

CHAPTER 5

OPERATING PROCEDURES

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

1. Qualify for Office. Each elected or appointed officer shall qualify for office by taking the prescribed oath and by giving, when required, a bond. The oath shall be taken, and bond provided, after being certified as elected but not later than noon of the first day which is not a Sunday or a legal holiday in January of the first year of the term for which the officer was elected.

(Code of Iowa, Sec. 63.1)

2. Prescribed Oath. The prescribed oath is: "I, (name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) in Hamburg as now or hereafter required by law."

(Code of Iowa, Sec. 63.10)

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

- A. Mayor
- B. City Clerk
- C. Members of all boards, commissions or bodies created by law.

(Code of Iowa, Sec. 63A.2)

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

1. Required. The Council shall provide by resolution for a surety bond or blanket position bond running to the City and covering the

Mayor, Clerk, Treasurer and such other officers and employees as may be necessary and advisable.

(Code of Iowa, Sec. 64.13)

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

(Code of Iowa, Sec. 64.19)

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

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

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

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

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

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

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

(Code of Iowa, Sec. 22.1 & 22.2)

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

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

5.06 MEETINGS. All meetings of the Council, any board or commission, or any multimembered body formally and directly created by any of the foregoing bodies shall be held in accordance with the following:

1. Notice of Meetings. Reasonable notice, as defined by State law, of the time, date and place of each meeting, and its tentative agenda shall be given.

(Code of Iowa, Sec. 21.4)

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

(Code of Iowa, Sec. 21.3)

3. Minutes. Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.5)

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

(Code of Iowa, Sec. 21.7)

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

(Code of Iowa, Sec. 21.8)

5.07 CONFLICT OF INTEREST. A City officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for the City, unless expressly permitted by law. A contract entered into in violation of this section is void. The provisions of this section do not apply to:

(Code of Iowa, Sec. 362.5)

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

(Code of Iowa, Sec. 362.5[1])

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

(Code of Iowa, Sec. 362.5[2])

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

(Code of Iowa, Sec. 362.5[3])

4. Stock Interests. Contracts in which a City officer or employee has an interest solely by reason of employment, or a stock interest of the kind

described in subsection 8 of this section, or both, if the contract is for professional services not customarily awarded by competitive bid, if the remuneration of employment will not be directly affected as a result of the contract, and if the duties of employment do not directly involve the procurement or preparation of any part of the contract.

(Code of Iowa, Sec. 362.5[5])

5. Newspaper. The designation of an official newspaper.

(Code of Iowa, Sec. 362.5[6])

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

(Code of Iowa, Sec. 362.5[7])

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

(Code of Iowa, Sec. 362.5[8])

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

(Code of Iowa, Sec. 362.5[9])

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

(Code of Iowa, Sec. 362.5[4])

10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services which benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of twenty-five hundred dollars (\$2500.00) in a fiscal year.

(Code of Iowa, Sec. 362.5[11])

11. Franchise Agreements. Franchise agreements between the City and a utility and contracts entered into by the City for the provision of essential City utility services.

(Code of Iowa, Sec. 362.5[12])

5.08 RESIGNATIONS. An elected officer who wishes to resign may do so by submitting a resignation in writing to the Clerk so that it shall be properly recorded and considered. A person who resigns from an elective office is not

eligible for appointment to the same office during the time for which the person was elected, if during that time the compensation of the office has been increased.

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

5.09 REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES.

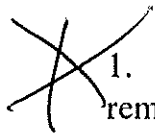
Except as otherwise provided by State or City law, all persons appointed to City office or employment may be removed by the officer or body making the appointment, but every such removal shall be by written order. The order shall give the reasons, be filed in the office of the Clerk, and a copy shall be sent by certified mail to the person removed, who, upon request filed with the Clerk within thirty (30) days after the date of mailing the copy, shall be granted a public hearing before the Council on all issues connected with the removal. The hearing shall be held within thirty (30) days after the date the request is filed, unless the person removed requests a later date.

