Code §1-4.0107)
- F. Licenses and Permits; Issuance or Revocation: The Clerk shall issue or revoke licenses² and permits when authorized by this Code and keep a record of licenses and permits issued which shall show date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit and purpose for which issued. (1976 Code §1-4.0109)
- G. Notify Appointees: The Clerk shall inform all persons appointed by the Mayor or Council to offices in the City government of their position and the time at which they shall assume the duties of their office. (1976 Code §1-4.0110)
- H. Election Duties:³ The Clerk shall accept the nomination petition of a candidate for a City office for filing if on its face it appears to have the requisite number of signatures and it is timely filed. He shall deliver all nomination petitions to the County Commissioner of Elections not later than five o'clock (5:00) P.M. on the day following the last day on which nomination petitions can be filed. (1976 Code §1-4.0111)

1. See Section 1-7B-2 of this Article.

2. See Section 3-3-12 of this Code.

3. See Chapter 9 of this Title.

1-7B-2: **CITY SEAL:** The City Seal shall be in the custody of the Clerk and shall be attached by him to all transcripts, orders and certificates which it may be necessary or proper to authenticate. The City Seal shall be circular in form, in the center of which shall be the words "Sibley, Iowa" and around the margin the words "City Seal". (1976 Code §1-4.0112)

CHAPTER 7
CITY OFFICERS AND EMPLOYEES
ARTICLE C. CITY ATTORNEY

SECTION:

- 1-7C-1: Appointment
1-7C-2: Powers and Duties

1-7C-1: **APPOINTMENT:** The City Attorney shall be appointed by majority vote of the Council.¹ (1976 Code §1-4.0301; amd. Ord. 512-87, 10-26-87, eff. 1-1-88)

1-7C-2: **POWERS AND DUTIES:** The City Attorney shall:

- A. **Attorney for City:** Act as attorney for the City in all matters affecting the City's interest and appear on behalf of the City before any court, tribunal, commission or board. He shall prosecute or defend all actions and proceedings when so requested by the Mayor or Council. (1976 Code §1-4.0302)
- B. **Power of Attorney:** Sign the name of the City to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court, and when so signed, the City shall be bound upon the same. (1976 Code §1-4.0303)
- C. **Ordinance Verification:** Verify all ordinances as the Council may from time to time direct. (Ord. 455-80, 10-6-80; 1992 Code)

1. See also subsection 1-6-8B of this Title.

D. Opinions:

1. Make a written report to the Council and interested department heads, giving his opinion on all contracts, documents, resolutions or ordinances submitted to him or coming under his notice. (1976 Code §1-4.0305)

2. At the request of the Council, offer a written opinion on and recommend alterations pertaining to contracts involving the City before they become binding upon the City. (1976 Code §1-4.0306)

3. Upon request, give his legal opinion, in writing, upon all questions of law relating to City matters submitted by the Council, any board or the head of any City department. (1976 Code §1-4.0307)

E. Attend at Council Meetings: Attend meetings of the Council at the request of the Council. (1976 Code §1-4.0308)

F. Prepare Documents: Upon request, formulate drafts for contracts, forms and other writings which may be required for the use of the City. (1976 Code §1-4.0309)

G. Records Kept: Keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defended by the City Attorney accompanied by all proceedings relating to said actions. (1976 Code §1-4.0310)

CHAPTER 8
MUNICIPAL FINANCES

SECTION:

- 1-8-1: Purpose
- 1-8-2: Finance Officer
- 1-8-3: Cash Control
- 1-8-4: Fund Control
- 1-8-5: Investment of Funds
- 1-8-6: Annual Budget
- 1-8-7: Records and Reports

1-8-1: **PURPOSE:** The purpose of this Chapter is to establish policies and provide for rules and regulations governing the management of the financial affairs of the City. (1976 Code §1-1.0401)


1-8-2: **FINANCE OFFICER:** The City Clerk shall be the Finance and Accounting Officer of the City and shall be responsible for the administration of the provisions of this Chapter. (1976 Code §1-1.0402)

1-8-3: **CASH CONTROL:** To assure the proper accounting and safe custody of monies, the following shall apply:

- A. **Deposit of Funds:** All monies or fees collected for any purpose by any City officer shall be deposited through the office of the Clerk. If any said fees are due to an officer, they shall be paid to him by

