

CHAPTER 1CODE OF ORDINANCESSections:

- 1.1 Title.
- 1.2 Contents.
- 1.3 Prior Ordinances.
- 1.4 Altering the Code.
- 1.5 Definitions.
- 1.6 Rules of Construction.
- 1.7 References and Notes.
- 1.8 Penalty.

**SEC. 1.1 TITLE.** This code of ordinances for the city of Waverly, Iowa shall be named and cited as the Waverly municipal Code.

**SEC. 1.2 CONTENTS.** This code shall contain all the regulatory, penal, and administrative ordinances of the city.

**SEC. 1.3 PRIOR ORDINANCES.**

1. Any reference to an ordinance, including any provision of this code or any other ordinance enacted by the council shall mean that any existing amendment to the ordinance shall apply, unless otherwise provided.
2. The adoption of this code, or an amendment to any provision of this code or any other ordinance enacted by the council, shall not affect the following:
  - a. A prosecution for a violation of any ordinance, provided that the violation was committed prior to the date that such amendment became effective.
  - b. An obligation to satisfy any requirement of an ordinance, including any requirement or condition of a license, judgment, contract, bond, trust or cash deposit, or to pay any fee or penalty, provided that the requirement was due to be satisfied before the amendment became effective, unless the council declares otherwise.

## **SEC. 1.4 ALTERING THE CODE.**

1. All measures which amend or in any way affect the code shall include a proper reference to the section of the code affected by the measure.
2. No person shall alter any part of the code in a way which will cause the law of the city to be misrepresented.

**SEC. 1.5 DEFINITIONS.** Where any word or phrase is defined in the current Code of Iowa, such definitions shall apply to any identical word or phrase appearing in this code of ordinances unless otherwise specifically defined in a provision of this code. Words and phrases, defined in the Code of Iowa, as amended, and requiring reiteration or modification, and other words or phrases appearing in this code of ordinances, shall have the following definitions, unless otherwise specifically defined in another provision of this code:

1. Act. The term "act" shall mean a voluntary action taken by any person, or government. The term "act" shall include a failure to take any action which the law requires a person or government to perform. Whenever in this code any act is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act.
2. Amendment. The term "amendment" shall mean any revision, correction, repeal, addition or any other official change made in a provision of this code or any existing ordinance of the City of Waverly.
3. Citizen. The term "citizen" shall mean any person who is domiciled in a political subdivision with an intention to remain therein as a resident.
4. City. The term "city" shall mean the City of Waverly, Iowa, and all territory within its jurisdiction. The jurisdictional limits of the City of Waverly shall be limited only by Federal or State statute, court decision, or constitutional provision.
5. Clerk. The term "clerk" shall mean the office of the city clerk for Waverly.
6. Code. The term "code" or "Code of Ordinances" shall mean the Waverly Municipal Code.
7. Computation of Time. The phrase "computation of time" shall mean a period capable of being measured in seconds, hours, days, months, or years, within which an act must be completed. Where the period of measurement equals one or more days, the time shall be computed by excluding the first possible day and including the last possible day of such period, unless otherwise specifically stated. If the last day of such period is a Sunday or a legal holiday, that day shall be replaced by the following day.

8. Council. The term "council" shall mean the City Council of the City of Waverly, Iowa.
9. Council Member. The term "council member" shall mean any member elected or appointed to serve on the City Council for the City of Waverly.
10. County. The term "county" shall mean Bremer County, Iowa.
11. Day. The term "day" for purposes of conducting city business means those days and hours set by the city to conduct such business.
12. Election. The term "election" shall mean the regular election or runoff election for the nomination or election of city officers, including council members, the mayor and the hospital trustees.
13. Special Election. The term "special election" shall mean any election specially called by the council. The term shall not include a "general election," "primary election" or "election" as defined in Chapter 39 of the Code of Iowa.
14. Electors.
  - a. Eligible Elector. The term "eligible elector" shall mean a person who possesses all the qualifications necessary to entitle the person to be registered to vote in a city election, whether or not the person is in fact registered.
  - b. Qualified Elector. The term "qualified elector" shall mean a person who is registered to vote in a city election.
15. Following. The term "following" shall mean that which is next after.
16. Government. The term "government" shall include the following:
  - a. Federal and State. The legislative, executive and judicial branches, and the independent regulatory or administrative agencies and any other governmental entities established by either the United States or the State of Iowa.
  - b. City. The mayor and City Council and any officers, staff, departments, boards, committees, commissions, agencies or other governmental entities established or authorized to act by the City Council for the City of Waverly.
17. Governmental Entity. The term "governmental entity" or "governmental body" shall mean any department, office, board, committee, commission, agency, panel, bureau, division, political subdivision, school corporation, public authority, staff, officer or other official established, selected or employed by the government to act in conducting governmental business.

18. Law. The term "law" or "lawful" shall refer to any of the following:
  - a. Federal Law. Any applicable federal constitutional provision, federal court decision or order, or any valid statute, regulation, rule or decision by an administrative agency, of the United States government.
  - b. State Law. Any applicable constitutional provision of the Iowa constitution, State of Iowa statute court decision or order, or any valid agency or department regulation or rule or decision by an administrative hearing officer, of the State of Iowa.
  - c. City Law. Any applicable and valid ordinance by the City Council of the City of Waverly, or any rule or regulation published under the authority of such council.
19. Measure. The term "measure" shall mean an ordinance, amendment, resolution or motion.
20. Month. The term "month" shall mean one calendar month.
21. Oath. The term "oath" shall include "affirmation". In all cases where law allows affirmation to be substituted for an oath, the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn".
22. Occupant. The term "occupant" shall mean any person who is in possession of the whole or any part of a building or land.
23. Officer. The term "officer" shall mean a person elected or appointed to exercise law making, administrative or executive authority in managing city affairs.
24. Official. The term "official" shall mean a person elected or selected to hold a position by the government and exercising some portion of the power of the government.
25. Ordinance. The term "ordinance" shall mean any law, including any amendment, enacted by the council.
26. Own. The term "own" shall mean that interest held in any property by an owner.
27. Owner. The term "owner" shall mean a person or a government holding any interest in any property.

28. Person. The term "person" shall mean an individual, firm, partnership, domestic or foreign corporation, company, association of joint stock association, trust, or other legal entity, and includes a trustee, receiver, agent, assignee or similar representative thereof. The term "person" does not however, include the government or any governmental entity.
29. Preceding. The term "preceding" shall mean that which is next before.
30. Private Drive. The term "private drive" shall mean any drive, including any pathway, roadway, driveway, parking area, avenue, channel, alley, bridge, sidewalk or street, which is not a throughway or used for commercial purposes.
31. Property. The term "property" shall mean anything of value whether publicly or privately owned, tangible or intangible, and including the following:
  - a. Real Property. Any land, estates and tenements.
  - b. Personal Property. Any goods, chattels, money, things in action, evidences of debt, labor or services.
32. Provision. The term "provision" shall mean any part of the law in this code, including any title or heading chapter, article, section, subsection, paragraph and subparagraph and any similar part of the current Code of Iowa or United States Code.
33. Public Place. The term "public place" shall mean any land, building, territory, geographic location or area owned by a government, public utility, railroad, airport, hospital or any area open to and accessible to the general public.
34. Public Property. The term "public property" shall mean any property owned by a government, public utility, railroad, airport or hospital.
35. Public Way. The term "public way" shall mean a throughway.
36. Quorum. A quorum of public body is a majority of the number of its members fixed by law.
37. Rule. The term "rule" includes regulation.
38. Selection. The term "selection" shall include the process of choosing any person to serve in a position of city authority, including the appointment or employment of a person to such position.
39. State. The term "state" shall mean the State of Iowa.

40. Statute. The term "statute" shall mean a section of the latest edition of the United States Code or the Code of Iowa.
41. Tenant. The term "tenant" shall mean any person who lawfully occupies the whole or any part of a building or land.
42. Throughway. The term "throughway" shall mean any open way, pathway, roadway, avenue, channel or parking area on or through which transportation is carried and which is established or regularly used, for the purpose of transporting the public or commerce. The term "throughway" shall include the following:
  - a. Alley. Any public right-of-way, other than a street, providing a secondary means of access to an abutting property.
  - b. Bridge. Any public structure established to carry a pathway, roadway or railway over a depression or obstacle. Bridges in the City of Waverly include the Bremer Avenue Bridge, the 3rd Street Southeast Bridge, the Chicago Great Western Railroad Bridge and the Stockwell Bridge.
  - c. River. The Cedar River.
  - d. Sidewalk. Any paved public walkway, including any paved part of the street between the edge of the traveled way, surfacing or curb line and the adjacent property line, established for the use of pedestrians.
  - e. Street. Any public thoroughfare which shall include any highway, avenue, boulevard or public parkway, including the entire width between the adjacent property lines of any such thoroughfare.
43. Writing. The term "writing" shall include any printing, typing, lithographing, or other mode of legibly representing characters or words of a spoken language.
44. Year. The term "year" shall mean 12 consecutive months.

**SEC. 1.6 RULES OF CONSTRUCTION.** In construing the ordinances of the Waverly Municipal Code, each provision shall be read to further its purposes and to promote justice. The following rules shall be applied, unless construing an ordinance would be inconsistent with the manifest intent of the council or repugnant to the clear meaning of another provision in the code:

1. Any code section or ordinance which is reenacted, reused or amended is intended to be a continuation of the prior ordinance or section and not a new enactment, so far as it is the same as the prior ordinance or section.

2. All provisions, words, terms, phrases and expressions which are not defined specifically shall be construed according to the following rules:
  - a. Language which does not have a technical meaning in state common law shall be defined according to the appropriate, common and approved usage of the language. Such language shall be liberally construed.
  - b. Technical. Language which does have a technical meaning in state common law shall be defined according to the appropriate technical meaning of the language. Such language shall be strictly construed.
3. If a general provision conflicts with a special or local provision, they should be construed, if possible, so that effect is given to both. If the conflict is irreconcilable, the special or local provision prevails as an exception to the general provision.
4. Permissive and Mandatory Language.
  - a. May. The term "may" is permissive, conferring discretion to act in a prescribed way or not.
  - b. Shall. The term "shall" is mandatory, imposing a duty to act in a prescribed way.
  - c. Must. The term "must" is mandatory, imposing a requirement to act in a prescribed way.
5. Gender Use. The masculine gender shall include the feminine and neuter genders. The feminine gender shall include the masculine and neuter genders.
6. Present Tense Language. Words used in the present tense shall also mean in the future tense.
7. Singular and Plural Language. The singular number includes the plural and the plural includes the singular.
8. Repeal of Ordinances. The repeal of an ordinance shall not revive any ordinance which has been repealed, or repeal the clause repealing the ordinance.

