

CHAPTER 15

MAYOR

15.01 Term of Office
15.02 Powers and Duties
15.03 Appointments

15.04 Compensation
15.05 Voting

15.01 TERM OF OFFICE. The Mayor is elected for a term of four years.
(Code of Iowa, Sec. 376.2)

15.02 POWERS AND DUTIES. The powers and duties of the Mayor are as follows:

1. Chief Executive Officer. Act as the chief executive officer of the City and presiding officer of the Council, supervise all departments of the City, give direction to department heads concerning the functions of the departments, and have the power to examine all functions of the municipal departments, their records and to call for special reports from department heads at any time.

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

2. Proclamation of Emergency. Have authority 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.

(Code of Iowa, Sec. 372.14[2])

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

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

4. Mayor's Veto. Sign, veto, or take no action on an ordinance, amendment, or resolution passed by the Council. The Mayor may veto an ordinance, amendment, or resolution within 14 days after passage. However, the Mayor may not veto an ordinance, amendment, or resolution if the Mayor was entitled to vote on such measure at the time of passage. The Mayor shall explain the reasons for the veto in a written message to the Council at the time of the veto.

(Code of Iowa, Sec. 380.5 and 380.6[2])

5. Reports to Council. Make such oral or written reports to the Council as required. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for Council action.

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

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

8. Professional Services. Upon order of the Council, secure for the City such specialized and professional services not already available to the City. In executing

the order of the Council, the Mayor shall act in accordance with this Code of Ordinances and the laws of the State.

9. Licenses and Permits. Sign all licenses and permits that have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.

10. Nuisances. Issue written order for removal, at public expense, any nuisance for which no person can be found responsible and liable.

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

15.03 APPOINTMENTS.

1. The following appointments shall be made by the Mayor:

A. Mayor Pro Tem

2. The following appointments shall be made by the Mayor, with Council approval:

A. Cemetery Board of Trustees

B. Electric Utility Board of Trustees

C. Planning and Zoning Commission

D. Zoning Board of Adjustment

E. Library Board of Trustees

F. Airport Commission

G. Tree Board

H. Telecommunications Board

I. Police Chief

15.04 COMPENSATION. The salary of the Mayor is \$650.00 per month, payable monthly.

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

15.05 VOTING. So long as the City is governed by the Mayor-Council form of government composed of a Mayor and a Council consisting of two Council members elected at large, and one Council member from each of four wards, the Mayor may vote to break a tie vote on motions not involving ordinances, resolutions, or appointments made by the Council alone.

(Code of Iowa, Sec. 372.4)

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CHAPTER 16

MAYOR PRO TEM

16.01 Vice President of Council
16.02 Powers and Duties

16.03 Voting Rights
16.04 Compensation

16.01 VICE PRESIDENT OF COUNCIL. The Mayor shall appoint a member of the Council as Mayor Pro Tem, who shall serve as vice president of the Council.

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

16.02 POWERS AND DUTIES. Except for the limitations otherwise provided herein, the Mayor Pro Tem shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform such duties. In the exercise of the duties of the office the Mayor Pro Tem shall not have power to appoint, employ, or discharge from employment officers or employees that the Mayor has the power to appoint, employ, or discharge without the approval of the Council.

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

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

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

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

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

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CHAPTER 17

CITY COUNCIL

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

17.04 Council Meetings
17.05 Appointments
17.06 Compensation

17.01 NUMBER AND TERM OF COUNCIL. The Council consists of two Council Members elected at large and one Council Member from each of four wards as established by the Code of Ordinances, elected for overlapping terms of two years.

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

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

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

2. Wards. By ordinance, the Council may divide the City into wards based upon population, change the boundaries of wards, eliminate wards, or create new wards.

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

3. Fiscal Authority. The Council shall apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls, and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers, and other work, improvement, or repairs that may be specially assessed.

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

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

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

5. Contracts. The Council shall make or authorize the making of all contracts. No contract shall bind or be obligatory upon the City unless approved by the Council.

(Code of Iowa, Ch. 26)

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

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

7. Setting Compensation for Elected Officers. By ordinance, the Council shall prescribe the compensation of the Mayor, Council members, and other elected City officers, but a change in the compensation of the Mayor does not become effective during the term in which the change is adopted, and the Council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December in the year of a regular City election. A change in the compensation of Council members becomes effective for all Council members at the beginning of the term of the Council members elected at the election next following the change in compensation.

