

# TITLE I – POLICY AND ADMINISTRATION

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TITLE I - POLICY AND ADMINISTRATION

CHAPTER 1  
CODE OF ORDINANCES

1.01 Title	1.06 Amendments
1.02 Definitions	1.07 Catchlines and Notes
1.03 City Powers	1.08 Altering Code
1.04 Indemnity	1.09 Standard Penalty
1.05 Rules of Construction	1.10 Severability

1.01 TITLE. This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Webster City, Iowa, 1996. (Amended by ordinance No. 96-1465)

1.02 DEFINITIONS. Where words and phrases used in this Code of Ordinances are defined by State law, such definitions apply to their use in this Code of ordinances and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, have the following meanings, unless specifically defined otherwise in another portion of this Code of ordinances:

1. "Alley" means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. "City" means the City of Webster City, Iowa.
3. "Clerk" means the city clerk of Webster City, Iowa.
4. "Code" means the specific chapter of this Code of Ordinances 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).
5. "Code of Ordinances" means the Code of Ordinances of the City of Webster City, Iowa, 1996. (Amended by Ordinance No. 96-1465)
6. "Council" means the city council of Webster City, Iowa.
7. "County" means Hamilton County, Iowa.
8. "Measure" means an ordinance, amendment, resolution or motion.

Supp. May-96

9. "Month" means a calendar month.

10. "Oath" means 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" are equivalent to the words "swear" and "sworn".

11. "Occupant, Tenant", applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

12. "Ordinances" means the ordinances of the City of Webster City, Iowa, as embodied in the Code of Ordinances, ordinances not repealed by the ordinance adopting the Code of Ordinances, and those enacted hereafter.

13. "Person" means 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.

14. "Preceding", "Following" means next before and next after, respectively.

15. "Property" includes real property, and tangible and intangible personal property unless clearly indicated otherwise.

16. "Property Owner" means a person owning private property in the City as shown by the County Auditor 's plats of the City.

17. "Public Place" includes in its meaning, but is not restricted to, any City-owned open place, such as parks and squares.

18. "Public Property" means 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.

19. "Public Way" includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.

20. "Sidewalk" means that surfaced portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line, intended for the use of pedestrians.

21. "State" means the State of Iowa.

22. "Statutes, Laws" means the latest edition of the Code of Iowa, as amended.

23. "Street" or "Highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

24. "Writing, Written" includes printing, typing, lithographing, or other mode of representing words and letters.

25. "Year" means a calendar year.

1.03 CITY POWERS. The City may, except as expressly limited by the Iowa Constitution, and if not inconsistent with the laws of the Iowa General Assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City and of its residents, and preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents and each and every provision of this Code of ordinances shall be deemed to be in the exercise of the foregoing powers and the performance of the foregoing functions.

(Code of Iowa, Sec. 364.1)

1.04 INDEMNITY. The applicant for any permit or license under this Code of Ordinances, by making such application, assumes and agrees to pay for all injury to or death of any person or persons whomsoever, and all loss of or damage to property whatsoever, including all costs and expenses incident thereto, however arising from or related to, directly, indirectly or remotely, the issuance of the permit or license, or the doing of anything thereunder, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this Code of ordinances or the terms and conditions of such permit or license, and such applicant, by making such application, forever agrees to indemnify the City and its officers, agents and employees, and agrees to save them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or

death, including all costs and expenses incident thereto, by reason of the foregoing. This section shall apply even though acts or omissions of the City, or its officers, agents and employees, may have caused or contributed to such damage, injury or death. This section shall apply even though the City, or its officers, agents and employees, may have knowledge of any act, omission or condition which caused or contributed to such loss, damage, injury or death. The provisions of this section shall be deemed to be a part of any permit or license issued under this Code of ordinances or any other ordinance of the City whether expressly recited therein or not.

1.05 RULES OF CONSTRUCTION. In the construction of the Code of ordinances 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.

1. Tense. Words used in the present tense include the future.
2. May. The word "may" confers a power.
3. Must. The word "must" states a requirement.
4. Shall. The word "shall" imposes a duty.
5. Gender. The masculine gender shall include the feminine and neuter genders.
6. Interpretation. All general provisions, terms, phrases, and expressions contained in the Code of Ordinances shall be liberally construed in order that the true intent and meaning of the Council may be fully carried out.
7. Extension of Authority. Whenever an officer or employee is required or authorized to do an act by a provision of the Code of Ordinances, the provision shall be construed as authorizing performance by a regular assistant, subordinate or a duly authorized designee of said officer or employee.

1.06 AMENDMENTS. All ordinances which amend, repeal or in any manner affect this code of Ordinances shall include proper reference to chapter, section, subsection or paragraph to maintain an orderly codification of ordinances of the City. (Amended by Ordinance No. 97-1498)

(Code of Iowa, Sec. 380.2)

Supp. Sep-97

**1.07 CATCHLINES AND NOTES.** The catchlines of the several sections of the Code of Ordinances, titles, headings (chapter, division, section and subsection), editor's notes, cross references and State law references, unless set out in the body of the section itself, contained in the Code of Ordinances, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

**1.08 ALTERING CODE.** It is unlawful for any unauthorized person to change or amend by additions or deletions, any part or portion of the Code of Ordinances, or to insert or delete pages, or portions thereof, or to alter or tamper with the Code of Ordinances in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

*(Code of Iowa, Sec. 718.5)*

**1.09 STANDARD PENALTY.** Unless another penalty is expressly provided by the Code of Ordinances 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 the Code of Ordinances, or any rule or regulation adopted herein by reference shall be guilty of a simple misdemeanor and, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days. *(Ord 2001-1566 - Jul. 01 Supp.)*

*(Code of Iowa, Sec. 364.3[2])*

**1.10 SEVERABILITY.** If any section, provision or part of the Code of Ordinances is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the Code of Ordinances as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

CODE OF ORDINANCES, WEBSTER CITY, IOWA

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WEBSTER CITY, IOWA

CHAPTER 2

TITLE I - POLICY AND ADMINISTRATION

CHAPTER 2  
CHARTER

- 2.01 Title
- 2.02 Form of Government
- 2.03 Powers and Duties
- 2.04 Number and Term of Council
- 2.05 Term of Mayor
- 2.06 Copies on File

2.01 TITLE. This chapter may be cited as the charter of the City of Webster City, Iowa.

2.02 FORM OF GOVERNMENT. The form of government of the City is the Council-Manager-at-Large form of government.

(Code of Iowa, Sec. 372.4)

2.03 POWERS AND DUTIES. The Council, Mayor, City Manager and other City officers have such powers and shall perform such duties as are authorized or required by State law and by the ordinances, resolutions, rules and regulations of the City.

2.04 NUMBER AND TERM OF COUNCIL. The Council consists of five (5) Council Members elected at large for overlapping terms of four (4) years.

(Code of Iowa, Sec. 376.2)

2.05 TERM OF MAYOR. The Mayor is elected by the Council for a term of two (2) years from among the members of the Council.

(Code of Iowa, Sec. 376.2)

2.06 COPIES ON FILE. The Clerk shall keep an official copy of the charter on file with the official records of the Clerk and the Secretary of State, and shall keep copies of the charter available at the Clerk's office for public inspection.

(Code of Iowa, Sec. 372.1)

EDITOR'S NOTE

Ordinance No. 1003 adopting a charter for the City was passed and approved by the Council on November 20, 1972, and published on November 30, 1972.

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## CHAPTER 3

# BOUNDARIES

- 3.01 Corporate Limits
- 3.02 City Council Precincts

**3.01 CORPORATE LIMITS.** The corporate limits of the City are described as follows:

Commencing at the SW corner of the SE 1/4 SE 1/4 of Section 36-89-26; thence north to the NW corner of the NE 1/4 SE 1/4 of Section 36-89-26; thence east on the quarter section line to the center of Section 32-89-25; thence north to the NW corner of the SW 1/4 NE 1/4 of Section 32-89-25; thence east to the NE corner of the SW 1/4 NE 1/4 of Section 32-89-25; thence south to the SE corner of the SW 1/4 NE 1/4 of Section 32-89-25; thence east to the SW corner of the SE 1/4 SE 1/4 NE 1/4 of Section 32-89-25; thence north to the NW corner of the S1/2 SE 1/4 SE 1/4 NE 1/4 of Section 32-89-25; thence east to the east line of Section 32-89-25; thence north to the NW corner of the SW 1/4 SW 1/4 NW 1/4 of Section 33-89-25; thence east to the NE corner of the SW 1/4 SW 1/4 NW 1/4 of Section 33-89-25; thence south to the NE corner of the NW 1/4 SW 1/4 SW 1/4 of Section 33-89-25; thence east to the centerline of Maple Avenue; thence north along the centerline of Maple Avenue to the east and west centerline of Section 33-89-25; thence east to the SE corner of the SW 1/4 NE 1/4 of Section 33-89-25; thence north to the NE corner of the SW 1/4 NE 1/4 of Section 33-89-25; thence west to the NW corner of the SW 1/4 NE 1/4 of Section 33-89-25; thence south along the west line of the SW 1/4 NE 1/4 of Section 33-89-25, 693 feet; thence west 550 feet; thence southwesterly to a point on the east and west centerline of Section 33-89-25, said point being 680.1 feet west of the center of Section 33-89-25; thence west to the SW corner of the SE 1/4 NW 1/4 of Section 33-89-25; thence north to the NW corner of the NE 1/4 NW 1/4 of Section 33-89-25; thence east to the NW corner of Section 34-89-25; thence south to the SW corner of the NW 1/4 NW 1/4 of Section 34-89-25; thence east to the SW corner of the NW 1/4 NE 1/4 of Section 34-89-25; thence north to the NW corner of the NW 1/4 NE 1/4 of Section 34-89-25; thence east to the NE corner of the NW 1/4 NE 1/4 of Section 34-89-25; thence south to the NW corner of the SE 1/4 SE 1/4 of Section 34-89-25; thence east along the north line of the SE 1/4 of the SE 1/4 of Section 34-89-25 383 feet; thence south 738.58 feet; thence north 89 degrees 53'30" east 50 feet; thence north 89 degrees 47'00" east 583.22 feet; thence north 444 feet; thence east 300 feet to the east line of the SE 1/4 SE 1/4 of Section 34-89-25; thence south on the east line of the SE 1/4 SE 1/4 747 feet to the north right-of-way line of the Chicago Central and Pacific Railroad; thence in a southwesterly direction along the north right-of-way line of the Chicago Central and Pacific Railroad to the west line of the SE 1/4 SE 1/4 of Section 34-89-25; thence south to the SE corner of the SW 1/4 SE 1/4 of Section 34-89-25; thence south along previously mentioned line, extended, to the south line of the NE 1/4 NE 1/4 of Section 5-88-25; thence west to the SE corner of the NE 1/4 NE 1/4 of Section 6-88-25; thence south to the SE corner of Section 6-88-25; thence east to the NE corner of the NW 1/4 of the NW 1/4 of Section 8-88-25; thence south on the east line of the NW 1/4 of the NW 1/4 of Section 8-88-25; to the centerline of the Boone River; thence in a northeasterly direction along the centerline of the Boone River to its intersection with the north line of Section 8-88-25; thence east along the north line of the NE 1/4 of the NW 1/4 to a point on the centerline of the Boone River; thence southwesterly along the centerline of the Boone River to the south line of the NE 1/4 of Section 18-88-25; thence west to the center of Section 18-88-25; thence south along the west line of the SE 1/4 of said Section 18 to the

Easterly right-of-way of Highway 17; thence southeasterly along the said easterly right-of-way to the south line of the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  of said Section 18; thence westerly to a point N 59 degrees 58' E 198.21 feet from a point 1239.6 feet north of the S  $\frac{1}{4}$  of said Section 18. thence S 59 degrees 58' W 198.2 feet to the west line of the SE  $\frac{1}{4}$  of said Section 18; thence north along the west line of the SE  $\frac{1}{4}$  of said Section 18 to the NW corner of the SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  of said Section 18; thence westerly along the south line of the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of said Section 18 a distance of 25 feet; thence south along a line parallel with and 25 feet west of the east line of the SW  $\frac{1}{4}$  of said Section 18 to a point 100 feet north of the south line of said Section 18; thence West along a line parallel with and 100 feet north of the south line of the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of said Section 18 a distance of 675 feet; thence south to the south line of the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of said Section 18; thence west along said south line to the SW corner of the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of said Section 18; thence west along the south line of the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of said Section 18 to the centerline of the Boone River; thence northeasterly along the centerline of the Boone River to the west right-of-way of Iowa Highway 17; thence northwesterly along the westerly right-of-way of said Highway to a point 140 feet north of the south line of the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  of said Section 18; thence west along a line parallel with and 140 feet north of the south line of said SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  to the west line of said SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  ; thence south along said west line to the south line of said SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ ; thence west along the said south line to the SW corner of the NW  $\frac{1}{4}$  of said Section 18; thence north along the west line of the NW  $\frac{1}{4}$  of said Section 18 to the SE corner of Section 12-88-26; thence west to the SW corner of Section 12-88-26; thence north to a point 319.13 feet north of the NE corner of the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 11-88-26; thence west 383 feet to a point 319.13 feet north of the north line of the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 11-88-26; thence south to a point 165 feet south and 383 feet west of the NE corner of the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 11-88-26; thence west to a point on the west line of the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 11-88-26; thence south to the SE corner of the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 11-88-26; thence west to the SW corner of the NE  $\frac{1}{4}$  of Section 11-88-26; thence south to the SE corner of the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 11-88-26; thence west to the SW corner of the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 11-88-26; thence north to the NW corner of the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 11-88-26; thence east to a point 104.35 feet west of the center of Section 11-88-26; thence northeasterly to a point on the west line of the NE  $\frac{1}{4}$  of Section 11-88-26, said point being a point 104.35 feet north of the center of Section 11-88-26; thence north to a point 247' south of the center of Section 2-88-26; thence west 671' along a line 247' south of and parallel to the centerline of Section 2-88-26; thence north to a point on east west centerline of said Section, said point being 671' west of the center of Said Section 2-88-26; thence west on the centerline to the west line of Section 2-88-26; thence continuing west on the centerline of Section 3-88-26 to a point directly south of the point of beginning; thence north to the point of beginning.