(Code of Iowa, Sec. 372.15)

5.10 REMOVAL OF ELECTED OFFICERS. The Council shall have the power to remove any City officer elected by the people from office after hearing on written charges filed with the Council and for any cause which would be grounds for an equitable action for removal in the District Court; but such removal shall only be made by a two-thirds (2/3) vote of the entire Council. Whenever any such charges are filed with the Council, a notice shall be served upon the accused at least ten (10) days before the hearing thereof, and the accused shall have the right to be heard and have counsel and produce testimony in his or her own behalf. The proceedings shall be, so far as applicable, in accordance with the practice in civil proceedings in the District Court. Upon any question arising for decision, the question shall be entered on record together with the vote thereon, which shall be by yeas and nays. Upon the final issue, the question shall be, "Shall the accused be removed from office?" The Council shall have jurisdiction and authority to proceed with and conclude any such trial and decide the case, which decision shall be final and binding. Upon the final decision of any case, the Clerk shall be directed to enter judgment in the case in accordance with the Council's decision. All processes issued in such proceedings shall be served by the Police Chief.

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

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



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

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

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

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

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

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

5.13 GIFTS. Except as otherwise provided in Chapter 68B of the Code of Iowa, a public official, public employee or candidate, or that person's immediate family member, shall not, directly or indirectly, accept or receive any gift or series of gifts from a "restricted donor" as defined in Chapter 68B and a restricted donor shall not, directly or indirectly, individually or jointly with one or more other restricted donors, offer or make a gift or a series of gifts to a public official, public employee or candidate.

(Code of Iowa, Sec. 68B.22)

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CHAPTER 6

CITY ELECTIONS

6.01 Nominating Method to be Used
6.02 Nominations by Petition
6.03 Adding Name by Petition

6.04 Preparation of Petition and Affidavit
6.05 Filing, Presumption, Withdrawals, Objections
6.06 Persons Elected

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

(Code of Iowa, Sec. 376.3)

6.02 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than ten (10) eligible electors, residents of the City or Ward.

(Code of Iowa, Sec. 45.1)

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

(Code of Iowa, Sec. 45.2)

6.04 PREPARATION OF PETITION AND AFFIDAVIT. Each eligible elector who signs a nominating petition shall add to the signature the elector's residence address, and date of signing. The person whose nomination is proposed by the petition shall not sign it. Each candidate shall complete and file a signed, notarized affidavit of candidacy. The affidavit shall be filed at the same time as the nomination petition. The affidavit shall be in the form prescribed by the Secretary of State and shall include information required by the Code of Iowa.

(Code of Iowa, Sec. 45.3)

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

(Code of Iowa, Sec. 45.4)

6.06 PERSONS ELECTED. The candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.

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

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CHAPTER 8

INDUSTRIAL PROPERTY TAX EXEMPTIONS

8.01 Purpose	8.06 Applications
8.02 Definitions	8.07 Approval
8.03 Period of Partial Exemption	8.08 Exemption Repealed
8.04 Amounts Eligible for Exemption	8.09 Dual Exemptions Prohibited
8.05 Limitations	

8.01 PURPOSE. The purpose of this chapter is to provide for a partial exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses, distribution centers and the acquisition of or improvement to machinery and equipment assessed as real estate.

8.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Actual value added" means the actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the local assessor as of January 1 of each year for which the exemption is received.
2. "Distribution center" means a building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail outlets. Distribution center does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.
3. "New construction" means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue competitively to manufacture or process

those products, which determination shall receive prior approval from the City Council of the City upon the recommendation of the Iowa Department of Economic Development.

4. "New machinery and equipment assessed as real estate" means new machinery and equipment assessed as real estate pursuant to Section 427A.1, Subsection 1, Paragraph "e", Code of Iowa, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status.