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

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

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

1. Action by Council. Passage of an ordinance, amendment, or resolution requires a majority vote of all of the members of the Council. Passage of a motion requires a majority vote of a quorum of the Council. A resolution must be passed to spend public funds in excess of \$100,000.00 on a public improvement project, or to accept public improvements and facilities upon their completion. Each Council member's vote on a measure must be recorded. A measure that fails to receive sufficient votes for passage shall be considered defeated.

(Code of Iowa, Sec. 380.4)

2. Overriding Mayor's Veto. Within 30 days after the Mayor's veto, the Council may pass the measure again by a vote of not less than two-thirds of all of the members of the Council.

(Code of Iowa, Sec. 380.6[2])

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

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

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

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

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

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

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

D. If the Mayor vetoes an ordinance, amendment, or resolution and the Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an ordinance or amendment becomes a law when the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.

(Code of Iowa, Sec. 380.6[2])

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

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

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

(Code of Iowa, Sec. 380.1[a])

17.04 COUNCIL MEETINGS. Procedures for giving notice of meetings of the Council and other provisions regarding the conduct of Council meetings are contained in Section 5.06 of this Code of Ordinances. Additional particulars relating to Council meetings are the following:

1. Regular Meetings. The regular meetings of the Council are on the first Monday of each month at 7:00 p.m. and on the third Monday of each month at 7:00 p.m., at Council Chambers at City Hall. If such day falls on a legal holiday, the meeting is held the following day at the same time unless a different day or time is determined by the Council.
2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the request of a majority of the members of the Council.
(Code of Iowa, Sec. 372.13[5])
3. Quorum. A majority of all Council members is a quorum.
(Code of Iowa, Sec. 372.13[1])
4. Rules of Procedure. The Council shall determine its own rules and maintain records of its proceedings.
(Code of Iowa, Sec. 372.13[5])
5. Compelling Attendance. Any three members of the Council can compel the attendance of the absent members at any regular, adjourned, or duly called meeting, by serving a written notice upon the absent members to attend at once.

17.05 APPOINTMENTS. The Council shall appoint the following officials and prescribe their powers, duties, and wages:

1. City Clerk
2. City Attorney
3. Zoning Administrators
4. Public Works Director

17.06 COMPENSATION. The salary of each Council member shall be \$125.00 per month, payable monthly. In addition, a Council member shall receive \$30.00 for attending specified out of town meetings for which the member is not otherwise compensated and which has been designated by Council resolution as a meeting approved for compensation.

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

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CHAPTER 18

CITY CLERK

18.01 Appointment and Compensation
18.02 Powers and Duties: General
18.03 Publication of Minutes
18.04 Recording Measures
18.05 Other Publications
18.06 Authentication
18.07 Certification

18.08 Records
18.09 Attendance at Meetings
18.10 Licenses and Permits
18.11 Notification of Appointments
18.12 Elections
18.13 City Seal

18.01 APPOINTMENT AND COMPENSATION. At its first meeting in January following the regular City election, the Council shall appoint by majority vote a City Clerk to serve for a term of two years. The Clerk shall receive such compensation as established by resolution of the Council.

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

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

18.03 PUBLICATION OF MINUTES. Within 15 days following a regular or special meeting, the Clerk shall cause the minutes of the proceedings thereof to be published. Such publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claims.

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

18.04 RECORDING MEASURES. The Clerk shall promptly record each measure considered by the Council and record a statement with the measure, where applicable, indicating whether the Mayor signed, vetoed, or took no action on the measure, and whether the measure was repassed after the Mayor's veto.

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

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

(Code of Iowa, Sec. 362.3)

1. Time. If notice of an election, hearing, or other official action is required by this Code of Ordinances or law, the notice must be published at least once, not less than four or more than 20 days before the date of the election, hearing, or other action, unless otherwise provided by law.
2. Manner of Publication. A publication required by this Code of Ordinances or law must be in a newspaper published at least once weekly and having general circulation in the City.

18.06 AUTHENTICATION. The Clerk shall authenticate all measures except motions with the Clerk's signature, certifying the time and manner of publication when required.

