

**TITLE II
BOARDS AND COMMISSIONS**

ARTICLE O

GENERAL PROVISIONS

20.1 **TERMS OF MEMBERS.** Regardless of when appointed, the term of any appointed member of a board or commission established by the city shall expire at 11:59 p.m. on June 30 during the final year of the member's term. New appointments made in advance of the effective date shall commence at 12:01 a.m. on July 1 following the appointment.

20.2 **OFFICES.** The office of each board or commission shall be in the office of the City Clerk.

20.3 **REPORTS.** Each board or commission shall promptly file minutes of all meetings with the City Clerk. The Clerk shall maintain financial budget reports for each administrative agency.

20.4 **COMPENSATION.** Unless specifically prohibited by law or provided for elsewhere in the Code, the Council may establish any compensation that it deems appropriate for members of city boards and commissions.

20.5 **VACANCIES.** The position of any resident member shall be vacant if he moves permanently from the city. The positions of the non-resident member shall be vacated if he moved permanently from the county or into the city. Vacancies in membership shall be filled in the same manner as an original appointment except that the new member shall fill out the unexpired term for which the appointment is made. (Code of Iowa, 1999, Sec 392.5)

ARTICLE 1

LIBRARY BOARD

21.1 **PURPOSE.** The purpose of this chapter is to provide for the appointment of a city library board of trustees, and to specify that board's powers and duties.

21.2 **PUBLIC LIBRARY.** The public library for the city shall be known as the New Hampton Public Library. It shall be referred to in this chapter as the library.

21.3 **LIBRARY TRUSTEES.** The board of trustees of the library hereinafter referred to as the board, consists of six (6) resident members and one nonresident member. All resident members are to be appointed by the mayor with the approval of the council. The non-resident member is to be appointed by the mayor with the approval of the county board of supervisors. (Code of Iowa, 1999, Sec. 392.5)

21.4 QUALIFICATIONS OF TRUSTEES. All resident members of the board shall be bona fide citizens and residents of the city. The non-resident member of the board shall be a bona fide citizen and resident of the county.

Resident and non-resident members shall be over the age of eighteen (18) years. (Code of Iowa, 1999, Sec 392.5)

21.5 ORGANIZATION OF THE BOARD. The organization of the board shall be as follows:

1. Terms of Office. All appointments to the board shall be for six (6) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years of one-third (1/3) the total number or as near as possible, to stagger the terms. (Code of Iowa, 1999, Sec. 392.5)

21.6 POWERS AND DUTIES. The board shall have and exercise the following powers and duties:

1. Officers. To meet and elect from its members a president, a secretary-treasurer, and such other officers as it deems necessary. (Code of Iowa, 1999, Sec. 392.5)

2. Physical Plant. To have charge, control and supervision of the public library, its appurtenances, fixtures and rooms containing the same. (Code of Iowa, 1999, Sec 392.5)

3. Charge of Affairs. To direct and control all affairs of the library. (Code of Iowa, 1999, Sec. 392.5)

4. Hiring of Personnel. To employ a librarian, an authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the library, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by the majority of the members of the board voting in favor thereof. (Code of Iowa, 1999, Sec. 392.5)

5. Removal of Personnel. To remove the librarian, by an two-thirds (2/3) vote of the board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetence or inattention to duty, subject however, to the provisions of, Chapter 70, Code of Iowa. (Code of Iowa, 1999, Sec. 382.5)

6. Purchases. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other library materials, furniture, fixtures, stationery and supplies for the library within budgetary limits set by the board. (Code of Iowa, 1999, Sec. 392.5)

7. Use by Non--Residents. To authorize the use of the library by non-residents of the city or county and to fix charges therefor. (Code of Iowa, 1999, Sec. 392.5)

8. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with code and the law, for the care, use, government and management of the library and the business of the board, fixing and enforcing penalties for violations. (Code of Iowa, 1999, Sec. 392.5)
9. Expenditures. To have exclusive control of the expenditure of all funds allocated for library purposes by the council, and of all moneys available by gift or otherwise for the erection of library buildings, and of all other moneys belonging to the library including fines and rentals collected under the rules of the board. (Code of Iowa, 1999, Sec. 392.5)
10. Gifts. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the library; to execute deeds and bill of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the library. (Code of Iowa, 1999, Sec. 392.5)
11. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the city by action against the council. (Code of Iowa, 1999, Ch. 661)
12. Record of Proceedings. To keep a record of its proceedings.
13. County Historical Association. To have authority to make agreements with the local county historical association where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for library purposes. (Code of Iowa, 1999, Sec. 392.5)