5. "Research-service facilities" means a building or group of buildings devoted primarily to research and development activities, including, but not limited to, the design and production or manufacture of prototype products for experimental use, and corporate research services which do not have a primary purpose of providing on-site services to the public.

6. "Warehouse" means a building or structure used as a public warehouse for the storage of goods pursuant to Chapter 554, Article 7, of the Code of Iowa, except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail.

8.03 PERIOD OF PARTIAL EXEMPTION. The actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses, distribution centers, and the acquisition of or improvement to machinery and equipment assessed as real estate, is eligible to receive a partial exemption from taxation for a period of five (5) years.

8.04 AMOUNTS ELIGIBLE FOR EXEMPTION. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

1. For the first year, seventy-five percent (75%)
2. For the second year, sixty percent (60%)
3. For the third year, forty-five percent (45%)
4. For the fourth year, thirty percent (30%)
5. For the fifth year, fifteen percent (15%)

8.05 LIMITATIONS. The granting of the exemption under this chapter for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

8.06 APPLICATIONS. An application shall be filed for each project resulting in actual value added for which an exemption is claimed.

1. The application for exemption shall be filed by the owner of the property with the local assessor by February 1 of the assessment year in which the value added is first assessed for taxation.
2. Applications for exemption shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the Director of Revenue.

8.07 APPROVAL. A person may submit a proposal to the City Council to receive prior approval for eligibility for a tax exemption on new construction. If the City Council resolves to consider such proposal, it shall publish notice and hold a public hearing thereon. Thereafter, at least thirty days after such hearing the City Council, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with City zoning. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate.

8.08 EXEMPTION REPEALED. When in the opinion of the City Council continuation of the exemption granted by this chapter ceases to be of benefit to the City, the City Council may repeal this chapter, but all existing exemptions shall continue until their expiration.

8.09 DUAL EXEMPTIONS PROHIBITED. A property tax exemption under this chapter shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

CHAPTER 8

INDUSTRIAL PROPERTY TAX EXEMPTIONS

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CHAPTER 9

URBAN RENEWAL AREAS

9.01 Purpose

9.02 Hamburg Urban Renewal Area

9.03 Fox Circle Urban Renewal Area

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

9.02 HAMBURG URBAN RENEWAL AREA. The provisions of this section apply to the Hamburg Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on September 7, 1993:

Lots 17, 18, 19, 20 and the east 218.00 feet of even width of Lot 21 of Arthur Vogel's Subdivision of part of the Northeast Quarter (NE¼) of Section 28, Township 67 North, Range 42 West of the 5th Principal Meridian, Fremont County, Iowa, according to the survey plat recorded in Irregular Survey Book 3 at Page 35, Fremont County Recorder's Office.

The taxes levied on the taxable property in the Hamburg Urban Renewal Area each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which the such Urban Renewal Area is located, from and after the effective date of Ordinance No. 93-1, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Hamburg Urban Renewal Area, as shown on the assessment roll as of January 1, 1992, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Hamburg Urban Renewal Area on the effective date of Ordinance No. 93-1, but to which the territory has been annexed or otherwise included after said effective date, the assessment roll as of

January 1, 1992, shall be used in determining the assessed valuation of the taxable property in said Hamburg Urban Renewal Area on the effective date.

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

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

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

9.03 FOX CIRCLE URBAN RENEWAL AREA. The provisions of this section apply to the Fox Circle Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on November 14, 1994:

Lots 1 and 2 in the NE¼ SW¼ of Section 15, Township 67 North, Range 42 West of the 5th P.M., containing 1¼ acres, more or less, according to I.S. Record 2, page 91, excepting a tract of land 50 feet by 50 feet located in the N.E. corner of Lot 1 in the S.E. corner of the NE¼ SW¼ of Section 15, Township 67 North, Range 42, West of the 5th P.M., according to irregular and Government Surveys in Fremont County, Iowa (said Lot 1 in the S.E. corner of said NE¼ SW¼ being also described as one acre in the S.E. corner of the NE¼ SW¼ of Section 15, aforesaid), said 50 foot tract more particularly described as follows: Commencing at a point at the west edge of the right-of-way of U.S. Highway 275 and on the north boundary line of said Lot 1 in the S.E. corner of the NE¼ SW¼ of said Section 15, thence west 50 feet, thence south 50 feet, thence east 50 feet, thence north 50 feet along the right-of-way of U.S. Highway 275 to the place of beginning;