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

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

(Code of Iowa, Sec. 380.11)

18.08 RECORDS. The Clerk shall maintain the specified City records in the following manner:

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

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

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

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

3. Maintenance. Maintain all City records and documents (or accurate reproductions) for at least five years except that ordinances, resolutions, Council proceedings, records, and documents (or accurate reproductions) relating to the issuance, cancellation, transfer, redemption, or replacement of public bonds or obligations shall be kept for at least 11 years following the final maturity of the bonds or obligations. Ordinances, resolutions, Council proceedings, records, and documents (or accurate reproductions) relating to real property transactions shall be maintained permanently.

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

4. Provide Copy. Furnish upon request to any municipal officer a copy of any record, paper, or public document under the Clerk's control when it may be necessary to such officer in the discharge of such officer's duty; furnish a copy to any citizen when requested upon payment of the fee set by Council resolution; under the direction of the Mayor or other authorized officer, affix the seal of the City to those public documents or instruments that by this Code of Ordinances are required to be attested by the affixing of the seal.

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

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

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

18.09 ATTENDANCE AT MEETINGS. The Clerk shall attend all regular and special Council meetings and, at the direction of the Council, the Clerk shall attend meetings of committees, boards, and commissions. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

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

18.10 LICENSES AND PERMITS. The Clerk shall issue or revoke licenses and permits when authorized by this Code of Ordinances, and keep a record of licenses and permits issued which shall show date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit, and purpose for which issued.

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

18.11 NOTIFICATION OF APPOINTMENTS. The Clerk shall inform all persons appointed by the Mayor or Council to offices in the City government of their positions and the time at which they shall assume the duties of their offices.

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

18.12 ELECTIONS. The Clerk shall perform the duties relating to elections in accordance with Chapter 376 of the *Code of Iowa*.

18.13 CITY SEAL. The City seal is in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders, and certificates that it may be necessary or proper to authenticate. The City seal is circular in form, in the center of which are the words "NEW HAMPTON, IOWA" and around the margin of which are the words "OFFICIAL CITY SEAL."

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CHAPTER 19

CITY TREASURER

19.01 Appointment
19.02 Compensation

19.03 Duties of Treasurer

19.01 APPOINTMENT. The City Clerk is the Treasurer and performs all functions required of the position of Treasurer.

19.02 COMPENSATION. The Clerk receives no additional compensation for performing the duties of the Treasurer.

19.03 DUTIES OF TREASURER. The duties of the Treasurer are as follows:
(Code of Iowa, Sec. 372.13[4])

1. Custody of Funds. Be responsible for the safe custody of all funds of the City in the manner provided by law and Council direction.
2. Record of Fund. Keep the record of each fund separate.
3. Record Receipts. Keep an accurate record of all money or securities received by the Treasurer on behalf of the City and specify the date, from whom, and for what purpose received.
4. Record Disbursements. Keep an accurate account of all disbursements, money, or property, specifying date, to whom, and from what fund paid.
5. Special Assessments. Keep a separate account of all money received by the Treasurer from special assessments.
6. Deposit Funds. Upon receipt of moneys to be held in the Treasurer's custody and belonging to the City, deposit the same in depositories selected by the Council.
7. Reconciliation. Reconcile depository statements with the Treasurer's books and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.
8. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.
9. Other Duties. Perform such other duties as specified by the Council by resolution or ordinance.

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CHAPTER 20

CITY ATTORNEY

20.01 Appointment and Compensation
20.02 Attorney for City
20.03 Power of Attorney
20.04 Ordinance Preparation
20.05 Review and Comment

20.06 Provide Legal Opinion
20.07 Attendance at Council Meetings
20.08 Prepare Documents
20.09 Representation of City Employees

20.01 APPOINTMENT AND COMPENSATION. The City Attorney shall be appointed by a majority vote of the Council to serve for a term of two years. The Council shall, by resolution, establish an annual salary for the City Attorney, which shall be full compensation for all trials in Magistrate Court involving violations or enforcement of City ordinances, for attendance at meetings of the Council, and the City's boards and commissions, for consultations with department heads or members of commissions, for drafting legal documents to which the City is a party, and for preparation of ordinances and resolutions. The City Attorney shall receive an additional fee for all other services provided other than those specified above, including, but not limited to, representation in District Court matters, formal labor grievances and union contract negotiations, and negotiations involving matters of community development. Additional services shall be based upon an hourly rate approved by the Council by resolution, and all such additional services shall be passed upon and paid in the same manner as other claims.