- A) check drawn by the Clerk and approved by the Council only upon such officer making adequate reports relating thereto as required by law, ordinance or Council directive.
- B. Bank Deposits: All monies belonging to the City shall be promptly deposited in banks selected by the Council in amounts not exceeding the authorized depository limitation established by the Council.
- C. Petty Cash Fund: The Clerk shall be custodian of a Petty Cash Fund not to exceed one hundred dollars (\$100.00) for the payment of small claims for minor purchases, collect-on-delivery transportation charges and small fees customarily paid at the time of rendering a service for which payments the Clerk shall obtain some form of receipt or bill acknowledged as paid by the vendor or his agent. At such time as the petty cash fund is approaching depletion, the Clerk shall draw a check for replenishment in the amount of the accumulated expenditures, and said check and supporting detail shall be submitted to the Council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses. (1976 Code §1-1.0403)

1-8-4: **FUND CONTROL:** The Clerk shall establish and maintain separate and distinct funds in accordance with the following:

- A. Revenues: All monies received by the City shall be credited to the proper fund as required by law, ordinance or resolution.
- B. Expenditures: No disbursement shall be made from a fund unless such disbursement is authorized by law, ordinance or resolution, was properly budgeted and supported by a claim approved by the Council. 
- C. Specific Funds:¹
 - 1. Emergency Fund: No transfer may be made from any fund to the Emergency Fund.

¹ See also subsection 1-8-3C of this Chapter.

- C) 2. Debt Service Fund: Except where specifically prohibited by State law,¹ monies may be transferred from any other City fund to the Debt Service Fund to meet payments of principal and interest. Such transfers must be authorized by the original budget or a budget amendment.
3. Capital Improvements Reserve Fund: Except where specifically prohibited by State law, monies may be transferred from any City fund to the Capital Improvements Reserve Fund. Such transfers must be authorized by the original budget or a budget amendment.
4. Utility and Enterprise Fund: The governing body of a City utility, combined utility system, City enterprise or combined City enterprise which has a surplus in its fund may transfer such surplus to any other City fund, except the Emergency Fund, by resolution. A surplus shall be defined as a situation in which revenues exceed obligations including depreciation reserve schedules and when there remains such monies as are necessary to pay principal and interest on all indebtedness of the enterprise or utility. No transfer shall be made that is in violation of State law or rules of the City Finance Committee.
- D. Balancing of Funds: The Clerk shall reconcile their fund accounts at the close of each month and submit a report thereof to the Council. (1976 Code §1-1.0404; 1992 Code)

1-8-5: **INVESTMENT OF FUNDS:** The Clerk shall advise the Council on investments and shall invest City monies not immediately needed at interest in accordance with Council directives and the requirements of sections 452.10 et seq., Code of Iowa. (1976 Code §1-1.0408)

1-8-6: **ANNUAL BUDGET:**

- A. Preparation: The annual operating budget of the City shall be prepared in accordance with the following:
1. Budget Proposals:
 - a. The Clerk shall be responsible for preparation of the

¹ I.C. §384.4.

annual budget detail for review and adoption by the Mayor and Council in accordance with directives of the Mayor and Council.

b. All boards, commissions and other administrative agencies of the City that are authorized to prepare and administer budgets must submit their budget proposals to the Clerk for inclusion in the proposed City budget no later than February 1 of each year and in such form as may be required by the Clerk.

c. The Clerk shall submit the completed budget proposal to the Council no later than February 15 of each year.

2. Council Review: The Council shall review the proposed budget and may make any adjustments in the budget which it deems appropriate before accepting such proposal for publication, hearing and final adoption.

3. Notice Of Hearing: Upon adopting a proposed budget, the Council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed budget to be published not less than four (4) nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the County Auditor.

4. Copies Of Budget On File: No later than ten (10) days before the public hearing, the Clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations and have them available for distribution at the offices of the Mayor and Clerk and at the City library.

5. Budget Adoption And Certification: After the hearing, the Council shall adopt, by resolution, a budget for at least the next fiscal year, and the Clerk shall certify the necessary tax levy for the next fiscal year to the County Auditor and the County Board of Supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget. Two (2) copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the County Auditor. (1976 Code §1-1.0405)

B. Budget Amendments: A City budget finally adopted for the following fiscal year becomes effective July 1 and constitutes the City appropriation for each program and purpose specified therein until amended as provided by this Section.