(Ord. 2005-1644-Oct. 05 Supp.)

**3.02 CITY COUNCIL PRECINCTS.** The City shall be divided into precincts as required by Chapter 49 of the Code of Iowa in the following manner:

1. The first precinct in Webster City shall consist of that portion of the City of Webster City bounded by a line commencing at the intersection of the South corporate boundary and Inkipaduta

Avenue, northward to the northern terminus of Aldrich Drive, continuing due north across US Highway 20 to Des Moines Street, thence northward to Ohio Street, thence westward to Grove Street, thence northward to Elm Street, thence westward to Funk Street, thence northward to Division Street, thence eastward to River Street, thence southward to Bank Street, thence eastward along Bank Street and Dubuque Street to Bell Avenue, thence southward to Buxton Drive, thence eastward to the East corporate boundary, thence beginning southward following the corporate boundary to the point of beginning.

2. The second precinct in the City of Webster City shall consist of that portion of the City of Webster City bounded by a line commencing at the point the West corporate boundary of the City intersects 220th Street, thence eastward to 2nd Street, thence southward and eastward to West Avenue, thence southward to 1st Street, thence eastward to Beach Street, thence southward to Division Street, thence eastward to Funk Street, thence southward to Elm Street, thence eastward to Grove Street, thence southward to Ohio Street, thence eastward to Des Moines Street, thence southward to the southern terminus of Des Moines Street, continuing due south across US Highway 20 to Aldrich Drive, thence southward to the South corporate boundary, thence beginning westward following the corporate boundary to the point of beginning.

3. The third precinct in Webster City shall consist of that portion of the City of Webster City bounded by a line commencing at the intersection of the West corporate boundary and 220th Street, thence eastward to 2nd Street, thence southward and eastward to West Avenue, thence southward to 1st Street, thence eastward to Beach Street, thence southward to Division Street, thence eastward to River Street, thence southward to Bank Street, thence eastward along Bank Street and Dubuque Street to Bell Avenue, thence southward to Buxton Drive, thence eastward to the East corporate boundary, thence beginning northward following the corporate boundary to the point of beginning.

4. The third precinct in the City of Webster City shall also contain that unincorporated portion of Cass Township in Hamilton County surrounded by the corporate boundaries of the City of Webster City on all sides and by Kendall Young Road on the north and west sides (Census Block 4008).

*(Ord -1572 -Dec. 01 Supp.)*

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CHAPTER 5  
OPERATING PROCEDURES

5.01 Oaths

**5.02 Bonds**

**5.03 Duties: General**

**5.04 Books and Records**

**5.05 Transfer to Successor**

**5.06 Open Meetings**

**5.07 Conflict of Interest**

**5.08 Terms of Appointed Officers**

**5.09 Resignations**

**5.10 Removal of Appointed Officers**

**5.11 Vacancies**

**5.12 Unlawful Use of City Property**

**5.13 Gifts**

5.01 OATHS. The oath of office shall be required and administered in accordance with the following:

1. Qualify for Office. All elected officers and the following appointed officers shall qualify for office by taking the prescribed oath and by giving, when required, a bond:

- A. City Manager
- B. City Clerk
- C. Deputy City Clerk
- D. Peace Officers
- E. Fire Chief
- F. Treasurer.

The oath shall be taken, and bond provided, after being certified as elected but not later than noon of the first day which is not a Sunday or a legal holiday in January of the first year of the term for which the officer was elected.

(Code of Iowa, Sec. 63.1)

2. 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 Webster City as now or hereafter required by law." (Code of Iowa, Sec. 63.10)

3. 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:

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- A. Mayor
- B. City Clerk
- C. Members of all boards, commissions or bodies created by law.  
(Code of Iowa, Sec. 78.2)

5.02 BONDS. Surety bonds are provided in accordance with the following:

1. Required. The Council shall provide by resolution for a surety bond or blanket position bond running to the City and covering the Mayor, Clerk, Treasurer and such other officers and employees as may be necessary and advisable.

(Code of Iowa, Sec. 64.13)

2. Bonds Approved. Bonds shall be approved by the-Council.

(Code of Iowa, Sec. 64.19)

3. Bonds Filed. All bonds, after approval and proper record, shall be filed with the Clerk.

(Code of Iowa, Sec. 64.23[6])

4. Record. The Clerk shall keep a book, to be known as the "Record of Official Bonds" in which shall be recorded the official bonds Of all City officers, elective or appointive.

(Code of Iowa, Sec. 64.24[3])

5.03 DUTIES: GENERAL. Each municipal officer shall exercise the powers and perform the duties prescribed by law and Code of Ordinances, or as otherwise directed by the Council unless contrary to State law or City charter.

(Code of Iowa, Sec. 372.13[4])

5.04 BOOKS AND RECORDS. All books and records required to be kept by law or ordinance shall be open to inspection by the public upon request, unless some other provisions of law expressly limit such right or require such records to be kept confidential.

(Code of Iowa, Sec. 22.1 & 22.2)

5.05 TRANSFER TO SUCCESSOR. Each officer shall transfer to the officer's successor in office all books, papers, records, documents and property in the officer's custody and appertaining to that office.

(Code of Iowa, Sec. 372.13[4])

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5.06 OPEN MEETINGS. All meetings of the Council, any board or commission, or any multimembered body formally and directly created by any of the foregoing bodies shall be held in open session unless closed sessions are expressly permitted by law. Notice of any such meeting shall be provided pursuant to law.

(Code of Iowa, Sec. 21.3 & 21.4)

5.07 CONFLICT OF INTEREST. A City officer or employee shall not have an interest, direct or indirect, in any contract or job of 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:

(Code of Iowa, Sec. 362.5)

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.

(Code of Iowa, Sec. 362.5)

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

(Code of Iowa, Sec. 362. 5)

3. City Treasurer. An employee of a bank or trust company, who serves as Treasurer of the City.

(Code of Iowa, Sec. 362.5)

4. Stock interests. Contracts 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 eight (8) of this section, or both, if the contract is for professional services not customarily awarded by competitive bid, if the remuneration of employment will not be directly affected as a result of the contract, and if the duties of employment do not directly involve the procurement or preparation of any part of the contract.

(Code of Iowa, Sec. 362.5)

5. Newspaper. The designation of an official newspaper.

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

(Code of Iowa, Sec. 362.5)

7. Volunteers. Contracts with volunteer fire fighters or civil defense volunteers.

(Code of Iowa, Sec. 362.5)

8. Corporations. A contract with a corporation in which a City officer or employee has an interest by reason of stock holdings 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.

(Code of Iowa, Sec. 362.5)

9. Contracts. Contracts made by the City upon competitive bid in writing, publicly invited and opened.

(Code of Iowa, Sec. 362.5)

10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services which benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of one thousand five hundred dollars (\$1,500.00) in a fiscal year.

(Code of Iowa, Sec. 362.5)

5.08 TERMS OF APPOINTED OFFICERS. The terms of all appointed officers that are not, otherwise fixed by law or ordinance shall be one (1) year, such terms expiring at the time of the organizational meeting of the Council in January of each year and the appointment of a successor.

(Code of Iowa, Sec. 372.13[4])

5.09 RESIGNATIONS. An elected officer who wishes to resign may do so by submitting a 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 the person was elected, if during that time the compensation of the office has been increased.

(Code of Iowa, Sec. 372.13(9))

5.10 REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES. Except as otherwise provided by State or City law, all persons appointed to City office or employment 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 after 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 after the date the request is filed, unless the person removed requests a later date.

(Code of Iowa, Sec. 372.15)

5.11 VACANCIES. A vacancy in an elective City office during a term of office shall be filled, at the Council's option, by one of the two following procedures:

(Code of Iowa, Sec. 372.13 [2])

1 . Appointment. By appointment following public notice by the remaining members of the Council within forty (40) days after the vacancy occurs, except that if the remaining members do not constitute a quorum of the full membership, or if a petition is filed requesting an election, the Council shall call a special election as provided by law.

(Code of Iowa, Sec. 372.13 [2a])

2. Election. By a special election held to fill the office for the remaining balance of the unexpired term as provided by law.

(Code of Iowa, Sec. 372.13 [2b])

5.12 UNLAWFUL USE OF CITY PROPERTY. No person shall use or permit any other person to use the property owned by the City for any private purpose and for personal gain, to the detriment of the City.

(Code of Iowa, Sec. 721.2[5])

5.13 GIFTS. The following regulations shall apply to the soliciting, acceptance or reporting of gifts by City officials or employees:

1. Definitions. For use in this section, the following terms are defined:

A. "Official" or "Employee" means an official or employee of the City and includes a firm of which such official or employee is a partner and a corporation of which such official or employee holds ten percent or more of the stock either directly or indirectly.

B. "Immediate Family Members" means the spouse and minor children of a person required to file reports pursuant to this section.

2. Gifts Solicited or Accepted. A City official or employee or such person's immediate family members shall not, directly or indirectly, solicit, accept, or receive from any one donor in any one calendar day a gift or series of gifts having a value of thirty-five dollars (\$35.00) or more.

(Code of Iowa, Sec. 68B.5)

3. Reporting of Gifts. An official or employee of the City, or that person's immediate family members, and any donor of a gift to any such official, employee, or immediate family members shall disclose in writing on a report form developed by the Secretary of State, the nature, amount, date, name of the donor, and name of the donee with respect to any gift or gifts which exceed fifteen dollars (\$15.00) in cumulative value in any one calendar day. However, food and beverages provided for immediate consumption in the presence of the donor need not be reported. By the fifteenth day of the month following the month in which the gift has been received, a copy of the report disclosing the gift or gifts shall be filed with the City Clerk and in the office of the County Auditor.

(Code of Iowa, Sec. 68B.11[4])

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CHAPTER OR  
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TITLE I - POLICY AND ADMINISTRATION

CHAPTER 6  
CITY ELECTIONS

- 6.01 Purpose
- 6.02 Nominating Method to be Used
- 6.03 Nominations by Petition
- 6.04 Adding Name by Petition
- 6.05 Preparation of Petition
- 6.06 Filing, Presumption, Withdrawals, Objections
- 6.07 Persons Elected

6.01 PURPOSE. The purpose of this chapter is to designate the method by which candidates for elective municipal offices in the city shall be nominated and elected.

6.02 NOMINATING METHOD TO BE USED. All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the Code of Iowa.

(Code of Iowa, Sec. 376.3)

6.03 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than twenty-five eligible electors, residents of the City.

(Code of Iowa, Sec. 45.1)

6.04 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.

(Code of Iowa, Sec. 45.2)

6.05 PREPARATION OF PETITION. Each eligible elector shall add to the signature the elector's residence address, and date of signing. The person whose nomination is proposed by the petition may not sign it. Before filing said petition, there shall be endorsed thereon or attached thereto an affidavit executed by the candidate, which affidavit shall contain:

- 1 . Name and Residence. The name and residence (including street and number, if any) of said nominee, and the office to which nominated.
2. Name on Ballot. A request that the name of the nominee be printed upon the official ballot for the election.

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3. Eligibility. A statement that the nominee is eligible to be a candidate for the office and if elected will qualify as such officer.

4. Organization Statement. A statement, in the form required by Iowa law, concerning the organization of the candidate's committee.

Such petition when so verified shall be known as a nomination paper.

(Code of Iowa, Sec. 45.3)

6.06 FILING, PRESUMPTION, WITHDRAWALS, OBJECTIONS. The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the appropriate provisions of Chapter 44 of the Code of Iowa.

(Code of Iowa, Sec. 45.4)

6.07 PERSONS ELECTED. 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.

(Code of Iowa, Sec. 376.8[3])

## CHAPTER 7

### FISCAL MANAGEMENT

- 7.01 Purpose
- 7.02 Finance Officer
- 7.03 Cash Control
- 7.04 Fund Control
- 7.05 Operating Budget Preparation
- 7.06 Capital Budget Preparation
- 7.07 Budget Amendments
- 7.08 Accounting
- 7.09 Financial Reports
- 7.10 Contingency Account
- 7.11 Unauthorized Expenditure

**7.01 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.

**7.02 FINANCE OFFICER.** The Finance Officer for the City shall be appointed by the City Manager and shall be responsible for the administration of the provisions of this chapter.