20.02 ATTORNEY FOR CITY. The City Attorney shall act as attorney for the City in all matters affecting the City's interest and appear on behalf of the City before any court, tribunal, commission, or board. The City Attorney shall prosecute or defend all actions and proceedings when so requested by the Mayor or Council.

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

20.03 POWER OF ATTORNEY. The City Attorney shall sign the name of the City to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court, and when so signed the City shall be bound upon the same.

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

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

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

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

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

20.06 PROVIDE LEGAL OPINION. The City Attorney shall give advice or a written legal opinion on City contracts and all questions of law relating to City matters submitted by the Mayor, Council, City Clerk, or any board or the head of any department.

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

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

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

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

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

20.09 REPRESENTATION OF CITY EMPLOYEES. The City Attorney shall not appear on behalf of any City employee in contrary of the City for the purely private benefit of said employee. The City Attorney shall, however, if directed by the Council, appear to defend any City officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment.

(Code of Iowa, Sec. 670.8)

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CHAPTER 22

LIBRARY BOARD OF TRUSTEES

22.01 Public Library	22.07 Nonresident Use
22.02 Library Trustees	22.08 Expenditures
22.03 Qualifications of Trustees	22.09 Annual Report
22.04 Organization of the Board	22.10 Injury to Books or Property
22.05 Powers and Duties	22.11 Theft
22.06 Contracting with Other Libraries	22.12 Notice Posted

22.01 PUBLIC LIBRARY. The public library for the City is known as the New Hampton Public Library. It is referred to in this chapter as the Library.

22.02 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of six resident members and one nonresident member. All resident members are to be appointed by the Mayor with the approval of the Council. The nonresident member is to be appointed by the Mayor with the approval of the County Board of Supervisors. All appointments expire June 30th.

22.03 QUALIFICATIONS OF TRUSTEES. All resident members of the Board shall be bona fide citizens and residents of the City. The nonresident member of the Board shall be a bona fide citizen and resident of the unincorporated County. Members shall be over the age of 18 years.

22.04 ORGANIZATION OF THE BOARD. The organization of the Board shall be as follows:

1. Term of Office. All appointments to the Board shall be for six years, except to fill vacancies. Each term shall commence on July 1. Appointments shall be made every two years of one-third the total number or as near as possible, to stagger the terms.
2. Vacancies. The position of any resident Trustee shall be vacated if such member moves permanently from the City. The position of a nonresident Trustee shall be vacated if such member moves permanently from the County or into the City. The position of any Trustee shall be deemed vacated if such member is absent from six consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City or County. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.
3. Compensation. Trustees shall receive no compensation for their services.

22.05 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, and such other officers as it deems necessary. The City Treasurer shall serve as Board Treasurer, but shall not be a member of the Board.

2. Physical Plant. To have charge, control, and supervision of the Library, its appurtenances, fixtures, and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.
4. Hiring of Personnel. To employ a Library Director, and authorize the Library Director to employ such assistants and employees as may be necessary for the proper management of the Library, and fix their compensation; provided, however, prior to such employment, the compensation of the Library Director, assistants, and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.
5. Removal of Personnel. To remove the Library Director, by a two-thirds 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 35C of the *Code of Iowa*.
6. Purchases. To select, or authorize the Library Director to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, digital or electronic items, other Library materials, furniture, fixtures, stationery, and supplies for the Library within budgetary limits set by the Board.
7. Use by Nonresidents. To authorize the use of the Library by nonresidents and to fix charges therefor unless a contract for free service exists.
8. Rules and Regulations. To make and adopt, amend, modify, or repeal rules and regulations, not inconsistent with this Code of Ordinances 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.
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.
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 bills 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.
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.
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.

22.06 CONTRACTING WITH OTHER LIBRARIES. The Board has 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, with any other city, school corporation, private or semiprivate 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, Sec. 392.5 and Ch. 28E)

2. Termination. 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 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 40 days before the election. The proposition may be submitted at any election provided by law which is held in the territory of the party seeking to terminate the contract.

22.07 NONRESIDENT 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 nonresidents on the same terms and conditions as to residents of the City, or County, or upon payment of a special nonresident Library fee.

2. Depository. By establishing depositories of Library books or other materials to be loaned to nonresidents.

3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to nonresidents.

4. Branch Library. By establishing branch libraries for lending books or other Library materials to nonresidents.

22.08 EXPENDITURES. All money appropriated by the Council for the operation and maintenance of the Library shall be set aside in an account for the Library. Expenditures shall be paid for only on orders of the Board, signed by its President and Secretary.

