

Chapter 1-1

CITY CODE

Sections:

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Section 1-1-1 Title

Upon adoption by the Governing Body, this City Code is hereby declared to be and shall hereafter constitute the official City Code of the City of Storm Lake. Any reference made to the number of any Section contained herein shall be understood to refer to the position of the same under its appropriate Chapter and Title heading, and to the general penalty clause relating thereto, as well as to the Section itself, when reference is made to this City Code by title in any legal document.

Section 1-1-2 Acceptance

This City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of general and permanent effect.

Section 1-1-3 Amendments

Any ordinance amending this City Code shall set forth the Title, Chapter and Section number of the Section or Sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be immediately prepared for insertion in its proper place in each copy of this City Code.

Section 1-1-4 Construction of Words

Whenever any word in any Section of this City Code importing the plural number is used, in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used.

When any subject matter, party or person is referred to in this City Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included. Provided, that these rules of construction shall not be applied to any Section of this City Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

Section 1-1-5 Penalty

Any person violating any provisions of this City Code, when no other criminal or civil penalty for such violation is provided in this City Code, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding five hundred dollars (\$500.00), or be imprisoned for a period not exceeding thirty (30) days.

(Ord. 04-O-2003-2004, Amended, 10/06/2003)

Chapter 1-2

SAVING CLAUSE

Sections:

- 1-2-1 Repeal of General Ordinances**
- 1-2-2 Public Utility Ordinances**
- 1-2-3 Court Proceedings**
- Section 1-2-1 Repeal of General Ordinances**

All general ordinances of the City passed prior to the adoption of this City Code are hereby repealed, except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following Section), from which are excluded the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to person or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the City; the Storm Lake Zoning Ordinance and Subdivision Regulations; and all special ordinances.

Section 1-2-2 Public Utility Ordinances

No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code or by virtue of the preceding Section, excepting as this City Code may contain provisions for such matters, in which case this City Code shall be considered as amending such ordinance or ordinances in respect of such provisions only.

Section 1-2-3 Court Proceedings

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

This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance. Nothing contained in this or the preceding Section shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or

as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this City Code.

Chapter 1-3

CITY LIMITS

Sections:

- 1-3-1** **Boundaries of the City**
- 1-3-2** **Incorporation**

Section 1-3-1 **Boundaries of the City**

The boundaries of the City as now existing and established, are as follows:

DESCRIPTION: BOUNDARIES OF THE CITY: The boundaries of the City, as now existing and established, are as follows: Beginning at the Northeast (NE) Corner of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 35, T-91-N, R-37-W of the 5th P.M., Buena Vista County, Iowa; Thence South, along the East line of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 35 to the Southeast (SE) Corner of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 35; Thence East, along the North line of the Northwest Fractional Quarter (NW FRAC 1/4) of Section 2, T-90-N, R-37-W of the 5th P.M., to the Northeast (NE) Corner of the Northwest Fractional Quarter (NW FRAC 1/4) of said Section 2; Thence South, along the East line of the Northwest Fractional Quarter (NW FRAC 1/4) of said Section 2, 825.9 feet to the Northwest (NW) Corner of M.C.S. Addition to Storm Lake, Iowa; Thence East, along the North line of M.C.S. Addition to Storm Lake, Iowa, 1316.04 feet to the West line of the East One-Half (E 1/2) of the Northeast Fractional Quarter (NE FRAC 1/4) of Section 2, T-90-N, R-37-W of the 5th P.M. said point being also on the West line of Block 2 of Rothmoor Industrial Addition; Thence North, along the West line of the East One-Half (E 1/2) of the Northeast Fractional Quarter (NE FRAC 1/4) of said Section 2 also being the West line of Block 2 of Rothmoor Industrial Addition, to the North line of said Northeast Fractional Quarter (NE FRAC 1/4); Thence East, along the North line of said Northeast Fractional Quarter (NE FRAC 1/4) to the Northeast (NE) Corner of said Northeast Fractional Quarter (NE FRAC 1/4); Thence South, along the East line of said Northeast Fractional Quarter (NE FRAC 1/4), 2350.10 feet to the Southeast (SE) Corner of said Northeast Fractional Quarter (NE FRAC 1/4); Thence West, along the South line of said Northeast Fractional Quarter (NE FRAC 1/4), 922.16 feet to the West line of Rothmoor Road extended South; Thence North, along the West line of Rothmoor Road, 646.81 feet to the Northeast (NE) Corner of the South One-Half (S 1/2) of Lot 6, Block 2 of Rothmoor Industrial Addition; Thence West, along the North line of the South One-Half (S 1/2) of said Lot 6, 400.00 feet to the West line of the East One-Half (E 1/2) of the Northeast Fractional Quarter (NE FRAC 1/4) of said Section 2; Thence South, along the West line of the East One-Half (E 1/2) of said Northeast Fractional Quarter (NE FRAC 1/4), 202.98 feet; Thence East, 158.72 feet; Thence South, 208.72 feet to the North right of way line of East Richland Street; Thence East, along the North right of way line of East Richland Street, 241.28 feet; Thence South, along the West line of Rothmoor Road extended, 50 feet to the South line of the Northeast Fractional Quarter (NE FRAC 1/4) of said Section 2; Thence East, along the South line of the Northeast Fractional Quarter (NE FRAC 1/4) of said Section 2, 922.16 feet to the Southeast (SE) Corner of said Northeast Fractional Quarter (NE FRAC 1/4); Thence South 00N 32' East, along the West line of the Southwest Quarter (SW 1/4) of Section 1, T-90-N, R-37-W, 1207.70 feet; Thence East 2642.06 feet to the East line of said Southwest Quarter (SW 1/4); Thence South 00N 34' East, along the East line of said Southwest Quarter (SW 1/4), 407.18 feet; Thence East, 2638.72 feet to the East line of said Section 1; Thence South 00N 31' East, along the East line of said Section 1, 1087.70 feet to the Southeast (SE) Corner of Section 1; Thence South 00N 20' 20" East, along the East line of the Northeast Quarter (NE 1/4) of Section 12, 266.05 feet to the North right of way line of the Chicago Central and