#### **7.03 CASH CONTROL**

1. Deposit of Funds. All moneys or fees collected for any purpose by any City officer shall be allocated to the appropriate funds in the City accounting system through the office of the finance officer. If any said fees are due to an officer, they shall be paid to the officer by check drawn by the finance officer and approved by the Council only upon such officer's making adequate reports relating thereto as required by law, ordinance or Council directive.
2. Petty Cash Fund. The finance officer shall be custodian of a petty cash fund not to exceed two hundred dollars (\$200.00) 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 finance officer shall obtain some form of receipt or bill acknowledged as paid by the vendor or agent. At such time as the petty cash fund is approaching depletion, the finance officer 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.
3. Change Fund. The finance officer is authorized to draw a check for establishing a change fund in the amount of eight hundred dollars (\$800.00) for the purpose of making change without commingling other funds to meet the requirements of the office. Said change fund shall be in the custody of the finance officer and the finance officer shall maintain the integrity of the fund.

**7.04 FUND CONTROL.** There shall be established and maintained separate and distinct funds in accordance with the following:

1. Revenues. All moneys received by the City shall be credited to the proper fund as required by law, ordinance or resolution.
2. 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.
3. Emergency Fund. No transfer may be made from any fund to the emergency fund.

4. Debt Service Fund. Except where specifically prohibited by State law, moneys 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.

(IAC, 545-2.5[384,388] Sec. 2.5[3])

5. Capital Improvements Reserve Fund. Except where specifically prohibited by State law, moneys 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.

(IAC, 545-2.5[384,388] Sec. 2.5[4])

6. Utility and Enterprise Funds. A surplus in a utility or enterprise fund may be transferred to any other City fund, except the Emergency Fund and Road Use Tax Funds, by resolution of the Council. A surplus may be defined in accordance with generally accepted accounting principles as promulgated by the American Institute of Certified Public Accountants. No transfer shall be made that is in violation of State law or rules of the City Finance Committee.

(IAC, 545-2.5[384,388] Sec. 2.5[5])

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CHAPTER 1

CODE OF ORDINANCES

7. Balancing of Funds. Fund accounts shall be reconciled at the close of each month and a report thereof submitted to the Council.

**7.05 OPERATING BUDGET PREPARATION.** The annual operating budget of the City shall be prepared in accordance with the following:

1. Proposal Prepared. The finance officer, under the direction of the City Manager, shall be responsible for preparation of the annual budget detail, for review by the Mayor and Council and adoption by the Council in accordance with directives of the Mayor and Council.

2. Boards and Commissions. 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 finance officer for inclusion in the proposed City budget in such form as required by the finance officer.

3. Submission to Council. The City Manager shall submit the completed budget proposal to the Council no later than January 1 of each year.

4. 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.

5. 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 ten (10) nor more than twenty (20) days before the date established for the hearing. Proof of such publications must be filed with the County Auditor.

(Code of Iowa, Sec. 384.16 [3])

(Ord. 2008-1686-Oct. 08 Supp.)

## 7.06 CAPITAL BUDGET PREPARATION.

(Reserved for Future Use)

**7.07 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.

*(Code of Iowa, Sec. 384.18)*

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.

*(IAC, 545-2.2 [384, 388])*

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.

*(IAC, 545-2.3 [384, 388])*

3. Sub-program Transfer. Any transfer of appropriation from one sub-program to another must be approved by resolution of the Council.

*(IAC, 545-2.4 [384, 388])*

4. Activity Transfers. The finance officer shall have the authority to adjust, by transfer or otherwise, the appropriation allocated to activities within a program or sub-program 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. All such *transfers shall* be reported in writing at the next regular meeting of the Council following the transfer and recorded in the minutes for the information of the Council and general public.

*(IA C, 545-2.4 [384, 388])*

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CHAPTER I

CODE OF ORDINANCES

**7.08 ACCOUNTING.** 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.

3. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by program, sub-program 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.

4. Utilities. The finance officer shall perform and be responsible for accounting functions of the municipally owned utilities.

(Ord. 2008-1686-Oct. 08 Supp)

**7.09 FINANCIAL REPORTS.** The finance officer shall prepare and file the following financial reports:

1. Monthly Reports. The City Manager shall submit to the Council by the second meeting or tenth (10th) day of each month a report

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CHAPTER 7

FISCAL MANAGEMENT

showing the activity and status of each fund, program, sub-program and activity for the preceding month.

2. Annual Report. Not later than December first 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, and 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 filed with the Auditor of State not later than December first of each year. (Ord 98-1514 - May 98 Supp.)

(Code of Iowa, Sec. 384.22)

**7.10 CONTINGENCY ACCOUNT.** Whenever the Council shall have budgeted for a contingency account such an account shall be established in the accounting records but no claim shall be paid from such an account. Contingency accounts may be drawn upon only by Council resolution directing

a transfer to a specific purpose account within its fund and program and then only compelling evidence of an unexpected and unforeseeable need or emergency.

**7.11 UNAUTHORIZED EXPENDITURE.** No City official or employee, or any person acting under color of such office or employment, shall knowingly make any contract or authorize any expenditure known by him or her to be in excess of that authorized by law.

*(Code of Iowa, Sec. 721.2[1])*

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## CHAPTER 8

# DOWNTOWN WEBSTER CITY SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT

- 8.01 District Established
- 8.02 Boundaries
- 8.03 District Benefits
- 8.04 Capital Improvement Fond
- 8.05 Authorized Improvements
- 8.06 Plan on File
- 8.07 Annual Levy Funds
- 8.08 Copy Filed

**8.01 DISTRICT ESTABLISHED.** There is hereby created in the City a selfsupported municipal improvement district, as defined in Chapter 386, Code of Iowa (the "Act" ) the name of which shall be the Downtown Webster City Self-Supported Municipal Improvement District (sometimes hereinafter referred to as the "District"), the purposes of which District are the undertaking of actions and the design and construction of any and all "improvements" and "selfliquidating improvements," as defined in the Act and the performance of administration, redevelopment and revitalization of the District, as authorized by the Act.

**8.02 BOUNDARIES.** The District shall include all property within the following described boundaries:

Lots 1 and 2, Block 73, West Newcastle Addition,  
Lots 1 through 8, Block 80, West Newcastle Addition,  
Lots 1 through 8, Block 81, West Newcastle Addition,  
Lots 1 and 8, Block 82, West Newcastle Addition,  
Lots 1 through 5, Block 88, West Newcastle Addition,  
Lots 1 through 5, Block 89, West Newcastle Addition,  
Lots 1 through 5, Block 90, West Newcastle Addition,  
Lots 1 through 5, Block 91, West Newcastle Addition,  
Lots 6, Block 88, Dubuque and Pacific Railroad Addition,  
Lots 7 & 8 except the S 66' of Lot 8 & the S 66' of the W 31' of Lot 7, Block 88, Dubuque and Pacific  
Railroad Addition,  
Lots 6 through 8, Block 89, Dubuque and Pacific Railroad Addition,  
Lots 6 through 8, Block 90, Dubuque and Pacific Railroad Addition,  
Lots 6 through 8, Block 91, Dubuque and Pacific Railroad Addition,  
Lots 9 through 16, Block 96, Dubuque and Pacific Railroad Addition,  
Lots 1 through 9, Block 97, Dubuque and Pacific Railroad Addition,  
to Webster City.

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**8.03 DISTRICT BENEFITS.** It is hereby found and determined that the owners of all of the property within the district have a present and potential benefit from the condition, development and maintenance of the District and that all of the property within the District is related by virtue of its location within an area of the City zoned for commercial use.

**8.04 CAPITAL IMPROVEMENT FUND.** Pursuant to the provisions of the Act, there is hereby established and created a capital improvement fund for such District, which shall be known as the "Downtown Webster City Self-Supported Municipal Improvement District Capital Improvement Fund" (and is hereinafter referred to as the "Capital Improvement Fund") for which Capital Improvement Fund the City may certify taxes (the "Capital Improvement Fund Tax") each year, commencing with the levy of taxes for collection in the fiscal year beginning July 1, 1999, and continuing for 9 additional years, at a rate not to exceed five dollars (\$5.00) per thousand dollars of taxable valuations, to be levied against all of the property in the District, in addition to all other taxes, for the purpose of accumulating moneys for the financing or payment of a part or all of the cost of any "improvements" or "self-liquidating improvements," as defined in the Act.

**8.05 AUTHORIZED IMPROVEMENTS.** The following improvements are hereby authorized:

1. Sidewalk and curb and gutter improvements;
2. Other improvements or maintenance intended to enhance the District.

**8.06 PLAN ON FILE.** Before the Council approves any improvement to be paid for or financed with revenues from the Capital Improvement Fund, there must be on file with the Clerk a plan satisfactory to the Council, covering proposed public and private activity in the District for a five-year period. As part of its annual review of the expenditure of revenues from the Capital Improvement Fund, the Council will solicit recommendations from the Area Association of Business and Industry.

**8.07 ANNUAL LEVY FUNDS.** Notwithstanding the fact that the District is located within the boundaries of the Riverview Urban Renewal/Tax Increment Finance Area, an amount of funds which would be derived from the annual levy of the Capital Improvement Fund tax against property within the District if the District were not located within such Area shall be provided annually by the city, and the City shall take all actions necessary to accomplish this purpose, including, if necessary, allocation to these improvements of a portion of the

## CHAPTER 8

### DOWNTOWN WEBSTER CITY SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT

incremental property taxes which are attributable to properties within the District, to the extent permitted by law.

8.08 COPY FILED From and after the effective date of the ordinance codified by this chapter, the Clerk shall cause a copy of the ordinance to be filed in the office of the County Recorder of Hamilton County.

*(Ch. 8 - Ord 98-1515 - May 98 Supp.)*

CHAPTER 8

DOWNTOWN WEBSTER CITY SELF-SUPPORTED  
MUNICIPAL IMPROVEMENT DISTRICT

\* \* \* \* \*

## CHAPTER 9

### MUNICIPAL INFRACTIONS

- 9.01 Municipal Infraction
- 9.02 Environmental Violation
- 9.03 Penalties
- 9.04 Civil Citations
- 9.05 Alternative Relief
- 9.06 Criminal Penalties

**9.01 MUNICIPAL INFRACTION.** A violation of, or the omission or failure to perform any act or duty required by, this Code of Ordinances or any ordinance or code herein adopted by reference with the exception of 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 747 of the Code of Iowa, is a municipal infraction punishable by civil penalty as provided herein.

*(Code of Iowa, See. 364.22{3})*

**9.02 ENVIRONMENTAL VIOLATION.** A municipal infraction which is a violation of Chapter 455B of the Code of Iowa or of a standard established by the City in consultation with the Department of Natural Resources, or both, may be classified as an environmental violation. However, the provisions of this section shall not be applicable until the City has offered to participate in informal negotiations regarding the violation or to the following specific violations:

*(Code of Iowa, Sec. 364.22 [1])*

1. A violation arising from noncompliance with a pretreatment standard or requirement referred to in 40 C.F.R. §403.8.
2. The discharge of airborne residue from grain, created by the handling, drying or storing of grain, by a person not engaged in the industrial production or manufacturing of grain products or by a person engaged in such industrial production or manufacturing if such discharge occurs from September 15 to January 15.

**9.03 PENALTIES.** A municipal infraction is punishable by the following civil penalties:

*(Code of Iowa, Sec. 364.22 [1])*

## 1. Standard Civil Penalties.

A. First Offense	\$ 750.00
B. Second Repeat Offense	\$1,000.00
C. Additional Repeat Offenses	\$1,000.00

Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

*(Ord 2007-1667- Jul. 07 Supp.)*

## 2. Special Civil Penalties.

A. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8, by an industrial user is punishable by a penalty of not more than one thousand dollars (\$1,000.00) for each day a violation exists or continues.

B. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than one thousand dollars (\$1,000.00) for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:

- (1) The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.
- (2) The City is notified of the violation within twenty four (24) hours from the time that the violation begins.
- (3) The violation does not continue in existence for more than eight (8) hours.

**9.04 CIVIL CITATIONS.** Any officer authorized by the City to enforce this Code of Ordinances may issue a civil citation to a person who commits a municipal infraction. The citation may be served by personal service as provided in Rule of Civil Procedure 56.1, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in Rule of Civil Procedure 60 and subject to the conditions of Rule of Civil Procedure 60. 1. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

*(Code of Iowa, Sec. 364.22 [4])*

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.

9.05 ALTERNATIVE RELIEF. Seeking a civil penalty as authorized in this chapter 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.

(Code of Iowa, Sec. 364.22 [8])

9.06 CRIMINAL PENALTIES. This chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the City to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

(Code of Iowa, Sec. 364.22[11])

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TITLE I - POLICY AND ADMINISTRATION

CHAPTER 10  
CIVIL SERVICE COMMISSION

10.01 Purpose

10.02 Appointment and Term

10.03 Qualifications

10-04 Human Rights Commission

10.05 Compensation

10.06 Chairperson

10.07 Clerk

10.08 Records

10.09 Rooms and Supplies

10.10 Powers and Duties

10.01 PURPOSE. The purpose of this chapter is to provide for the appointment, powers and duties of a civil service commission in accordance with the requirements of State law.

10.02 APPOINTMENT AND TERM. A Civil Service Commission consisting of three (3) members shall be appointed by the mayor with the approval of the Council for staggered terms of four (4) years. (Amended by ordinance No. 97-1497)

(Code of Iowa, Sec. 400.1)

10.03 QUALIFICATIONS. Commissioners must be citizens of Iowa, eligible electors and residents of the City preceding their appointment. No person while on said commission, shall hold or be a candidate for any office of public trust.