21.7 CONTRACTING WITH OTHER LIBRARIES. The board shall have power to contract with other libraries in accordance with the following:

1. Contracting. The board may contract with any other boards of trustees of free public libraries, any other city, school corporation, private or semi-private organization, institution of higher learning, township, or county, or with the trustees of any county library district for the use of the library by their respective residents. (Code of Iowa, 1999, Sec. 392.5 & Ch. 28E)
2. Terminations. Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five (5) percent in number of the electors who voted for governor

in the territory of the contracting Party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party who is seeking to terminate the contract. (Code of Iowa, 1999, Sec. 392.5)

21.8 NON-RESIDENT USE. The board may authorize the use of the library by persons not residents of the city or county in any one or more of the following ways:

1. Lending. By lending the books or other materials of the library to non residents on the same terms and conditions as to residents of the city, or upon payment of a special non-resident library fee. (Code of Iowa, 1999, Sec. 392.5)
2. Depository. By establishing depositories of library books or other materials to be loaned to non-residents. (Code of Iowa, 1999, Sec. 392.5)
3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to non-residents. (Code of Iowa, 1999, Sec. 392.5)
4. Branch Library. By establishing branch libraries for lending books or other library materials to non-residents. (Code of Iowa, 1999, Sec. 392.5)

21.9 EXPENDITURES. All money appropriated by the council for the operation and maintenance of the library shall be set aside for the library within the general fund. Expenditures shall be paid for only on orders on the board, signed by the president and secretary-treasurer. The check writing officer is the clerk, who will provide monthly financial reports to the board and council. (Code of Iowa, 1999, Sec. 384.20 & 392.5)

21.10 ANNUAL REPORT. The board shall make a report to the council immediately after the close of the fiscal year. This report shall contain statements as to the condition of the library, the number of books added, the number circulated, the amount of moneys received for serviced or fines, and the amount of money expended in the maintenance of the library during the year, together with such further information as may be required by the council. (Code of Iowa, 1999, Sec. 392.5)

21.11 INJURY TO BOOKS OR PROPERTY. It shall be unlawful for a person to willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture, or other property belonging to the library or reading room. (Code of Iowa, 1999, Sec. 716.1)

ARTICLE 2

PARK AND RECREATION COMMISSION

22.1 PURPOSE. The purpose of this article is to provide for a Park and Recreation Commission and provide for its method of election, compensation and term of members, and its powers and duties.

22.2 MEMBERSHIP. There shall be a Board of Park and Recreation Commissioners for the City consisting of five citizens of legal age. (Code of Iowa, 1999, Sec. 392.1)

22.3 (Deleted with Ordinance #879)

22.4 ELECTION/TERM. Commissioners shall serve a four year term. Three Commissioners shall be elected during one city election, and two Commissioners shall be elected at the next city election. In 2021, three Commissioners shall be elected.

22.5 COMPENSATION. Members shall receive the sum of \$250.00 per annum as compensation and reimbursement for expenses incurred in the performance of their duties.

22.6 ORGANIZATION. Within 10 days following the initial appointment and within 10 days following a regular city election, the Board shall elect one of its members as chairman and one as secretary-treasurer.

22.7 BUDGET CERTIFIED. On or before the date specified by the Council each year, the Board shall submit to the Council a proposed budget and tax levy for the ensuing fiscal year. The Council shall include such tax levy, or so much of it as it may deem necessary, in the levy for the general fund that the City certifies to the County Auditor.

22.8 EXPENDITURES. The City Clerk shall pay out all monies under the control of the Commission on orders signed by the chairman and secretary. The clerk shall deposit in the general fund all income received from operations under the control of the commission. All funds appropriated by the Council for the operation and maintenance of property or operations within the control of the commission shall be set aside within the general fund.

22.9 RECORDS AND REPORTS. The Commission shall keep a record of all of its transactions and proceedings and shall submit a detailed annual report to the Council, including a financial statement.

22.10 POWERS AND DUTIES. The Commission shall have and exercise their following powers and duties:

(1) Jurisdiction Over Parks. The Board shall have exclusive control of all parks and pleasure grounds that the City owns or which the City acquires, whether within or without the City. All ordinances, resolutions, rules, and regulations of the City, shall be in full force and effect in and over the territory occupied by any parks.

(2) Community Center. The Board shall have charge, control and supervision of the Community Center, except for that portion in which the office of the City Clerk is located.

(3) Personnel. The Board may employ or remove a director and any other employees who may, in the judgment of the Commission, be necessary to maintain and operate the property and services under the direction of the Commission.