**SEC. 1.7 REFERENCES AND NOTES.** Any reference line, reference number, footnote, editor's note, or cross reference, to an earlier ordinance or to federal or state law is intended merely to indicate, explain, supplement or clarify the contents of a provision, and shall not constitute any part of city law, unless set out in the body of the provision.

**SEC. 1.8 PENALTY.** Any person who fails to perform a duty, obtain a license required by city law or who violates any provision either specifically set out or adopted by reference in this code shall be guilty of a simple misdemeanor or criminal offense. For such failure or violation the person shall be subject to a fine of not more than one hundred dollars (\$100.00) or imprisonment not to exceed thirty (30) days. The city administrator shall have the power to issue warrants for violators of any section of this code.

**SEC. 1.9 SEVERABILITY.** If any provision or part of this code is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Waverly Municipal Code as a whole nor any other provision or part of the code.



**CHAPTER 2**

**CHARTER**

**Sections:**

- 2.1 Title.
- 2.2 Purpose.
- 2.3 Form of Government.
- 2.4 Recorded.
- 2.5 Effective Date.

**SEC. 2.1 TITLE.** This chapter may be cited as the charter for the City of Waverly.

**SEC. 2.2 PURPOSE.** The purpose of this chapter is to comply with Section 372.1 of the current Code of Iowa, as amended.

**SEC. 2.3 FORM OF GOVERNMENT.** The form of government of the City of Waverly is the mayor-council form, consisting of the following:

1. Mayor. The mayor is the presiding officer of the council, and the chief executive officer of the city. The mayor is elected to serve for a term of two (2) years.
2. Mayor Pro Tempore. The mayor pro tempore is a member of the council appointed by the mayor to perform the mayor's duties when the mayor is absent or unable to act.
3. Council. The council is composed of seven (7) members. Two (2) such members are elected at large, and one (1) member is elected from each of the five (5) wards described by ordinance. Each member elected to the council serves a term of four (4) years. The City Council is authorized to act for the general welfare of the city.

**SEC. 2.4 RECORDED.** A copy of this charter is to be filed with the official records in the city clerk's office, available for public inspection. A copy of this charter is to be filed with the Iowa Secretary of State.

**SEC. 2.5 EFFECTIVE DATE.** This charter shall become effective upon final approval by the council, proper filing and publication as required by law.

**CHAPTER 3****CITY LIMITS****Sections:**

- 3.1 City Area Description.
- 3.2 City Metes and Bounds Description

**SEC. 3.1 CITY AREA DESCRIPTION.** The area included within the boundaries of the city is as follows:

All of Sections 33, 34, and 35 in Township 92 North, Range 14 West of the 5<sup>th</sup> P.M.;

All that part of Section 27 in Township 92 North, Range 14 West of the 5<sup>th</sup> P.M., including the NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub> and SW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub>, the South one-half of the SE<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub>, and the South one-half of the SE<sup>1</sup>/<sub>4</sub>;

All that part of Section 26 in Township 92 North, Range 14 West of the 5<sup>th</sup> P.M., including the South one-half of the SW<sup>1</sup>/<sub>4</sub>, South one-half of the SE<sup>1</sup>/<sub>4</sub> and Parcel D in the NW<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub>;

All that part of Section 36 in Township 92 North, Range 14 West of the 5<sup>th</sup> P.M., including NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub> and SE<sup>1</sup>/<sub>4</sub>.

All of Sections 1, 2, 3 and 11 in Township 91 North, Range 14 West of the 5<sup>th</sup> P.M.;

That part of Section 4 in Township 91 North, Range 14 West of the 5<sup>th</sup> P.M. including the NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub> and the North one-half of the NW<sup>1</sup>/<sub>4</sub>;

That part of Section 10 in Township 91 North, Range 14 West of the 5<sup>th</sup> P.M. including the North one-half and all that part of the South one-half lying east of the west right of way line of the Cedar River Railroad Co.

That part of Section 12 in Township 91 North, Range 14 West of the 5<sup>th</sup> P.M. including the North one-half and the North one-half of the SW<sup>1</sup>/<sub>4</sub>;

That part of Section 14 in Township 91 North, Range 14 West of the 5<sup>th</sup> P.M. including the NW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub>;

That part of Section 15 in Township 91 North, Range 14 West of the 5<sup>th</sup> P.M., including the NE<sup>1</sup>/<sub>4</sub> of the NE <sup>1</sup>/<sub>4</sub> and the NW<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> east of the right of way of the Cedar River Railroad Co.;

That part of Section 6 in Township 91 North, Range 13 West of the 5<sup>th</sup> P.M., including the SW<sup>1</sup>/<sub>4</sub> and the West one-half of the SE<sup>1</sup>/<sub>4</sub>;

That part of Section 7 in Township 91 North, Range 13 West of the 5<sup>th</sup> P.M., including the NW<sup>1</sup>/<sub>4</sub> and the West one-half of the NE<sup>1</sup>/<sub>4</sub>.

**SEC. 3.2 CITY METES AND BOUNDS DESCRIPTION.** The corporate boundaries to the area described in Section 1 of this chapter, described in metes and bounds, is as follows:

Commencing at the NW corner of Section 33, T92N, R14W of the 5<sup>th</sup> P.M.; thence east to the SW corner of Section 27, T92N, R14W of the 5<sup>th</sup> P.M.; thence north to the NW corner of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 27; thence east to the NE corner of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 27; thence north to the NW corner of the South one-half of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said Section 27; thence east to the NE corner of the South one-half of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said Section 27; thence south to the NW corner of the South one-half of the SE $\frac{1}{4}$  of said Section 27; thence east to the NE corner of the South one-half of the SW $\frac{1}{4}$  of Section 26, T92N, R14W of the 5<sup>th</sup> P.M., which is also the SW corner of Parcel D, in Section 26, T92N, R14W of the 5<sup>th</sup> P.M., according to Plat of Survey recorded as Doc. No. 20052607; thence north to the NW corner of said Parcel D; thence east to the NE corner of said Parcel D; thence south to the SE corner of said Parcel D, which is on the North line of the South one-half of the SE $\frac{1}{4}$  of said Section 26; thence east to the NE corner of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Section 26; thence south to the SE corner of the SE $\frac{1}{4}$  of said Section 26, which is also the NW corner of Section 36, T92N, R14W of the 5<sup>th</sup> P.M.; thence east to the NE corner of the NW $\frac{1}{4}$  of said Section 36; thence south to the center of said Section 36; thence east to the NE corner of the SE $\frac{1}{4}$  of said Section 36; thence south to the NW corner of the SW $\frac{1}{4}$  of Section 6, T91N, R13W of the 5<sup>th</sup> P.M.; thence east to the NE corner of the west one-half of the SE $\frac{1}{4}$  of said Section 6; thence south to the SE corner of the west one-half of the NE $\frac{1}{4}$  of Section 7, T91N, R13W of the 5<sup>th</sup> P.M.; thence west to the center of Section 12, T91N, R14W of the 5<sup>th</sup> P.M.; thence south to the SE corner of the North one-half of the SW $\frac{1}{4}$  of said Section 12; thence west to the SW corner of the North one-half of the SW $\frac{1}{4}$  of said Section 12; thence south to the SE corner of Section 11, T91N, R14W of the 5<sup>th</sup> P.M.; thence west to the NE corner of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 14, T91N, R14W of the 5<sup>th</sup> P.M.; thence south to the SE corner of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said Section 14; thence west along the south line of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 14 and the south line of the North one-quarter of Section 15, T91N, R14W to the west right-of-way line of the Cedar River Railroad Co.; thence north along said west line of the right-of-way to the east-west centerline of Section 10, T91N, R14W of the 5<sup>th</sup> P.M.; thence west to the west line of said Section 10; thence north to the NW corner of said Section 10 and the SE corner of Section 4, T91N, R14W of the 5<sup>th</sup> P.M.; thence west along the south line of Section 4 T91N, R14W of the 5<sup>th</sup> P.M. to the SW corner of the SW $\frac{1}{4}$  of Section 4; thence north to the NW corner of the SW $\frac{1}{4}$  of said Section 4; thence east to the NE $\frac{1}{4}$  corner of the SW $\frac{1}{4}$  of said Section 4; thence north to the SE corner of the North one-half of the NW $\frac{1}{4}$  of said Section 4; thence west to the SW corner of the North one-half of the NW $\frac{1}{4}$  of said Section 4; thence north to the NW corner of Section 33, T92N, R14W of the 5<sup>th</sup> P.M., the place of beginning.

**(Former Chapter 3 Repealed and Replaced by Ordinance 1097 – Published on 01/25/22)**

**CHAPTER 4**  
**WARDS**

**Sections:**

4.010	Establishment Generally.
4.020	First Ward/Precinct.
4.030	Second Ward.
4.031	Second Precinct.
4.040	Third Ward/Precinct.
4.050	Fourth Ward.
4.051	Fourth Precinct.
4.060	Fifth Ward/Precinct.

**SEC. 4.010 ESTABLISHMENT GENERALLY.** For election and other purposes, the city is divided into five wards. The wards shall be known and called: First Ward, Second Ward, Third Ward, Fourth Ward, and Fifth Ward and shall be described as follows in this Chapter.

**SEC. 4.020. FIRST WARD / FIRST PRECINCT.**

Commencing at the intersection of 4<sup>th</sup> Street SW and 2<sup>nd</sup> Avenue SW as Point of Beginning. Thence east along 2<sup>nd</sup> Avenue SW to 1<sup>st</sup> Street SW. Thence north along 1<sup>st</sup> Street SW to Bremer Avenue. Thence east and southeast along Bremer Avenue to 30<sup>th</sup> Street SE. Thence south along 30<sup>th</sup> Street SE to the city limit line at the SW corner of the NW<sup>1</sup>/<sub>4</sub> of Section 7, T91N, R13W.