Pacific Railroad; Thence North 77N 07' West, along the North right of way line of the Chicago Central and Pacific Railroad, 5427.70 feet to the West line of the Southwest Quarter (SW 1/4) of Section 1; Thence North 76N 34' 40" West, along the North line of the Chicago Central and Pacific Railroad, 872.88 feet; Thence North 01N 56' 40" East, 238.22 feet; Thence North 89N 44' 40" West, 824.23 feet to the Southwest (SW) Corner of M.C.S. Industrial Addition: Thence Northwesterly, along the East line of the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad, to a point which is 150 feet North of the centerline of the Chicago Central and Pacific Railroad Company's mainline track; Thence Westerly and parallel to the centerline of the Chicago Central and Pacific Railroad tracks to the West Sixteenth line of Section 2, T-90-N, R-37-W; Thence South, along the West Sixteenth line of Section 2, to a point which is 50 feet South of the centerline of the Chicago Central and Pacific Railroad main track; Thence Easterly, and parallel to the main track of the Chicago Central and Pacific Railroad Company to the West right of way line of the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad Company; Thence Southeasterly along said right of way line to the South line of Section 2; Thence West along the South line of said Section 2, to the original highwater line before dredging; Thence Southeasterly, along the highwater line before dredging to the South line of Government Lot 1, of Section 11; Thence East, along the South line of Government Lot 1, to the West right of way line of the county road between Sections 11 and 12; Thence South, along said right of way line, 66 feet; Thence West, to the West right of way line of the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad; Thence Southeasterly, along the West right of way line of said railroad to a point, 824 feet due North of the South line of Government Lot 3 in Section 11; Thence West to the shoreline after dredging; Thence Northwesterly, along the shoreline after dredging to a point which is due South of a point which is 2125 feet West of the intersection of the West right of way line of the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad and the South line of Section 2; Thence North to the ordinary highwater line; Thence Westerly and Southwesterly, along the ordinary highwater line to the Easterly boundary of the North Emerald Drive, extended North; Thence South, along the extension of the East line of the North Emerald Drive, across the inlet to Storm Lake to the ordinary highwater line; Thence Southerly, along the ordinary highwater line to the South line of the Northeast Quarter (NE 1/4) of Section 8, T-90-N, R-37-W; Thence West, along the South line of the Northeast Quarter (NE 1/4) of said Section 8, to the Southwest (SW) Corner of the Northeast Quarter (NE 1/4) of said Section 8; Thence North, along the West line of the Northeast Quarter (NE 1/4) of said Section 8, to a point which is 1014.16 feet South of the Northeast (NE) Corner of the Northwest Quarter (NW 1/4) of said Section 8; Thence West, along the South line of Leona Drive, 270.30 feet; Thence South 01N 14' West, 230 feet; Thence North 88N 51' West, 145.30 feet; Thence South 01N 04" West, 230 feet; Thence North 88N 51' West, 912.10 feet; Thence North 01N 11' East, to the South right of way line of County Road C-63; Thence East, along the South line of County Road C-63, to a point that is 972.75 feet West of the Northeast (NE) Corner of the Northwest Quarter (NW 1/4) of Section 8; Thence North, 322 feet; Thence East, 110 feet; Thence South, 322 feet to the South right of way line of County Road C-63; Thence East, along the South right of way line to the Northeast (NE) Corner of Lot 12, Block 1, West Lake Estates Addition to Storm Lake; Thence South 255.35 feet; Thence East to the Eastern most line of the Northwest Quarter (NW 1/4) of said Section 8; Thence North, along the East line of the Northwest Quarter (NW 1/4) of said Section 8 to the Northeast (NE) Corner of the Northwest Quarter (NW 1/4) of said Section 8 (a parcel of land bounded on the North by Lot 4, Block 1, West Lake Estates Addition and on the West by Lot 5, Block 1, West Lake Estates Addition, and on the South by Leona Drive and on the East by Highway No. 110, is expressly excluded from the City Limits). From the Northeast (NE) Corner of the Northwest Quarter (NW 1/4) of Section 8, T-90-N, R-37-W; Thence East, to the centerline of Iowa Highway No. 110; Thence Northeasterly, along the centerline of Iowa Highway No. 110, 4980 feet to the East line of Section 5, T-90-N, R-37-W; Thence North, along the East line of Section 5, to a point which is 384.85 feet South of the Northeast (NE) Corner of Government Lot 1 of said Section 5; Thence West, 33 feet; Thence South 36N 18' West, 174.32 feet along the North right of way line of Iowa Highway No. 110; Thence West, 100 feet; Thence North, 634.34 feet; Thence West, 128.8 feet; Thence North, 545.2 feet; Thence East, 360 feet, to the East line of Section 5, T-90-N, R-37-W; Thence North, along the East line of said Section 5, T-90-N, R-37-W and the West line of the

Southwest Quarter (SW 1/4) of Section 33, T-91-N, R-37-W, to the Northwest (NW) Corner of the South One-Half (S 1/2) of said Southwest Quarter (SW 1/4); Thence East, along the North line of the South One-Half (S 1/2) of said Southwest Quarter (SW 1/4) to the South right of way line of Iowa Highway No. 7; Thence Northwesterly, along the South right of way line of Iowa Highway No. 7, to a point 33 feet East of the West line of the Southwest Quarter (SW 1/4) of Section 33, T-91-N, R-37-W; Thence North, along the East right of way line of the county road, 415.26 feet; Thence South 67N 54' 30" East, 1024.39 feet; Thence North, 220 feet; Thence East, 342.52 feet to the East line of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of said Section 33; Thence South 00N 04' 20" East, along said East line, 461.75 feet to the Southeast (SE) Corner of said Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4); Thence East, along the North line of the South One-Half (S 1/2) of the South One-Half (S 1/2) of said Section 33, to the East line of said Section 33; Thence North, along the West line of Section 34, T-91-N, R-37-W to the Northwest (NW) Corner of said Section 34; Thence East, along the North line of said Section 34 to the East line of Geisinger's Commercial Second Addition; Thence South, along the East line of Geisinger's Commercial Second Addition, extended South to the Northwest (NW) Corner of Maywood Second Addition; Thence East, along the North line of Maywood Second and Maywood Third Additions to the West line of Section 35, T-91-N, R-37-W; Thence South along the West line of the Southwest Quarter (SW 1/4) of said Section 35 to the Northwest (NW) Corner of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 35; Thence East along the North line of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 35, T-91-N, R-37-W of the 5th P.M., Buena Vista County, Iowa, to the Point of Beginning.

Section 1-3-2 Incorporation

The territory heretofore defined by said boundaries is and the same is hereby designated to be the "City of Storm Lake", that the inhabitants of said territory be and do hereby constitute a body politic and corporate, possessed of all the power, immunities, rights and privileges of a city existing under and by virtue of the laws of the State of Iowa.

The force and authority of all ordinances and by-laws and jurisdiction of the officers of said City, shall be co-extensive therewithin all cases, and in special cases to such extent as may be provided by the laws of the State.

Chapter 1-4

CITY SEAL

Sections:

1-4-1 Seal Adopted

Section 1-4-1 Seal Adopted

The Seal of the City of Storm Lake, Iowa shall be as follows:

A Seal with an embossed circle around the margin, inside of the said embossed circle in one portion shall be the words, "City Seal," and in the opposite portion the word, "Iowa," and across the center the words "Storm Lake." Such Seal shall belong to the Clerk's office and it shall be kept and used by the Mayor, City Administrator, Finance Director or City Clerk as required by law.

Chapter 1-5

ELECTION PRECINCTS

Sections:

- 1-5-1 Application
- 1-5-2 Precinct Boundaries

Section 1-5-1 Application

The election precincts whose boundaries are described in Section 1-5-2 shall be the election precincts applicable for voting in all Federal, State and Municipal elections. The polling location for each precinct shall be designated by the City Council and shall be changed as necessary.

Section 1-5-2 Precinct Boundaries

FIRST PRECINCT: Comprising an area lying east of a line beginning at a point where the extension of Lake Avenue extended north would cross the northernmost City limits, thence South on Lake Avenue to Seventh Street, thence east on Seventh Street to Superior Street, thence north on Superior Street to Flindt Drive, then southeasterly on Flindt Drive to Russell Street, thence south on Russell Street to Fifth Street, thence east on Fifth Street to Flindt Drive, thence south on Flindt Drive to the intersection with the railroad right of way, thence northwesterly along the railroad right of way until the intersection with Superior Street, thence south to East Third Street, thence southeasterly on Third Street to Mae Street, thence south on Mae Street to the north side of Lakeshore Drive, thence west along Lakeshore Drive to Russell Street, thence south to the City limits boundary.

SECOND PRECINCT: Comprises an area bounded by the following: From a point of beginning where the extension of Lake Avenue north would cross the northernmost City limits, thence south on Lake Avenue to Seventh Street, thence east on Seventh Street to Superior Street, thence north on Superior Street to Flindt Drive, thence southeasterly on Flindt Drive to Russell Street, thence south on Russell Street to Fifth Street, thence east on Fifth Street to Flindt Drive, thence south on Flindt Drive to the intersection with the railroad right of way, thence northwesterly along the railroad right of way until the intersection with Superior Street, thence south to East Third Street, thence Northwesterly to Hudson Street, thence south on Hudson Street to Second Street, thence west on Second Street to Lake Avenue, thence north on Lake Avenue to Railroad Street, thence northwesterly to Geneseo Street, thence north on Geneseo Street to Fifth Street, thence west on Fifth Street to Barton Street, thence north on Barton Street to West Milwaukee Avenue, thence northwesterly on West Milwaukee Avenue to Northwestern Drive, thence north on Northwestern Drive extended north to its intersection with the City limits, thence following the City limits boundaries easterly and northerly to the point of beginning.

THIRD PRECINCT: Comprising an area lying west of a line beginning at a point where Northwestern Drive extended intersects the northernmost City limits, thence south on Northwestern Drive to West Milwaukee Avenue, thence easterly on West Milwaukee Avenue to Barton Street, thence south on Barton Street to Fifth Street, thence east on Fifth Street to Otsego Street, thence south on Otsego Street to Fourth Street, thence west on Fourth Street to Grand Avenue, thence South on Grand Avenue extended to its intersection with the City limits.