1. Program Increase: Any increase in the amount appropriated to a program must be prepared, adopted and subject to protest in the same manner as the original budget.
2. Program Transfer: Any transfer of appropriation from one program to another must be prepared, adopted and subject to protest in the same manner as the original budget.
3. Subprogram Transfer: Any transfer of appropriation from one subprogram to another must be approved by resolution of the Council.
4. Activity Transfers: The Clerk shall have the authority to adjust, by transfer or otherwise, the appropriation allocated to activities within a program or subprogram; provided, however, that when such adjustments in any one activity aggregate one thousand dollars (\$1,000.00) or ten percent (10%) of the amount appropriated, whichever is greater, no further adjustments shall be made without approval by resolution of the Council. (1976 Code §1-1.0407)

1-8-7: **RECORDS AND REPORTS:**

- A. Accounting Records: The accounting records of the City shall consist of not less than the following:
 1. Books Of Original Entry: There shall be established and maintained books of original entry to provide a chronological record of cash received and disbursed.
 2. General Ledger: There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts and for recording unappropriated surpluses. (1976 Code §1-1.0409; amd. 1992 Code)
 3. Checks: Checks shall be prenumbered and signed by two (2) City officers, the City Clerk and City Administrator, or in their absence or in case of a vacancy, then the Mayor or Mayor Pro Tem, all following Council approval, except as provided by subsection A5 of this Section. (Ord. 554-97, 9-8-1997)

- A) 4. Budget Accounts: There shall be established such individual accounts to record receipts by source and expenditures by program, subprogram and activity as will provide adequate information and control for budgeting purposes as planned and approved by the Council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

5. Immediate Payment Authorized: The Council may, by resolution, authorize the Clerk to issue checks for immediate payment of amounts due which, if not paid promptly, would result in loss of discount, penalty for late payment or additional interest cost. Any such payments made shall be reported to the Council for review and approval with and in the same manner as other claims at the next meeting following such payment. The resolution authorizing immediate payment shall specify the type of payment so authorized and may include, but is not limited to, payment of utility bills, contractual obligations, payroll and bond principal and interest.

6. Utilities: The Clerk shall perform and be responsible for accounting functions of the Municipally-owned utilities. (1976 Code §1-1.0409; 1992 Code)

- B. Financial Reports: The Clerk shall prepare and file the following financial reports:

1. Monthly Reports: There shall be submitted to the Council at the first meeting of each month a report showing the activity and status of each fund, program, subprogram and activity for the preceding month.

2. Annual Report: Not later than October 1 of each year, there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, all expenditures, the current public debt of the City and the legal debt limit of the City for the current fiscal year. A copy of the annual report must be furnished to the State Auditor. (1976 Code §1-1.0410)

CHAPTER 8

MUNICIPAL FINANCES

ARTICLE A. INDUSTRIAL TAX EXEMPTION

SECTION:

- 1-8A-1: Purpose; Application of Provisions
- 1-8A-2: Definitions
- 1-8A-3: Amount of Exemption
- 1-8A-4: Application for Tax Exemption
- 1-8A-5: Limitation on Tax Exemption
- 1-8A-6: Duration and Repeal of Exemption

1-8A-1: **PURPOSE; APPLICATION OF PROVISIONS:** This Article does hereby provide for a partial exemption from property taxation of the actual value added to the industrial real estate by the new construction of industrial real estate and the acquisition of or improvement to machinery and equipment assessed as real estate pursuant to section 427A.1, subsection (1), paragraph e of the Code of Iowa.

The exemption shall also apply to new machinery and equipment assessed as real estate pursuant to section 427A.1, subsection (1), paragraph e of the Code of Iowa, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status. (Ord. 468-81, 5-4-81)

1-8A-2: **DEFINITIONS:** When used in this Article, the following words and terms shall have the meanings ascribed to them in this Section.

**ACTUAL VALUE
ADDED**

The actual value added as of the first of the year for which the exemption is received, except that actual value as determined by the Assessor as of January 1 of each year for which the exemption is received.

NEW CONSTRUCTION

New buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures.