also

All of Blocks 13 and 16, and that part of Block 12 and 17 lying west of Highway 275, all in Nuckoll's Addition to the Town of Hamburg, Fremont County, Iowa, according to the recorded plat thereof, subject to easements for road purposes as shown herein.

A parcel of land located in part of Lot 3 of the NE¼ SW¼ of Section 15, Township 67 North, Range 42 West of the 5th Principal Meridian, in the City of Hamburg, Fremont County, Iowa, being more fully described as follows: Commencing at the southeast corner of said NE¼ SW¼; thence N 88°24'03" W along the south line of said NE¼ SW¼ a distance of 266.70 feet to the point of beginning; thence continuing N 88°24'03" W along said south line a distance of 295.00 feet; thence N 00°25'37" E a distance of 194.02 feet; thence N 03°39'43" W a distance of 11.09 feet; thence S 89°18'16" E a distance of 299.85 feet; thence S 01°33'05" W a distance of 209.75 feet to the point of beginning. Said parcel contains 1.41 acres, more or less, and is subject to easements of records. Note: The south line of the NE¼ SW¼ of said Section 15 is assumed to bear N 88°24'03" W for this description.

The taxes levied on the taxable property in the Fox Circle Urban Renewal Area each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which the such Urban Renewal Area is located, from and after the effective date of Ordinance No. 94-3, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Fox Circle Urban Renewal Area, as shown on the assessment roll as of January 1, 1993, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include

the territory in the Fox Circle Urban Renewal Area on the effective date of Ordinance No. 94-3, but to which the territory has been annexed or otherwise included after said effective date, the assessment roll as of January 1, 1993, shall be used in determining the assessed valuation of the taxable property in said Fox Circle Urban Renewal Area on the effective date.

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

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

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

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CHAPTER 1

CODE OF ORDINANCES

1.01 Title
1.02 Definitions
1.03 City Powers
1.04 Indemnity
1.05 Personal Injuries
1.06 Rules of Construction

1.07 Amendments
1.08 Catchlines and Notes
1.09 Altering Code
1.10 Standard Penalty
1.11 Severability

1.01 TITLE. This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Hamburg, Iowa, 1995.

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

1. "Alley" means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. "City" means the City of Hamburg, Iowa.
3. "Clerk" means the city clerk of Hamburg, Iowa.
4. "Code" means the specific chapter of this Code of Ordinances in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).
5. "Code of Ordinances" means the Code of Ordinances of the City of Hamburg, Iowa, 1995.
6. "Council" means the city council of Hamburg, Iowa.
7. "County" means Fremont County, Iowa.
8. "Measure" means an ordinance, amendment, resolution or motion.
9. "Month" means a calendar month.
10. "Oath" means an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" are equivalent to the words "swear" and "sworn".

11. "Occupant" or "tenant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
12. "Ordinances" means the ordinances of the City of Hamburg, Iowa, as embodied in the Code of Ordinances, ordinances not repealed by the ordinance adopting the Code of Ordinances, and those enacted hereafter.
13. "Person" means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.
14. "Preceding" and "following" mean next before and next after, respectively.
15. "Property" includes real property, and tangible and intangible personal property unless clearly indicated otherwise.
16. "Property owner" means a person owning private property in the City as shown by the County Auditor's plats of the City.
17. "Public place" includes in its meaning, but is not restricted to, any City-owned open place, such as parks and squares.
18. "Public property" means any and all property owned by the City or held in the name of the City by any of the departments, commissions or agencies within the City government.
19. "Public way" includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
20. "Sidewalk" means that surfaced portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line, intended for the use of pedestrians.
21. "State" means the State of Iowa.
22. "Statutes" or "laws" means the latest edition of the Code of Iowa, as amended.
23. "Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.
24. "Writing" and "written" include printing, typing, lithographing, or other mode of representing words and letters.