FOURTH PRECINCT: Comprises an area bounded by the following: From a point of beginning where Grand Avenue extended south intersects with the City limits, thence north on Grand Avenue to Fourth Street, thence east on Fourth Street to Otsego Street, thence north on Otsego Street to Fifth Street, thence east on Fifth Street to Geneseo Street, thence south on Geneseo Street to Railroad Street, thence southeasterly on Railroad Street to Lake Avenue, thence south on Lake Avenue to Second Street, thence east on Second Street to Hudson Street, thence north on Hudson Street to Third Street, thence southeasterly on Third Street to Mae Street, thence south on Mae Street to the north side of Lakeshore Drive, thence west along Lakeshore Drive to Russell Street, thence south to the City limits boundary, thence following the City limits boundary westerly to the point of beginning.

Chapter 1-6

CITY OFFICERS

Sections:

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Section 1-6-1 Officers Elected

There shall be elected, commencing with the regular municipal election in 1969, a Mayor and five (5) Councilmembers at large.

Section 1-6-2 Tenure of Office

The term of office for Mayor and Councilmembers, commencing with the regular municipal election in 1969, will be for a term of four (4) years.

As of the date of the 1985 election, the terms of Mayor and three Councilmembers expire in 1987. As a special exception to the four (4) year term provided above, of the three (3) Councilmembers elected in 1985, the candidate receiving the lowest vote total shall serve a two (2) year only term. Beginning with the regular election of 1987 and every four (4) years thereafter, three (3) Councilmembers shall be elected for the regular four (4) year term. Beginning with the regular election of 1989 and every four (4) years thereafter, the Mayor and two (2) Councilmembers shall be elected for the regular four (4) year term.

All officers elected at any regular municipal election shall qualify and take office on or before noon of the first (1st) working day of January following their election. All officers shall hold office as above provided and until their successors are elected and qualified.

Section 1-6-3 Appointment by Council

At the first meeting of the new Council, after the regular municipal election, the Council shall appoint a City Clerk, and a City Attorney, who shall serve thereafter at the pleasure of the Council.

Section 1-6-4 Appointments by Mayor

At the first meeting of the new Council after the regular municipal election, the Mayor shall appoint the Mayor Pro Tempore and such other employees as may now or hereafter be determined by the Council, and for such time and under such terms as is by law provided.

Section 1-6-5 Qualification

All elected officers shall qualify as required by the laws of the State by taking and subscribing to an oath to support the Constitution of the United States and of the State of Iowa and the provisions of this Code.

Section 1-6-6 Bonds

All municipal officers required by the law to give bond shall, before entering upon the duties of their respective offices, be provided with a blanket bond purchased by the City, said bond to be approved by the Council, conditioned for the faithful performance of the officers' duties as such officers except as hereinafter provided. The Council shall have the power to purchase a position surety bond running to the municipal corporation and covering all municipal officers and members except as hereinafter provided for the purpose of indemnifying the municipal corporation against any loss occasioned through embezzlement of municipal funds by any municipal officer or employee.

Section 1-6-7 Bond of Clerk

The bond of the City Administrator, Finance Director and City Clerk shall be in an amount as determined by the Council and shall be not less than two hundred fifty thousand dollars (\$250,000.00). This bond shall be a separate bond from the position surety referred to in Section 1-6-6.

Section 1-6-8 Bonds of Other Officers

Bonds of other officers where not fixed by the provisions of this Code shall be in such amount as the Council shall fix by Resolution providing that any officer whose election or appointment is provided for by law shall have the amount of his/her bond fixed by Ordinance.

Section 1-6-9 Filing and Recording Bonds

All bonds when duly executed shall be filed with the Clerk.

Section 1-6-10 Refusal to Furnish Bond

On the failure, refusal or neglect of any officer mentioned to subscribe to his/her oath of office and file his/her bond, if bonds be required of him/her, at or before the first regular meeting of the Council which comes at least ten (10) days after the said person shall have been notified of his/her election to office, the Council may declare said office vacant and proceed as in other cases of vacancy.

Section 1-6-11 Vacancy in Office

In case of a vacancy in any elective office caused by resignation, death or otherwise, the Council may appoint any qualified elector to fill such vacancy, or the Council may cause a special election to be held to fill the vacancy. If the Council desires to fill the vacancy by appointment, it shall follow the procedures of Section 372.13(2)(a) of the 1993 Code of Iowa and as the same may hereafter be amended and any proposal to appoint to fill a vacancy is subject to the right of the electorate to petition to have the vacancy filled by special election as provided in the State Code. If the appointment procedure is followed, the Council shall vote by ballots which shall be open to public inspection, and the person receiving the majority of the votes of the whole Council shall be declared elected to fill such vacancy. Any officer appointed in this fashion shall serve only until the next regular election. If the office filled by appointment would not normally have been subjected to election at the next regular election, the election for that office shall be considered a special election for a two (2) year term only so as to maintain the staggered terms provided for by 1-6-2, and this elective position on the ballot shall be considered a separate, distinct and additional elective position as compared to the regular four (4) year term elective offices subject to election as previously provided in Section 1-6-2.

A vacancy in any appointive office shall be filled in the same manner as the original appointment was made.

Section 1-6-12 Eligibility

No person who shall have resigned or vacated any municipal office shall be eligible for the same office during the time for which he/she was elected or appointed, when, during the same time, the emoluments of such office have been increased.

Chapter 1-7

COUNCIL

Sections:

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| 1-7-3 | Quorum |
| 1-7-4 | Special Meeting |
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| 1-7-6 | Authority and Duties |

Section 1-7-1 Power

All legislative and other powers granted to cities shall be exercised by the Council except those conferred upon some other officer by law or Ordinance. Neither the Council nor the members thereof shall exercise any executive or administrative functions, unless expressly conferred by law.

Section 1-7-2 Time for Meetings

The first regular meeting of the new Council after the regular municipal election shall be held on or before noon of the second (2nd) secular day of January, following their election, and all other regular meetings of the Council shall be held at five o'clock (5:00) P.M. on the first and third Mondays of each month. All meetings shall be held in the Council Chambers, and shall be open to the public unless closed in compliance with the provisions of Chapter 21 of the Code of Iowa.
(Ord. 04-O-2001-2002, Amended, 10/01/2001)

Section 1-7-3 Quorum

Three (3) members of the Council shall constitute a quorum for the transaction of business.

Section 1-7-4 Special Meeting

The Mayor, or a majority of the Council may call special meetings, by notice to each of the members, personally served or left at his/her usual place of residence of which service of a record shall be made by the Clerk. Such notice shall state the time, purpose and location of such special meeting.

Section 1-7-5 Control of Property

The Council shall have the management and control of the finances and of all property, real and personal, belonging to the City.

Section 1-7-6 Authority and Duties

The Council shall have all the powers and perform all the duties that may be prescribed by the Council, the provisions of this Code and the laws of the State, and each member shall transmit to his/her successor in office all books, papers, records, documents and property, together with an invoice of the same, in his/her custody and appertaining to his/her office.

Chapter 1-8

MAYOR

Sections:

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Section 1-8-1 Powers and Duties of Mayor

The duties of the Mayor shall be as follows:

- (A) To act as presiding officer at all regular and special Council meetings provided, however, that the Mayor may not vote under any circumstances.
- (B) To act as official representative of the City in ceremonial functions and when otherwise requested by the City Council.
- (C) To act as chief executive officer of the City and supervise all city officers and departments provided, however, that if there is a duly appointed and acting City Administrator under the provisions of Chapter 1-17 of this Code, the Mayor shall not exercise the powers contained in 1-17-4 nor shall the Mayor have supervisory control over the City Administrator.
- (D) To take command of the police and govern the City by proclamation, upon making a determination that a time of emergency or public danger exists. Within the city limits, the Mayor has all the powers conferred upon the sheriff to suppress disorders.
- (E) To approve and sign, veto, or take no action on an ordinance, amendment or resolution passed by the Council. If the Mayor vetoes a measure, the Mayor must explain in writing the reason for such veto to the Council.
- (F) To sign all contracts on behalf of the City where the amount involved is \$25,000.00 or more and otherwise when necessary in the absence of the administrator.
- (G) To make written or oral reports to the City Council when appropriate, and to make recommendations suitable for Council action.
- (H) To appoint the Mayor Pro Tempore at the Mayor's discretion, and to make recommendations for appointment of other officers and members of boards and commissions as provided elsewhere in this Code and which latter appointments shall be subject to Council approval.
(Ord. 04-O-99-2000, Amended, 03/06/2000)

Section 1-8-2 Office

The Mayor may keep an office at some convenient place within the City Hall.