Thence west along the city limit line on the east-west centerline of Section 12, T91N, R14W to the center point of Section 12. Thence south along the city limit line to the NE corner of the SE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 12. Thence west on the city limit line to 11<sup>th</sup> Street SE. Thence south along 11<sup>th</sup> Street SE to 29<sup>th</sup> Avenue SE.

Thence west along 29<sup>th</sup> Avenue SW to the NE corner of the NW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> of Section 14, T91N, R14W. Thence south along the city limit line on the east line of the NW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> quarter to its SE corner. Thence west along the city limit line on the south line of the NW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> of Section 14 and the south line of the North one-quarter of Section 15, T91N, R14W to the centerline of the right-of-way of the Cedar River Railroad Co. Thence north along the centerline to the center east-west line of Section 10, T91N, R14W. Thence west along the city limit line on the center east-west line of Section 10 to the west line of Section 10. Thence north along the city limit line on the west line of Section 10 to 10<sup>th</sup> Avenue SW. Thence east along 10<sup>th</sup> Avenue SW to the centerline of the right-of-way of the Cedar River Railroad Co. Thence north along the centerline to 2<sup>nd</sup> Avenue SW.

Thence east along 2<sup>nd</sup> Avenue SW to 8<sup>th</sup> Street SW. Thence south along 8<sup>th</sup> Street SW to 5<sup>th</sup> Avenue SW. Thence east along 5<sup>th</sup> Avenue SW to 4<sup>th</sup> Street SW. Thence north along 4<sup>th</sup> Street SW to the intersection with 2<sup>nd</sup> Avenue SW, the Point of Beginning.

#### **SEC. 4.030. SECOND WARD / SECOND PRECINCT.**

Commencing at the intersection of the west bank of the Cedar River and Bremer Avenue as Point of Beginning. Thence north along the west bank of the Cedar River to the Waverly Rail Trail. Thence northwesterly along the Rail Trail to 1<sup>st</sup> Street NW. Thence north along 1<sup>st</sup> Street NW to the point where it joins Adams Parkway. Thence in a northeasterly direction along Adams Parkway to the north bank of the Cedar River.

Thence in a northwesterly direction along the north bank of the Cedar River until it intersects with the city limits line at the NW corner of the south half of the SE $\frac{1}{4}$  of Section 27, T92N, R14W. Thence east along the city limit line on the north line of said south half to Horton Road. Thence north along Horton Road to the NW corner of Parcel D in the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 26, T92N, R14W. Thence east along the city limit line on the north line of Parcel D to its NE corner. Thence south along the city limit line to the SE corner of Parcel D which is on the North line of the South one-half of the SE $\frac{1}{4}$  of said Section 26. Thence east along the city limit line to the east line of Section 26. Thence south along the city limit line on the east line of Section 26 to the NW corner of Section 36, T92N, R14W.

Thence east along the city limit line on the north line of Section 36 to the north-south centerline of Section 36. Thence south along the city limit line on the north-south centerline of Section 36 to the center point of Section 36. Thence east along the city limit line on the east-west centerline of Section 36 to the east line of Section 36. Thence south along the city limit line on the east line of Section 36 and the west line of Section 6, T91N, R13W to the east-west centerline of Section 6.

Thence east along the city limit line on the east-west centerline of Section 6 to the NE corner of the West one-half of the SE $\frac{1}{4}$  of Section 6. Thence south along the city limit line on the west line of the east quarter of the south half of Section 6 and the west line of the east quarter of the north half of Section 7, T91N, R13W to the east-west centerline of Section 7.

Thence west along the city limit line on said east-west centerline of Section 7 to 30<sup>th</sup> Street SE. Thence north along 30<sup>th</sup> Street SE to Bremer Avenue. Thence northwesterly and west along Bremer Avenue to the west bank of the Cedar River, the Point of Beginning.

#### **SEC. 4.040. THIRD WARD / THIRD PRECINCT.**

Commencing at the intersection of 4<sup>th</sup> Street SW and 2<sup>nd</sup> Avenue SW as Point of Beginning. Thence east along 2<sup>nd</sup> Avenue SW to 1<sup>st</sup> Street SW. Thence north along 1<sup>st</sup> Street SW to Bremer Avenue. Thence east along Bremer Avenue to the west bank of the Cedar River. Thence north along the west bank to the Waverly Rail Trail. Thence northwesterly along the Rail Trail to 1<sup>st</sup> Street NW. Thence south on 1<sup>st</sup> Street NW to 5<sup>th</sup> Avenue NW.

Thence west along 5<sup>th</sup> Avenue NW to the easterly line of Census Block 2006/Geocode 190170040002006. Thence north along the easterly line of said Census Block to the center line of the railroad right-of-way of the Cedar River Railroad Co. Treasury & Taxation

Downtown Station. Thence west along said centerline to 12<sup>th</sup> Street NW. Thence south along 12<sup>th</sup> Street NW to 5<sup>th</sup> Avenue NW.

Thence westerly along 5<sup>th</sup> Avenue NW to the centerline of the Cedar River Railroad Co. Thence southerly along the said centerline to 2<sup>nd</sup> Avenue SW. Thence east along 2<sup>nd</sup> Avenue SW to 8<sup>th</sup> Street SW. Thence south along 8<sup>th</sup> Street SW to 5<sup>th</sup> Avenue SW. Thence east along 5<sup>th</sup> Avenue SW to 4<sup>th</sup> Street SW. Thence north along 4<sup>th</sup> Street SW to 2<sup>nd</sup> Avenue SW, the Point of Beginning.

#### **SEC. 4.050. FOURTH WARD / FOURTH PRECINCT.**

Commencing at the NW corner of Section 4, T91N, R14W, as Point of Beginning. Thence east along 5<sup>th</sup> Ave NW to the centerline of the right-of-way of the Cedar River Railroad Co. Thence south along said centerline to 10<sup>th</sup> Avenue SW. Thence west along 10<sup>th</sup> Avenue SW to the SE corner of Section 4, T91N, R14W. Thence west along the city limits line on the south line of Section 4 to the SW corner of Section 4. Thence north along said city limit line on the west line of Section 4 to the NW corner of the SW<sup>1</sup>/<sub>4</sub> of Section 4. Thence east along the city limit line on the north line of the SW<sup>1</sup>/<sub>4</sub> of Section 4 to the NE corner of the SW<sup>1</sup>/<sub>4</sub> of Section 4. Thence north along the city limit line on the west line of the NE<sup>1</sup>/<sub>4</sub> of Section 4 to the SE corner of the North one-half of the NW<sup>1</sup>/<sub>4</sub> of Section 4. Thence west along the city limit line on the south line of the North one-half of the NW<sup>1</sup>/<sub>4</sub> of Section 4 to the west line of Section 4. Thence north along the city limit line on the west line of Section 4 to the NW corner of Section 4, the Point of Beginning.

#### **SEC. 4.060. FIFTH WARD / FIFTH PRECINCT.**

Commencing at the SW corner of Section 33, T92N, R14W, as Point of Beginning. Thence east along the south line of Section 33 to the SE corner thereof which is also the intersection of 5<sup>th</sup> Avenue NW and 20<sup>th</sup> Street NW. Thence east along 5<sup>th</sup> Ave NW to 12<sup>th</sup> Street NW. Thence north on 12<sup>th</sup> Street NW to the centerline of the railroad right-of-way of the Cedar River Railroad Co. Treasury and Taxation Downtown Station. Thence east along the centerline of right-of-way to the NE corner of Census Block 2006/Geocode 190170040002006. Thence south along the easterly line of said Census Block to 5<sup>th</sup> Avenue NW. Thence east along 5<sup>th</sup> Avenue NW to 1<sup>st</sup> Street NW.

Thence north along 1<sup>st</sup> Street NW to the point where it joins Adams Parkway. Thence in a northeasterly direction along Adams Parkway to the north bank of the Cedar River. Thence in a northwesterly direction along the north bank of the Cedar River until it intersects with the city limits line at the NW corner of the south half of the SE<sup>1</sup>/<sub>4</sub> of Section 27, T92N, R14W.

Thence north on the city limit line on the north-south centerline of Section 27 to the NE corner of the South one-half of the SE<sup>1</sup>/<sub>4</sub> of the NW <sup>1</sup>/<sub>4</sub> of Section 27. Thence west to the NW corner of the South one-half of the SE<sup>1</sup>/<sub>4</sub> of the NW <sup>1</sup>/<sub>4</sub> of Section 27. Thence south along the city limit line to the north line of the SW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 27. Thence west along the city limit line on said north line to the west line of Section 27.

Thence south along the city limit line on the west line of Section 27 to 22<sup>nd</sup> Avenue NW.  
Thence west along 22<sup>nd</sup> Avenue NW to the west city limit line on the west line of Section 33,  
T92N, R14W. Thence south along the city limit line on the west line of Section 33 to the  
SW corner of Section 33, the Point of Beginning.  
(Ordinance 1095 – Published on 01-25-22)

**Section 2. PRECINCTS.** Each ward shall consist entirely of one precinct.

**CHAPTER 5****GENERAL PROVISIONS****Sections:**

- 5.1 Corporation Seal.
- 5.2 Right of Entry.
- 5.3 General Penalty.

**SEC. 5.1 CORPORATION SEAL.** The corporation seal of the city now and hereafter to be used is adopted, established and declared to be the common seal of the city and is described as follows: A disk having around the margin thereof the words "City Seal" and in the center of the face thereof the words "Waverly, Iowa." The city clerk shall have the custody of and cause the same to be affixed to all deeds or other instruments conveying, encumbering or affecting real estate, releases, contracts, licenses, permits and orders drawn on the city treasurer, and to such other instruments as the laws of the state or the ordinances of the city may require same to be affixed including all transcripts, orders or certificates which it may be necessary or proper to authenticate.

**SEC. 5.2 RIGHT OF ENTRY.** Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the city, any authorized official of the city may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; provided that except in emergency situations or when consent of the owner or occupant to the inspection has been otherwise obtained, he shall give the owner or occupant, if they can be located after reasonable effort, twenty-four hours' written notice of the authorized official's intention to inspect. The notice transmitted to the owner or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner or occupant refuses entry after such request has been made, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

**SEC. 5.3 GENERAL PENALTY.** Unless otherwise specifically provided, any person violating any provisions or failing to comply with any of the mandatory requirements of this code is guilty of a misdemeanor. Any person convicted of a misdemeanor under this code shall be punished by a fine of not more than one hundred dollars or by imprisonment not to exceed thirty days, or by both such fine and imprisonment.