25. "Year" means a calendar year.

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

(Code of Iowa, Sec. 364.1)

1.04 INDEMNITY. The applicant for any permit or license under this Code of Ordinances, by making such application, assumes and agrees to pay for all injury to or death of any person or persons whomsoever, and all loss of or damage to property whatsoever, including all costs and expenses incident thereto, however arising from or related to, directly, indirectly or remotely, the issuance of the permit or license, or the doing of anything thereunder, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this Code of Ordinances or the terms and conditions of such permit or license, and such applicant, by making such application, forever agrees to indemnify the City and its officers, agents and employees, and agrees to save them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, including all costs and expenses incident thereto, by reason of the foregoing. The provisions of this section shall be deemed to be a part of any permit or license issued under this Code of Ordinances or any other ordinance of the City whether expressly recited therein or not.

1.05 PERSONAL INJURIES. When action is brought against the City for personal injuries alleged to have been caused by its negligence, the City may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to the liability

of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

1.06 RULES OF CONSTRUCTION. In the construction of the Code of Ordinances the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provisions.

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

1.07 AMENDMENTS. All ordinances which amend, repeal or in any manner affect the Code of Ordinances shall include proper reference to title, division, chapter, section and subsection to maintain an orderly codification of ordinances of the City.

(Code of Iowa, Sec. 380.2)

1.08 CATCHLINES AND NOTES. The catchlines of the several sections of the Code of Ordinances, titles, headings (chapter, division, section and subsection), editor's notes, cross references and State law references, unless set out in the body of the section itself, contained in the Code of Ordinances, do not

constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

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

(Code of Iowa, Sec. 718.5)

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

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

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

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CHAPTER 2

CHARTER

2.01 Title
2.02 Form of Government
2.03 Powers and Duties

2.04 Number and Term of Council
2.05 Term of Mayor
2.06 Copies on File

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

2.02 FORM OF GOVERNMENT. The form of government of the City is the Mayor-Council form of government.

(Code of Iowa, Sec. 372.4)

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

2.04 NUMBER AND TERM OF COUNCIL. The Council consists of two (2) Council Members elected at large and one (1) Council Member from each of three (3) wards as established by this Code of Ordinances, elected for overlapping terms of four (4) years.

(Code of Iowa, Sec. 376.2)

2.05 TERM OF MAYOR. The Mayor is elected for a term of four (4) years.

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.1)

EDITOR'S NOTE

Ordinance No. 164 adopting a charter for the City was passed and approved by the Council on July 1, 1975.