(Code of Iowa, Sec. 400.2)

10.04 HUMAN RIGHTS COMMISSION. Notwithstanding the provisions of Section 10.03, when a human rights commission has been established, the director thereof shall ex officio be a member, without vote, of the civil service commission.

(Code of Iowa, Sec. 400.2)

10.05 COMPENSATION. Civil service commissioners shall serve without compensation.

(Code of Iowa, Sec. 400.4)

10.06 CHAIRPERSON. The commission shall elect a chairperson from among its members.

(Code of Iowa, Sec. 400.4)

10.07 CLERK. The City Clerk or a designee of the City Clerk shall be clerk of the commission. (Amended by Ordinance No. 97-1497)

(Code of Iowa, Sec. 400.4)

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10.08 RECORDS. The civil service commission shall keep a record of all its meetings and also a complete individual service record of each civil service employee which record shall be permanent and kept up to date.

(Code of Iowa, Sec. 400.4)

10.09 ROOMS AND SUPPLIES. The Council shall provide suitable rooms in which the commission may hold its meetings and supply the commission with all necessary equipment and a qualified shorthand reporter to enable it properly to perform its duties.

(Code of Iowa, Sec. 400.5)

10.10 POWERS AND DUTIES. The commission shall administer the civil service procedure as contained in Chapter 400, Code of Iowa, and amendments thereto and shall have, exercise and perform all powers and duties as provided thereby.

## CHAPTER 11

# URBAN RENEWAL AREA

### 11.01 Purpose

### 11.02 Southeast Industrial Park Urban Renewal Area

### 11.03 West Second Street Urban Renewal Area

### 11.04 Southwest Urban Renewal Area

### 11.05 2002 Addition to the Southwest Urban Renewal Area

**11.01 PURPOSE.** The purpose of this chapter is to provide for the division of taxes levied on the taxable property in the Urban Renewal Areas of the City each year by and for the benefit of the State, City, County, school districts or other taxing districts after the effective date of the ordinances codified in this chapter in order to create a special fund to pay the principal of and interest on loans, advances or indebtedness, including bonds proposed to be issued by the City, to finance projects in such areas.

**11.02 SOUTHEAST INDUSTRIAL PARK URBAN RENEWAL AREA.** The provisions of this section apply to the Southeast Industrial Park Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on March 3, 1986:

Beginning at intersection of the southerly right-of-way line of U.S. Highway 20 and the westerly right-of-way of the Chicago Northwestern Railway, thence south along the westerly right-of-way of the Chicago Northwestern Railway to its intersection with the Boone River, thence southwest along the western bank of the Boone River to the east-west Webster City limits, thence west to the easterly right-of-way of South Edgewood Drive, thence north to the section line between Sections 7 and 18, thence west to the easterly right-of-way of Iowa Highway 17, thence north to the southerly right-of-way of U.S. Highway 20, thence east to the point of beginning.

The taxes levied on the taxable property in the Southeast Industrial Park Urban Renewal Area each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which the Urban Renewal Area is located, from and after the effective date of Ordinance No. 86-1292, shall be divided as follows:

1 . That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the

Southeast Industrial Park Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the effective day of Ordinance No. 86- 1292, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of Ordinance No. 86-1292, but to which the territory has been annexed or otherwise included after said effective date, the assessment roll as of January 1 of the calendar year preceding the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the Southeast Industrial Park Urban Renewal Area on the effective date.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, advances or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9[1] of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Southeast Industrial Park Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this section. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown on the assessment roll referred to in subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Southeast Industrial Park Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection 2 of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment

of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Southeast Industrial Park Urban Renewal Area.

4. As used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

**11.03 WEST SECOND STREET URBAN RENEWAL AREA.** The provisions of this section apply to the West Second Street Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on August 4, 1997:

A tract of land in Section 2 and 3, Township 88 North, Range 26 West of the 5th P.M., Iowa described as follows:

Commencing at the centerline of Bank Street and East line of the West one half of the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of said Section 2; thence north along said East line to the Southwest right of way line of Overpass Drive; thence northwest along said line to the South right of way line of the Union Pacific Railroad; thence west along said line to the West line of said Section 2; thence continuing west along the South railroad right of way 467.24 feet; thence south 229.7 feet; thence east 212.24 feet; thence south 283 feet; thence east 158.44 feet; thence south 430 feet; thence east to the west line of said Section 2; thence south along said west line to the Southwest corner of the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of said Section 2; thence east along the South line of the North  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  to the Southeast corner of said North  $\frac{1}{2}$ ; thence east along the South line of the North  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  to the point of beginning.

The taxes levied on the taxable property in the West Second Street Urban Renewal Area each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which the Urban Renewal Area is located, from and after the effective date of ordinance No. 97-1492, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the West Second Street Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of

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loans, advances, indebtedness, or bonds payable from the special fund referred to in subsection 2 below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the west Second Street Urban Renewal Area on the effective date of said Ordinance No. 97-1492, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of said Ordinance which amends the plan for the West Second Street Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1) of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the West Second Street Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this section. Unless and until the total assessed valuation of the taxable property in the West Second Street Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the West Second Street Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the West Second Street Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection 2 of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds

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issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the West Second Street Urban Renewal Area.

4. As used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

*(Ord 97-1492)*

**11.04 SOUTHWEST URBAN RENEWAL AREA.** The provisions of this section apply to the Southwest Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on June 4, 2001:

Beginning at the SW corner of Section 12, Township 88 North, Range 26 West of the 5th P.M., within the corporate limits of the City of Webster City, Hamilton County, Iowa; thence north along the west line of the said Section 12 to the southerly right-of-way line of US Highway 20; thence easterly along the said southerly right-of-way line to a point where the said southerly right-of-way line begins a curve for the existing off ramp of the said Highway 20; thence continuing along the said southerly right-of-way line along the existing curve concave southeasterly to its intersection with the westerly right-of-way line of Highway 17; thence southerly along the said westerly right-of-way line of Highway 17 to the south line of the SW 1/4 of the SW 1/4 of Section 7, Township 88 North, Range 25 West of the 5th P.M.; thence west along the said south line of the said SW 1/4 - SW 1/4 to the SW corner of the said SW 1/4 - SW 1/4, also being the SE corner of the said Section 12-88-26; thence continuing west along the south line of the said Section 12 to the point of beginning.

After the effective date of Ordinance No. 2001-1565, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

1 . That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness or bonds payable from the special fund referred to in subsection 2, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of Ordinance No. 2001-1565, but to which the territory has been annexed or

otherwise included after said effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9[1] of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this section. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown on the assessment roll referred to in subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection 2 of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9 [1] of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

4. As used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

(Ord 2001-1565 - Jul. 01 Supp.)

**11.05 2002 ADDITION TO THE SOUTHWEST URBAN RENEWAL AREA.** The provisions of this section apply to the 2002 Addition to the Southwest Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on August 5, 2002:

Commencing at the center of Section 18 Township 88 North Range 25 West of the 5<sup>th</sup> P.M., Iowa; thence south along the west line of the SE ¼ of said Section 18 to the easterly right of way of Iowa Highway 17; thence southeasterly along the said easterly right of way to the south line of the NW ¼ SE ¼ of said Section 18; thence westerly to a point N 59 degrees 58' E 198.21 feet from a point 1239.6 feet north of the S ¼ corner of said Section 18; thence S 59 degrees 58'W 198.2 feet to the west line of the SE ¼ of said Section 18; thence north along the west line of the SE ¼ of said Section 18 to the NW corner of the SW ¼ SE ¼ of said Section 18; thence westerly along the south line of the NE ¼ SW ¼ of said Section 18 a distance of 25 feet; thence south along a line parallel with and 25 feet west of the east line of the SW ¼ of said Section 18

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URBAN RENEWAL AREA

to a point 100 feet north of the south line of said Section 18; thence West along a line

parallel with and 100 feet north of the south line of the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of said Section 18 a distance of 675 feet; thence south to the south line of the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of said Section 18; thence west along said south line to the SW corner of the SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of said Section 18; thence west along the south line of the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of said Section 18 to the centerline of the Boone River; thence northeasterly along the centerline of the Boone River to the west right of way of Iowa Highway 17; thence northwesterly along the westerly right of way of said Highway to a point 140 feet north of the south line of the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  of said Section 18; thence west along a line parallel with and 140 feet north of the south line of said SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  to the west line of said SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ ; thence south along said west line to the south line of said SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ ; thence west along the said south line to the SW corner of the NW  $\frac{1}{4}$  of said Section 18; thence north along the west line of the NW  $\frac{1}{4}$  of said Section 18 to the NW corner of the NW  $\frac{1}{4}$  of said Section 18; thence East along the north line of said NW  $\frac{1}{4}$  to the NE corner of said NW  $\frac{1}{4}$ ; thence south along the east line of said NW  $\frac{1}{4}$  to the point of beginning.

After the effective date of Ordinance No. 1586, the taxes levied on the taxable property in the Urban Renewal Area Amendment each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which the Urban Renewal Area Amendment is located, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area Amendment, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness or bonds payable from the special fund referred to in subsection 2, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area Amendment on the effective date of Ordinance No. 1586, but to which the territory has been annexed or otherwise included after said effective date, the assessment roll applicable to the property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area Amendment to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9[1] of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area Amendment, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this section. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area Amendment exceeds the total assessed value of the taxable property in such area as shown on the assessment roll referred to in subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area Amendment shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area Amendment shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxex mentioned in subsection 2 of this section and the special fund into shich that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9[1] of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area Amendment.

4. As used in this section, the work "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

(Ord. 1586-Sep. 02 Supp.)

## TITLE I - POLICY AND ADMINISTRATION

CHAPTER 12  
CBD DEVELOPMENT AREA**12.01 Purpose****12.02 Definition of Economic Development Area****12.03 Provision for Division of Taxes**

12.01 PURPOSE. The purpose of this chapter is to provide for the division of taxes levied on the taxable property in the Riverview - CBD Development Area of the City each year by and for the benefit of the State, City, County, school districts or other taxing districts after the effective date of Ordinance No. 86-1293 in order to create a special fund to pay the principal of and interest on loans, advances or indebtedness, including bonds proposed to be issued by the City to finance projects in such area.

12.02 DEFINITION OF ECONOMIC DEVELOPMENT AREA. For use in this chapter, "Economic Development Area" means Riverview – CBD Development Area of the City, boundaries of which are set out below, such Riverview - CBD Development Area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted March 3, 1986. The boundaries of the Economic Development Area are as follows:

Beginning at the intersection of the northerly right-of-way line of Bank Street and the westerly right-of-way line of Des Moines Street, thence north to the southerly right-of-way line of the alley between First Street and Division Street, thence west to the westerly lot line of Lot 5 of Block 98 of Dubuque Pacific Railroad Company subdivision, thence north to the westerly lot line of Lot 12 of Block 97 in the Dubuque Pacific Railroad Company subdivision to the southerly right-of-way line of the alley between First Street and Second Street, thence west to the easterly right-of-way line of Prospect Street, thence north to the intersection of the northern right-of-way line of Second Street, thence west to the eastern right-of-way line of Broadway Street, thence north to the northerly right-of-way line of the Central Railroad right-of-way, thence east to the easterly right-of-way line of East Street, thence north to the northerly boundary of North Street extended, thence easterly to the eastern right-of-way line of Des Moines Street, thence north to the southern bank of the Boone River, thence

following said river bank to the western right-of-way line of White Fox Road, thence south to the northern right-of-way line of the Dubuque and Pacific Railroad Company right-of-way thence east to the eastern right-of-way line of White Fox Road, thence south to the southern right-of-way line of Second Street, thence west to the eastern right-of-way line of River Street, thence south to the northern right-of-way line of Bank Street, then west to the point of beginning.

**12.03 PROVISION FOR DIVISION OF TAXES.** After the effective date of ordinance No. 86-1293, the taxes levied on the taxable property in the Economic Development Area each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which the Economic Development Area is located, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Economic Development Area, as shown on the assessment roll as of January 1 of the calendar year preceding the effective date of ordinance No. 86-1293, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Economic Development Area on the effective date of said Ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll as of January 1 of the calendar year preceding the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the Economic Development Area on the effective date.
2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, advances or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1) of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Economic Development Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this chapter. Unless and until the total assessed valuation of the taxable property in the Economic

Development Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the Economic Development Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in such area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portions of taxes mentioned in subsection 2 of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Economic Development Area.

4. As used in this section, the word "taxes" includes, but is not limited to, all levies on an ad, valorem basis upon land or real property.



## TITLE I - POLICY AND ADMINISTRATION

CHAPTER 13  
URBAN REVITALIZATION AREA

13.01 Purpose  
13.02 Definition  
13.03 Plan

**13.01 PURPOSE.** The purpose of this chapter is to implement an Urban Revitalization District for tax abatement in association with construction of new residential units on currently developed lots within the corporate limits of Webster City, Iowa.

**13.02 DEFINITION.** For use in this chapter, the following area of the City of Webster City, Iowa, is hereby declared to be an Urban Revitalization Area:

All residential property within the Corporate Limits of Webster City, Iowa, that is property used according to current zoning practices and according to the Future Land Use Plan. To be eligible for abatement a property must also: 1) be fronted by an existing public street; 2) must have municipal water service within fifty (50) feet of the lot boundaries; and, 3) must have municipal sewer service within fifty (50) feet of the lot boundaries.