**CHAPTER 6**  
**ELECTIVE OFFICE**

**Sections:**

- 6.1 Candidacy.
- 6.2 City Election.
- 6.3 Resignations.
- 6.4 Vacancies.

**SEC. 6.1 CANDIDACY.** Any natural person may become a candidate for elective office provided the following:

1. Eligible Elector. The person must be an eligible elector of the city.
2. Petition Filed. The person must file with the clerk a valid petition requesting that the elector's name be placed on the ballot for that office. The petition must be filed not more than sixty-five (65) days nor less than forty (40) days before the date of the election, and must be signed by eligible electors equal in number to at least two (2) percent of those who voted to fill the same office at the last regular city election, but not less than ten (10) persons. Nomination petitions shall be filed not later than five (5) o'clock on the last day for filing.
3. Ward Candidate. The petitioners for an individual seeking election from a ward must be residents of the ward at the time of signing the petition. An individual is not eligible for election from a ward unless the individual is a resident of the ward at the time the individual files the petition and at the time of election.
4. Petition Requirements. The petition must include the signature of the petitioners, a statement of their place of residence, and the date on which they signed the petition.
5. Affidavits. The petition must include the following affidavits:
  - a. Eligible Elector. An affidavit of at least one eligible elector other than the petitioners, stating the affiant's knowledge, information, and belief as to the residence of the petitioners. The candidate for whom the petition is filed may sign the affidavit only if the candidate personally circulated the petition. If the affiant also signed the nomination petition, that signature shall not be counted toward the total required by this section.

- b. Candidate. The petition must include the affidavit of the individual for whom it is filed, stating the individual's name, the individual's residence, that the individual is a candidate and eligible for the office, and that if elected the individual will qualify for the office.

**SEC. 6.2 CITY ELECTION.** Any city election shall be held pursuant to the following requirements:

1. Terms. Terms of city officers begin and end at noon on the first day in January which is not a Sunday or legal holiday, following a regular city election.
2. Regular City Election. The following rules govern regular city elections:
  - a. The city shall hold a regular city election on the first Tuesday in November of each year in which an officer's term expires. The city shall hold a regular, special, primary, or runoff elections as provided by law.
  - b. The candidates receiving the greatest number of votes cast for each office on the ballot are elected, to the extent necessary to fill the positions open, except no candidate is elected who fails to receive a majority of the votes cast for the office in question.
3. Runoff Elections. The following requirements govern the city's use of a runoff election:
  - a. Date. Runoff elections shall be held four weeks after the date of the regular city election and shall be conducted in the same manner as regular city elections.
  - b. A runoff election shall be held only for positions unfilled because of failure of a sufficient number of candidates to receive a majority vote in the regular city election.
  - c. Candidates who do not receive a majority of the votes cast for an office, but who receive the highest number of votes cast for that office in the regular city election, to the extent of twice the number of unfilled positions, are candidates in the runoff election.
  - d. Majority Rule. Candidates in the runoff election who receive the highest number of votes cast for each office on the ballot are elected to the extent necessary to fill the positions open.

**SEC. 6.3 RESIGNATIONS.** Any person who resigns from an elective office is not eligible for appointment to the same office during the time for which that person was elected if, during that time, the compensation of the office has been increased.

**SEC. 6.4 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 as provided at Section 372.1 of the Code of Iowa:

1. By appointment by the remaining members of the council.
2. By special election.

CHAPTER 7

RULES GOVERNING OFFICIALS

**Sections:**

- 7.1 Oath of Office.
- 7.2 Bonds.
- 7.3 Conflict of Interest.
- 7.4 Conversion.
- 7.5 The Giving and Reporting of Gifts.
- 7.6 Tenure of office.
- 7.7 Vacancies.
- 7.8 Elected Officials- Removal Procedures

**SEC. 7.1 OATH OF OFFICE.** An oath of office shall be required pursuant to the following procedures:

1. Any officer shall qualify for office by taking the prescribed oath.
2. 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) for the City of Waverly, Iowa, as now or hereinafter required by law.
3. The following officers are empowered to administer oaths and to take affirmations in any matter pertaining to the business of their respective offices.
  - a. The Mayor.
  - b. The City Clerk.
  - c. The City Administrator.
  - d. Members of all boards, or commissions may administer the oaths pertaining to the respective business of the board or commission.
4. Recorded. The official oaths of officers shall, after approval be filed in the office of the city clerk.

**SEC. 7.2 BONDS.** The City Council shall, in compliance with Section 64.2 of the present Code of the State of Iowa, provide for a surety bond running to the City and covering the following officers:

Mayor  
Mayor Pro Tem  
City Clerk  
City Finance Director  
City Treasurer

**SEC. 7.3 CONFLICT OF INTEREST.**

1. A city officer, or other official 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.
2. A measure voted upon is not invalid by reason of conflict of interest in an officer, unless the vote of the officer was decisive to passage of the measure.
3. Computation. If a specific majority or unanimous vote of a municipal body is required by statute, the majority or vote must be computed on the basis of the number of officers not disqualified by reason of conflict of interest. However, a majority of all members is required for a quorum.
4. The statement of an officer that the officer declines to vote by reason of conflict of interest is conclusive and must be entered into record.

**SEC. 7.4 CONVERSION.** No officer, or other official or employee 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.

**SEC. 7.5 THE GIVING AND REPORTING OF GIFTS.** The following requirements shall apply to the reporting, soliciting or accepting gifts by officers, or other officials or employees:

1. Donee Reporting of Gifts. An elected or appointed official or employee of this city, or the spouse, or minor child of an elected or appointed official or employee of this city, or a firm of which the elected or appointed official or the employee of this city holds ten percent or more of the stock either directly or indirectly, shall disclose in writing on a report form developed by the Secretary of State, the nature, date, and the name of the donor, and the name of such person as donee to which a gift or gifts were made where the gift or gifts exceed fifteen dollars in cumulative value in any one calendar day. However, the donee need not report food and beverage provided for immediate consumption in the presence of the donor. By the fifteenth day of the month following the month in which the gift has been received, a copy of the report disclosing the gift or gifts shall be filed in the office of the county auditor of the county or counties in which the city is located.
2. Donor Reporting of Gifts. A donor of a gift to an elected or appointed official or to an employee of the city, or to the spouse, or to a minor child of an elected or appointed official or employee of this city, or to a firm of which the elected or appointed official or the employee of the city is a partner, or to a corporation of which the elected or appointed official or the employee of the city holds ten percent or more of the stock either directly or indirectly, shall disclose in writing on the form developed by the Secretary of State the nature, amount, date, and name of the donor, and the name of the donee of a gift or gifts made by the donor which gift or gifts exceeds fifteen dollars in cumulative value in any one calendar day. However, the donor need not report food and beverage provided for immediate consumption in the presence of the donor.
  - a. By the fifteenth day of the month following the month in which the gift was received, a copy of the report disclosing the gift or gifts shall be filed by the donor, with the county auditor of the county or counties in which the donee's city is located.
3. Definition of Gift: For purposes of this chapter "gift" is defined as follows.
  - a. "Gift" means a rendering of money, property, services, granting a discount, loan forgiveness, payment of indebtedness, or anything else of value in return for which legal consideration of equal or greater value is not given and received, if the donor is in any of the following categories:
    - (1) Is doing or seeking to do business of any kind with the city of Waverly. For purposes of this chapter, "doing business with the city" means being a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the city.
    - (2) Is engaged in activities which are regulated or controlled by the City of Waverly.

- (3) Has interests which may be substantially and materially affected by the performance or nonperformance of the donee's official duty.
  - (4) Is a lobbyist with respect to matters within the donee's jurisdiction.
- b. However, "gift" does not mean any of the following:
- (1) Campaign contributions.
  - (2) Informational material relevant to a public servant's official functions, such as books, pamphlets, reports, documents, or periodicals, and registration fees or tuition not including travel or lodging, for not more than three days, at seminars or other public meetings conducted in this state, at which the public servant receives information relevant to the public servant's official functions. Information or participation received under the exclusion of this paragraph may be applied to satisfy a continuing education requirement of the donee's regulated occupation or profession if the donee pays any registration costs exceeding thirty-five dollars.
  - (3) Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.
  - (4) Any inheritance.
  - (5) Anything available to or distributed to the public generally without regard to official status of the recipient.
  - (6) Food, beverages, registration, and scheduled entertainment at group events to which all members of either house or both houses of the General Assembly are invited. "Member of the General Assembly" means an individual duly elected to the Senate or House of Representatives of the State of Iowa.
  - (7) Actual expenses for food, beverages, travel, lodging, registration, and scheduled entertainment of the donee for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting.
  - (8) Plaques or items of negligible resale value given as recognition for public services.

- c. The value of the gift is determined as follows:
  - (1) An individual making a gift on behalf of more than one person shall not divide the value of the gift by the number of persons on whose behalf of the gift is made.
  - (2) The value of a gift to the donee is the value actually received.
  - (3) For the purposes of the reporting requirements of this chapter, a donor of a gift made by more than one individual to one or more donees, shall report the gift if the total value of the gift to the donee exceeds fifteen dollars.
4. Filing With County. The city clerk shall file a copy of this chapter with the county auditor of the county (or counties) in which this city is located, within fifteen days of passage of this chapter.

#### **SEC. 7.6 TENURE OF OFFICE.**

1. Except as otherwise provided in any employment contract, or by law, all persons appointed to an office may be removed by the officer or body making the appointment with the approval of any officer or body approving the appointment. Every such removal shall be by written order. The order shall give the reasons, be filed with the clerk, and a copy shall be sent by certified mail to the person removed.
2. Public Hearing. Upon request filed with the clerk within thirty (30) days of 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 days of the date the request is filed, unless the person removed requests a later date

#### **SEC. 7.7 VACANCIES.**

1. Defined. Every civil office shall be vacant upon the happening of any of the following events:
  - a. Failure to elect at the proper election, or to appoint with the time fixed by law, unless the incumbent holds over.
  - b. Failure of the incumbent or holdover officer to qualify within the time prescribed by law.
  - c. Residency. Failure of an incumbent to remain a resident of the ward, city or county by or for which the incumbent was elected or appointed, or in which the duties of the office are to be exercised, provided that the incumbent's position requires such residency.