(4) Swimming Pool. The Board shall have exclusive control of the operation of the City swimming pool.

(5) Acquire Real Estate. The Commission may acquire real estate within or without the City for park purposes by donation, lease, purchase or condemnation and take title to the real estate in the name of the City in trust for the public and hold it exempt from taxation.

(6) Sale or Lease of Property. The Board may sell or exchange any real estate acquired, subject to the approval of the Council, which the Board feels is unfit, not desirable, unnecessary, or not required for any of its purposes. The Board may lease any real estate and sell, exchange, or lease other property which the Board feels is unnecessary and not required for its purposes. The Board may execute deeds and bills of sale for the conveyance of said property.

(7) Gifts. The Board may accept gifts of property and may enforce the performance of conditions on any gifts or donations. The Board may expend the funds received by it from such gifts for the improvement of the property and operations under its control.

(8) Limited Lease. The Board may lease under reasonable rates or requirements a particular park or building, or a portion thereof.

(9) Rules and Regulations. The Board may make, adopt, amend, modify, and repeal rules and regulations, not inconsistent with State Law and the City code for the operation of the Commission and the management and use of the parks and facilities under its control. Such rules shall be posted or otherwise publicized in a manner to provide adequate notice to the public.

22.11 PARKING. All vehicles in any park shall be parked in designated parking areas.

22.12 USE OF VEHICLES IN PARKS. (a) No person shall drive any car, cycle or other vehicle, or ride or drive any horse on any portion of a park, except upon the established drives or roadways therein, or such other places, as may be designated by the Commission. (b) No person, shall operate a snowmobile upon any portion of any City park, except such places that the Commission may specifically designate.

22.13 FIRES. No fires shall be built in any park, except in a place provided therefor, and any fire shall be extinguished before leaving the area, unless it is to be used immediately by some other party.

22.14 LITTERING. No person shall place, deposit, or throw any waste, refuse, litter, or foreign substances in any area of a park except in the receptacles provided for that

purpose.

22.15 CAMPING AREAS. No person shall camp in any portion of a park, except for specifically designated areas, or except with the approval of the Commission.

22.16 PARK HOURS. The park shall be open to the public from 6:00 a.m. until 11:30 p.m. each day. No person shall be allowed in the parks after 11:30 p.m. without the written permission of the director or majority of the commissioners.

22.17 ANIMALS. Animals brought into any park may not be tied to trees or other fixtures and any animal droppings must be removed immediately by its owner or the persons in possession.

22.18 PENALTIES. When a person has violated this Article or the rules and regulations passed by the Board, the Court shall determine the appropriate sentences which shall not exceed 30 days in the county jail or a fine not to exceed \$100.00.

ARTICLE 2A

TREE BOARD

23.1 CREATION AND ESTABLISHMENT. There shall be a City Tree Board, which shall consist of five members appointed by the City Council upon the recommendation of the Mayor.

23.2 COMPENSATION AND TERM OF OFFICE. Members of the Tree Board shall serve without compensation. The term of office for members of the Board shall be three years, except that the term of two members appointed to the initial Board shall be only one year and the term for two members appointed to the initial Board shall be for two years.

23.3 DUTIES AND RESPONSIBILITIES. It shall be the responsibility of the Tree Board to study, investigate, and develop a written plan for the care, preservation, trimming, planting, replanting, removal, or disposition of trees and shrubs in public areas. The Board will present this plan to the City Council and, upon its acceptance and approval; this plan shall constitute the initial comprehensive tree plan for the City. The Board shall annually review and amend, if needed, this comprehensive City tree plan. The Board shall consider, investigate, and make recommendations upon any special matter or questions within the scope of its subject matter. The Board shall be available for consultation to any private citizen of the community with regard to any issue that might affect the City forest. The Board shall enforce the City tree ordinance (Chapter 66 of the City Code). Board shall seek to promote the planting, care, and maintenance of trees on property of private citizens in such a way that it enhances the long range beauty, stability, and utility of the City forest. In all of its activities and duties, the Tree Board shall endeavor to cooperate and consult with other organizations within the City which may, at times, have an interest in matters pertaining to the City forest. This shall include, but not

be limited to, such organizations as Trees Forever, the Park Board, schools, municipal light plant, public works department, and private enterprises.

23.4 OPERATION. The Board shall annually choose its own officers, make its own procedural rules and regulations, and keep minutes of its proceedings. The majority of the members present shall be a quorum for the transaction of business. The Board shall annually submit to the Council a detailed report of its activities, including a financial statement.