"New construction" does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure, unless the reconstruction of an existing building or structure is required due to economic obsolescence, and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products, and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products which determination shall receive prior approval from the City Council upon the recommendation of the Iowa Development Commission. (Ord. 468-81, 5-4-81)

1-8A-3: AMOUNT OF EXEMPTION: The actual value added to industrial real estate for the reasons specified in this Article is eligible to receive a partial exemption from taxation for a period of five (5) years. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

For the first year	75%
For the second year	60%
For the third year	45%
For the fourth year	30%
For the fifth year	15%

However, the granting of the exemption under this Section for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the new construction. (Ord. 468-81, 5-4-81; 1992 Code)

1-8A-4: APPLICATION FOR TAX EXEMPTION:

- A. **Filing:** An application shall be filed for each project resulting in actual value added for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with the local Assessor by February 1 of the assessment year in which the value added is first assessed for taxation. Applications for exemption shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its costs and other information deemed necessary by the Director of Revenue.
- B. **Prior Approval for Eligibility:** A person may submit a proposal to the City Council to receive prior approval for eligibility for tax exemption on new construction. The City Council, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with the zoning plans for the City. The prior approval shall also be subject to the hearing requirements of this Article. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate. However, if the tax exemption for new construction is not approved, the person may submit an amended proposal to the City Council to approve or reject. (Ord. 468-81, 5-4-81)

1-8A-5: LIMITATION ON TAX EXEMPTION: A property tax exemption under this Article shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law. (Ord. 468-81, 5-4-81)

1-8A-6: DURATION AND REPEAL OF EXEMPTION: The partial exemption shall be available until such time as this Article

is repealed by the City Council. When, in the opinion of the City Council, continuation of the exemption granted this Article ceases to be of benefit to the City, the City Council may repeal this Article, but all existing exemptions shall continue until their expiration. (Ord. 468-81, 5-4-81)

CHAPTER 8
MUNICIPAL FINANCES
ARTICLE B. PROCUREMENT POLICY

SECTION:

- 1-8B-1: Purpose
- 1-8B-2: Application of Provisions
- 1-8B-3: Policy
- 1-8B-4: Contract Pricing
- 1-8B-5: Small, Minority and Women's Business; Labor Surplus Area Firms
- 1-8B-6: Procurement Records

1-8B-1: **PURPOSE:** The purpose of this procurement policy is to ensure that sound business judgment is utilized in all procurement transactions and that supplies, equipment, construction and services are obtained efficiently and economically and in compliance with applicable Federal law and executive orders. (Ord. 497-83, 12-5-83)

1-8B-2: **APPLICATION OF PROVISIONS:** This policy applies to the procurement of all supplies, equipment, construction and services of and for the City related to the implementation and administration of the Community Development Block Grant. All procurement will be done in accordance with OMB circular A-102, attachment O. (Ord. 497-83, 12-5-83)

1-8B-3: **POLICY:** Procurement under grants shall be made by one of the following methods, as described herein:

- A. **Small Purchase Procedures:** Small purchase procedures are relatively simple and informal procurement methods that are sound and appropriate for a procurement of services, supplies or other property costing in the aggregate not more than ten thousand dollars (\$10,000.00). The City shall comply with State or local purchase dollar limits under ten thousand dollars (\$10,000.00). If small purchase procedures are used for a procurement under a grant, price or rate quotations shall be obtained from at least three (3) qualified sources.
- B. **Competitive Sealed Bid (Formal Advertising):** In competitive sealed bids (formal advertising), sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid or invitation for bids is lowest in price.
1. Appropriate conditions in order for formal advertising to be feasible must be present including, as a minimum, the following:
 - a. A complete, adequate and realistic specification or purchase description.
 - b. Two (2) or more responsible suppliers are willing and able to compete effectively for the City's business.
 - c. The procurement lends itself to a firm-fixed-price contract, and selection of the successful bidder can appropriately be made principally on the basis of price.
 2. When formal advertising is used for a procurement under a grant, the following requirements shall apply:
 - a. A sufficient time prior to the date set for opening of bids, bids shall be solicited from an adequate number of known suppliers. In addition, the invitation shall be publicly advertised.
 - b. The invitation for bids, including specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the invitation.
 - c. All bids shall be opened publicly at the time and place stated in the invitation for bids.

B2) d. A firm-fixed-price contract award shall be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specified in the bidding documents, factors such as discounts, transportation costs and life-cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine low bid when prior experience of the City indicates that such discounts are generally taken.

e. Any or all bids may be rejected when there are sound documented business reasons in the best interest of the program.