- d. The resignation or death of the incumbent or of the officer-elect before qualifying.
  - e. The removal of the incumbent from or forfeiture of, the office, or the decision of a competent tribunal declaring such office vacant.
  - f. The conviction of an incumbent for committing a public offense, provided such offense is at least an aggravated misdemeanor, or involves the violation of such incumbent's oath of office.
2. Final Duties. Any incumbent leaving office shall perform the following duties.
- a. Holding Over. Except when otherwise provided, every officer elected or appointed for a fixed term shall hold office until a successor is elected and qualified. This subsection shall not apply to any officer who has resigned, or has been removed or suspended, as provided by law.
  - b. Possession of Office. The incumbent leaving office shall transfer custody of all facilities, funds, equipment, materials and records to the officer qualified to assume the incumbent's position.
3. Eligibility.
- a. Qualification. No person can be elected or appointed to fill a vacancy who is not qualified to serve in the position originally.
  - b. Removal. No person can be appointed to fill a vacancy who has been removed from office within one year next preceding.
4. Elective Office. When any city elective office becomes vacant, and no provision of this code provides for a method to fill such vacancy, the following requirements shall apply:
- a. Election. If the unexpired term in which the vacancy occurs has more than seventy (70) days to run after the date of the next pending election, the vacancy shall be filled pursuant to the following requirements:
    - (1) Next Pending Election. The vacancy shall be filled in the next election at which there will be on the ballot either the office in which the vacancy exists, or any other city office to be filled or any public question to be decided by the voters of the city, provided there are forty-five (45) or more days prior to the next election.
    - (2) Nomination Papers. Nomination papers on behalf of candidates for a vacant office to be filled pursuant to this paragraph shall be filed pursuant to law on or before the fortieth day prior to the election.

- b. Expiration. When the unexpired term of office in which the vacancy occurs will expire within seventy (70) days after the date of the next pending election, or after the date of a preceding election in which such office was on the ballot, the person elected to the office for the succeeding term shall also be deemed elected to fill the remainder of the unexpired term. A person so elected shall qualify to serve for a full term upon expiration of the balance of the unexpired term.
  - c. Council Action. A vacancy which occurs past the time required to have an election, shall be filled at the council's option, by one of the two following procedures:
    - (1) Appointment. The council may appoint any person, who was qualified to become elected to the office vacated, to fill the vacancy, subject to the following requirements:
      - (a) Quorum. The present number of council members permitted to vote on the appointment must compose a quorum.
      - (b) Forty Days. The appointment must be made within forty (40) days after the vacancy occurs.
      - (c) Term. The appointment shall be valid until the next election.
    - (2) Special Election. By special election held to fill the office for the remaining balance of the unexpired term. Such election shall be called if the council is presented with a petition requesting such election, pursuant to the applicable requirements of the Code of Iowa.
5. Appointive Office. When any city appointive office becomes vacant, and no provision of this code provides a method to fill such vacancy, the officer or officers responsible for the original appointment shall appoint a person to fill the vacancy, upon approval by any officer or officers responsible for approving the original appointment. All procedures for making and approving the appointment to fill a vacancy shall be the same as for making and approving the original appointment.

**Sec. 7.8 Elected Officials – Removal Procedures.** As to the manner of considering the removal of elected officials, the following hearing procedures shall be followed:

- 1. Any aggrieved citizen may file a written petition with the city council seeking the removal of an elected city official. The petition must allege one or more of the reasons or grounds for removal as set forth in Iowa Code Section 66.1(A) and Section 3.06(B) of these Rules and must be supported by a sworn affidavit

alleging personal, first-hand knowledge of facts which, if proven by a preponderance of the evidence, would warrant removal.

2. The Petition shall be forwarded by the Council to the Mayor for an initial review to determine whether or not the allegations reasonably fall within the reasons or grounds for removal set forth in Iowa Code Section 66.1A and Section 3.06(B) of these Rules and, secondly, if the attached affidavit or affidavits contain sufficient evidence to support the allegations in the Petition.
3. Within 14 calendar days after the Petition has been forwarded to the Mayor, the Mayor shall prepare a written report to the Council stating whether or not the proper allegations have been made and if so, whether or not sufficient credible evidence exists that may warrant removal. The City Attorney shall advise the Mayor with regard to all legal issues.
4. The Mayor shall submit the petition and supporting documentation to the Council. The council, by a two-thirds majority of the full council, shall vote on whether or not to proceed with the removal hearing or dismiss the Petition. If the council decides to proceed to hearing it shall also set a date for the hearing. The hearing date shall be set no sooner than 30 days, but no later than 60 days after the decision.
5. If the Petition is dismissed, the council shall not consider a similar Petition against the same elected official, based on the same or similar facts for a period of 12 months from the date of dismissal. However, pursuant to Iowa Code Section 66.30, such dismissal shall not act as a bar to a proceeding in District Court seeking removal of the same individual.
6. For the Petition to succeed, a two-thirds majority of the entire council must vote for removal. The council shall hear all relevant evidence supporting the Petition and all relevant evidence offered by the elected official. The Mayor or Clerk present may administer the oath to the witnesses. The City Attorney shall represent the City and shall present the evidence in support of the Petition.
7. If The Mayor is the subject of the Removal Petition, the Mayor Pro Tempore shall serve as Mayor for all removal proceedings set forth in these Rules.

8. If a Removal Order is issued, the removed official may appeal to the District Court of Bremer County by filing a petition for *writ of certiorari* within the time prescribed by the Iowa Rules of Civil Procedure.
9. Any elected official who is the subject of a Petition for Removal may be represented by counsel at all stages of the proceeding at their own expense.

*(Ordinance 1045 – Published on 6/12/18)*

## CHAPTER 8

## MAYOR

### CHAPTER 8

### MAYOR

#### Sections:

- 8.1 Election and Term of Office.
- 8.2 Powers and Authority.
- 8.3 Compensation.

#### **SEC. 8.1 ELECTION AND TERM OF OFFICE.**

1. The mayor shall be elected from the city at large for a two year term.
2. The term of office for the mayor shall begin and end at noon on the first day in January which is not a Sunday or legal holiday, following a regular city election in which the Mayor was elected.

**SEC. 8.2 POWERS AND AUTHORITY.** Upon election the mayor shall assume the full authority conferred by the Code of Iowa upon the office of mayor in the mayor-council form of government. However, the mayor is not a member of the council and may not vote as a member of the council. Authority of the mayor includes the following:

1. Chief Executive Officer. The mayor is the chief executive officer of the city and presiding officer of the council.
2. Commander in Chief. The mayor may 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.

3. Special Meetings. The mayor is authorized to call special meetings of the council when deemed by the mayor to be necessary for the welfare of the city.
4. Ordinances. The mayor is authorized to sign into law, veto or take no action on an ordinance, amendment, or resolution passed by the council.
5. Appointments.
  - a. Mayor Pro Tem. At the first meeting of the new council in January following the regular municipal election, or at such other times as may be required, the mayor shall appoint a mayor pro tempore.
  - b. Other Officers. At any such time as may be required the mayor shall appoint and the council shall approve the appointment of all members of the airport advisory board, leisure services commission, planning and zoning commission, board of adjustment, municipal housing commission, library board of trustees, electric utility board of trustees, board of electrical examiners, board of plumbing examiners, civil service commission, fire and police pension boards, and the personnel board.

### **SEC. 8.3 COMPENSATION.**

1. Salary. The salary for the mayor shall be six thousand (\$6,000) dollars per year.
2. Expenses. The mayor may be reimbursed for any actual expense incurred in the performance of an official duty, provided that such expense is a permitted part of the annual city budget, and is not prohibited by law.
3. Change of Compensation. A change in the compensation of the mayor shall 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 the mayor or council members during the months of November and December immediately following a regular city election.

CHAPTER 9

MAYOR PRO TEMPORE

Sections:

- 9.1 Vice President of Council.
- 9.2 Appointment.
- 9.3 Powers and Duties.
- 9.4 Compensation.

**SEC. 9.1 VICE PRESIDENT OF COUNCIL.** The mayor pro tempore shall be vice president of the council.

**SEC. 9.2 APPOINTMENT.**

1. Mayor Appointed. At the first meeting of the new council in January following the regular municipal election, or at such time as may be required, the mayor shall appoint a mayor pro tempore.
2. Qualifications. The Mayor pro tempore shall be a member elected to the council.

**SEC. 9.3 POWERS AND DUTIES.**

1. Mayoral Authority. When the mayor is absent or unable to act the mayor pro tempore shall have the powers and duties of the mayor except the mayor pro tem may not appoint, employ, or discharge any officer or employee or employees without the approval of the council.
2. Council Powers. The mayor pro tempore shall retain all the rights and powers of a council member, including voting rights.

**SEC. 9.4 COMPENSATION.**

1. Salary. If the mayor pro tem performs the duties of the Mayor during the mayor's absence or disability for a continuous period of fifteen days or more, the mayor pro tem may be paid for that period such compensation as determined appropriate by the council.
2. Expenses. A mayor pro tem may be reimbursed for any actual expense incurred in the performance of an official duty, provided that such expense is a permitted part of the annual city budget, and is not prohibited by law.

**CHAPTER 10**

**CITY COUNCIL**

**Sections:**

- 10.1 Election.
- 10.2 Powers.
- 10.3 Duties.
- 10.4 Compensation of Council Members.
- 10.5 Committees.
- 10.6 Rule Making Procedure.
- 10.7 Law Making Procedure.
- 10.8 Meetings.

**SEC. 10.1 ELECTION.**

1. Composition. The council shall consist of seven (7) members, one elected from each of the five city (5) wards and two (2) elected from the city at large.
2. Term of office.
  - a. The term of office for any council member shall begin and end at noon on the first day in January which is not a Sunday or legal holiday, following a regular city election in which that member was elected. Each council member shall serve for a term of four years.
  - b. Staggered Terms. Measured from 1972, every four years a member of the council shall be elected at large and from the first, third and fifth wards. Measured from 1974, every four years a member shall be elected at large and from the second and fourth wards.