ARTICLE 3

PLANNING AND ZONING

24.1 PLANNING AND ZONING COMMISSION. There shall be a city planning and zoning commission, hereinafter referred to as the commission, consisting of nine (9) members. Seven (7) members shall be residents of the city, appointed by the mayor, subject to the approval of the council. Two (2) members shall be residents of the area outside the city over which the zoning jurisdiction of the city has been extended, appointed by the board of supervisors of Chickasaw County. Commission members shall be qualified by knowledge or experience to act in matters pertaining to the development of a city plan and shall not hold any elective office in the city government. (Code of Iowa, 1999, Sec. 414.6, 414.23 & 392.1)

24.2 TERM OF OFFICE. The term of office of the members of the commission shall be five (5) years. The terms of not more than one-third of the members will expire in any one year. (Code of Iowa, 1999, Sec. 392.1)

24.3 POWERS AND DUTIES. The commission shall have and exercise the following powers and duties:

1. Selection of Officers. The commission shall choose annually at its first regular meeting one if its members to act as chairman and another as vice-chairman, who shall perform all the duties of the chairman during his absence or disability. (Code of Iowa, 1999, Sec. 392.1)
2. Adopt Rules and Regulations. The commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary. (Code of Iowa, 1999, Sec. 392.5)
3. Annual Report. The commission shall each year make a report to the mayor and council of its proceedings, with a full statement of its receipts, disbursements and the progress of its work during the preceding fiscal year. (Code of Iowa, 1999, Sec. 392.1)
4. Appointment of Assistants. Subject to the limitations contained in this chapter as to the expenditure of funds, it may appoint such assistants as it may deem necessary and prescribe and define their respective duties and fix and regulate the compensation to be

paid to the several persons employed by it. (Code of Iowa, 1999, Sec. 392.1)

5. Comprehensive Plan. It shall have full power and authority to make or cause to be made such surveys, studies, maps, plans, or charts of the whole or any portion of the city or of any land outside thereof, which is in the opinion of the commission bears relation to the comprehensive plan and shall bring to the attention of the council and may publish its studies and recommendations. (Code of Iowa, 1999, Sec. 414.3)

6. Comprehensive Plan: Preparation. For the purpose of making a comprehensive plan for the physical development of the city, the commission shall make careful and comprehensive studies of present conditions and future growth of the city and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development. (Code of Iowa, 1999, Sec 414.3 & 392.1)

7. Comprehensive Plan: Public Hearing. Before adopting a comprehensive plan as referred to in the preceding paragraph, or any part of it, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the city not less than ten (10) nor more than twenty (20) days before the date of hearing. The adoption of the plan or part or amendment thereof shall be by resolution of the commission carried by the affirmative vote of not less than two-thirds (2/3) of the members of the commission. After adoption of said plan by the commission an attested copy thereof shall be certified to the council and the council may approve the same. When said plan or any modification or amendment thereof shall receive the approval of the council, the said plan until subsequently modified or amended as hereinbefore authorized shall constitute the official city plan. (Code of Iowa, 1999, Sec. 414.4, 414.6 & 392.1)

8. Comprehensive Plan: Amendments. When the comprehensive plan as hereinbefore provided has been adopted no substantial amendment or modification thereof shall be made without such proposed change first being referred to the commission for its recommendations. If the commission disapproves the proposed change it may be adopted by the council only by the affirmative vote of at least three-fourths (3/4) of the members of the said council (Code of Iowa, 1999, Sec. 414.4, 414.5 & 392.1)

9. Recommendations of Improvements. No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefor obtained, nor shall any permit be issued by any department of the city for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the commission and its recommendations thereon obtained, except such

requirements and recommendations shall not act as a stay upon action for any such improvement when the commission after thirty (30) days written notice requesting such recommendations, shall have failed to file same. (Code of Iowa, 1999, Sec. 392.1)

10. Review and Comment on Plats. All plans, plats, or re-plats of subdivisions or re subdivisions of land embraced in the city or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the city shall first be submitted to the commission and its recommendations obtained before approval by the council. (Code of Iowa, 1999, Sec. 409.14)

11. Review and Comment of Street and Park Improvements. No plan for any street, park, parkway, boulevard, traffic-way, or other public improvement affecting the city plan shall be finally approved by the city or the character or location thereof determined, unless such proposal shall first have been submitted to the commission and the latter shall have had thirty (30) days within which to file its recommendations thereon. (Code of Iowa, 1999, Sec. 392.1)