(Code of Iowa, Sec. 384.20 and 392.5)

22.09 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 fines collected, 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.

22.10 INJURY TO BOOKS OR PROPERTY. It is unlawful for a person willfully, maliciously or wantonly to 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, Sec. 716.1)

22.11 THEFT. No person shall take possession or control of property of the Library with the intent to deprive the Library thereof.

(Code of Iowa, Sec. 714.1)

22.12 NOTICE POSTED. There shall be posted in clear public view within the Library notices informing the public of the following:

1. Failure to Return. Failure to return Library materials for two months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one month or more after the date the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

(Code of Iowa, Sec. 714.5)

2. Detention and Search. Persons concealing Library materials may be detained and searched pursuant to law.

(Code of Iowa, Sec. 808.12)

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CHAPTER 23

PLANNING AND ZONING COMMISSION

23.01 Planning and Zoning Commission
23.02 Term of Office
23.03 Vacancies

23.04 Compensation
23.05 Powers and Duties

23.01 PLANNING AND ZONING COMMISSION. The City Planning and Zoning Commission, hereinafter referred to as the Commission, consists of nine members, seven of whom are residents of the City. The resident members shall be appointed by the Council and shall not hold any elective office in the City government. The additional two members of the Commission are one member of the County Board of Supervisors, or a person designated by the Board, and one resident of the area outside the City over which the zoning jurisdiction of the City has been extended, both appointed by the County Board of Supervisors. A person designated by the Board shall also be a resident of the County in which such extended area is located.

(Code of Iowa, Sec. 414.6, 414.23 and 392.1)

23.02 TERM OF OFFICE. The term of office of the members of the Commission shall be five years. The terms of not more than one-third of the members will expire in any one year.

(Code of Iowa, Sec. 392.1)

23.03 VACANCIES. If any vacancy exists on the Commission, caused by resignation or otherwise, a successor for the remainder of the term shall be appointed in the same manner as the original appointee.

(Code of Iowa, Sec. 392.1)

23.04 COMPENSATION. All members of the Commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the Council.

(Code of Iowa, Sec. 392.1)

23.05 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 of its members to act as Chairperson and another as Vice Chairperson, who shall perform all the duties of the Chairperson during the Chairperson's absence or disability.

(Code of Iowa, 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, Sec. 392.1)

3. Zoning. The Commission shall have and exercise all the powers and duties and privileges in establishing the City zoning regulations and other related matters and may from time to time recommend to the Council amendments, supplements, changes, or modifications, all as provided by Chapter 414 of the *Code of Iowa*.

(Code of Iowa, Sec. 414.6)

4. Recommendations on Improvements. The design and proposed location of public improvements shall be submitted to the Commission for its recommendations prior to any actions being taken by the City for the construction or placement of such improvements. Such requirements and recommendations shall not act as a stay upon action for any such improvement if the Commission, after 30 days' written notice requesting such recommendations, has failed to file the same.

(Code of Iowa, Sec. 392.1)

5. Review and Comment on Plats. All plans, plats, or re-plats of subdivisions or re-subdivisions of land 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, Sec. 392.1)

6. 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 that are received by the City for City planning and zoning purposes.

(Code of Iowa, Sec. 392.1)

7. Limitation on Entering Contracts. The Commission shall have no power to contract debts beyond the amount of its original or amended appropriation as approved by the Council for the present year.

(Code of Iowa, Sec. 392.1)

8. 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 and disbursements and the progress of its work during the preceding fiscal year.

(Code of Iowa, Sec. 392.1)

9. 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, Sec. 414.3 and 392.1)

CHAPTER 24

BOARD OF ADJUSTMENT

24.01 Appointment and Membership

24.02 Rules, Meetings, and General Procedure

24.03 Authority

24.04 Powers and Procedures

24.05 Appeals

24.06 Council Review

24.01 APPOINTMENT AND MEMBERSHIP. A Board of Adjustment is hereby established which shall consist of seven members each to be appointed for a term of five years. Two of the seven 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 charge and after a public hearing as by law provided.

(Code of Iowa, Sec. 414.8 and 414.23)

24.02 RULES, MEETINGS, AND 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, may administer oaths, and compel 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, Sec 414.9)

24.03 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 directly to modify regulations and restrictions as applied to the property owners.