Section 1-8-3 Official Signature

The Mayor shall authenticate all ordinances in the Minute Book by his/her signature, and do such other acts as may require his/her signature or certificate.

Section 1-8-4 City Legislation

As provided in Section 1-8-1(e), the Mayor shall sign every ordinance or resolution passed by the Council before the same shall be enforced, and if the Mayor determines that such ordinance or resolution should be vetoed, the Mayor shall call a meeting of the Council within fourteen (14) days thereafter and return the vetoed legislation to the Council, along with the written explanation for the veto. If the Mayor fails to call a meeting within the time fixed above, or fails to return such ordinance or resolution with the written explanation of the veto as herein required, such ordinance or resolution shall become operative without the Mayor's signature. Upon the return of such ordinance or resolution by the Mayor to the Council, it may pass the same over the Mayor's objections, upon a call of the ayes and nays, by not less than a two-thirds (2/3) vote of the Council.

Section 1-8-5 Police Appointments

The Mayor may, in cases of emergency, appoint such number of special police officers as the Mayor may think proper, reporting such appointments to the Council at its next regular meeting; all such special appointments to continue in force until such meeting, unless sooner terminated by the Mayor.

Section 1-8-6 Filing Contracts

In all cases where contracts are executed, either by the Mayor or other person authorized, it shall be the duty of the person executing the contract on the part of the City to immediately file such contract with the Clerk and cause to be delivered to the other contracting party a copy thereof, if such party so requires.

Section 1-8-7 Additional Powers

The Mayor shall have such other powers and perform such other duties as may be provided by the council, the provisions of this Code or the laws of the State, and shall transmit to his/her successor in office all books, papers, records, documents and property, together with an invoice of the same, in custody or appertaining to his/her office.

Chapter 1-9

CITY CLERK

Sections:

- 1-9-1 Appointment**
 - 1-9-2 Supervision and Control**
 - 1-9-3 Seal**
 - 1-9-4 Attendance at Council Meetings; Statement of Proceedings**
 - 1-9-5 Record Of Council Measures**
 - 1-9-6 Publish Ordinances and Amendments**
 - 1-9-7 Maintain Copies Of Ordinances**
 - 1-9-8 Publish Notice**
 - 1-9-9 Certification of Measures**
 - 1-9-10 Certification of Tax Levies**
 - 1-9-11 Annual Report**
 - 1-9-12 Maintain City Records**
 - 1-9-13 Custody of Documents**
 - 1-9-14 Preservation of Records**
 - 1-9-15 Furnish Copies of Records**
 - 1-9-16 Communications and Petitions**
 - 1-9-17 Issuance of Licenses and Permits**
 - 1-9-18 Election Duties**
 - 1-9-19 Payment Records**
- Section 1-9-1 Appointment**

The Council shall select and appoint a Clerk and fix his/her salary. The Clerk shall attend all meetings of the Council, but shall not have the right to vote on any question. He/she shall make an accurate record of all proceedings, rules and ordinances adopted by the Council, and the same shall at all times be open to the public except as to meetings which are closed pursuant to the authority granted by the Code of Iowa.

Section 1-9-2 Supervision and Control

The office of City Clerk shall be under the general supervision and control of the City Administrator.

Section 1-9-3 Seal

The City Clerk shall keep the corporate seal of the City and attach the same to all orders or certificates which it may be necessary or proper to authenticate.

Section 1-9-4 Attendance at Council Meetings; Statement of Proceedings

The Clerk shall attend all regular and special Council meetings, except when excused by the City Administrator, and prepare and publish a condensed statement of the proceedings thereof, to include the total expenditure from each City fund. The statement shall further include a list of all claims allowed, a

summary of all receipts and the gross amount of the claims.

Section 1-9-5 Record Of Council Measures

The Clerk shall record each measure taken by the Council, stating where applicable, whether the Mayor signed, vetoed, or took no action on the measure and what action the Council made upon the Mayor's veto.

Section 1-9-6 Publish Ordinances and Amendments

The Clerk shall cause to be published all ordinances and amendments enacted by the City. He/she shall authenticate all such measures except motions with his/her signature, certifying the time and place of publication when required.

Section 1-9-7 Maintain Copies Of Ordinances

The Clerk shall maintain copies of all effective City ordinances and codes for public use.

Section 1-9-8 Publish Notice

The Clerk shall publish notice of public hearings, elections and other official actions as required by State and City laws.

Section 1-9-9 Certification of Measures

The Clerk shall certify all measures establishing any zoning district, building lines, or fire limits and a plat showing each district, lines or limits to the Recorder of the County containing the affected parts of the City.

Section 1-9-10 Certification of Tax Levies

Following Council adoption of the budget, the Clerk shall certify the necessary tax levy for the following year to the Council, Auditor and the County Board of Supervisors.

Section 1-9-11 Annual Report

The Clerk shall certify the annual public report, publish it and send a certified copy to the State Auditor and other State officers as required by law.

Section 1-9-12 Maintain City Records

The Clerk shall maintain all City records as required by law.

Section 1-9-13 Custody of Documents

The Clerk shall have custody and be responsible for the safekeeping of all writings or documents in which the municipality is a party in interest unless otherwise specifically directed by law or ordinance.

Section 1-9-14 Preservation of Records

The Clerk shall file and preserve all receipts, vouchers and other documents kept, or that may be required to be kept, necessary to prove the validity of every transaction and the identity of every person having any beneficial relation thereto.

Section 1-9-15 Furnish Copies of Records

The Clerk shall furnish upon request to any municipal officer a copy of any record, paper or public document under his/her control when it may be necessary to such officer in the discharge of his/her duty. The Clerk shall furnish a copy to any citizen when requested upon payment of the fee set by the Council resolution.

Section 1-9-16 Communications and Petitions

The Clerk shall keep and file all communications and petitions directed to the City Council or to the City generally. He/she shall endorse thereon the action of the City Council taken upon matters considered in such communications and petitions.

Section 1-9-17 Issuance of Licenses and Permits

The Clerk shall issue all licenses and permits approved by the Council, and keep a record of licenses and permits issued which shall show date of issuance, license or permit, and purpose for which issued.

Section 1-9-18 Election Duties

The Clerk shall compile and preserve a complete record of every City election, regular or special, and perform duties required by law or ordinance of the City Clerk in regard to elections.

Section 1-9-19 Payment Records

The Clerk shall keep a payment record in a form approved by the Council, showing the number, date, amount, payee's name, upon what fund drawn and for what claim each payment is issued.

Chapter 1-10

POLICE CHIEF

Sections:

- 1-10-1 Appointment**
- 1-10-2 May Summon Aid**
- 1-10-3 Public Peace**
- 1-10-4 Disturbances**
- 1-10-5 Record of Receipts**
- 1-10-6 Report**
- 1-10-7 Other Powers**

Section 1-10-1 Appointment

The Police Chief shall be appointed by the City Administrator, pursuant to Civil Service procedure. The Police Chief shall thereafter have general direction and control of the police force, subject to the administrative supervision of the City Administrator. He/she shall generally cause the police department to execute and enforce all laws of the United States, the State of Iowa and the City of Storm Lake within the City of Storm Lake and the Police Chief shall as well insure that the police department carries out the directives of any Court with jurisdiction within the City. The position of Police Chief shall have no fixed term.

(Ord. 04-O-99-2000, Amended, 03/06/2000)

Section 1-10-2 May Summon Aid

The Police Chief may orally summon as many persons as he/she finds necessary to aid the police department in making an arrest of any person accused or suspected of a crime, or in the suppression of any riot or unlawful assemblage, or in the prevention of the violation of any law or provision of this Code.

Section 1-10-3 Public Peace

The Police Chief shall cause the public peace to be preserved, shall enforce all laws and provisions of this Code, and when any violation thereof shall come to his/her knowledge or be reported to him/her on reliable information, he/she shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender.