12. Zoning. The commission shall have and exercise all the powers and duties and privileges in preparing and amending the city zoning code as provided by Chapter 414 of the 1977 Code of Iowa. (Code of Iowa, 1999, Sec. 414.6)

13. Fiscal Responsibilities. The commission shall have full, complete and exclusive authority to expend for and on behalf of the city all sums of money appropriated to it, and to use and expend all gifts, donations or payments whatsoever which are received by the city for city planning and zoning purposes, provided they have been appropriated. (Code of Iowa, 1999, Sec. 392.1)

ARTICLE 4 BOARD OF ADJUSTMENT

25.1 APPOINTMENT/MEMBERSHIP. A board of adjustment is hereby established which shall consist of seven (7) members each to be appointed for a term of five (5) years. Two (2) of the seven (7) members shall be appointed from people residing outside of the city limits of New Hampton, but within the two mile radius around the city. Resident members shall be appointed by the mayor upon council approval. Nonresident members shall be appointed by the Chickasaw County Board of Supervisors. Members shall be removable for cause by the appointing authority upon written charges and after a public hearing as by law provided. (Code of Iowa, 1999, Sec. 414.8 and 414.23)

25.2 RULES MEETINGS GENERAL PROCEDURE. The board shall adopt rules in accordance with the provisions of these regulations. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its

examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. A quorum shall consist of a simple majority. (Code of Iowa, 1999, Sec. 414.9)

25.3 AUTHORITY. The Board of Adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinances in harmony with its general purpose and intent and in accordance with general or specific rules therein contained and provide that any property owner aggrieved by the actions of the council in the adoption of such regulations and restrictions may petition the Board of Adjustment direct to modify regulations and restrictions as applied to the property owners. (Code of Iowa, 1999, Sec. 414.7)

25.4 POWERS AND PROCEDURES. The Board shall follow the following procedures and shall have the following powers:

- (1) The Board shall have a public hearing on any petition under the same terms and conditions as hereafter provided for the hearing of appeals by the Board.
- (2) The Board in making any exception to the regulations and ordinances shall be guided by the general rules that the exceptions shall be their design, construction, and operation adequately safeguard the health, safety, and welfare of the occupants of adjoining and surrounding property, shall not impair an adequate supply of light and air to the adjacent property, shall not increase congestion in the public streets, shall not increase public danger of established property values in surrounding areas.
- (3) The Board is specifically authorized to permit the extension of a district where the boundary line of a district divides a lot in a single ownership as shown of record or by existing contract or purchase at the time of the passage of these regulations, but in no case shall extension of the district boundary line exceed 40 feet in any direction.
- (4) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any ordinance. (Code of Iowa, 1999, Sec. 414.12(1))
- (5) To hear and decide special exceptions to the terms of the ordinance upon which the Board is required to pass under such ordinance. (Code of Iowa, 1999, Sec. 414.12(2))
- (6) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done. (Code of Iowa, 1999, Sec. 414.12(3))
- (7) To exercise all authority or power and to conduct its affairs in the manner provided in the city zoning code to the extent that it is not specifically prohibited by law.

25.5 APPEALS. Appeals to the board may be taken by any person aggrieved or by any officer, department, board or bureau of New Hampton affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the administrative officer and with the board of notice of appeal specifying the ground thereof and the payment of the required appeal fee. The administrative officer shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from is taken. (Code of Iowa, 1999, Sec. 414.10)

An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative officer certifies to the board, after notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application of notice to the administrative officer, and on due cause shown. (Code of Iowa, 1999, Sec. 414.11)

The board shall give a reasonable time for the hearing on the appeal, give public notice thereof and decide the same within a reasonable time. At the hearing any party may appear in person or by agent, or by attorney. Before an appeal is filed with the board, the appellant shall pay to the city clerk to be credited to the general fund of New Hampton the cost of publishing said notice and the administrative costs of said appeal as determined by the board.

In exercising the above-mentioned powers, the board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as it believes proper, and to that end shall have all the powers of the administrative officer. The concurring vote of a simple majority of the entire membership shall be necessary to reverse any order, requirement, decision, or determination of the administrative office, or to decide in favor of the applicant on any matter upon which it is required to pass under these regulations; provided, however, that the action of the board shall not become effective until after the resolution of the board, setting forth the full reason for its decision and the vote of each member participating therein, has been spread upon the minutes. Such resolution, immediately following the board's final decision, shall be filed in the office of the board, and shall be open to public inspection. (Code of Iowa, 1999, Sec. 414.13)

A variance granted by the Board shall not be effective until the first day following the first regular meeting of the City Council that occurs after the Board has granted the variance.