**13.03 PLAN.** The plan, adopted by resolution, shall be filed with the City Clerk. (Amended by ordinance No. 96-1467)

(Chapter 13 added by Ordinance No. 93-1413)

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CHAPTER 14  
RESIDENTIAL URBAN RENEWAL AREAS

14.01 Purpose

14.03 2003 Addition to the Residential

14.02 Webster City Residential Urban Renewal

Urban Renewal Area A

Areas A, B, C, D & E

**14.01 PURPOSE.** The purpose of this chapter is to provide for the division of taxes levied on the taxable property in the Urban Renewal Areas of the City each year by and for the benefit of the State, City, County, school districts or other taxing districts after the effective date of the ordinance codified by this chapter in order to create a special fund to pay the principal of and interest on loans, advances or indebtedness, including bonds proposed to be issued by the City, to finance projects in such areas.

**14.02 WEBSTER CITY RESIDENTIAL URBAN RENEWAL AREAS A, B, C, D & E.** The provisions of this section apply to the Webster City Residential Urban Renewal Areas A, B, C, D, & E, the boundaries of which are set out below, such areas having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on December 5, 1994:

		PARCEL NUMBER	NAME	VALUATION
Area A -	A	500025070260000	Farmers Bank	4920
	A	500025070285000	Farmers Bank	4220
	A	490025072603000	Struchen	23987
Area B -	A	500025070425000	Reveiz	10720
	A	500025070440000	Arnold	14860
	A	500025070460000	Arnold	11950
	A	500025070480000	Reveiz	26320
Area C -	A	500025120464000	Reveiz	26540
	A	500025120487000	Reveiz	12670
	A	500025120427000	Jaycox	9640
	A	500025120441000	Jaycox	7680
	A	500025120463000	Jaycox	1360
	A	500025120483000	Jaycox	16430
Area D -	A	500025020860000	Riley	29030
	A	500025020881000	Riley	2160
	A	500025110241000	Reveiz	10680
	A	500025110260000	Reveiz	31540

		<u>PARCEL NUMBER</u>	<u>NAME</u>	<u>VALUATION</u>
Area E -	A	500025310827000	Modtland	4404
	A	500025310861000	Modtland	2780
	A	500025310880000	Modtland	6710
	A	500025310881000	Greiner	5270

The taxes levied on the taxable property in the Urban Renewal Areas each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which the such Urban Renewal Area is located, from and after the effective date of Ordinance No. 94-1440, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Areas, as shown on the assessment roll as of January 1, 1993, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Areas on the effective date of Ordinance No. 94-1440, but to which the territory has been annexed or otherwise included after said effective date, the assessment roll as of January 1, 1993, shall be used in determining the assessed valuation of the taxable property in said Urban Renewal Areas on the effective date.
  
2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, advances or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9[1] of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Areas, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this section. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Areas exceeds the total assessed value of the taxable property in such area as shown on the assessment roll referred to in subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Areas shall be paid into the funds for the respective taxing

districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Areas shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection 2 of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9[1] of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Areas.

4. As used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

14.03 2003 ADDITION TO THE RESIDENTIAL URBAN RENEWAL AREA A. The purpose of this section is to provide for the division of taxes levied on the taxable property in the 2003 Addition to the Residential Urban Renewal Area A of the City of Webster City, Iowa, each year by and for the benefit of the State, City, County, school districts or other taxing districts after the effective date of Ordinance No. 1611 in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Webster City to finance projects in such area.

1. Definition. For use within this section the term "Urban Renewal Area Amendment" shall mean the 2003 Addition to the Residential Urban Renewal Area A of the City of Webster city, Iowa, the boundaries of which are set out below, approved by the City Council by resolution adopted on the 15<sup>th</sup> day of December, 2003:

A parcel of land in the NE  $\frac{1}{4}$  of Section 7 and the NW  $\frac{1}{4}$  of Section 8, Township 88 North, Range 25, West of the 5<sup>th</sup> P.M., Iowa, bounded on the north by the north line of said NE  $\frac{1}{4}$ , Section 7 and NW  $\frac{1}{4}$  Section 8; bounded on the east by the west line of the Boone River; bounded on the south by the north right-of-way line of U.S. Highway 20; and bounded on the west by the west line of said NE  $\frac{1}{4}$ , Section 7 and the west right-of-way line of the Union Pacific Railroad.

2. Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area Amendment. After the effective date of the Ordinance No. 1611, the taxes levied on the taxable property in the Urban Renewal Area Amendment each year by and for the benefit of the State of Iowa, the City, the County and any school district or other

taxing district in which the Urban Renewal Area Amendment is located, shall be divided as follows:

A. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area Amendment, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or Bonds payable from the special fund referred to in paragraph B below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area Amendment on the effective date of such ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area Amendment to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

B. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a Special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area Amendment, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of Ordinance No. 1611. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area Amendment exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in paragraph A of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area Amendment shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property.

C. The portion of taxes mentioned in paragraph B of this subsection and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area Amendment.

D. As used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

(Section 14.03 added by Ordinance No. 1611, Feb-04 Supp.)

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TITLE I - POLICY AND ADMINISTRATION

CHAPTER 15  
MAYOR

- 15.01 Term of Office
- 15.02 Powers and Duties
- 15.03 Appointments
- 15.04 Compensation
- 15.05 Voting and Veto

**15.01 TERM OF OFFICE.** The Mayor shall be elected by the Council from among its members for a term of two (2) years.

(Code of Iowa, Sec. 372.6)

**15.02 POWERS AND DUTIES.** The powers and duties of the mayor shall be as follows:

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

(Code of Iowa, Sec. **372.14[1 & 3]**)

2. Special Meetings. Call special meetings of the Council when the Mayor deems such meetings necessary to the interests of the City.

(Code of Iowa, Sec. **372.14[1]**)

3. Negotiations. Represent the City in all negotiations properly entered into in accordance with law or ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law, ordinance, or Council direction.

4. Contracts. Whenever authorized by the Council, sign contracts on behalf of the City.

5. 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.

6. Absentee Officer. Make appropriate provision that duties of any absentee officer be carried on during such absence.

**15.03 APPOINTMENTS.**

The Mayor shall appoint the following officials:

(Code of Iowa, Sec. 372.4)

1. Civil Service Commission (subject to Council approval)
2. Board of Police Trustees Citizen Members (subject to Council approval)
3. Park and Recreation Advisory Commission (subject to Council approval)
4. Building Code Board of Appeals
5. Board of Plumbing Examiners (subject to Council approval)
6. Handicapped Parking Review Committee

**15.04 COMPENSATION.** The salary of the Mayor shall be sixty dollars (\$60.00) per Council meeting attended. Said compensation shall be paid the following January unless other payment arrangements are made by resolution of the Council.

**15.05 VOTING AND VETO.** The Mayor is a member of the Council and may vote on all matters before the Council. The Mayor may not veto an ordinance, amendment or resolution. (Amended by Ordinance No. 97-1498)

(Code of Iowa, Sec. 372.6 and 380.5)

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CHAPTER 16

TITLE I - POLICY AND ADMINISTRATION

CHAPTER 16  
MAYOR PRO TEM

- 16.01 Term of Office
- 16.02 Vice President of Council
- 16.03 Powers and Duties
- 16.04 Voting Rights
- 16.05 Compensation

16.01 TERM OF OFFICE. The Mayor Pro TEM shall be elected by the Council, from among its members, for a term of two (2) years.

(Code of Iowa, Sec. 372.6)

16.02 VICE PRESIDENT OF COUNCIL. The Mayor Pro Tem shall be vice president of the Council.

(Code of Iowa, Sec. 372.14[3])

16.03 POWERS AND DUTIES. Except for the limitations otherwise provided herein, the Mayor Pro Tem shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform such duties. In the exercise of the duties of the office the Mayor Pro Tem 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.

(Code of Iowa, Sec. 372.14[3])

16.04 VOTING RIGHTS. The Mayor Pro Tem shall have the right to vote as a member of the Council.

(Code of Iowa, Sec. 372.14[3])

16.05 COMPENSATION. If the Mayor Pro Tem performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of fifteen (15) days or more, the Mayor Pro Tem may be paid for that period the compensation as determined by the Council, based upon the Mayor Pro Tem's performance of the Mayor's duties and upon the compensation of the Mayor.

(Code of Iowa, Sec. 372.13[8])

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**TITLE I - POLICY AND ADMINISTRATION**

**CHAPTER 17  
COUNCIL**

**17.01 Number and Term of Council**  
**17.02 Powers and Duties**  
**17.03 Exercise of Power**

**17.04 Meetings**  
**17.05 Appointments**  
**17.06 Compensation**

17.01 NUMBER AND TERM OF COUNCIL. The Council consists of five (5) Council members elected at large for overlapping terms of four (4) years.

(Code of Iowa, Sec. 372.4 & 376.2)

17.02 POWERS AND DUTIES. The powers and duties of the Council shall include, but are not limited to the following:

1 . General. All powers of the City are vested in the Council except as otherwise provided by law or ordinance.

(Code of Iowa, Sec. 364.2[1])

2. 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.

(Code of Iowa, Sec. 372.13[7])

3. 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.

(Code of Iowa, Sec. 364.2[1], 384.16 & 384.38 [1])

4. Public Improvements. The Council shall make all orders for the doing of work, or the making or construction of any improvements, bridges or buildings.

(Code of Iowa, Sec. 364.2[1])

5. 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.

(Code of Iowa, Sec. 364.2[1] & 384.95 through 384.102)

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6. Employees. The Council shall authorize, by resolution, the number, duties and compensation of employees not otherwise provided for by State law or the Code of ordinances.

(Code of Iowa, Sec. 372.13[4])

7. Records. The Council shall require the Clerk to maintain records of its proceedings.

(Code of Iowa, Sec. 372.13[5])

8. **Setting Compensation for Elected officers.** By ordinance, the Council shall prescribe the compensation of the Mayor, Council members, and other elected city officers, but a change in the compensation of the Mayor does not become effective during the term in which the change 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 in the year of a regular City election. A change in the compensation of Council members becomes effective for all Council members at the beginning of the term of the Council members elected at the election next following the change in compensation.

(Code of Iowa, Sec. 372.13[8])

**17.03 EXERCISE OF POWER.** The Council shall exercise a power only by the passage of a motion, a resolution, an amendment or an ordinance in the following manner:

(Code of Iowa, Sec. 364.3[1])

1. Action by Council. Passage of an ordinance, amendment or resolution requires a majority vote of all of the members of the Council. Passage of a motion requires a majority vote of a quorum of the Council. A resolution must be passed to spend public funds in excess of twenty-five thousand dollars (\$25,000.00) on any one project, or to accept public improvements and facilities upon their completion. Each Council member's vote on a measure must be recorded. A measure which fails to receive sufficient votes for passage shall be considered defeated.

(Code of Iowa, Sec. 380.4)

2. Measures Become Effective. Measures passed by the Council become effective in one of the following ways:

A. An ordinance or amendment signed by the mayor becomes effective when the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.

(Code of Iowa, Sec. 380.6[1a])

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B. A resolution signed by the Mayor becomes effective immediately upon signing.

(Code of Iowa, Sec. 380.6[1b])

C. A motion becomes effective immediately upon passage of the motion by the Council.

(Code of Iowa, Sec. 380.6[1c])

D. If the Mayor takes no action on an ordinance, amendment or resolution, a resolution becomes effective fourteen (14) days after the date of passage and an ordinance or amendment becomes law when the ordinance or a summary of the ordinance is published, but not sooner than fourteen (14) days after the date of passage, unless a subsequent effective date is provided within the ordinance or amendment.

(Code of Iowa, Sec. 380.6[3])

"All of the members of the Council" refers to all of the seats of the Council including a vacant seat and a seat where the member is absent, but does not include a seat where the Council member declines to vote by reason of a conflict of interest.

(Code of Iowa, Sec. 380.4) (Amended by Ord. 97-1498)

17.04 MEETINGS. Meetings of the Council shall be as follows:

1. Regular Meetings. The time and place of the regular meetings of the Council shall be fixed by resolution of the Council.

2. 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.

(Code of Iowa, Sec. 372.13[5])

3. Quorum. A majority of all Council members is a quorum.

(Code of Iowa, Sec. 372.13[1])

3. 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.

(Code of Iowa, Sec. 372.13[5])

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5. Compelling Attendance. Any three (3) members of the Council can compel the attendance of the absent members at any regular, adjourned or duly called meeting, by serving a written notice upon the absent members to attend at once.

6. Notice of Meetings. The Council shall give reasonable notice, as defined by State law, of the time, date and place of each meeting, and its tentative agenda.

(Code of Iowa, Sec. 21.4)

7. Meetings Open. All meetings shall be held in open session unless closed sessions are held as expressly permitted by State law.

(Code of Iowa, Sec. 21.3)

8. Minutes. Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and the vote of each member present shall be made public.

(Code of Iowa, Sec. 21-3)

9. Closed Session. A closed session may be held only by affirmative vote of either two-thirds of the Council or all of the members present at the meeting and in accordance with Chapter 21 of the Iowa Code.