**SEC. 10.2 POWERS.**

1. Scope. All powers of the city are vested in the council, unless otherwise provided by law. The City Council may, except as expressly limited by law, and if not inconsistent with the laws of the government, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the city or of its citizens, and to preserve and protect the peace, safety, health, welfare, comfort, and convenience of its citizens.
- (2) Limitation. A City Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance.

**SEC. 10.3 DUTIES.** The duties that the council shall perform include, but are not limited to, the following:

1. Fiscal Authority.
  - a. City Budget.
    - (1) Annually the council shall prepare a budget for the ensuing fiscal year, including separate appropriations for each activity of city government, in compliance with the Code of Iowa.
    - (2) Approve all assessments for the cost of any public work, improvement or repair, including any such cost involving a street, sidewalk or sewer, which may be specially assessed.
    - (3) Appropriate all funds through the adoption of the annual budget.
    - (4) Adopt policies governing the purchases of goods and services for the city. Such policies shall be implemented through procedures established by the city administrator.
2. Compensation.
  - a. By ordinance, the council shall prescribe the compensation of the mayor. By resolution, the council shall prescribe the compensation of all officials of the city.
3. Appointing Officers. By resolution the council shall appoint or confirm the appointment of all city officers.
4. Make or authorize the making of all city contracts. No contract shall obligate the city unless approved or authorized by ordinance or resolution adopted by the council.

**SEC. 10.4 COMPENSATION OF COUNCIL MEMBERS.**

1. Council Members. By ordinance, the council shall prescribe the compensation of the council members. A change in the compensation of council members shall become 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.
2. Salary. The salary of each council member shall be two thousand (\$2,000) dollars per year.
3. Expenses. A council member may be reimbursed for any actual expense incurred in the performance of an official duty, provided that such expense is a permitted part of the annual city budget, and is not prohibited by law.



## **SEC. 10.5 COMMITTEES.**

1. Appointment. The council may appoint any member of the council to serve on a special committee. Unless the appointment states otherwise, three members shall be appointed to each committee.
2. Final Report. Upon completion of its duties, a special committee shall issue a final report to the council.
3. Discharge. Any member of the special committee may be discharged from committee service and the special committee may be discharged from its duties, at any time. Upon final vote by the council on the special committee report, the committee shall be discharged from its duties unless the council by resolution states otherwise.

**SEC. 10.6 RULE MAKING PROCEDURE.** The council shall determine by resolution the rules of its own proceedings, which are not in the Code of Iowa, the clerk shall keep such rules on file for public inspection.

**SEC. 10.7 LAW MAKING PROCEDURE.** The following procedure shall govern the exercise of the council's law making power.

1. Presenting ordinances.
  - a. Writing. Any proposed ordinance or amendment considered by the council shall be presented in writing.
  - b. Readings.
    - (1) Three Considerations. A proposed ordinance or amendment must be considered and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a recorded vote of not less than three-fourths (3/4) of the council members.
2. Majority Required.
  - a. Passage. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of council members.
  - b. Vote Recorded. Each council member's vote on an ordinance, amendment, or resolution must be recorded.
3. Effective Date. Measures passed by the council, other than motions, become effective in one of the following ways:
  - a. If the mayor signs the measure, a resolution becomes effective immediately upon signing and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

- b. If the mayor vetoes the measure, the mayor shall explain the reasons for the veto in a message to the council at the time of the veto.
- c. Within thirty days (30) after the mayor's veto, the council may pass the measure again by a vote of not less than two-thirds (2/3) of the council members. If the mayor vetoes a measure 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 published, unless a subsequent effective date is provided within the measure.
- d. If the mayor takes no action on the measure, a resolution becomes effective fourteen (14) days after the date of passage and an ordinance or amendment becomes a law when published, but not sooner than fourteen (14) days after the date of passage, unless a subsequent effective date is provided within the measure.

**SEC. 10.8 MEETINGS.** The following rules of procedure shall govern meetings of the City Council:

- 1. Regular Meetings:
  - a. Regular meetings of the Council shall be held in the Council Chambers at City Hall or another public place on the first Monday, third Monday and fourth Monday of the month commencing at 7:00 p.m.
  - b. The meeting on the fourth Monday of the month shall be designated a Council Study Session. Except in the case of emergency or exceptional circumstances, the Council will not at such meetings schedule and vote upon regular business.
  - c. If the regular meeting day shall fall on a legal holiday recognized by the City, or if a quorum is not present, the regular meeting shall be adjourned to the succeeding Monday at 7:00 p.m.
- 2. Special Meetings.
  - a. Request. Special meetings shall be held upon call of the mayor or upon the written request by three members of the Council submitted to the City Administrator.
  - b. Notice. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be in writing and given personally or left at the usual place of residence of each member of the Council. A record of the service shall be made by affidavit signed by the City Administrator and made part of the minutes of such special meeting.
- 3. Quorum. Four Council members is a quorum.

4. Public Notice. The Council shall give notice of the time, date, and place of each meeting, and its tentative agenda, in a manner reasonably calculated to apprise the public of that information. Reasonable notice shall include advising the news media who have filed a request for notice with the council and posting notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the City Hall.
5. Public's Right to Know.
  - a. Minutes. Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and the vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.
  - b. Open Meetings. All meetings shall be held in open session unless closed sessions are held as expressly permitted by state law. The Council may hold a closed session only by affirmative public vote of either two-thirds of the full Council or all the members present at the meeting, and only if in accordance with Chapter 21 of the Iowa Code.
6. Council/Commission/Board Attendance.
  - a. It is the intent of this section to encourage maximum attendance in person by elected and appointed officials at public meetings.
  - b. Should an elected/appointed official not be physically present at three consecutive regular meetings (not including specially called meetings), the Mayor and/or respective chairperson will provide notice to that elected/appointed official in writing informing the official of his/her poor attendance record and request from that official his/her intention in writing within two weeks to serve and participate on said body for the remainder of the official's term of office. In the event that the Mayor's/Chairperson's attendance record is in violation of this policy, the Mayor Pro Tem/Vice Chairperson will request future attendance clarification as outlined above. The written response received by the Council/Commission/Board to determine the need to request an individual's resignation.
  - c. A Council Member, Commissioner or Board Member who is not physically present at a meeting of a public body, may communicate with other members of the public body by phone or other electronic means at said public meeting. The presence of the individual by phone or other electronic means shall not be considered attendance at a public meeting and shall not be counted in determining a quorum. Said individual shall not be eligible to vote on any issue to come before the public body at said meeting.

**CHAPTER 11****CITY ADMINISTRATOR****Sections:**

- 11.1 Appointment, Tenure, Removal.
- 11.2 Acting City Clerk.
- 11.3 Powers and Duties Generally.
- 11.4 Relationship to Council.
- 11.5 Relationship to Department Heads.
- 11.6 Compensation.

**SEC. 11.1 APPOINTMENT, TENURE, REMOVAL.** The city administrator shall be appointed by majority vote of the entire council at any regular meeting. The appointee shall hold office during the pleasure of the council, and shall be subject to removal from office by a majority vote of the council.

**SEC. 11.2 ACTING CITY CLERK.**

**SEC. 11.3 POWERS AND DUTIES GENERALLY.** The powers and duties of the city administrator shall include the following:

1. Administrator of city programs, policies, ordinances, and directives as established by the council.
2. Preparation and administration of the city's annual operating budget.
3. Coordination of delivery of municipal services through the various city departments.
4. Supervision of business affairs of the city, including bookkeeping and accounting procedures.
5. Advising the council of the financial and other conditions of the city, and its future needs.
6. Keeping the council informed on the progress of its programs and status of its policies.
7. Acting as the chief personnel officer for the city, with power to employ, discharge, reclassify, or suspend city employees in accordance with council-approved policies.
8. Representing the city in any employment contract negotiations with city employees.

9. Attending all council meetings, unless excused by the Mayor.
10. Act as the city zoning administrator and supervise enforcement of the zoning ordinance and flood plain management ordinance of the city.
11. Perform such other administrative duties as directed by the council.

**SEC. 11.4 RELATIONSHIP TO COUNCIL.** The city administrator shall be directly responsible to the City Council for the administration of municipal affairs as directed by that body. All departmental activity requiring the attention of the council shall be brought before the body by the administrator, and all council involvement in administration initiated by the council shall be coordinated through the city administrator.

**SEC. 11.5 RELATIONSHIP TO DEPARTMENT HEADS.** The City Administrator shall have power to employ, discharge, reclassify, or suspend department heads only with the approval of the City Council. Department Heads are the city clerk, police chief, fire chief, finance director, public works director, leisure services director, and economic development director.

**SEC. 11.6 COMPENSATION.** The compensation of the city administrator shall be such amount as may from time to time be fixed by resolution of the City Council.

**CHAPTER 12****CITY CLERK****Sections:**

- 12.1 Title.
- 12.2 Powers and Duties.
- 12.3 Deputy Clerk.
- 12.4 Compensation.
- 12.5 Deeds.
- 12.6 Licenses.

**SEC. 12.1 TITLE.** The city clerk shall be the chief record officer for the city.

**SEC. 12.2 POWERS AND DUTIES.** Generally the city clerk shall have all the powers and duties provided by law, including the following:

1. Attend all regular and special council meetings.
2. Be responsible for recording the minutes of the proceedings of each council meeting and cause such minutes to be published.
3. Publish all ordinances and amendments in the manner provided by law.
4. Maintain all city records, writings or documents, including contracts and deeds, in which the city is a party in interest.
5. Maintain a record of all communications and petitions directed to the council or to the city.
6. Furnish a copy of any record, including any paper or document, which is in the clerk's custody, to any official requesting such a copy to discharge a duty that the official is authorized to perform, and to any member of the public requesting such a copy, upon payment of a reasonable charge set by council.
7. Maintain a record of all effective ordinances.
8. Maintain a record of all licenses issued by the clerk, including the name of the person issued the license, the amount of the fee charged and when such payment was received.
9. Care for the nomination petition of a candidate for any city office.

10. Authenticate all actions taken by the City Council and certify as to time and manner of publication, if any. The clerk's certification is presumptive evidence of the facts stated therein.
11. Certify the accuracy of city records.

**SEC. 12.3 DEPUTY CLERK.** The city administrator shall appoint a deputy city clerk. In the absence or inability of the clerk to act, the deputy clerk shall have all the power and duties of the city clerk.

**SEC. 12.4 COMPENSATION.** The clerk shall receive such compensation as established by council resolution, consistent with the law and any employment contract.