25.6 COUNCIL REVIEW. The Council may provide for its review of variances granted by the Board of Adjustment before their effective date. The Council may remand a decision to grant a variance to the Board of Adjustment where further study is deemed warranted. The effective date of the variance is delayed for 30 days from the date of the remand. (Code of Iowa, 1999, Sec. 414.7)

ARTICLE 5

ELECTRIC UTILITY BOARD OF TRUSTEES

26.1 **PURPOSE.** The purpose of this chapter is to provide for the operation of the municipally owned electric utility by a board of trustees.

26.2 **BOARD ESTABLISHED.** Pursuant to an election held November 5, 1963, the management and control of the municipally owned electric system was placed in the hands of a board of trustees. Pursuant to a vote of the people held May 4, 1999, establishing a municipal broad band cable communications system (including cable television, video, voice, telephone, data and all other forms of cable communications) under the management and control of the Board of Trustees of the New Hampton Municipal Utilities consisting of the five (5) Trustees who serve as the Board of Trustees for the Municipal Electric Utility of the City of New Hampton, the **NEW HAMPTON MUNICIPAL COMMUNICATIONS UTILITY** is hereby established under the control of the Board of Trustees of the New Hampton Municipal Utilities. (Code of Iowa, 1999, Sec. 388.2)

26.3 **APPOINTMENT OF TRUSTEES.** The Mayor shall appoint, subject to the approval of the council, five (5) persons to serve as trustees for staggered six (6) year terms. Board members who are currently serving five (5) year terms shall have their term automatically extended for an additional year. The same Trustees who serve as the Board of Trustees of the Municipal Electric Utility serve as the Trustees of the Municipal Communications Utility. Said six (6) year terms shall also apply to the Trustees of the Municipal Communication Utility. No public officer or salaried employee of the city may serve on a utility board. (Code of Iowa, 1999, Sec. 388.3)

26.4 **POWERS AND DUTIES OF BOARD.** The board of trustees may exercise all powers of a city in relation to the city utility, city utilities, or combined utility system it administers, with the following exceptions: (Code of Iowa, 1999, Sec. 388.4)

1. **Taxes, Ordinances and Bonds.** A board may not certify taxes to be levied, pass ordinances or amendments, or issue general obligation or special assessment bonds. (Code of Iowa, 1999, Sec. 388.4 (1))
2. **Property.** Title to all property must be in the name of the city but the board has full control of such property subject to limitations imposed by law. (Code of Iowa, 1999, Sec 388.4 (2))
3. **Reports to Council.** The Board shall make a detailed annual report to the council including a complete financial statement. (Code of Iowa, 1999, Sec. 388.4 (3))
4. **Proceedings Published.** Immediately following a regular or special meeting, the board secretary shall prepare and cause to be published in a newspaper of general

circulation in the city a condensed statement of proceedings including a list of all claims. (Code of Iowa, 1999, Sec. 388.4 (4))

5. All provisions of the Code of Ordinances of the City of New Hampton in regard to the New Hampton Municipal Electric Utility shall include the NEW HAMPTON MUNICIPAL COMMUNICATIONS UTILITY and the Board of Trustees shall have the same authority in regard to the NEW HAMPTON MUNICIPAL COMMUNICATIONS UTILITY as it has over the New Hampton Electric Utility.

26.5 CONTROL OF FUNDS. The board shall control tax revenues allocated to it as well as all monies derived from operations. (Code of Iowa, 1999, Sec. 388.5)

26.6 ACCOUNTING. Utility moneys must be held in a separate utility fund, with a separate account or accounts for each utility or combined utility system. (Code of Iowa, 1999, Sec. 388.5)

26.7 DISCRIMINATORY RATES ILLEGAL. A utility may not provide use or service at a discriminatory rate, except to the city or its agencies, as provided in Sec. 384.91, Code of Iowa, 1977. (Code of Iowa, 1999, Sec. 388.6)

26.8 DISCONTINUANCE OF BOARD. A proposal, on motion of the council or upon receipt of a valid petition, to discontinue a utility board is subject to the approval of the voters of the city, except that a board may be discontinued by resolution of the council when the city utility, city utilities, or combined utility system it administers is disposed of or leased for a period of over five (5) years. (Code of Iowa, 1999, Sec 388.2)

ARTICLE 6

CEMETERY BOARD OF TRUSTEES

27.1 PURPOSE. The purpose of this chapter is to provide for the appointment of a Cemetery Board of Trustees and to specify that Board's powers and duties.