(Code of Iowa, Sec. 21.5)

10. Cameras and Recorders. The public may use cameras or recording devices at any open session.

(Code of Iowa, Sec. 21.7)

11. Electronic meetings. A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of chapter 21 of the Iowa Code.

(Code of Iowa, Sec. 21.8)

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17.05 APPOINTMENTS. The Council shall appoint the following officials and prescribe their powers, duties, compensation and term of office:

1. City Clerk
2. Deputy City Clerk
3. City Attorney
4. City Manager
5. Senior Citizen Advisory Board
6. Planning and Zoning Commission (7 resident members)
7. Zoning Board of Adjustment (5 resident members)
8. Airport Commission
9. Airport Zoning Commission (2 resident members)
10. Airport Zoning Board of Adjustment (2 resident members)

17.06 COMPENSATION. The salary of each Council member shall be fifty dollars (\$50.00) for each meeting of the Council attended, payable in January unless other payment arrangements are made by resolution of the Council.

(Code of Iowa, Sec. 372.13[8])

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17.07 REMOVAL FROM OFFICE. Any councilperson may be removed from office, which would be grounds for an equitable action for removal in the District Court of Iowa under Chapter 66 of the Code of Iowa.

17.07(1) GROUND FOR REMOVAL. Any councilperson may be removed from office on the following grounds:

- (a) For willful or habitual neglect or refusal to perform the duties and responsibilities of the office.
- (b) For willful misconduct or malfeasance in office.
- (c) For corruption.
- (d) For extortion.
- (e) For the conviction of a felony.
- (f) For intoxication or upon conviction of being intoxicated.
- (g) For violations of campaign finance provisions under Chapter 68A of the Iowa Code.

17.07(2) DEFINITION

(a) For the purpose of this ordinance, “willful misconduct or malfeasance in office” is defined as a breach of a council responsibility committed knowingly and with the intent to do harm to the city.

(b) Willful or habitual neglect or refusal to perform the duties and responsibilities of the office shall mean a willful disregard or a continuous neglect of the council’s responsibilities.

#### 17.07(3) DISCLOSURE OF CONFIDENTIAL INFORMATION

(a) Confidential information shall include any matter discussed or disclosed to council members in closed session under Section 21.5 of the Iowa Code, and all records deemed confidential under Section 22.7 of the Iowa Code.

(b) Council members have the duty and responsibility to respect the confidentiality of information concerning the city-operated utilities, city property, city personnel or any other affairs of the city.

(c) Any disclosure of confidential information, knowingly and intentionally provided without proper legal authorization by a council member, shall be considered as harmful to the city and grounds for removal of the council member from office.

#### 17.07(4) COUNCIL RESPONSIBILITIES

In addition to the duty and responsibility to respect all matters of confidentiality as set forth above in this ordinance, all council members have the following duty and responsibility, to-wit:

(a) Fully participate in council meetings and other public forums while demonstrating respect, kindness, consideration and courtesy to others.

(b) Serve as a model of leadership and civility to the community.

(c) Inspire public confidence and trust in city government.

(d) Demonstrate honesty and integrity in every action and statement.

(e) In order to assure independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions to which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest. In accordance with the law, no member shall participate in the disposition of any matter in which he or she is interested. For purposes herein, "interested", includes any direct or indirect financial or personal interest held by a member or member of his or her family. Before any matter is heard, a member having an interest shall state it and withdraw from participation, or he or she may disclose the facts involved and request a determination made by the council of whether a conflict of interest exists.

(f) In order to assure independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions to which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest. In accordance with the law, no member shall participate in the disposition of any matter in which he or she is interested. For purposes herein, "interested", includes any direct or indirect financial or personal interest held by a member or member of his or her family. Before any matter is heard, a member having an interest shall state it and withdraw from participation, or he or she may disclose the facts involved and request a determination made by the council of whether a conflict of interest exists.

(g) Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

(h) Council members shall not use public resources not available to the public in general, including city staff time, the offices of city clerk and city attorney, equipment, supplies or facilities, for private gain or personal purposes.

(i) In keeping with their role as stewards of the public interest, members of council shall not appear on behalf of the private interests of third parties before the council or any board, commission or proceeding of the city.

(j) Members shall publicly share substantive information that is relevant to a matter under consideration by the council, which they may have received from sources outside of the public decision-making process.

The conduct of any council member who intentionally or repeatedly fails to perform any of the above stated duties and responsibilities or combination thereof, shall be considered as willful or habitual neglect or refusal to perform the duties and responsibilities of the office and grounds for removal of the council member from office.

17.07(5) PETITION FOR REMOVAL. A petition for removal of a council member from office may be brought before the city council by five (5) registered voters of the City of Webster City, and/or before the Iowa District Court under the provisions of Chapter 66 of the Iowa Code. Said petition shall set forth the grounds for removal.

#### 17.07(6) HEARING BEFORE THE CITY COUNCIL

(a) Upon the filing of a written petition with the city alleging grounds for the removal of a council member, the city council shall set a date for hearing and provide notice to the council member at least twenty (20) days prior to hearing.

(b) The city council shall conduct a hearing under established rules for procedure and make a finding as to whether or not the facts justify a council member's removal from office.

(c) Removal of a council member can be made only by a two-thirds vote of the entire council.

(d) Proceedings before the city council shall not be a bar to proceedings in the Iowa District Court under Chapter 66 of the Iowa Code.

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**CHAPTER 20**

**CITY CLERK**

20.01 Appointment and Compensation  
20.02 Powers and Duties: General  
20.03 Recording and Publication of Meeting Minutes  
20.04 Recording Measures  
20.05 Publication  
20.06 Authentication  
20.07 Certify Measures

20.08 Records  
20.09 Attendance at Meetings  
20.10 Issue Licenses and Permits  
20.11 Notify Appointees  
20.12 Elections  
20.13 City Seal  
20.14 City Funds

**20.01 APPOINTMENT AND COMPENSATION.** At its first meeting in January each year between election years when no new Council members take office, the Council shall appoint by majority vote a City Clerk and a Deputy City Clerk to serve for a term of two (2) years. The Clerk shall receive such compensation as established by resolution of the Council.

*(Ord. 2004-1612-Feb.04 Supp.)  
(Code of Iowa, Sec. 372.13[3])*

**20.02 POWERS AND DUTIES: GENERAL.** The Clerk, or in the Clerk's absence or inability to act, the Deputy Clerk, has the powers and duties as provided in this chapter, this Code of Ordinances and the law.

*(Ord. 2004-1612-Feb. 04 Supp.)*

**20.03 RECORDING AND PUBLICATION OF 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.

*(Code of Iowa, Sec. 372.13[6])*

**20.04 RECORDING MEASURES.** The Clerk shall promptly record each measure considered by the Council and record a statement with the measure, where applicable, indicating whether the Mayor signed or took no action on the measure.

*(Ord 97-1498)*

*(Code of Iowa, Sec. 380.7[1 & 2])*

**20.05 PUBLICATION.** 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 this Code of Ordinances 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.

*(Code of Iowa, Sec. 362.3[1])*

2. Manner of Publication. A publication required by this Code of Ordinances or law must be in a newspaper published at least once weekly and having general circulation in the City.

*(Code of Iowa, Sec. 362.3[2])*

**20.06 AUTHENTICATION.** The Clerk shall authenticate all measures except motions with the Clerk's signature, certifying the time and manner of publication when required. The Clerk's certification is presumptive evidence of the facts stated therein. *(Ord 97-1498)*

*(Code of Iowa, Sec. 380.7[4])*

**20.07 CERTIFY MEASURES.** 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 recorder of the County containing the affected parts of the City.

*(Code of Iowa, Sec. 380. 11)*

**20.08 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. *(Ord. 97-1498)*

*(Code of Iowa, Sec. 380.7[5])*

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.

*(Code of Iowa, Sec. 372.13[4])*

3. Maintenance. Maintain all City records for at least five (5) years. However, ordinances, resolutions, Council proceedings and records and documents relating to real property transactions or bond issues, or accurate reproductions of those ordinances, resolutions, Council proceedings and records and documents relating to real property transactions or bond issues, shall 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.

(Code of Iowa, Sec. 372.13[3 & 5])

4. Provide Copy. Furnish upon request to any municipal officer a copy of any record, paper or public document under the Clerk's control when it may be necessary to such officer in the discharge of such officer's duty; furnish a copy to any citizen when requested upon payment of the fee set by Council resolution; under the direction of the Mayor or other authorized officer, affix the seal of the City to those public documents or instruments which by ordinance and code of Ordinances are required to be attested by the affixing of the seal. (Amended by Ordinance No. 97-1498)

(Code of Iowa, Sec. 372.13[4&5] and 380.7[5])

5. Filing of Communications. Keep and file all communications and petitions directed to the Council or to the City generally. The Clerk shall endorse thereon the action of the Council taken upon matters considered in such communications and petitions.

(Code of Iowa, Sec. 372.13[4])

20.09 ATTENDANCE AT MEETINGS. At the direction of the Council, the Clerk shall attend meetings of committees, boards and commissions. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

(Code of Iowa, Sec. 372.13[4])

20.10 ISSUE LICENSES AND PERMITS. The Clerk shall issue or revoke licences and permits when authorized by this Code of Ordinances, 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.

(Code of Iowa, Sec. 372.13[4])

20.11 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.

(Code of Iowa, Sec. 372.13[4])

20.12 ELECTIONS. The Clerk shall perform the following duties relating to elections and nominations:

1. In the event of a change in the method of nomination process used by the City, certify to the Commissioner of

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Elections the type of nomination process to be used by the City no later than seventy-seven (77) days before the date of the regular City election.

(Code of Iowa, Sec. 376-6)

2. 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 is timely filed.

(Code of Iowa, Sec. 376.4)

3. Designate other employees or officials of the City who are ordinarily available to accept nomination papers if the Clerk is not readily available during normal working hours.

(Code of Iowa, Sec. 376.4)

4. Note upon each petition and affidavit accepted for filing the date and time that the petition was filed.

(Code of Iowa, Sec. 376.4)

5. Deliver all nomination petitions, together with the text of any public measure being submitted by the Council to the electorate, to the County Commissioner of Elections not later than five (5) o'clock p.m. on the day following the last day on which nomination petitions can be filed.

(Code of Iowa, Sec. 376.4)

**20-13 CITY SEAL.** The City seal shall be in the custody of the Clerk and shall be attached by the Clerk 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 "INCORPORATED 1874" and around the margin the words "SEAL OF WEBSTER CITY, IOWA."

**20-14 CITY FUNDS.** The Clerk shall perform the following duties relating to City funds:

(Code of Iowa, Sec. 372.13[4])

1. Custody of Funds. Be responsible for the safe custody of all funds of the City in the manner provided by law, and Council direction.

2. Record of Fund. Keep the record of each fund separate.

3. Record Receipts. Keep an accurate record of all money or securities received on behalf of the City and specify the date, from whom, and for what purpose received.

4. Record Disbursements. Keep an accurate account of all disbursements, money or property, specifying date, to whom, and from what fund paid.  
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5. Special Assessments. Keep a separate account of all money received from special assessments.

6. Deposits and Investments. All moneys belonging to the City shall be promptly deposited by the City Clerk in depositories selected by the Council in amounts not exceeding the authorized depository limitation established by the Council or invested in accordance with State law, including joint investments as authorized by Section 384.21 of the Code of Iowa.

*(Code of Iowa, Sec. 384.21, 12B.10, 12C.1)*

7. Reconciliation. Reconcile depository statements with the Clerk's books and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.

8. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.

9. Checks. Checks shall be prenumbered and signed by the Clerk or Deputy Clerk following Council approval, except as provided by subsection 5 hereof.

10. 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.

11. Copies of Budget on File. Not less than twenty (20) days before the date that the budget must be certified to the County Auditor and not less 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.

*(Code of Iowa, Sec. 384.16[2])*

12. 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 copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the County Auditor.

*(Code of Iowa, Sec. 384.16[5])*

**(Subsections 9-12 Added by Ord. 2008-1687-Oct. 08 Supp.)**

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TITLE 1 - POLICY AND ADMINISTRATION

CHAPTER 21  
CITY TREASURER

- 21.01 Appointment
- 21.02 Compensation
- 21.03 Duties of Treasurer

21.01 APPOINTMENT. The Treasurer shall be appointed by the City manager with approval of the Council for a term of one (1) year.

21.02 COMPENSATION. The Treasurer shall receive no compensation for performing the duties required herein.

21-03 DUTIES OF TREASURER. The duties of the Treasurer shall be as follows:

(Code of Iowa, Sec. 372.13[4])

1. Records. Keep an accurate record of all money or securities deposited in, and all disbursements drawn on, the accounts of the City.
2. Reconciliation. Reconcile the Treasurer's records with the books of the finance officer every month.
3. Custody of Funds. (Repealed by Ordinance No. 2004-1622-Jun.04 Supp.)



TITLE I - POLICY AND ADMINISTRATION

CHAPTER 22  
CITY ATTORNEY

- 22.01 Appointment and Compensation
- 22.02 Attorney for City
- 22.03 Power of Attorney
- 22.04 Ordinance Preparation
- 22.05 Review and Comment
- 22.06 Opinion on Contracts

- 22.07 Provide Legal Opinion
- 22.08 Attendance at Council Meetings
- 22.09 Prepare Documents
- 22.10 Other Services
- 22.11 Payment for Other Services
- 22.12 Assistants

22.01 APPOINTMENT AND COMPENSATION. The City Attorney shall be appointed by majority vote of the Council and receive such compensation as shall be established by resolution.

(Code of Iowa, Sec. 372.13[4])

22.02 ATTORNEY FOR CITY. The City Attorney shall 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. The City Attorney shall prosecute or defend all actions and proceedings when so requested by the Mayor or Council.