**SEC. 12.5 DEEDS.** The clerk shall sign all deeds to property in which the city has an interest when there is any conveyance or transfer of an interest in such property.

**SEC. 12.6 LICENSES.** The clerk shall issue licenses and permits when the code authorizes the city to issue.

**CHAPTER 13**  
**CITY ATTORNEY**

**Sections:**

- 13.1 Appointment.
- 13.2 Powers and Duties.
- 13.3 Compensation.

**SEC. 13.1 APPOINTMENT.** The City Council by resolution shall appoint a city attorney to act as attorney for the city in all matters affecting the city's interest.

**SEC. 13.2 POWERS AND DUTIES.** The powers and duties of the city attorney shall include the following:

1. Draft ordinances as requested by the council or city administrator.
2. Report defects in existing city ordinances.
3. Draft contracts between the city and other parties.
4. Attend City Council meetings.
5. Act as legal advisor to the council, city administrator, city boards and commissions, city directors and officers.
6. Give legal opinions upon questions of law relating to city affairs.
7. Prosecute violations of city ordinances in magistrate court.
8. Supervise the prosecution or defense of all suits in which the city is a party in any court.
9. Appear on behalf of the city before any court, tribunal, commission or board as representative of the city when requested by the council.



**SEC. 13.3 COMPENSATION.** The city attorney shall receive a monthly retainer that shall be annually established by resolution of the council as compensation for the duties itemized at Sections 13.2 (1) through 13.2 (7).

1. The city attorney shall receive compensation in addition to the monthly retainer for prosecution or defense of city cases in District or Appellate Courts, for prosecution of condemnation proceedings and for other legal services performed or expenditures made on behalf of the city not set forth in the described sections provided a claim for such payment is submitted to the council in the same manner specified for other claims.

**CHAPTER 14**  
**CITY PERSONNEL**

**Sections:**

- 14.1 Purpose.
- 14.2 General Personnel Policy.
- 14.3 Classifications of Employees.
- 14.4 City Council.
- 14.5 City Administrator.

**SEC. 14.1 PURPOSE.** It is declared that the interests of the city and its citizens are best served by selecting qualified, productive and reliable personnel to positions in city government.

**SEC. 14.2 GENERAL PERSONNEL POLICY.** In order to further the purpose declared in Section 1 of this chapter, the following principles are established as the general personnel policy of the city:

1. Personnel actions, including the appointment or employment, promotion or assignment, shall be free of personal or political considerations, and shall be based on merit, including qualifications, and objective evaluations.
2. Personnel actions, including the appointment or employment, promotion or assignment of persons to any position shall be based upon uniform laws, regulations, rules and practices which are applied equally to all candidates competing for the same personnel action. Considerations shall be free of invidious discrimination, including discrimination based on age, sex, marital status, race, color, creed, national origin or religious belief.
3. Appropriate working conditions, including fair compensation, shall be maintained.
4. Service in any position shall be subject to compliance with appropriate personnel rules, satisfactory performance, necessity of the position and availability of funds.
5. Nothing in this section shall be construed to conflict with any collective bargaining contract or other valid contract between the city and persons serving in municipal government.

**SEC. 14.3 CLASSIFICATIONS OF EMPLOYEES.** Position of employment with the City of Waverly shall be categorized as non-classified and classified:

1. Non-classified positions shall be exempt, part-time, temporary and seasonal.
  - a. Exempt positions shall be administrative, managerial or professional positions directly involved in policy formulation or implementation, and shall include such positions established by resolution of the City Council.
  - b. Part-time, temporary and seasonal positions shall be those employees working less than 2080 hours per year or 40 hours per week.
  - c. Non-classified positions shall be responsible to and within the jurisdiction of the city administrator and shall be subject to such policies established by resolution of the City Council.
2. Classified positions shall be all other full-time positions of employment with the City of Waverly.
  - a. Classified employees shall be responsible to the city administrator and subject to appropriate personnel rules or labor agreements established pursuant to this chapter.

**SEC. 14.4 CITY COUNCIL.**

1. The City Council shall adopt specific personnel policies to further the general policies declared by this chapter.
2. The City Council shall have the final authority to approve all personnel rules, departmental rules, constitutions and bylaws, classification and compensation plans and union labor agreements and to establish the wages, hours, benefits and personnel policies for all personnel.

## **SEC. 14.5 CITY ADMINISTRATOR.**

1. The city administrator, shall be responsible for:
  - a. Implementing all personnel policies and programs established by the City Council.
  - b. Establishing such administrative policies and programs to develop the skills and maintain the effectiveness of city employees.
  - c. Negotiating all labor agreements between the city and any administrative personnel or any union.
  - d. Regularly evaluating the performance of city personnel.

**CHAPTER 15****FINANCE DIRECTOR****Sections:**

15.1 Appointment.

15.2 Powers and General Duties.

**SEC. 15.1 APPOINTMENT.** The finance director shall be appointed by the city administrator with council approval. The finance director shall, under the direction of the city administrator, be the finance and accounting officer of the city.

**SEC. 15.2 POWERS AND GENERAL DUTIES.** The power and duties of the finance director shall including the following:

1. Supervise the operation and internal affairs of the accounting and billing department.
2. Ensure that all assets, including cash and securities, and other property and facilities under the control of the department shall be inspected, maintained and operated in compliance with all orders, ordinances, resolutions and other law and contracts of which the city is a party.
3. Conduct the financial affairs of the city and keep accurate records with efficient accounting methods.
4. Assist the administrator in preparing proposals for the annual budget.
5. Supervise the investment of city funds.
6. Provide monthly financial reports to the city administrator and City Council.
7. Maintain detailed records of all funds received or disbursed on behalf of the city, specifying the date, from or to whom, for what purpose the funds were received or disbursed, and from what funds the receipts were credited or disbursements were paid.
8. Maintain books of original entry to provide a chronological record of cash received and disbursed.
9. Maintain a general ledger controlling all cash transactions, budgetary accounts and unappropriated surpluses.

10. Prepare regular financial statements as required for the City Council or city administrator, using modified accrual accounting methods as governed by "Codification of Governmental Accounting and Financial Reporting Standards" and "Governmental Accounting and Financial Reporting" pronouncements.
11. Perform such additional duties as assigned by the City Council or city administrator.

**CHAPTER 16**  
**CITY TREASURER**

**Sections:**

- 16.1 Appointment.
- 16.2 Powers and Duties.
- 16.3 Compensations.

**SEC. 16.1 APPOINTMENT.** The city treasurer shall be appointed by the City Council. The council may designate the finance director to also act as the city treasurer.

**SEC. 16.2 POWERS AND DUTIES.** The powers and duties of the city treasurer shall include the following:

1. Be responsible for the safe custody of all funds of the city committed to the supervision and care of the treasurer.
2. Keep an accurate record of all funds committed to the supervision and care of the treasurer.
3. Perform all duties required by Chapter 453 of the current Code of Iowa, as that chapter applies to funds committed to the supervision and care of the treasurer.
4. Keep a register of all city bonds outstanding and make and record all payments of principle and interest.
5. Prepare financial reports accounting for funds in the care of the treasurer as may be required by the City Council or city administrator.
6. Perform such additional duties as assigned by the City Council or city administrator.

**SEC. 16.3 COMPENSATION.** The City Council shall annually by resolution determine the compensation of the city treasurer.

CHAPTER 17PUBLIC WORKS DIRECTORSections:

- 17.1 Appointment.
- 17.2 Powers and General Duties.

**SEC. 17.1 APPOINTMENT.** The city administrator shall appoint, upon council approval, the public works director.

**SEC. 17.2 POWERS AND GENERAL DUTIES.** The powers and duties of the public works director shall include the following:

1. Supervise the operation and internal affairs of the public works department. Reference to public works director shall mean the director or designated personnel within the department of public works.
2. Prepare and deliver to the administrator, each year, a complete inventory of all property owned by the city, including supplies, material, equipment, vehicles, and tools.
3. Attend meetings of the airport advisory board. The director shall report to the administrator any recommendations made by the board.
4. Supervise the city street department and the inspection and improvements of city streets.
5. Maintain a report of the present grades for all streets. The director shall report a change in the grade of any street, and any plans or estimates for grading or changing the grade of any street.
6. Supervise the operation of the city solid waste disposal system, including any vehicles, buildings and equipment related to the collection and disposal of refuse and other solid waste.
7. Supervise the operation of the municipal waste water treatment system, including the treatment plant, intercepting sewer system consisting of all sewers and drains, sewer lines and pipes, manholes, and all apparatus and equipment related to the city waste treatment system.



8. Supervise the operation of the municipal waterworks system, including all buildings, machinery, pipes, hydrants and all other equipment related to such system.
9. Supervise the operation of facilities at the municipal airport, including all buildings, towers, runways, machinery and all other equipment owned by the city and related to such airport.
10. Extermination. Supervise the inspection of all property in the city for insects, vermin and rodents.
11. Supervise the administration of the zoning code, subdivision code and all applicable building codes.
12. Supervise the office of city building inspector. The building inspector shall enforce all the building codes, including the fire code, plumbing code and electrical code, and all applicable inspection provisions reserved under law.
13. Supervise the operations of the municipal storm water run off and collection system, including drainageways, ditches, and retention/detention areas, storm service lines, catch basins, intakes, manholes and all apparatus and equipment related to the city storm water collection system.
14. Perform such additional duties as assigned by the City Council or city administrator.

**CHAPTER 18****LEISURE SERVICES DIRECTOR****Sections:**

- 18.1 Appointment.
- 18.2 Powers and General Duties.

**SEC. 18.1 APPOINTMENT.** The leisure services director shall be appointed by the city administrator, with approval of the council.

**SEC. 18.2 POWERS AND GENERAL DUTIES.** The powers and duties of the leisure services director include the following:

1. Supervise the operation and internal affairs of the leisure services department.
2. Certify all bills delivered to the department, and itemize the amounts due or paid to all persons for labor or materials for the preceding month. Such bills shall be delivered to the finance director pursuant to procedures established by the finance director.
3. Certify all claims by the department for labor or material, and itemize the amounts due the department from any person or governmental entity. Such claims shall be delivered to the finance director pursuant to procedures established by the finance director.
4. Establish and maintain any needed accounts or funds in a depository, subject to prior approval of the administrator.
5. Approve an annual audit of each account or fund controlled by the department, under the supervision of the finance director. An audit report shall be delivered to the administrator upon completion of the audit, pursuant to procedures established by the administrator.
6. Ensure that all property and facilities under the control of the department shall be inspected, maintained and operated in compliance with all orders, ordinances, resolutions and other law, and contracts to which the city is a party.