27.2 NEW HAMPTON CEMETERY. The public cemetery for the city shall be known as New Hampton Cemetery. It shall be referred to in this chapter as Cemetery.

27.3 CEMETERY TRUSTEES. The Board of Trustees of the cemetery hereinafter referred to as the Board, consisting of three (3) members to be appointed by the mayor with the approval of the council.

27.4 QUALIFICATIONS OF TRUSTEE. All members of the board shall be bona fide citizens and residents of the city or the area within a two (2) mile radius of the city and over the age of eighteen years. (Code of Iowa, 1999, Sec. 392.1)

27.5 ORGANIZATION OF THE BOARD. The organization of the board shall be as follows:

Term of Office. All appointments to the board shall be for three (3) years, except to fill vacancies. Each term shall commence on July 1st. One trustee shall be appointed each year, after the first three appointments, and the mayor shall specify in his first three appointments the term of each director.

27.6 POWERS AND DUTIES. The board shall have and exercise the following powers and duties:

1. Officers. To meet and elect from its members a president and a secretary treasurer.
2. Physical Plant. To have charge, control and supervision of the city cemetery, its appurtenances and fixtures.
3. Hiring of Personnel. To employ or remove a grounds keeper and to fix his compensation.
4. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with the code and the law, for the care, use, government and management of the cemetery and the business of the board.
5. Expenditures. To have exclusive control of the expenditure of all funds allocated for cemetery purposes by the council, and of all moneys available by gift or otherwise for the maintenance of the cemetery and of all other moneys belonging to the cemetery.
6. Gifts. To accept gifts of real property, personal property or mixed property, including devises, bequests and trust funds; to take title to said property in the name of the cemetery; to execute deeds and bills of sale for the conveyance of said property; and to expend their funds received by it from such gifts for the improvement of the cemetery.
7. Enforce the Performance of Conditions of Gifts. To enforce the performance of conditions on gifts, donations, devises, bequests and trust funds accepted by the city by action against the council.
8. Record of Proceedings. To keep a written record of its proceedings.

27.7 EXPENDITURES. All money appropriated by the council for the operation and maintenance of the cemetery shall be set aside for the cemetery within the general fund. Expenditures shall be paid only on orders of the board, signed by its president and secretary/treasurer. The check writing officer is the clerk, who will provide monthly financial reports to the board and council.

27.8 ANNUAL REPORT. The board shall make report to the council immediately after the close of the fiscal year. This report shall contain statements as to the condition of the cemetery, the number of plots purchased and the numbers of burials made during the

year, the number of plots remaining unpurchased together with such further information as may be required by the council.

27.9 INJURY TO MONUMENTS OR PROPERTY. It shall be unlawful for a person to willfully, maliciously or wantonly deface, mutilate, injure or destroy, in whole or in part, any monument or other property belonging to the cemetery.

ARTICLE 7

MUNICIPAL HOUSING AGENCY

Rescinded July 16, 2012

ARTICLE 8

AIRPORT COMMISSION

29.1 AIRPORT COMMISSION. There shall be an airport commission consisting of three (3) resident voters of the city. (Code of Iowa, 1999, Sec. 330.20)

29.2 APPOINTMENT AND TERM. Commissioners shall be appointed by the council for staggered terms of six (6) years. (Code of Iowa, 1999, Sec. 330.20)

29.3 BOND. Each commissioner shall execute and furnish a bond in the amount of one thousand (\$1,000.00) dollars which bond shall be paid from the general fund and filed with the City Clerk. (Code of Iowa, 1999, Sec. 330.20)

29.4 OFFICERS. The commission shall elect from its own members a chairman and a secretary who shall serve for such term as the commission shall determine. (Code of Iowa, 1999, Sec. 330.20)

29.5 POWERS AND DUTIES. The commission shall have and exercise the following powers and duties.

1. General. The commission has all of the powers granted to cities under Chapter 330 of the Code of Iowa, 1999, except powers to sell the airport. (Code of Iowa, 1999, Sec 330.21)
2. Budget. The commission shall annually certify the amount of tax to be levied for airport purposes, and upon such certification the council may include all or a portion of said amount in its budget. (Code of Iowa, 1999, Sec. 330.21)
3. Funds. All funds derived from taxation or otherwise for airport purposes shall be under the full and absolute control of the commission for the purpose prescribed by law, and shall be deposited with the city clerk to the credit of the airport commission, and shall be disbursed only on the written orders of the airport commission, including the

payment of all indebtedness arising from the acquisition and construction of airports and the maintenance, operation and extension thereof. (Code of Iowa, 1999, Sec. 330.21)

4. Other. The commission shall have such additional powers and duties as may be lawfully provided for by resolution of the council.