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CHAPTER 3

BOUNDARIES

3.01 Corporate Limits

3.02 Division Into Wards

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

Beginning at the northwest corner of Section 22, which is the northwest corner of the original town; thence south along the west line of Section 22 to the west quarter corner between Section 21 and 22; thence west along the north line of the southeast quarter of Section 21, to the northwest corner of the northeast quarter of the southeast quarter of Section 21; thence south along the west line of the east half of the southeast quarter of Section 21 to the southwest corner of the southeast quarter of the southeast quarter of Section 21; thence east along the south line of Section 21; to a point 738½ feet west of the southeast corner of same, said point being the northwest corner of Phelps Addition; thence south 14 degrees 10 minutes west, 2,423 feet; thence south 48 degrees east, 960 feet; thence south 34 degrees east, 590 feet; thence north 50 degrees east, 50 feet; thence south 21 degrees east, 450 feet, parallel to the centerline of the railroad and 50 feet distant therefrom, to the south line of the northeast quarter of the southeast quarter of Section 28; thence east along said south line 77 1/3 feet; thence north along the east line of Section 28, 1,320 feet to the quarter section corner between Sections 27 and 28; thence east along the south line of the northwest quarter of Section 27, 592 feet; thence north 667 feet; thence north 10 degrees 2½ minutes east, 520 feet; thence north 14 degrees 10 minutes east along the east right-of-way line of the Red Oak Branch, C.B. & Q. R.R. 1,530 feet to a point on the north line of Section 27, said point being 1140 feet east of the northwest corner of Section 27; thence east along said north line Section 27 to the northeast corner of the northwest quarter of said section; thence north along the east line of the southwest quarter of Section 22 to the north bank of the Old Nishnabotna River bed; thence following along said bank to a point 440 feet east and 480 feet north of the southwest corner of the southeast quarter of Section 22; thence north 14 degrees 10 minutes east to the south bank of the Old Nishnabotna River Arm, which projects to the westward; thence following this arm and the main stream to the northward to a point on the east line of the west half of the northeast quarter of Section 22; thence north along said east line of the west half of the northeast quarter of Section 22 to the northeast corner of same; thence north 50 feet; thence west parallel to the north line of the northeast quarter of Section 22, 1,385 feet, to a point on the east line of the southwest quarter of Section 15, said point being 50 feet north of the southeast corner of the southwest quarter of Section 15; thence north along the east line of the southwest quarter of Section 15, to the southwest corner of the northwest quarter of the southeast quarter; thence east along the south line of the northwest quarter of the southeast quarter of Section

15 to the southeast corner thereof, thence north along the east line of the northwest quarter of the southeast quarter of Section 15, 330 feet; thence west on a line parallel with the south line of the northwest quarter of the southeast quarter of Section 15 to the west side of the said northwest quarter of the southeast quarter of Section 15; thence north 775.55 feet; thence north 89 degrees 49 minutes, 40 seconds west, a distance of 620.0 feet to the center of the creek; thence south 14 degrees 38 minutes 30 seconds east along the center of the creek a distance of 175.56 feet; thence south 05 degrees 49 minutes west along the center of the creek a distance of 144.3 feet; thence south 10 degrees 07 minutes 40 seconds east along the center of the creek a distance of 300.20 feet; thence south 02 degrees 30 minutes 40 seconds east along the center of the creek a distance of 301.52 feet; thence south 01 degrees 34 minutes 40 seconds west along the center of the creek a distance of 194.02 feet to the south line of the northeast quarter of the southwest quarter of said Section 15; thence west along the north line of the southeast quarter of the southwest quarter, Section 15 to the northwest corner of same; thence south along the west line of the southeast quarter of the southwest quarter to the southwest corner of the same; thence west along the north line of Section 22 to the northwest corner of said Section 22, which is the point of beginning.

The south 114 feet of Lot 10 of the Arthur Vogel Subdivision, being part of NW¼, Section 28, Township 67 North, Range 42 West of the 5th P.M. in Fremont County, Iowa, according to the Survey of Carl Christensen, dated August 28, 1980, and recorded on September 23, 1982, in Irregular Survey Book 4, Page 21 in the office of the Fremont County Recorder.

The north 114.95 feet of Lot 10 of the Arthur Vogel Subdivision, being part of NW¼, Section 28, Township 67 North, Range 42 West of the 5th P.M. in Fremont County, Iowa, according to the Survey of Carl Christensen, dated August 28, 1980, and recorded on September 23, 1982, in Irregular Survey Book 4, Page 21 in the office of the Fremont County Recorder.