C. Competitive Negotiation: In competitive negotiation, proposals are requested from a number of sources and the request for proposal is publicized. Negotiations are normally conducted with more than one of the sources submitting offers, and either a fixed-price or cost-reimbursable type contract is awarded, as appropriate. Competitive negotiation may be used if conditions are not appropriate for the use of formal advertising. If competitive negotiation is used for a procurement under a grant, the following requirements shall apply:

1. Proposals shall be solicited for an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement. The request for proposal shall be publicized, and reasonable requests by other sources to compete shall be honored to the maximum extent practicable.

2. The request for proposal shall identify all significant evaluation factors including price or cost, where required, and their relative importance.

3. The City shall provide mechanisms for technical evaluation of the proposals received, determinations of responsible offerors for the purpose of written or oral discussions and selection for contract award.

4. Awards may be made to the responsible offeror whose proposals will be most advantageous to the procuring party, price and other factors considered. Unsuccessful offerors will be notified promptly.

- C) 5. The City may utilize competitive negotiation procedures for procurement of architectural/engineering professional services, whereby competitor's qualifications are evaluated, and the most qualified competitors' qualifications are selected, subject to negotiation of fair and reasonable compensation.
- D. Noncompetitive Negotiation: Noncompetitive negotiation is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. Noncompetitive negotiation may be used when the award of a contract is infeasible under small purchase, competitive bidding (formal advertising) or competitive negotiation procedures. Circumstances under which a contract may be awarded by noncompetitive negotiation are limited to the following:
1. The item is available from only a single source.
 2. After solicitation of a number of sources, competition is determined inadequate.
 3. Public exigency or emergency when the urgency for the requirement will not permit a delay incident to competitive solicitation.
 4. Sole source procurement for supplies, equipment, construction and services valued at ten thousand dollars (\$10,000.00) or more must have prior approval of the Iowa Office for Planning and Programming.

Any other method of procurement must have prior approval of the Iowa Office for Planning and Programming. (Ord. 497-83, 12-5-83)

1-8B-4: **CONTRACT PRICING:** The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used. The City shall perform some form of cost/price analysis for every procurement action, including modifications or change orders. (Ord. 497-83, 12-5-83)

1-8B-5: **SMALL, MINORITY AND WOMEN'S BUSINESS; LABOR SURPLUS AREA FIRMS:** The City may solicit qualified

1-8B-5

1-8B-6

small, minority and women's businesses whenever they are potential sources. The City will procure goods and services from labor surplus areas when economically feasible. (Ord. 497-83, 12-5-83)

1-8B-6: **PROCUREMENT RECORDS:** The City shall maintain records sufficient to detail the significant listing of a procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejections and the basis for the cost or price. (Ord. 497-83, 12-5-83)

CHAPTER 8

MUNICIPAL FINANCES

ARTICLE C. AMORTIZATION OF SPECIAL ASSESSMENTS

SECTION:

- 1-8C-1: Purpose
- 1-8C-2: Amortization Periods Established
- 1-8C-3: Changes and Amendments

1-8C-1: **PURPOSE:** The purpose of this Article is to establish the period of amortization for public improvements for which there are special assessment conditional deficiencies as provided by law. (1976 Code §1-1.0501)

1-8C-2: **AMORTIZATION PERIODS ESTABLISHED:**

- A. Generally: The period of amortization for public improvement projects for opening, establishing or grading streets, the construction of Portland cement concrete or asphalt concrete street improvements, storm sewers, sanitary sewers, water mains, pedestrian underpasses and overpasses, sewage pumping stations, disposal or treatment plants, drainage conduits, channels and levees, street lighting, parking facilities and appurtenant facilities is hereby established as ten (10) years, to be calculated commencing from the date of adoption by the Council of the resolution accepting the completed public improvements. (1976 Code §1-1.0502)

- B. Sidewalks, Minor Street Work and Removal of Trees: The period of amortization, to be computed in the same manner as established in subsection A above, is hereby established as seven (7) years for sidewalks and three (3) years for the repair of street grading, street surfacing with oil, gravel, oil and gravel or chloride, or for the removal of diseased or dead trees. (1976 Code §1-1.0503)