29.6 ANNUAL REPORT. The airport commission shall immediately after the close of each municipal fiscal year, file with the city clerk a detailed and audited written report of all money received and disbursed by the commission during said fiscal year, and shall publish a summary thereof in an official newspaper. (Code of Iowa, 1999, Sec. 330.22)

29.7 RULES AND REGULATIONS. The commission shall have power to make rules and regulations for the use of the airport, the space above the airport, or the space above the lands and waters included within the limits of the city, provided, however, that no such rule shall be in conflict with any state or federal law or regulation. (Code of Iowa, 1999, Sec. 330.11 & 330.23)

ARTICLE 9

HISTORIC PRESERVATION COMMISSION

29A.1 PURPOSE. The purpose of this ordinance is to:

- a. Promote the educational, cultural, economic and general welfare of the public through the recognition, enhancement, and perpetuation of sites and districts of historical and cultural significance;
- b. Safeguard the City's historic, aesthetic, and cultural heritage by preserving sites and districts of historic and cultural significance;
- c. Stabilize and improve property values;
- d. Foster pride in the legacy of beauty and achievements of the past;
- e. Protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business thereby provided;
- f. Strengthen the economy of the City;
- g. Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure, and welfare of the people of the City.

29A.2 DEFINITIONS.

- a. Commission. The New Hampton Historic Preservation Commission, as established by this ordinance.

b. Historic District. An area which contains a significant portion of buildings, structures of other improvements which, considered as a whole, possess integrity of location, design, setting, materials, workmanship, feeling, and association, and

1. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master. or that possesses high artistic values. or that represents a significant and distinguishable entity whose components may lack individual distinction; or
2. Is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or
3. Possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting workmanship, materials, or combinations thereof, which is deemed to add significantly to the value and attractiveness of properties within such area.
4. Is associated with the lives of persons significant in our past; or
5. Has yielded, or may be likely to yield, information important in prehistory or history.

c. Historic Site. A structure or building which,

1. Is associated with events that have made a significant contribution to the broad patterns of our history; or
2. Is associated with the lives of persons significant in our past; or
3. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents a work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

29A.3 NEW HAMPTON HISTORIC PRESERVATION COMMISSION

- a. The Commission shall initially consist of five (5) members who shall be residents of the City.
- b. Members of the Commission shall be appointed by the Mayor with the advice and consent of the City Council. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, architectural

history, archeology, history, historic preservation, or closely related disciplines.

c. The initial appointment of three members of the Commission shall be for terms ending June 30, 1996, and two members with terms ending June 30, 1997. Terms thereafter shall be for a period of three years.

d. Members shall serve without compensation.

e. A simple majority of the commission shall constitute a quorum for the transaction of business.

f. The commission shall elect a Chair who shall preside over all Commission meetings and elect a Secretary who shall be responsible for maintaining written records of the commission's proceedings. The Commission shall meet at least three (3) times a year.

29A.4 POWERS OF THE COMMISSION.

a. The Commission may conduct studies for the identification and designation of historic districts and sites meeting the definitions established by this ordinance. This commission may proceed at its own initiative or upon a petition from any person, group, or association. The commission shall maintain records of all studies and inventories for public use.

b. The Commission may make a recommendation to the state Bureau of Historic Preservation for the listing of a Historic district or site in the National Register of Historic Places and may conduct a public hearing thereon.

c. The Commission may investigate and recommend to the City Council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein; and

d. The Commission may appoint three members to a local design review committee, which committee shall have the power to review applications for the Main Street Linked Investments for Tomorrow program. Projects receiving preliminary design review approval from this committee will be submitted to the State Main Street LIFT Design Review Board.

e. Other Powers. In addition to those duties and powers specified above, the Commission may, with City Council approval:

1. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation.

2. Acquire by purchase, bequest, or donation, fee and lesser interests in historic

properties, including properties adjacent to or associated with historic properties.

3. Preserve, restore, maintain and operate historic properties, under the ownership or control of the Commission.

4. Lease, sell, and otherwise transfer or dispose of historic properties subject to rights or public access and other covenants and in a manner that will preserve the property.

5. Contract, with the approval of the governing body, with the state or the federal government or other organizations.

6. Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.

7. Provide information for the purpose of historic preservation to the governing body.

8. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.