Section 1-10-4 Disturbances

The Police Chief shall cause the police department to suppress all riots, disturbances and breaches of the peace; to apprehend any person in the act of committing an offense against the laws of the state or the provisions of this Code and forthwith bring such person or persons before the proper authority for examination and trial.

Section 1-10-5 Record of Receipts

The Police Chief shall keep a correct account in a book provided for that purpose, of all money or property belonging to the City, coming into his/her hands from whatever source, stating from whom and on what account the same was paid, and he/she shall, when not otherwise provided, pay over monthly to the Finance Director all money and securities in hand belonging to the municipality and take the Finance Director's receipt therefor.

Section 1-10-6 Report

The Police Chief shall make monthly reports to the City Administrator with regard to his/her duties and to the Council and Mayor upon request from either.

Section 1-10-7 Other Powers

The Police Chief shall have other powers and perform such other duties as may be provided by the Council, this Code, or the laws of the State, and shall transmit to his/her successor in office all books, papers, records, documents and property, together with an invoice of the same, in his/her custody or appertaining to his/her office.

Chapter 1-11

CITY ATTORNEY

Sections:

- 1-11-1 Appointment**
- 1-11-2 Ordinances**
- 1-11-3 Attorney For Municipality**
- 1-11-4 To Give Opinion**
- 1-11-5 Legal Advisor**
- 1-11-6 Draft Contracts**
- 1-11-7 Sign Papers**
- 1-11-8 Attend Meetings**
- 1-11-9 Other Duties**

Section 1-11-1 Appointment

The Council shall appoint a City Attorney who shall be an attorney at law, duly admitted to practice by the Supreme Court of Iowa.

Section 1-11-2 Ordinances

The City Attorney shall examine all ordinances and report to the Council any defects that he/she may discover in any ordinance and draw such ordinances as the Council shall request him/her to draw.

Section 1-11-3 Attorney For Municipality

The City Attorney shall appear as attorney for the municipality in all actions in which the municipality is a party or has an interest.

Section 1-11-4 To Give Opinion

The City Attorney shall, upon request of any officer or member of the council, give his/her opinion upon any question of law arising out of any ordinance or any suit, claim or demand by or against the municipality. Such opinion shall be in writing when the one authorized to require the same shall so request and shall be filed with the Clerk.

Section 1-11-5 Legal Advisor

The City Attorney shall act as legal advisor to the Council or its committees, and all officers, on such questions as may arise in relation to the business of the municipality and when required by the Council, shall give his/her opinion in writing.

Section 1-11-6 Draft Contracts

The City Attorney shall, upon request of any officer or member of the Council, draft contracts, bonds, leases, ordinances, resolutions or other legal writing which may be required for the use of the municipality or its officers in the performance of their duty.

Section 1-11-7 Sign Papers

The City Attorney shall sign the name of the municipality to bonds and papers of whatever kind necessary in legal proceedings for the prosecution of any suit in court, provided the underlying legal action is authorized by the Council or Administrator, or is in defense of an action against the City.

Section 1-11-8 Attend Meetings

The City Attorney shall attend all regular meetings of the Council and may attend meetings of the various boards and commissions and special meetings of the Council when specifically requested to attend.

Section 1-11-9 Other Duties

The City Attorney shall also advise and represent the City Library Board and the Airport Commission upon their request, and shall advise any other board or commission of the City upon their request and with the consent of the City Administrator. The City Attorney shall also have such other powers and perform such other duties as may be provided by the Council, this Code or the laws of the State and shall transmit to his/her successor in office all books, papers, records, documents, and property together with the invoice of the same, in his/her custody or appertaining to his/her office.

Chapter 1-12

FIRE CHIEF

Sections:

| | |
|----------------|---------------------------------|
| 1-12-1 | Appointment |
| 1-12-2 | Supervision |
| 1-12-3 | Direction and Command |
| 1-12-4 | Fire Equipment |
| 1-12-5 | Report |
| 1-12-6 | Fire Zone |
| 1-12-7 | Removal of Building |
| 1-12-8 | Tear Down Buildings |
| 1-12-9 | Remove Wires |
| 1-12-10 | Fire Preventive Measures |
| 1-12-11 | Reports |
| 1-12-12 | Other Duties |

Section 1-12-1 Appointment

The Fire Chief shall be appointed by the **City Administrator**, pursuant to Civil Service Procedures.
(Ord. 04-O-99-2000, Amended, 03/06/2000)

Section 1-12-2 Supervision

The Chief of the fire department shall have general direction and control of the fire department, subject to the supervision of the City Administrator.

Section 1-12-3 Direction and Command

The Fire Chief shall have command, control and direction of all members of the fire department and of all other persons, officers or police, who may be present at fires. He/she may call upon any persons at a fire to assist the firemen in their duties.

Section 1-12-4 Fire Equipment

The Fire Chief shall have the general supervision and control of all buildings used by the fire department, and of any truck, hose, engine, machinery, alarm system or apparatus used by or connected with the fire department. He/she shall carefully examine the condition of all such property and see that the same is at all times in good repair and in good condition and report to the City Administrator any alteration or addition required, and shall, with the consent of the City Administrator, cause all necessary repairs to be made without delay.

Section 1-12-5 Report

The Fire Chief shall keep a correct roll of all members of the department, the date of admission and discharge, with compensation for services and amounts due each member.

Section 1-12-6 Fire Zone

The Fire Chief may prescribe the limits, in the vicinity of the fire, within which no persons, except those residing therein, members of the fire department and members of the police force and those admitted by the Fire Chief or his/her subordinate shall be permitted to come.

Section 1-12-7 Removal of Building

The Fire Chief shall have power, when in his/her judgment it becomes necessary to check or control any fire, to order any fence, building, or erection of any kind to be cut down and removed and with the consent of the City Administrator, he/she shall have power to cause any building or erection to be blown up with explosives for the purpose of checking or extinguishing a fire.

Section 1-12-8 Tear Down Buildings

The Fire Chief shall have power, with the consent of the City Administrator, to tear down any portion of any building that may be standing after a fire which, in their judgment, may be dangerous to persons or property.

Section 1-12-9 Remove Wires

The Fire Chief or his/her representative, shall have the power to cause the removal of all wires or the turning off of all electrical current whenever the same interferes with the work of the fire department.

Section 1-12-10 Fire Preventive Measures

The Chief or his/her designated representative may at least once each month, or more often if required by the City Administrator, make inspection of all business buildings, including basements of same, also chimneys, and make a written report in duplicate giving one copy to the occupant and one to the City Administrator and shall see that all fire preventive measures issued from any proper authority are carried out and enforced.

Section 1-12-11 Reports

The Fire Chief shall make reports to the City Administrator with regard to his/her duties and to the Council and Mayor upon request from either.

Section 1-12-12 Other Duties

The Fire Chief shall have such other powers and perform such other duties as may be provided by the Council, the provisions of this Code or the laws of the State, and shall transmit to his/her successor in office all books, papers, documents and property.

Chapter 1-13

MAYOR PRO TEMPORE

Sections:

1-13-1 Appointment

1-13-2 Duties

Section 1-13-1 Appointment

The Mayor Pro Tempore shall be a member of the Council appointed by the Mayor.

Section 1-13-2 Duties

The Mayor Pro Tempore is vice-president of the Council. When the Mayor is absent or unable to act, the Mayor Pro Tempore shall perform all of the Mayor's duties except that the Mayor Pro Tempore may not appoint, employ or discharge officers or employees without approval of the Council. Official actions of the Mayor Pro Tempore when the Mayor is absent or unable to act are legal and binding to the same extent as if done by the Mayor. The Mayor Pro Tempore retains all of the powers of a Council Member.

Chapter 1-14

SALARIES OF OFFICERS

Sections:

- 1-14-1 Payment Of Salaries**
 - 1-14-2 Mayor**
 - 1-14-3 City Attorney**
 - 1-14-4 Employees**
 - 1-14-5 Council Members**
 - 1-14-6 Reduction in Compensation**
 - 1-14-7 Trustees And Members Of Boards And Commissions**
- Section 1-14-1 Payment Of Salaries**

The compensation of the officers and employees shall be as provided in this Chapter.