(Code of Iowa, Sec. 414.7)

24.04 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, and 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 an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any ordinances.

(Code of Iowa, 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, 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, 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.

24.05 APPEALS. Appeals to the Board may be taken by any person aggrieved or by an officer, department, board, or bureau of the City affected by any decision of the administrative officer. Such appeals 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, 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 the appeal shall have been filed with them, that by reason of the facts stated in the certificate a stay would, in their 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, 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 the City 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 officer, or to decide in favor of the application 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, 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.

25.06 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, Sec. 414.7)

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CHAPTER 25

PARKS AND RECREATION COMMISSION

25.01 Purpose	25.10 Parking
25.02 Membership	25.11 Use of Vehicles in Parks
25.03 Election and Term	25.12 Fires
25.04 Compensation	25.13 Littering
25.05 Organization	25.14 Camping Areas
25.06 Budget Certified	25.15 Park Hours
25.07 Expenditures	25.16 Animals
25.08 Records and Reports	25.17 Penalties
25.09 Powers and Duties	

25.01 PURPOSE. The purpose of this chapter is to provide for a Parks and Recreation Commission and provide for its method of election, compensation and term of members, and its powers and duties.

25.02 MEMBERSHIP. There shall be a Board of Park and Recreation Commissioners for the City consisting of five citizens of legal age. Commissioners shall serve a four year term.
(Code of Iowa, Sec. 392.1)

25.03 ELECTION AND 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.

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

25.05 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.

25.06 BUDGET CERTIFIED. On or before the date specified by the Council each year, the Board shall submit to the Council a proposed budget for the ensuing fiscal year.

25.07 EXPENDITURES. The 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.

25.08 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.

25.09 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. 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.

3. Swimming Pool. The Board shall have exclusive control of the operation of the City swimming pool.

4. 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.

5. 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.

6. 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.

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

8. 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.

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

25.11 USE OF VEHICLES IN PARKS.

1. 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.

2. No person shall operate a snowmobile upon any portion of any City park, except such places that the Commission may specifically designate.

25.12 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.

25.13 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.

25.14 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.

25.15 PARK HOURS.The park shall be open to the public from 6:00 a.m. until 10:30 p.m. each day. No person shall be allowed in the parks after 10:30 p.m. without the written permission of the director or majority of the Commissioners.

25.16 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.

25.17 PENALTIES.When a person has violated this chapter 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.

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CHAPTER 26

UTILITY AND COMMUNICATIONS BOARD OF TRUSTEES

26.01 Purpose

26.02 Board Established

26.03 Appointment of Trustees

26.04 Compensation

26.05 Vacancies

26.06 Powers and Duties of the Board

26.07 Control of Funds

26.08 Accounting

26.09 Discriminatory Rates Illegal

26.10 Discontinuance of Board

26.01 PURPOSE. The purpose of this chapter is to provide for the operation of the municipally owned electric and telecommunications utility by a Board of Trustees.

26.02 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 Municipal Utilities consisting of the five Trustees who serve as the Board of Trustees for the Municipal Electric Utility of the City, 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, Sec. 388.2)

26.03 APPOINTMENT OF TRUSTEES. The Mayor shall appoint, subject to the approval of the Council, five persons to serve as Trustees for staggered six year terms. 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-year terms shall also apply to the Trustees of the Municipal Communications Utility. No public officer or salaried employee of the City may serve on a utility board.

(Code of Iowa, Sec. 388.3)

26.04 COMPENSATION. The Council shall by resolution set the compensation of Board members.

(Code of Iowa, Sec. 388.3)

25.05 VACANCIES. An appointment to fill a vacancy on the Board of Trustees shall be made in the same manner as an original appointment except that such appointment shall be for the balance of the unexpired term.

(Code of Iowa, Sec. 388.3)

26.06 POWERS AND DUTIES OF THE BOARD. The Board of Trustees may exercise all powers of the City in relation to the City utility, utilities, or combined utility system, with the following exceptions:

(Code of Iowa, Sec. 388.4)

1. Taxes, Ordinances, and Bonds. The Board may not certify taxes to be levied, pass ordinances or amendments, or issue general obligation or special assessment bonds.

(Code of Iowa, 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, 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, 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, Sec. 388.4[4])

5. All provisions of the Code of Ordinances of the City 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.

26.07 CONTROL OF FUNDS. The Board shall control tax revenues allocated to it as well as all moneys derived from operations.