(Code of Iowa, Sec. 372.13[4])

22-03 POWER OF ATTORNEY. The City Attorney shall 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.

(Code of Iowa, Sec. 372.13[4])

22.04 ORDINANCE PREPARATION. The City Attorney shall prepare those ordinances which the Council may desire and direct to be prepared and report to the Council upon all such ordinances before their final passage by the Council and publication.

(Code of Iowa, Sec. 372.13[4])

22.05 REVIEW AND COMMENT. The City Attorney shall, upon request, make a written report to the Council and interested department heads, giving an opinion on all contracts, documents, resolutions, or ordinances submitted to or coming under the City Attorney's notice.

(Code of Iowa, Sec. 372.13[4])

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**22.06 OPINION ON CONTRACTS.** The City Attorney shall, 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.

(Code of Iowa, Sec. 372.13[4])

**22.07 PROVIDE LEGAL OPINION.** The City Attorney shall, upon request, give a 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.

(Code of Iowa, Sec. 372.13[4])

**22.08 ATTENDANCE AT COUNCIL MEETINGS.** The City Attorney shall attend meetings of the Council at the request of the Mayor or Council.

(Code of Iowa, Sec. 372.13[4])

**22.09 PREPARE DOCUMENTS.** The City Attorney shall, upon request, formulate drafts for contracts, forms and other writings which may be required for the use of the City.

(Code of Iowa, Sec. 372.13[4])

**22.10 OTHER SERVICES.** In addition, the City Attorney shall perform the following extraordinary legal services on behalf of the City:

1. Counsel with City officials, including Council Members, the City Manager, Clerk and department heads and provide legal advice in regard to City matters.
2. Assist bond attorneys retained by the City in the assimilation and preparation of materials for the issuance of municipal bonds.
3. Provide any other legal services required or requested in the administration of the governmental functions of the City.

**22.11 PAYMENT FOR OTHER SERVICES.** The City Attorney shall be compensated for all services not established by resolution as provided in Section 22.01 at the current rate established by the firm with which the City Attorney is associated.

**22.12 ASSISTANTS.** The City Attorney shall have the authority to retain such assistants as may be necessary to carry out the legal functions of municipal government, subject to approval of the Council. Specifically authorized and approved as assistants to the City Attorney are those attorneys with whom the City

Attorney is associated with or in partnership with in the private practice of law. When the City Attorney deems it necessary because of an apparent conflict of interest, the City Attorney shall have authority, subject to approval of the Council, to retain any qualified attorney as a special assistant to carry out the legal functions of municipal government.

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TITLE I - POLICY AND ADMINISTRATION

CHAPTER 23  
CITY MANAGER

- 23.01 Appointment
- 23.02 Compensation
- 23.03 Chief Administrator
- 23.04 Powers and Duties

- 23.05 Additional Powers
- 23.06 Council Relations
- 23.07 Bid Lettings
- 23.08 Appointments

23.01 APPOINTMENT. As soon as possible after the beginning of the new term following each City election, the Council shall appoint a Manager. Such appointment must be made on the basis of qualifications and not on the basis of political affiliation.

(Code of Iowa, Sec. 372.6 & 372.13[4])

23.02 COMPENSATION. The Manager shall receive such annual salary as the Council shall from time to time determine by resolution.

(Code of Iowa, Sec. 372-13 [4])

23.03 CHIEF ADMINISTRATOR. The City Manager is the chief administrative officer of the City.

(Code of Iowa, Sec. 372.8 [1])

23.04 POWERS AND DUTIES. The City Manager shall exercise the following powers and duties:

1 . City Laws. Supervise enforcement and execution of the City laws.

(Code of Iowa, Sec. 372.8 [2a])

2. Council Meetings. Attend all meetings of the Council unless excused by the Mayor.

(Code of Iowa, Sec. 372.8 [2b])

3. Recommendations. Recommend to the Council such measures as deemed necessary or expedient for the good government and welfare of the City.

(Code of Iowa, Sec. 372.8 [2c])

4. Supervision. Supervise the official conduct of all officers of the City appointed by the Manager, and take active control of the police, fire, and engineering departments of the City.

(Code of Iowa, Sec. 372.8 [2d])

5. Contracts. Supervise the performance of all contracts for work to be done for the City; make all purchases of material and supplies; and see that such material and supplies are received, and are of the quality and character called for by the contract.

(Code of Iowa, Sec. 372.8 [2e])

6. Property and Improvements. Supervise the construction, improvement, repair, maintenance and management of all City property, capital improvements and undertakings of the City, including the making and preservation of all surveys, maps, plans, drawings, specifications and estimates for capital improvements, except property, improvements and undertakings managed by a utility board of trustees.

(Code of Iowa, Sec. 372.8 [2f])

7. Cooperation. Cooperate with any administrative agency or utility board of trustees.

(Code of Iowa, Sec. 372.8 [2g])

8. Streets and Solid waste. Be responsible for the cleaning, sprinkling and lighting of streets, alleys and public places, and the collection and disposal of waste.

(Code of Iowa, Sec. 372.8 [2h])

9. Licenses and Permits. Provide for and cause records to be kept of the issuance and revocation of licenses and permits authorized by City law.

(Code of Iowa, Sec. 372.8 [2i])

10. Advise Council. Keep the Council fully advised of the financial and other conditions of the City, and of its future needs.

(Code of Iowa, Sec. 372.8 [2j])

11. Budget. Cause to be prepared and submit to the Council annually the required budgets.

(Code of Iowa, Sec. 372.8 [2k])

12. Accounting. Conduct the business affairs of the City and cause accurate records to be kept by modern and efficient accounting methods.

(Code of Iowa, Sec. 372.8 [2l])

13. Financial Reports. make to the Council not later than the tenth day or second Council meeting of each month an itemized financial report in writing, showing the receipts and

disbursements for the preceding month. Copies of financial reports must be available at the clerk's office for public distribution.

(Code of Iowa, Sec. 372.8 [2m])

14. Treasurer. Appoint a treasurer subject to the approval of the Council.

(Code of Iowa, Sec. 3372.8 [2n])

15. Other. Perform other duties at the Council's direction.

(Code of Iowa, Sec. 372.8 [2o])

23.05 ADDITIONAL POWERS. The City Manager may:

1. Administrative Assistants. Appoint administrative assistants, with the approval of the Council.

(Code of Iowa, Sec. 372.8 [3a])

2. Employees. Employ, reclassify or discharge all employees and fix their compensation, subject to civil service provisions and the provisions of the Soldier's Preference Law (Chapter 70 of the Code of Iowa), except the City Clerk, Deputy City Clerk and City Attorney.

(Code of Iowa, Sec. 372.8 [3b])

3. Appointments. Make all appointments not otherwise provided for.

(Code of Iowa, Sec. 372.8 [3c])

4. Dismissal of Employees. Suspend or discharge summarily any officer, appointee or employee that the Manager has power to appoint or employ, subject, however to civil service provisions and the provisions of the Soldier's Preference Law (Chapter 70 of the Code of Iowa).

(Code of Iowa, Sec. 372.8 [3d])

5. Investigations. Summarily and without notice investigate the affairs and conduct of any department, agency, officer, or employee under the Manager's supervision, and compel the production of evidence and attendance of witnesses.

(Code of Iowa, Sec. 372.8 [3e])

6. Oaths. Administer oaths.

(Code of Iowa, Sec. 372.8 [3f])

23.06 COUNCIL RELATIONS. The City Manager shall not take part in any election for Council Member, other than by casting a vote, and shall not appoint a Council Member to City office or employment, nor shall a Council member accept such appointment.

23.07 BID LETTINGS. In all cases where bids or proposals are required to be taken in connection with any public improvements, the City manager or, in the absence of the City manager, the Clerk is hereby designated the duty of conducting and presiding over such public meeting or hearing as may be required by the Council in connection with receiving and opening such bids and announcing the results, and upon announcing the results, the City Manager or, in the absence of City manager, the Clerk shall thereupon report the results of such bidding together with recommendations thereon, to the Council at its next meeting.

23.08 APPOINTMENTS. The manager shall appoint the following officials, subject to council approval:

1. City Treasurer
2. Police Chief
3. Fire Chief
4. Sanitary Sewer Superintendent
5. Cemetery Superintendent
6. Building Official
7. Electric Superintendent.

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TITLE II – COMMUNITY PROTECTION

DIVISION I – ADMINISTRATION

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TITLE II – COMMUNITY PROTECTION  
DIVISION 1 – ADMINISTRATION

CHAPTER 25  
POLICE DEPARTMENT

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| 25.01 Department Established       | 25.06 Police Chief Appointed |
| 25.02 Organization                 | 25.07 Police Chief: Duties   |
| 25.03 Peace Officer Qualifications | 25.08 Summoning Aid          |
| 25.04 Required Training            | 25.09 Taking Weapons         |
| 25.05 Compensation                 |                              |

25.01 DEPARTMENT ESTABLISHED. The police department of the City is established to provide for the preservation of peace and enforcement of law and ordinances within the corporate limits of the City.

25.02 ORGANIZATION. The department shall consist of the Police Chief and such other law enforcement officers and personnel, whether full or part time, as may be authorized by the Council.

25.03 PEACE OFFICER QUALIFICATIONS. In no case shall any person be recruited, selected, or appointed as a peace officer unless such person:

(Code of Iowa, Sec. 80B.11)  
(IAC, 501-2.1; 501-2.2[1 and 2])

1. Resident Citizen. Is a citizen of the United States and a resident of Iowa or intends to become a resident upon being employed.
2. Age. Has reached eighteenth birthday at the time of appointment
3. Driver's License. Has a valid driver's or chauffeur's license issued by the State of Iowa.
4. Alcohol and Drugs. Is not addicted to drugs or alcohol.
5. Character. Is of good moral character as determined by a thorough investigation including a fingerprint search conducted of local, state and national fingerprint files and has not been convicted of a felony or a crime involving moral turpitude.

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6. Physical Agility. Has successfully passed the physical agility test developed by

the Iowa Law Enforcement Academy.

7. Conscientious Objector. Is not by reason of conscience or belief opposed to the use of force, when necessary to fulfill said person's duties.

8. Education. Is a high school graduate with a diploma, or possesses an equivalency certificate which meets the minimum score required by the State of Iowa as determined by the State Department of Education.

9. Vision. Has an uncorrected vision of not less than 20/100 in both eyes, corrected to 20/20 and normal color vision. Normal color vision, as determined by the American Optical Company, Pseudo-Isochromatic Plates test, requires correct identification of Fourteen out of the eighteen plates.

10. Hearing. Has normal hearing in each ear. Hearing is considered normal when, tested by an audiometer, hearing sensitivity thresholds are within 25db measured at 1000Hz, 2000Hz and 3000Hz averaged together.

11. Physical Exam. Is examined by a licensed physician or surgeon and meets the physical requirements necessary to fulfill the responsibilities of a law enforcement officer.

12. Written Exam. Has performed satisfactorily in pre-employment cognitive or personality tests or both.

25.04 REQUIRED TRAINING. All peace officers shall have received the minimum training required by law at an approved law enforcement training school within one year of employment. Peace officers shall also meet the minimum in-service training as required by law.

(Code of Iowa, Sec. 80B.11[2])  
(IAC, 501-3 and 501-8)

25.05 COMPENSATION. Members of the department shall be designated by rank and receive such compensation as shall be determined by resolution of the Council.

25.06 POLICE CHIEF APPOINTED. The Police Chief shall be appointed by the City Manager, subject to Council approval.

(Code of Iowa, Sec. 400.13)

25.07 POLICE CHIEF: DUTIES. The Police Chief shall have the following powers and duties subject to the approval of the Council.

(Code of Iowa, Sec. 372.13 [4])

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1. General. Perform all duties required of the police chief or marshal by law or ordinance.

2. Enforce Laws. Enforce all laws, ordinances and regulations and bring all persons committing any offense before the proper court.

3. Writs. Execute and return all writs and other processes directed to him.

4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.

(Code of Iowa, Sec. 321.266)

5. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.

6. Assist Officials. When requested, provide aid to other City Officers, boards and commissions in the execution of their official duties.

7. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.

8. Record of Arrests. Keep a record of all arrests made in the City of showing whether said arrests were made under provisions of State law or City ordinance, the offense charged, who made the arrest and the disposition of the charge.

9. Reports. Compile and submit to the Mayor and Council an annual report as well as such other reports as may be requested by the Mayor or Council.

10. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles, equipment and materials of the department.

25.08 SUMMONING AID. Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.

(Code of Iowa, 804.17)

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WEBSTER CITY, IOWA

25.09 TAKING WEAPONS. Any person who makes an arrest may take from the person arrested all items which are capable of causing bodily harm which the arrested person may have within such person's control to be disposed of according to law.

(Code of Iowa, 804.18)

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WEBSTER CITY, IOWA

CHAPTER 26

TITLE II – COMMUNITY PROTECTION  
DIVISION 1 – ADMINISTRATION

CHAPTER 26  
RESERVE POLICE FORCE

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|--|----------------------------------|
| 26.01 Reserve Police Force Established | 26.06 Repeal of Rules            |
| 26.02 Membership Rules                 | 26.07 Violation of Laws          |
| 26.03 Term of Service; Removal         | 26.08 Operation of City Vehicles |
| 26.04 Supervision                      | 26.09 Training                   |
| 26.05 Employment Status                | 26.10 Carrying Weapons           |

26.01 RESERVE POLICE FORCE ESTABLISHED. There is hereby created and established the Webster City Reserve Police Force as provided by Chapter 80D, Code of Iowa, and subject to the regulations therein contained. The Reserve Police Force shall serve until abolished by the Council.