Section 1-14-2 Mayor

The compensation of the Mayor shall be a salary of three thousand three hundred (\$3,300.00) per year, payable monthly, plus an allowance for car expenses at the rate of twenty-five dollars (\$25.00) per month.

Section 1-14-3 City Attorney

Compensation for the City Attorney shall be a salary of one thousand six hundred dollars (\$1,600.00) per year, payable quarterly and which salary shall be compensation for attending the two (2) regularly scheduled Council meetings each month. In addition, the City Attorney shall be paid such extra compensation as may be appropriate for all other services rendered for or on behalf of the City pursuant to itemized billings submitted by the Attorney and subject to the approval of the Council. The annual salary for the City Attorney shall be increased to two thousand dollars (\$2,000.00), effective January 1, 1994.

Section 1-14-4 Employees

The compensation of all other officers and employees where no compensation is fixed by the provisions of this Chapter, shall be determined by the compensation plan in effect at the time the services are provided and which compensation plan shall have been adopted by resolution of the Council.

Section 1-14-5 Council Members

The compensation for each Council member shall be one thousand six hundred dollars (\$1,600.00) per year, payable quarterly.

Section 1-14-6 Reduction in Compensation

If a Council member or the City Attorney shall miss more than three (3) regular Council meetings during a calendar year, their respective compensation shall be reduced by fifty dollars (\$50.00) for each Council meeting in excess of three (3) which are missed.

Section 1-14-7 Trustees And Members Of Boards And Commissions

Persons appointed to serve as trustees or members of boards and commissions provided for by this Code, and which members are appointed by either the Mayor or Council, shall be compensated at the rate of ten dollars (\$10.00) for each scheduled meeting which the member attends.

Chapter 1-15

COUNCIL MEETINGS

Sections:

- 1-15-1 Order Of Business**
- 1-15-2 Duties And Privileges Of The Mayor**
- 1-15-3 Duties And Privileges Of Members**
- 1-15-4 Motions And Responsibilities**
- 1-15-5 Ordinances**
- 1-15-6 Taking And Entering The Vote**
- 1-15-7 Precedence Of Questions**
- 1-15-8 Adjournment**
- 1-15-9 Previous Question**
- 1-15-10 To Lay On The Table**
- 1-15-11 Indefinite Postponement**
- 1-15-12 To Refer**
- 1-15-13 To Amend**
- 1-15-14 Reconsideration**
- 1-15-15 Suspension And Amendment**

Section 1-15-1 Order Of Business

At the appointed hour for the meeting, the Mayor, or Mayor Pro Tem, shall call the Council to order, whereupon the Clerk, or some person acting in his/her stead, shall call the roll and if upon such a roll call a quorum is found to be present, the Council shall proceed to the business before it in accordance with the published agenda.

Section 1-15-2 Duties And Privileges Of The Mayor

The Mayor shall preserve order and decorum, decide all questions of order and procedure subject to an appeal from the chair to the Council. The Mayor shall have the right to name any member of the Council to perform the duties of the chair, but such substitution shall not extend beyond adjournment.

Section 1-15-3 Duties And Privileges Of Members

Any member desiring to speak shall address the Mayor, but shall not then proceed with remarks until recognized by the chair. When two (2) or more members address the chair at once, the Mayor shall name the member who is to speak. While the Mayor is putting a question or a member is speaking, no member shall engage in conversation or walk across or out of the room.

No member shall speak more than twice on one question without permission of the Council; not more than once in any case until every member choosing to speak has spoken.

Every member present when a question is stated shall vote thereon, unless excused by the Council or unless the Council member has a conflict of interest in the matter. The Council shall determine its own course of action, sit upon its own adjournment, prescribe the time and place of its sessions, protect itself

from interruption from spectators; and it shall be unlawful for any person not a member of the Council to participate in its deliberations or to address the Council, except when permission is granted.

In all cases wherein the rules of this Council herein before enumerated are not applicable, the order of business and the rules thereof shall be as laid down in Robert's Rules of Order.

Section 1-15-4 Motions And Responsibilities

No motion shall be put or debated unless seconded; when seconded it shall be stated by the Mayor before debate, and every such motion shall be reduced to writing, if requested by the Mayor or a member of the Council.

After a motion or resolution is stated by the Mayor, it shall be deemed to be in the possession of the Council; but may be withdrawn at any time before decision; but if any amendment has been proposed, or adopted, it shall not be withdrawn without the consent of the mover of such amendment.

If the question in debate contains several distinct propositions, any member may require the same to be subdivided, when the sense admits of it, prior to the vote thereon.

In all cases where a motion or resolution is entered on the minutes of the Council, the name of the member moving the same shall be entered also.

Section 1-15-5 Ordinances

Ordinances of a general or permanent nature, and those for the appropriation of money, shall be considered on three (3) different days, unless three-fourths (3/4) of the Council shall dispense with the rule.

Section 1-15-6 Taking And Entering The Vote

If any member requires it, the yeas and nays upon any question shall be taken and entered upon the minutes, and every resolution authorizing any contract, public improvement, or appropriation of money and any ordinance shall be by a vote of yeas and nays and in every other case where the same is or may be required by law.

Section 1-15-7 Precedence Of Questions

When a question is under debate, the only motions in order shall be first, to adjourn; second, the previous question; third, to lay on the table; fourth, to postpone indefinitely; fifth, to adjourn to a certain day; sixth, to refer; seventh, to amend. The first three motions to be decided without debate.

Section 1-15-8 Adjournment

A motion to adjourn shall always be in order except, when a member is in possession of the floor; when

the yeas and nays are being called; when the members are voting; when adjournment was the last preceding motion; and when it has been decided that the previous question shall be taken.

A motion simply to adjourn cannot be amended; but a motion to adjourn to a given time may be amended; and is open to debate.

Section 1-15-9 Previous Question

When the previous question is moved and seconded, it shall be put in this form: "Shall the main question now be put?" If this carries, all further motions and debate shall be excluded, and the question put in this order; first upon the amendments pending, and then upon the main proposition.

Section 1-15-10 To Lay On The Table

A motion to lay on the table simply, is not debatable, but a motion to lay on the table conditionally, is subject to amendment and debate.

Section 1-15-11 Indefinite Postponement

When a motion is postponed indefinitely, it shall not be taken up again during the same meeting.

Section 1-15-12 To Refer

A motion to refer to any department of the City shall take precedence over a motion to refer to a committee shall take precedence over a similar motion for a special committee.

Section 1-15-13 To Amend

A motion to amend an amendment shall be in order but a motion to amend an amendment to an amendment shall not be entertained.

An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different subject shall not be in order.

An amendment to strike out and insert the paragraph to be amended shall first be read as it stands, then the words to be stricken out, and those to be substituted and finally the paragraph as it would stand if so amended.

Section 1-15-14 Reconsideration

A question may be reconsidered at any time during the same meeting or during the first meeting held thereafter. A motion for reconsideration once made and decided in the negative shall not be renewed before the next meeting.

A motion to reconsider must be moved and seconded by members who voted in the majority, or by those who were absent and did not vote upon the question to be reconsidered.

If a proposition has received a majority vote, but has failed for lack of a two-thirds (2/3) or three-fourths (3/4) majority, a motion to reconsider shall in that case be made by a member who voted in the minority and it may be seconded by any other member.

Section 1-15-15 Suspension And Amendment

These rules may be temporarily suspended by a vote of three-fourths (3/4) of all the members of the Council.

Chapter 1-16

CITY ELECTIONS

Sections:

- 1-16-1 Regular Elections**
 - 1-16-2 Special Elections**
 - 1-16-3 Nomination of Candidates**
- Section 1-16-1 Regular Elections**

The regular City election shall be held on the Tuesday next, after the first Monday in November of each odd numbered year and such election shall be conducted in the manner by law provided and shall be at such place or places in the voting precinct as the Council shall designate.

Section 1-16-2 Special Elections

All special elections shall be conducted as nearly as practicable in the same manner as regular elections and as otherwise provided by law.

Section 1-16-3 Nomination of Candidates

(A) Purpose. The purpose of this ordinance is to designate the methods of which candidates for elective municipal offices shall, in the City of Storm Lake, Iowa, be nominated.