A tract of land in the Arthur Vogel Subdivision, being part of NW¼, Section 28, Township 67 North, Range 42 West of the 5th P.M. in Fremont County, Iowa, more particularly described as follows: Commencing at the NE corner of Lot 23 of said Vogel Subdivision; thence south 14°17' west a distance of 68.2 feet to the southeast corner of said Lot 12; thence north 87°37' west a distance of 1,342.7 feet to the southwest corner of said Lot 12; thence north 47°34' west a distance of 66.6 feet along the northeasterly side of Lot 11 of said Arthur Vogel Subdivision to a point 16.5 feet perpendicular distance westerly of the west line of Lot 7 of said Arthur Vogel Subdivision; thence north 0°27' east a distance of 857.9 feet to a point on the south right-of-way line of Iowa Highway #333; thence south 89°07' east a distance of 16.5 feet along said south right-of-way line to a point on the west line of said Lot 7; thence north 0°27' east a distance of 10.0 feet; thence south 89°07' east a distance of 49.5 feet along said south right-of-way line; thence south 0°27' west a distance of 846.3 feet to a point on the north line of said Lot 12; thence south 87°39' east a distance of 1,342.4 feet along the north line of said Lot 12 to the point of beginning.

Lots 17, 18, 19 and 20, and the east 218 feet of even width of Lot 21 of the Arthur Vogel Subdivision of part of the NE¼ of Section 28, Township 67 North, Range 42 West of the 5th P.M., according to the Survey Plat of Carl Christensen, recorded in Irregular Survey Book 3, at Page 35 on February 10, 1978, in the office of the Fremont County Recorder, containing 20.9 acres, more or less.

Lots 1 and 2 in the NE¼ of SW¼, Section 15, Township 67, Range 42, all in Fremont County, Iowa, except a tract of land 50 x 50 feet in the NE corner of Lot 1.

3.02 DIVISION INTO WARDS. The City is divided into three (3) wards described as follows:

(Code of Iowa, Sec. 372.4 & 372.13[7])

1. First Ward. The First Ward of the City consists of the following:

That portion of the City lying north and east of a line commencing at the point N Street intersects the west corporate limit of the City, then proceeding easterly on N Street until it intersects Bluff Street, then proceeding southerly on Bluff Street until it intersects M Street, then proceeding easterly on M Street until it intersects Monroe Street, then proceeding southerly on Monroe Street until it intersects K Street, then proceeding easterly on K Street until it intersects Colorado Avenue, then proceeding southeast on Colorado Avenue until it intersects the east corporate limit of the City.

2. Second Ward. The Second Ward of the City consists of the following:

That portion of the City bounded by a line commencing at the point N Street intersects the west corporate limit of the City, then proceeding easterly on N Street until it intersects Bluff Street, then proceeding southerly on Bluff Street until it intersects M Street, then proceeding easterly on M Street until it intersects Monroe Street, then proceeding southerly on Monroe Street until it intersects K Street, then proceeding easterly on K Street until it intersects Colorado Avenue, then proceeding southeast on Colorado Avenue until it intersects E Street, then proceeding westerly on E Street until it intersects Lake Street, then proceeding northerly on Lake Street until it intersects F Street, then proceeding westerly on F Street until it intersects Main Street, then proceeding northerly on Main Street until it intersects G Street, then proceeding westerly on G Street until it intersects Bluff Street, then proceeding southerly on Bluff Street until it intersects E Street, then proceeding westerly on E Street until it intersects County Highway L44, then proceeding northwest on County Highway L44 until it intersects the west corporate limit of the City, then proceeding first east and then in a clockwise manner along the corporate limits of the City to the point of origin.

3. Third Ward. The Third Ward of the City consists of the following:

That portion of the City bounded by a line commencing at the point County Highway L44 intersects the west corporate limit of the City, then proceeding southeast on County Highway L44 until it intersects E Street, then proceeding easterly on E Street until it intersects Bluff Street, then proceeding northerly on Bluff Street until it intersects G Street, then proceeding easterly on G Street until it intersects Main Street, then proceeding southerly on Main Street until it intersects F Street, then proceeding easterly on F Street until it intersects Lake Street, then proceeding southerly on Lake Street until it intersects E Street, then proceeding easterly on E Street until it intersects the east corporate limit of the City, then proceeding first south and then in a clockwise manner along the corporate limit of the City to the point of origin.

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