1-8C-3: **CHANGES AND AMENDMENTS:** In any instance where the Council determines that the useful life of a public improvement should be for a different time period than hereinabove established, the Council may so provide for such period by amendment hereto, prescribing the appropriate amortization period as may be applicable to these specific public improvements. (1976 Code §1-1.0504)

CHAPTER 9

MUNICIPAL ELECTIONS

SECTION:

- 1-9-1: Elections
 1-9-2: Wards/Precincts

1-9-1: **ELECTIONS:**

- A. Nominating Method To Be Used: All candidates for elective municipal offices shall be nominated in the manner provided by chapter 44 or 45 of the code of Iowa.
- B. Candidacy: An eligible elector of the city may become a candidate for elective city office by filing with the city clerk a valid petition requesting that the elector's name be placed on the ballot for that office signed by not less than ten (10) eligible electors who are residents of the city or ward/precinct.
- C. Persons Elected In City Elections: In a regular city election held for a city where the council has chosen to have nominations made in the manner provided by chapters 44 or 45 of the Iowa Code, the candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open. (Ord. 618-09, 5-11-2009)

1-9-2: **WARDS/PRECINCTS:** The city is divided into three (3) wards/precincts:

- A. First Ward/Precinct: The first ward shall embrace all that part of the city lying within the below described area:

Beginning at the Southwest corner of the City limits; thence North along the West corporate boundary line to the center line of Fifth Street; thence East along the center line of Fifth Street to the West

corporate boundary line; thence North along the West corporate boundary line to the center line of Fourth Street; thence East along the center line of Fourth Street to the center line of Fourth Avenue; thence South along the center line of Fourth Avenue to the center line of Sixth Street; thence East along the center line of Sixth Street to the center line of Fifth Avenue; thence South along the center line of Fifth Avenue to the center line of Seventh Street; thence East along the center line of Seventh Street to the center line of Seventh Avenue; thence South on the center line of Seventh Avenue to the center line of Eighth Street; thence East on the center line of Eighth Street to the center line of Ninth Avenue; thence South along the center line of Ninth Avenue to the corporate boundary line; thence West along the corporate boundary line, to the point of beginning.

- B. Second Ward/Precinct: The second ward/precinct shall embrace all that part of the city lying within the below described area:

Beginning at the center line of Eighth Street and Ninth Avenue; thence West on the center line of Eighth Street to the center line of Seventh Avenue; thence North on the center line of Seventh Avenue to the center line of Seventh Street; thence West on the center line of Seventh Street to the center line of Fifth Avenue; thence North on the center line of Fifth Avenue to the center line of Sixth Street; thence West on the center line of Sixth Street to the center line of Fourth Avenue; thence North on the center line of Fourth Avenue to the center line of Second Street; thence East on the center line of Second Street to the center line of Sixth Avenue; thence South along the center line of Sixth Avenue to the center line of Third Street; thence East on the center line of Third Street to the center line of Eighth Avenue; thence South on the center line of Eighth Avenue to the center line of Fourth Street; thence East on the center line of Fourth Street to the center of Ninth Avenue; thence South on the center line of Ninth Avenue to the center line of Fifth Street; thence East to the center line of Fifth Street to the East corporate boundary line; thence South along the corporate boundary line; thence Northwest along the corporate boundary line to the center of Ninth Avenue; thence North on Ninth Avenue to the point of beginning.

- C. Third Ward/Precinct: The third ward/precinct shall embrace all that part of the city lying within the below described area:

Beginning at the center line of Ninth Avenue and Fifth Street; thence East along the center line of Fifth Street to the East corporate boundary line; thence North along the East corporate boundary line to the North corporate boundary line; thence West and South along

the corporate boundary line to the center line of Fourth Street; thence East along the center line of Fourth Street to the center line of Fourth Avenue; thence North along the center line of Fourth Avenue to the center line of Second Street; thence East on the center line of Second Street to the center line of Sixth Avenue; thence South on the center line of Sixth Avenue to the center line of Third Street; thence East on the center line of Third Street to the center line of Eighth Avenue; thence South on the center line of Eighth Avenue to the center line of Fourth Street; thence East on the center line of Fourth Street to the center line of Ninth Avenue; thence South on the center line of Ninth Avenue to the point of beginning.

(Ord. 634-11, 8-22-2011)