(B) Nominating Method To Be Used. For all elections of the City of Storm Lake, Iowa, all candidates for elective municipal offices shall be nominated by the procedure set forth in Chapter 45 of the 1993 Code of Iowa, and as said Chapter may be hereafter revised, amended, or redesignated. The method described herein for nominating candidates shall remain in effect until or unless changed by ordinance.

Chapter 1-17

CITY MANAGER

Sections:

| | |
|---------------|--|
| 1-17-1 | Purpose |
| 1-17-2 | Appointment and Term of Manager |
| 1-17-3 | Compensation of Manager |
| 1-17-4 | Duties of Administrator |
| 1-17-5 | Manager's Bond |

Section 1-17-1 Purpose

The purpose of this Chapter is to provide for a City Manager for the City. Previously the title for this position was City Administrator. Wherever in the Code reference is made to the position of City Administrator, such title shall be considered synonymous with the title of City Manager.
(Ord. 09-O-2009-2010, Amended, 11/16/2009)

Section 1-17-2 Appointment and Term of Manager

The Manager is to be appointed by a majority vote of the Council and shall hold office at the pleasure of the Council, and shall be subject to removal by majority vote of the Council. The Manager shall be a person competent by education or experience to perform the duties imposed upon such person by this Chapter.
(Ord. 09-O-2009-2010, Amended, 11/16/2009)

Section 1-17-3 Compensation of Manager

The Manager shall receive such annual salary as the Council shall from time to time determine by resolution, and payment shall be made from the treasury of the City, in the manner provided for paying other officers and employees.
(Ord. 09-O-2009-2010, Amended, 11/16/2009)

Section 1-17-4 Duties of Administrator

The duties of the Manager shall be as follows:

- (A) To supervise enforcement and execution of the City laws.
- (B) To attend all meetings of the Council unless excused by the Council.
- (C) To recommend to the Council such measures as may be necessary or expedient for the good government and welfare of the City.

(D) To have the general supervision and direction of the administration of the City government.

(E) The City Manager shall be directly responsible to the Council for the administration of municipal affairs as directed by that body. All City departmental administration requiring the attention of the Council shall be brought before the Council by the Manager. Council involvement in administration initiated by the Council must be coordinated through the Manager.

(F) To supervise and direct the official conduct of all officers, departments and employees of the City, specifically including but not limited to the police, fire, street, sanitation, and water treatment departments. To effectuate this responsibility, and subject to the exceptions set out hereinafter, the City Manager shall have the power and authority to employ such assistants and other employees of the City for which the Council has approved the position generally, and to discharge said assistants or employees found incompetent or derelict in their duties.

The City Manager may delegate this power and authority to subordinate officers and department heads to such extent that the Manager deems appropriate. The power to hire and discharge shall not apply to the position of City Clerk, but the City Manager shall report to and advise the Council on the performance of the person filling that position and make such recommendations with regard to his/her employment as seems appropriate.

(G) To supervise the performance of all contracts for work to be done for the City, supervise 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.

(H) To 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.

(I) To cooperate with any administrative agency. .

(J) To be responsible for supervision of the cleaning, sprinkling, and lighting of streets, alleys and public places and the collection and disposal of waste.

(K) Such person may investigate the affairs and conduct of any department, agency, officer or employee under the supervision of the Manager.

(L) To provide for and cause records to be kept of the issuance and revocation of licenses and permits authorized by City law and to sign same when authorized by this Code.

(M) To keep the Council fully advised of the financial and other conditions of the City, and of its future needs.

(N) To conduct the business affairs of the City and cause accurate records to be kept by modern and efficient accounting methods.

(O) To make to the Council periodic itemized financial reports in writing.

(P) To perform such other duties as the Council may direct.
(Ord. 09-0-2009-2010, Amended, 11/16/2009; Ord. 04-0-99-2000, Amended, 03/06/2000)

Section 1-17-5 Manager's Bond

The Manager shall be bonded for the faithful performance of all duties, and in favor of the City of Storm Lake, in an amount to be determined by the Council by resolution but which amount shall not be less than two hundred fifty thousand dollars (\$250,000.00). The City shall pay the costs of this bond.
(Ord. 09-O-2009-2010, Amended, 11/16/2009)

Section 1-17-1 Purpose

The purpose of this Chapter is to provide for a City Manager for the City. Previously the title for this position was City Administrator. Wherever in the Code reference is made to the position of City Administrator, such title shall be considered synonymous with the title of City Manager.
(Ord. 09-O-2009-2010, Amended, 11/16/2009)

Section 1-17-2 Appointment and Term of Manager

The Manager is to be appointed by a majority vote of the Council and shall hold office at the pleasure of the Council, and shall be subject to removal by majority vote of the Council. The Manager shall be a person competent by education or experience to perform the duties imposed upon such person by this Chapter.
(Ord. 09-O-2009-2010, Amended, 11/16/2009)

Section 1-17-3 Compensation of Manager

The Manager shall receive such annual salary as the Council shall from time to time determine by resolution, and payment shall be made from the treasury of the City, in the manner provided for paying other officers and employees.
(Ord. 09-O-2009-2010, Amended, 11/16/2009)

Section 1-17-4 Duties of Administrator

The duties of the Manager shall be as follows:

- (A) To supervise enforcement and execution of the City laws.
- (B) To attend all meetings of the Council unless excused by the Council.
- (C) To recommend to the Council such measures as may be necessary or expedient for the good government and welfare of the City.
- (D) To have the general supervision and direction of the administration of the City government.
- (E) The City Manager shall be directly responsible to the Council for the administration of municipal affairs as directed by that body. All City departmental administration requiring the attention of the Council shall be brought before the Council by the Manager. Council involvement in administration initiated by the Council must be coordinated through the Manager.

(F) To supervise and direct the official conduct of all officers, departments and employees of the City, specifically including but not limited to the police, fire, street, sanitation, and water treatment departments. To effectuate this responsibility, and subject to the exceptions set out hereinafter, the City Manager shall have the power and authority to employ such assistants and other employees of the City for which the Council has approved the position generally, and to discharge said assistants or employees found incompetent or derelict in their duties.

The City Manager may delegate this power and authority to subordinate officers and department heads to such extent that the Manager deems appropriate. The power to hire and discharge shall not apply to the position of City Clerk, but the City Manager shall report to and advise the Council on the performance of the person filling that position and make such recommendations with regard to his/her employment as seems appropriate.

(G) To supervise the performance of all contracts for work to be done for the City, supervise 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.

(H) To 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.

(I) To cooperate with any administrative agency. .

(J) To be responsible for supervision of the cleaning, sprinkling, and lighting of streets, alleys and public places and the collection and disposal of waste.

(K) Such person may investigate the affairs and conduct of any department, agency, officer or employee under the supervision of the Manager.

(L) To provide for and cause records to be kept of the issuance and revocation of licenses and permits authorized by City law and to sign same when authorized by this Code.

(M) To keep the Council fully advised of the financial and other conditions of the City, and of its future needs.

(N) To conduct the business affairs of the City and cause accurate records to be kept by modern and efficient accounting methods.

(O) To make to the Council periodic itemized financial reports in writing.

(P) To perform such other duties as the Council may direct.

(Ord. 09-O-2009-2010, Amended, 11/16/2009; Ord. 04-O-99-2000, Amended, 03/06/2000)

Section 1-17-5 Manager's Bond

The Manager shall be bonded for the faithful performance of all duties, and in favor of the City of Storm Lake, in an amount to be determined by the Council by resolution but which amount shall not be less than two hundred fifty thousand dollars (\$250,000.00). The City shall pay the costs of this bond.

(Ord. 09-O-2009-2010, Amended, 11/16/2009)

Chapter 1-18

ELECTRONIC MEETINGS

Sections:

| | |
|---------------|---|
| 1-18-1 | Definition |
| 1-18-2 | Restriction On Electronic Meetings |
| 1-18-3 | Circumstances Under Which Electronic Meeting May Be Held |
| 1-18-4 | Electronic Meeting Upon Request |
| 1-18-5 | Electronic Meeting Requirements |
| 1-18-6 | Notification Requirement |
| 1-18-7 | Cost Of Electronic Participation |
| 1-18-8 | Payment For Participation By Electronic Means |

Section 1-18-1 Definition

An electronic meeting is any meeting of the Council or one of its committees, or of any City commission or board, in which one or more members of the Council, committees, board, or commission participate by telephone or other electronic means.