(Code of Iowa, Sec. 388.5)

26.08 ACCOUNTING. Utility moneys are held in a separate utility fund, [with a separate account for each (utility or combined utility system)].

(Code of Iowa, Sec. 388.5)

26.09 DISCRIMINATORY RATES ILLEGAL. The utility may not provide use or service at a discriminatory rate, except to the City or its agencies, as provided in Section 384.91 of the *Code of Iowa*.

(Code of Iowa, Sec. 388.6)

26.10 DISCONTINUANCE OF BOARD. A proposal, on motion of the Council or upon receipt of a valid petition, to discontinue the utility board is subject to the approval of the voters of the City, except that the Board may be discontinued by resolution of the Council when the utility it administers is disposed of or leased for a period of over five years.

(Code of Iowa, Sec. 388.2)

CHAPTER 27

CEMETERY BOARD OF TRUSTEES

27.01 Purpose

27.02 New Hampton Cemetery

27.03 Cemetery Trustees

27.04 Qualifications of Trustee

27.05 Organization of the Board

27.06 Powers and Duties

27.07 Expenditures

27.08 Annual Report

27.09 Injury to Monuments or Property

27.01 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.

27.02 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.

27.03 CEMETERY TRUSTEES. The Board of Trustees of the Cemetery hereinafter referred to as the Board, consists of three members to be appointed by the Mayor with the approval of the Council.

27.04 QUALIFICATIONS OF TRUSTEE. All members of the Board shall be bona fide citizens and residents of the City or the area within a two mile radius of the City and over the age of 18 years.

(Code of Iowa, Sec. 392.1)

27.05 ORGANIZATION OF THE BOARD. The organization of the Board shall be as follows:

1. Term of Office. All appointments to the Board shall be for three years, except to fill vacancies. Each term shall commence on July 1st.

27.06 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 their 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.

27.07 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.

27.08 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 theyear, the number of plots remaining unpurchased together with such further information as may be required by the Council.

27.09 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.

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CHAPTER 28

TREE BOARD

28.01 Creation and Establishment

28.02 Compensation and Term of Office

28.03 Duties and Responsibilities

28.04 Operation

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

28.02 COMPENSATION AND TERM OF OFFICE. Members of the Tree Board shall serve without compensation. The term of office for members of the Tree Board shall be three years.

28.03 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 Tree Board will present this plan to the Council, and, upon its acceptance and approval, this plan shall constitute the initial comprehensive tree plan for the City. The Tree Board shall annually review and amend, if needed, this comprehensive City tree plan. The Tree Board shall consider, investigate, and make recommendations upon any special matter or questions within the scope of its subject matter. The Tree 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 Tree Board shall enforce the City tree ordinance. The Tree 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.

28.04 OPERATION. The Tree 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 Tree Board shall annually submit to the Council a detailed report of its activities, including a financial statement.

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CHAPTER 29

AIRPORT COMMISSION

29.01 Airport Commission
29.02 Appointment and Term
29.03 Vacancies
29.04 Compensation

29.05 Officers
29.06 Powers and Duties
29.07 Rules and Regulations

29.01 AIRPORT COMMISSION. There is hereby created an Airport Commission consisting of three members who shall be residents of the City.

(Code of Iowa, Sec. 330.20)

29.02 APPOINTMENT AND TERM. Commissioners shall be appointed by the Council for staggered terms of six years.

(Code of Iowa, Sec. 330.20)

29.03 VACANCIES. Vacancies shall be filled by appointment of the Council to fill out the unexpired term for which the appointment was made.

(Code of Iowa, Sec. 330.20)

29.04 COMPENSATION. Members of the Commission shall serve without compensation.

(Code of Iowa, Sec. 330.20)

29.05 OFFICERS. The Commission shall elect from its own members a Chairperson and Secretary who shall serve for such term as the Commission shall determine.

(Code of Iowa, Sec. 330.20)

29.06 POWERS AND DUTIES. The Commission shall have and exercise the following powers and duties.

1. General. The Commission has all the powers in relation to airports granted to cities under State law except powers to sell the airport.

(Code of Iowa, 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, 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 purposes prescribed by law, and shall be deposited with the Treasurer or 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, Sec. 330.21)

29.07 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, Sec. 330.11 and 330.23)