26.02 MEMBERSHIP RULES. Membership in said Reserve Police Force shall be as prescribed in the reserve's bylaws, rules and regulations and shall be subject to the approval of the Mayor, City Manager and the Police Chief. The Mayor, City Manager and Police Chief may, from time to time, prescribe such other bylaws, rules and regulations as they, in their sole discretion, may deem to be desirable.

26.03 TERM OF SERVICE; REMOVAL. The members of the reserve police force shall serve at the discretion of the Police Chief and shall be removed and discharged from said reserve any time upon violation of any bylaw, rule or regulation prescribed as aforesaid or upon recommendation of the reserve police executive committee.

26.04 SUPERVISION. The members of the reserve force shall be subject to lawful orders of a member of the Webster City Police Department, the Mayor and the City Manager.

26.05 EMPLOYMENT STATUS. Members of the reserve police force shall be considered employees of the City during those periods when they are performing police duties as authorized and directed by the Police Chief or the Assistant Chief in the absence of the Chief, and they shall receive a salary of one dollar per year. However, said reserve members shall not be entitled to any benefits or obligations of police retirement benefits or civil service except worker's compensation insurance stature.

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26.06 REPEAL OF RULES. Any rule, regulation, constitution or bylaw of said reserve inconsistent with or in violation of this chapter is hereby repealed.

26.07 VIOLATION OF LAWS. No member of said reserve shall violate the ordinances of the City or the laws of the State or the United States of America, and any such violation may be grounds for summary dismissal.

26.08 OPERATION OF CITY VEHICLES. Members of the reserve may drive or operate a motor vehicle owned, leased or under the control of the City, but such privilege will be granted only after the reserve member has successfully passed the required probationary period.

26.09 TRAINING. Each person appointed to serve as a reserve peace officer shall satisfactorily complete, within four years from the date of appointment, a minimum training course consisting of 150 hours of training and instruction in accordance with Section 80D.3 of the Code of Iowa.

26.10 CARRYING WEAPONS. A member of the reserve force may carry a weapon in the line of duty when authorized by the Police Chief, provided such member has been approved by the City Council and has been certified by the Iowa Law Enforcement Academy Council to carry weapons.

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## CHAPTER 27

### POLICE RETIREMENT SYSTEM

27.01 Purpose  
27.02 System Established

27.05 Duties of Board of Trustees  
27.06 Legal Advisor

27.03 Applicability  
27.04 Board of Trustees

27.07 Medical Board

**27.01 PURPOSE.** The purpose of this chapter is to provide for a police disability and retirement system based upon actuarial tables and to implement and provide for the disability and retirement of Webster City peace officers under the provisions of Chapter 411 of the Code of Iowa.

**27.02 SYSTEM ESTABLISHED.** All of the provisions of Chapter 411 of the Code of Iowa, including all benefits provided therein are hereby adopted by the City and made a part of this chapter by this reference.

(Ord. 2004-1620-Jun. 04 Supp.)

**27.03 APPLICABILITY.** This chapter shall apply only to members of the police department who became such on or after September 21, 1961.

(Code of Iowa, Sec.411.3)

**27.04 Board of Trustees.** The general administration and responsibility for the proper operation of the retirement system is hereby vested in the board of trustees for State-wide system created by Chapter 411.36 of the Code of Iowa. The system shall be administered under the direction of the board.

(Ord. 2004-1620-Jun. 04 Supp.)

(Code of Iowa, Sec. 411.5[1])

**27.05 DUTIES OF BOARD OF TRUSTEES.** The board of trustees shall have and perform all of the duties given unto such board by laws of the State of Iowa and shall have full power to invest and reinvest the funds of the police retirement system in the manner provided by law, and shall administer the same as required by law.

(Code of Iowa, Ch. 411)

**27.06 LEGAL ADVISOR.** The system may employ or retain an attorney to serve as the system's legal advisor and to represent the system. The costs of an attorney employed or retained by the system shall be paid from the fire and police retirement fund created in Section 411.8 of the Code of Iowa.

(Ord. 2004-1620-Jun. 04 Supp.)

(Code of Iowa, Sec. 411.5[7])

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CHAPTER 27

POLICE RETIREMENT SYSTEM

**27.07 MEDICAL BOARD.** The system shall designate a medical board as provided by law.

(Ord. 2004-1620-Jun. 04 Supp.)

(Code of Iowa, Sec. 411.5 [8])

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WEBSTER CITY, IOWA

CHAPTER 30

TITLE 11 – COMMUNITY PROTECTION  
DIVISION 1 – ADMINISTRATION

CHAPTER 30  
FIRE DEPARTMENT

30.01 Establishment and Purpose  
30.02 Organization  
30.03 Training  
30.04 Compensation  
30.05 Fire Chief Appointed  
30.06 Fire Chief: Duties

30.07 Obedience to Fire Chief  
30.08 Accidental Injury Insurance  
30.09 Liability Insurance  
30.10 Fire Assistance Outside City  
30.11 Authority to Cite Violations  
30.12 Emergency Ambulance Service

30.01 ESTABLISHMENT AND PURPOSE. A fire department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.

(Code of Iowa, Sec. 364.16)

30.02 ORGANIZATION. The department shall consist of the Fire Chief and such other officers and personnel as may be authorized by the Council.

(Code of Iowa, Sec. 372.13[4])

30.03 TRAINING. All members of the department shall attend and actively participate in regular or special training drills or programs as directed by the chief.

(Code of Iowa, Sec. 372.13[4])

30.04 COMPENSATION. Members of the department shall be designated by rank and receive such compensation as shall be determined by resolution on the Council.

(Code of Iowa, Sec. 372.13[4])

30.05 FIRE CHIEF APPOINTED. The Fire Chief shall be appointed by the City Manager subject to Council approval.

(Code of Iowa, Sec. 400.13)

30.06 FIRE CHIEF: DUTIES. The Fire Chief shall have the following powers and duties:

(Code of Iowa, Sec. 372.13[4])

1. General. Perform all duties required of the Fire Chief by law or ordinance.

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2. Enforce Laws. Enforce all ordinances and, where enabled, State laws regulating the following:

- A. Fire prevention.

- B. Maintenance and use of fire escapes.

- C. The investigation and use of fire escapes.
  - D. The means and adequacy of exit in case of fire from halls, theatres, churches, hospitals, asylums, lodging houses, schools, factories and all other buildings in which the public congregates for any purpose.
  - E. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.
3. Authority at Fires. When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department's duties.  
(Code of Iowa, Sec. 100B.2)
4. Control of Scences. Prohibit an individual, vehicle or vessel from approaching a fire scene and remove from the scene any object, vehicle, vessel or individual that may impede or interfere with the operation of the fire department.  
(Code of Iowa, Sec. 100B.2)
5. Authority to Barricade. When in charge of a fire scene, place or erect ropes, guards, barricades or other obstructions across a street, alley, right-of-way, or private property near the location of the fire or emergency so as to prevent accidents or interference with the fire fighting efforts of the fire department, to control the scene until any required investigation is complete, or to preserve evidence related to the fire or other emergency.  
(Code of Iowa, Sec. 100B.3)
6. Command. Be charged with the duty of maintaining the efficiency and discipline of the fire department. The members of the fire department shall, at all times, be subject to the direction of the fire chief.

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7. Property. Exercise and have full control over the disposition of all fire apparatus, tools, equipment and other property used by or belonging to the fire department.
8. Notification. Whenever death, serious bodily injury, or property damage in excess of two hundred thousand dollars (\$200,000) has occurred as a result of a fire, or if arson is suspected, notify the State Fire Marshal's Division immediately. For all fires causing an estimated damage of fifty dollars (\$50.00) or more or emergency responses by the Fire Department, file a report with the Fire Marshal's Division within ten (10) days

following the end of the month. The report shall indicate all fire incidents occurring and state the name of the owners and occupants of the property, the estimated total loss to the property, origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incidents.

(Code of Iowa, Sec. 100.2 & 100.3)

9. Right of Entry. Have the right, during reasonable hours, to enter any building or premises within the Fire Chief's jurisdiction for the purpose of making such investigation or inspection which under law or ordinance may be necessary to be made and is reasonably necessary to protect the public health, safety and welfare.

(Code of Iowa, Sec. 100.12)

10. Recommendation. Make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

11. Assist State Fire Marshal. At the request of the State Fire Marshal, and as provided by law, aid said marshal in the performance of duties by investigating, preventing and reporting data pertaining to fires.

(Code of Iowa, Sec. 100.4)

12. Records. Cause to be kept records of the fire department personnel, fire fighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.

13. Reports. Compile and submit to the Mayor and Council an annual report of the status and activities of the department as well as such other reports as may be requested by the Mayor or Council.

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30.07 OBEDIENCE TO FIRE CHIEF. No person shall willfully fail or refuse to comply with any lawful order or direction of the fire chief.

30.08 ACCIDENTAL INJURY INSURANCE. The Council shall contract to insure the City against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for fire fighters injured in the performance of their duties as fire fighters whether within or outside the corporate limits of the City. All fire fighters shall be covered by the contract.

(Code of Iowa, Sec. 85.2, 85.61 and Sec. 410.18)

30.09 LIABILITY INSURANCE. The Council shall contract to insure against liability of the City or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties within or outside the corporate limits of the City.

(Code of Iowa, Sec. 613A.2 & 517A.1)

30.10 FIRE ASSISTANCE OUTSIDE THE CITY. The terms and conditions upon which fire fighting equipment of the City shall respond to calls for fire fighting or other emergency assistance outside the corporate limits shall be as follows:

1. Township Fire Protection. The fire department will respond to calls in rural areas that are covered in agreements which the City has entered into with townships under the provisions of Sections 28E.12 and 359.42 of the Code of Iowa.
2. Other Rural Response. The fire department may respond to calls involving vehicles or property not covered by a fire protection agreement described in subsection 30.10(1). In these instances, a fee established by the Council may be charged.
3. Mutual Aid. The fire department is hereby authorized to respond to calls for fire fighting or other emergency assistance from other cities when a request is made for such assistance by the mayor or fire chief of such city. No charge shall be made for responding to such calls except to reimburse the City for any damage done to the equipment.
4. Prior Agreements. Agreements with associations or individuals for fire protection outside the City existing on the date of the passage of the ordinance codified in this section shall be carried out to the date of the expiration of said agreements.

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30.11 AUTHORITY TO CITE VIOLATIONS. Fire officials acting under the authority of Chapter 100 of the Code of Iowa may issue citations in accordance to Chapter 805 of the Code of Iowa, for violations of state and/or local fire safety regulations.

(Code of Iowa, Sec. 100.41)

30.12 EMERGENCY AMBULANCE SERVICE. The department is authorized to provide emergency ambulance or rescue services and the accidental injury and liability insurance provided for herein shall include such operation.

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## CHAPTER 31

### FIRE RETIREMENT SYSTEM

- |                          |                                   |
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| 31.01 Purpose            | 31.05 Duties of Board of Trustees |
| 31.02 System Established | 31.06 Legal Advisor               |
| 31.03 Applicability      | 31.07 Medical Board               |
| 31.04 Board of Trustees  |                                   |

**31.01 Purpose.** The purpose of this chapter is to provide for a fire disability and retirement system based upon actuarial tables and to implement and provide for the disability and retirement of Webster City fire fighters under the provisions of Chapter 411 of the Code of Iowa.

**31.02 SYSTEM ESTABLISHED.** All of the provisions of Chapter 411 of the Code of Iowa, including all benefits provided therein, are hereby adopted by the City of Webster City and made a part of this chapter by this reference.

(Ord. 2004-1621-Jun. 04 Supp.)

**31.03 APPLICABILITY.** This chapter shall apply only to members of the fire department who became such on or after September 21, 1961.

(Code of Iowa, Sec. 411.3)

**31.04 BOARD OF TRUSTEES.** The general responsibility for the establishment and proper operation of the fire retirement system is vested in the board of trustees for State-wide system created by Chapter 411.36 of the Code of Iowa. The system shall be administered under the direction of the board.

(Ord. 2004-1621-Jun. 04 Supp.)

(Code of Iowa, Sec. 411.5[1])

**31.05 DUTIES OF BOARD OF TRUSTEES.** The board of trustees shall have and perform all of the duties given unto such board by laws of the State of Iowa and shall have full power to invest and reinvest the funds of the fire retirement system in the manner provided by law, and shall administer the same as required by law.

(Code of Iowa, Ch. 411)

**31.06 LEGAL ADVISOR.** The system may employ or retain an attorney to serve as the system's legal advisor and to represent the system. The costs of an attorney employed or retained by the system shall be paid from the fire and police retirement fund created in Section 411.8 of the Code of Iowa.

(Ord. 2004-1621-Jun. 04 Supp.)

(Code of Iowa, Sec. 411.5[7])

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CHAPTER 31

FIRE RETIREMENT SYSTEM

**31.07 MEDICAL BOARD.** The system shall designate a medical board as provided by law.

(Ord. 2004-1621-Jun. 04 Supp.)

(Code of Iowa, Sec. 411.5 [8])

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