Section 1-18-2 Restriction On Electronic Meetings

Participation in a meeting of the Council or of one of its committees, or of one of the City commissions or boards by telephone or other electronic means, shall only be permitted under one of the circumstances set forth in 1-18-3, and provided all of the requirements of 1-18-5 are met.

Section 1-18-3 Circumstances Under Which Electronic Meeting May Be Held

An electronic meeting may be held, and participation by telephone or other electronic means is hereby authorized under the following circumstances:

(A) At any emergency meeting called by the presiding officer with less than twenty-four (24) hours advance notice provided such emergency meeting is justified by the criteria contained in 21.4(2), 1993 Code of Iowa and as the same may be later amended or redesignated.

(B) At any meeting where the presiding officer determines that electronic participation is necessary 1) to achieve a quorum, or 2) because the matter under consideration requires the affirmative vote of more than the majority of a quorum in order to be approved.

(C) At any meeting upon the request of a member anticipating being absent provided twenty-four (24) hours advanced notice is given to the presiding officer and provided further that one or more matters under consideration at the meeting shall require the affirmative vote of more than the majority of a quorum in order to be approved.

(D) At any other meeting not involving circumstances set forth in subparagraphs (A), (B) and (C) above upon the request of a member anticipating being absent provided twenty-four (24) hours advanced notice is given to the presiding officer, but with the restriction that the member or members participating by

electronic means may not vote on any issue.

Section 1-18-4 Electronic Meeting Upon Request

Whenever a member requests to participate by telephone or other electronic means pursuant to 1-18-3(C) or (D), the presiding officer shall permit such participation. If a member is unable with reasonable effort to locate the presiding officer for the purpose of providing the notice required by 1-18-3(C) and (D), the member may give such notice instead to the City Administrator, or in the Administrator's absence, to the City Clerk.

Section 1-18-5 Electronic Meeting Requirements

No electronic meeting may be held unless the following requirements are both met:

(A) The telephone or other electronic means of communication has the capability of permitting 1) the presiding officer, 2) all other members of the Council, committee, board, or commission physically present, 3) and all members of the public physically present at the point of public access, to hear the conversation and comments of the members participating by electronic means and the member or members participating by electronic means can hear the comments and conversation of the presiding officer, physically present members as well as other members participating by electronic means, and members of the public speaking at the public microphone.

(B) The conditions of the electronic meeting meet the requirements of 21.8, 1993 Code of Iowa and as the same may be later amended or redesignated.

Section 1-18-6 Notification Requirement

If any electronic meeting is called under the provisions of 1-18-3(A) or 1-18-3(B), the presiding officer shall make a good faith effort to contact all absent members so as to provide every absent member with the opportunity to participate by electronic means.

Section 1-18-7 Cost Of Electronic Participation

All costs incurred in effecting electronic meetings shall be paid by the City.

Section 1-18-8 Payment For Participation By Electronic Means

To the extent that any member of the Council, its committees, or of any board or commissions, is paid for attending meetings, that member, if participating by telephone or other electronic means, shall be entitled to payment if the electronic meeting was held pursuant to 1-18-3(A) or 1-18-3(B). If a member participates by telephone or other electronic means pursuant to 1-18-3(C) or 1-18-3(D), that member shall not be entitled to payment for attendance at the meeting.

Chapter 1-19

CODE ENFORCEMENT OFFICER

Sections:

| | |
|---------------|------------------------------|
| 1-19-1 | Purpose |
| 1-19-2 | Appointment |
| 1-19-3 | Powers And Duties |
| 1-19-4 | Designated Alternates |
| 1-19-5 | Prohibited Activity |

Section 1-19-1 Purpose

The purpose of this Chapter shall be to establish the position of Code Enforcement Officer and to designate the responsibilities for such office and to relate them to other provisions of this Code.

Section 1-19-2 Appointment

The City Administrator shall appoint one person to act as Code Enforcement Officer and may with Council approval, appoint such additional assistants as may be necessary to perform the duties prescribed by this Chapter.

Section 1-19-3 Powers And Duties

The Code Enforcement Officer and his/her designated assistants are hereby authorized and directed to perform those duties set out elsewhere within the Municipal Code of the City of Storm Lake, Iowa, with regard to each of the following designated officers:

(A) Zoning Administrator Officer, as designated in the Zoning Ordinance and Subdivision Regulations adopted September 20, 1976 and effective October 2, 1976.

(B) Building Official, or Building Inspector, as designated in the Uniform Building Code adopted by reference in Title 5, Chapter 2 of this Code; in the Uniform Sign Code adopted by reference in Title 5, Chapter 5 of this Code; in the Uniform Mechanical Code adopted by reference in Title 5, Chapter 6 of this Code; and in the Uniform Code for the Abatement of Dangerous Buildings adopted by reference in Title 5, Chapter 7 of this Code.

(C) Plumbing Inspector as designated in Title 5, Chapter 3 of this Code wherein the Uniform Plumbing Code is also adopted by reference.

(D) Electrical Inspector as designated in Title 5, Chapter 4 of this Code wherein the National Electrical Code is also adopted by reference.

(E) Storm Lake, Iowa, Airport Zoning Administrator pursuant to the Storm Lake, Iowa, Airport Zoning Ordinance and the joint agreement with Buena Vista County and Sac County.

(F) Weed Commissioner as referred to in Title 8, Chapter 5 of this Code.

The Code Enforcement Officer shall also perform such other duties as may be prescribed for him/her by the City Administrator.

Section 1-19-4 Designated Alternates

The City Administrator, as the supervisor of the Code Enforcement Officer, is hereby authorized to act as Code Enforcement Officer in case of his/her absence or unavailability.

Section 1-19-5 Prohibited Activity

The Code Enforcement Officer shall not engage, directly or indirectly, in the sale, furnishing, installation or maintenance of building materials, plumbing supplies, electrical or mechanical equipment or weed control agents, nor shall he/she have a financial interest in any concern engaged in such business in the City.

Chapter 1-20

MUNICIPAL INFRACTIONS

Sections:

- 1-20-1** **Definitions**
- 1-20-2** **Violations, Penalties And Alternative Relief**
- 1-20-3** **Civil Citations**

Section 1-20-1 Definitions

(A) "MUNICIPAL INFRACTION": Any violation of the 1994 Recodification of the Municipal Code of the City of Storm Lake, Iowa as amended with the exception of any violation which is a felony, an aggravated misdemeanor or a serious misdemeanor under the law of the State of Iowa, or any violation which is a simple misdemeanor under Chapters 687 through 747 of the Code of the State of Iowa. A Municipal Infraction shall include the doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by the 1994 Recodification of the Municipal Code of the City of Storm Lake, Iowa, or any omission or failure to perform any act or duty required by said Code. A Municipal Infraction shall also include any violation of any uniform code adopted by reference. A Municipal Infraction is punishable by civil penalty as provided herein.

(B) "OFFICER": Any employee or official authorized to enforce the 1994 Recodification of the Municipal Code of the City of Storm Lake, Iowa, as amended.

(C) "REPEAT OFFENSE": A recurring violation of the same section of the 1994 Recodification of the Municipal Code of the City of Storm Lake, Iowa.

Section 1-20-2 Violations, Penalties And Alternative Relief

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

Schedule Of Civil Penalties

| | |
|-----------------------------|---------|
| First Offense | \$75.00 |
| Second Repeat Offense | 125.00 |
| All Other Repeated Offenses | 200.00 |

(B) Each day that a violation occurs or is permitted to exist by the violator constitutes a separate and distinct offense.

(C) 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.

Section 1-20-3 Civil Citations

(A) Any officer authorized by the City to enforce the Municipal Code may issue a civil citation to a

person who commits a Municipal Infraction.

(B) The citation may be served by personal service or by certified mail, return receipt requested.

(C) A copy of the citation shall be sent to the Clerk of the Buena Vista County District Court.

(D) The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

1. The name and address of the defendant.
2. The name or description of the infraction attested to by the officer issuing the citation.
3. The location and time of the infraction.
4. The amount of the civil penalty to be assessed or the alternative relief bought, 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.