7. Attend all meetings of the leisure services commission, provide the commission with advice and all relevant information about the status of programs and property of the department and regularly report to the administrator any recommendations made by the commission.
8. Supervise the administration of any code provision which involves the department.
9. Supervise the promotion of leisure services facilities which will benefit the public. Supervise city sponsored activities.
10. Supervise the inspection, maintenance and operation of public recreation facilities, including the municipal swimming pool, golf course, athletic fields and courts.
11. Supervise the inspection, maintenance and appearance of public grounds, including city parks.
12. Supervise the operation, maintenance and appearance of the municipal cemetery.
13. Supervise the collection of all fees from the use of department facilities.
14. Perform such additional duties as directed by the City Council or city administrator.

**CHAPTER 19****FIRE CHIEF****Sections:**

- 19.1 Title.
- 19.2 Appointment.
- 19.3 Removal.
- 19.4 Powers and Duties.
- 19.5 Relationship to City Administrator.
- 19.6 Compensation.

**SEC. 19.1 TITLE.** The fire chief shall be the principal fire protection officer of the city and shall be the commander of the department with the authority to command any official of the department in protecting life and property from threat of injury or damage from a fire.

**SEC. 19.2 APPOINTMENT.** At least thirty (30) days before the end of each calendar year the volunteer fire department shall submit to the City Council the name of the person they recommend as fire chief for the next year. The nominee's name shall be selected by the members of the volunteer fire department following procedures established by the Waverly Volunteer Fire Department Constitution and Bylaws and by secret ballot. The council shall at its discretion accept such recommendation or direct a new nomination by the department. In the event two nominations of the department shall not be accepted by the council, the council shall have the option to direct a third nomination or make an independent appointment. The fire chief shall be appointed for a term commencing January 1st and ending December 31st. In the event of a vacancy the council shall appoint a fire chief for the balance of said term.

**SEC. 19.3 REMOVAL.** The council may remove the fire chief as provided by Iowa Code, Section 372.15 or may suspend or demote the fire chief for neglect of duty, disobedience, misconduct or failure to properly perform the duties of the chief upon receiving a recommendation from the mayor following consultation and discussion with the volunteer fire department.

**SEC. 19.4 POWERS AND DUTIES.**

1. To command any person within the city to assist in suppression of fire or the preservation of order during a fire emergency.

2. Supervise the operation and internal affairs of the fire department, with the following requirements:
  - a. Recommend to the membership the removal of any volunteer member from the department, pursuant to procedures adopted in the constitution and bylaws of the department.
  - b. Prepare and file with the administrator, each year, a complete inventory of all property owned by the department, including supplies, materials, equipment, gear and equipment.
  - c. Inspect all completed improvements within the department which were ordered by the administrator.
  - d. Report the cost of any improvements made within the department, including an itemized showing of the cost of each improvement. The report shall be delivered to the clerk pursuant to procedures established by the clerk.
  - e. Supervise the administration of all provisions of this code which relate to fire protection, and consistent with standards promulgated by nationally recognized fire prevention agencies regulate the storage, handling, use and transportation of all inflammables, combustibles, and explosives within the corporate limits.
  - f. Supervise the preservation of life and property from fire or other catastrophe within the fire district, including the city and the surrounding rural area as designated by council resolution and any contract in which the city is a party.
  - g. Supervise the investigation into the cause, origin and circumstances of every fire occurring in the fire district, by which property has been damaged or persons injured.
  - h. Cooperate with the State Fire Marshall in any investigation by that office and provide reports to the State Fire Marshall as required by law.
  - i. Supervise all inspections to ensure the buildings and facilities of the city are constructed and maintained in compliance with applicable law regulating fire safety.
  - j. Approve all department practice drills or training classes for emergency services, including fire suppression, rescue operations, inspections and investigations.

- k. Provide reports to the city administrator, summarizing all activities of the departments in such detail as specified by the administrator.

**SEC. 19.5 RELATIONSHIP TO CITY ADMINISTRATOR.** The fire chief shall be under the supervision of the city administrator and shall have such authority over any full time driver-engineers as may be delegated by the city administrator.

**SEC. 19.6 COMPENSATION.** The fire chief shall receive such compensation as established by council resolution, consistent with the law and any employment contracts.

**CHAPTER 20****POLICE CHIEF****Sections:**

- 20.1 Appointment.
- 20.2 Powers and Duties.

**SEC. 20.1 APPOINTMENT.** The police chief shall be appointed by the city administrator, upon approval by the council. The police chief shall be the principal law enforcement officer of the city.

**SEC. 20.2 POWERS AND DUTIES.** The police chief shall have all the duties provided by law, including the following:

1. Supervise the operation and internal affairs of the police department.
  - a. Recommend the employment or discharge of any person in a position within the department to the administrator, and subject to any employment contract, and law, including rules and policies of the civil service commission and council adopted recommendations of the personnel board.
  - b. A law enforcement official charged with a violation of departmental rules may request a hearing before the civil service commission or the personnel board as may be appropriate. Such appeal shall be made by filing notice of appeal pursuant to rules established by the civil service commission or the personnel board.
2. Establish, with the approval of the city administrator, departmental rules necessary for the operation of the department, including rules regarding conduct, uniforms, weapons, communication, training, and emergencies. Such rules shall be first approved by the city administrator.
3. Provide written notice to any law enforcement official charged with a violation of any departmental rule, specifying the rule violated, the nature of the violation and the penalty to be imposed.
4. Establish penalties which may be imposed by the police chief for violation of any department rule. The establishment of such penalties shall be first approved by the administrator.

5. Supervise the maintenance of all equipment and approve the purchase or repair of any such equipment or materials necessary for the efficient operation of the department, and pursuant to administrator approved procedures.
6. Certify all bills delivered to the department and itemize the amounts due or paid to all persons for labor or materials for the preceding month. Such bills shall be delivered to the finance director pursuant to procedures established by the finance director.
7. Supervise the execution and return of any lawful order, writ and other processes of a court or governmental entity with jurisdiction in the city.
8. Supervise the administration and enforcement of provisions in this code, including the community protection title, and other city ordinances.
9. Supervise the investigation of the cause, origin, or circumstances of violations of this code or any ordinance.
10. Assist the city attorney in prosecuting any case in which a person is suspected of violating a provision of this code or any ordinance.
11. Supervise the arrest of any person committing or attempting to commit any public offense in the city of Waverly or any violation of city ordinance.
12. Supervise law enforcement officials in the assistance of city officers performing duties authorized by law.
13. Supervise the secure care and custody of prisoners, including persons detained or transported under police direction; of property belonging to such prisoners, of evidence of a public offense; and of property without an identified owner.
14. Prepare and deliver to the administrator, council, or the state, a complete record showing all arrests made in the city for each year. The record shall show whether such arrests were made under federal, state or city law, the offense charged and the disposition of the charge.
15. Cause the preparation and delivery of all motor vehicle accident investigations to the state department of public safety.
16. Upon request, aid other municipal officers in the execution of their official duties.
17. Direct the temporary placement of official traffic control signs including stop signs, yield signs, speed limit signs, or other regulatory signs or signs restricting parking on any public street in the City of Waverly.



## **CHAPTER 21** **POLICE SERVICES**

### **Sections:**

- 21.1 Purpose.
- 21.2 Services provided.
- 21.3 When provided.
- 21.4 Discrimination.
- 21.5 Fees.

**SEC. 21.1 PURPOSE.** The purpose of this Chapter is to authorize Waverly Police Department services to private entities or government agencies to enhance public safety within the community.

**SEC. 21.2 SERVICES PROVIDED.** The Waverly Police Department shall make available Waverly Police Officers to any person, business, school, government agency or other entity requesting the Officers' services for the following purposes.

1. Crowd Control
2. Security
3. Escorting
4. Other services approved by the Police Chief.

**SEC. 21.3 WHEN PROVIDED.** The above services shall be provided at the discretion of the Chief of Police or his designee following a written request being delivered to the Department prior to the event requiring the services. The Chief or his designee in determining whether to provide the requested service shall first consider the overall public safety of the City including the availability of Police manpower to meet the other public safety demands of the City.

**SEC. 21.4 DISCRIMINATION.** It will be a policy of the City not to discriminate in providing these services to any person or organization based on race, sex, gender, religion, national origin or political orientation of the person or entity requesting the service.

**SEC. 21.5 FEES.** A fee shall be charged for the services of Police Officers assigned to private services authorized under this Chapter. The fee shall be paid to the City of Waverly by individual or entity receiving the services. The charge for said services shall be as established by the Resolution of the City Council.

**CHAPTER 22**

**Economic Development Director**

Sections:

- 22.1 Appointment.
- 22.2 Powers and General Duties

SEC. 22.1 APPOINTMENT. The Economic Development Director shall be appointed by the City Administrator with City Council approval. The Economic Development Director shall, under the direction of the City Administrator, plan, implement and oversee the City's economic development activities in concert with goals established in the community's overall economic development plan.

SEC. 22.2 POWERS AND DUTIES GENERALLY. The powers and duties of the Economic Development Director shall include the following:

1. Develop and administer economic development programs for the City.
2. Formulate and execute ongoing marketing programs for expansion of existing business and industry and to sell Waverly and the region as a location for new business and industry.
3. Call on existing business and industry to provide assistance in meeting their future plans and needs.
4. Coordinate the continuous development of the Waverly Business Park and other public/private commercial and industrial properties.
5. Develop, and implement economic development assistance packages for company expansions, relocations and startups in line with city funding policies and procedures.
6. Coordinate economic development projects including initial contacts with developers and companies, negotiation of agreements and preparation of related materials and documents.
7. Prepare, review and submit loan and grant applications to public and private agencies and administer said grants and loans as specified. Assist other city departments in the attainment of grant and loans for city projects and activities.

8. Represent economic development activities to city departments and elected officials; coordinate activities with city departments and outside economic development agencies and related organizations.
9. Provide budget and operational reports as requested by the City Administrator.
10. Prepare an annual report outlining economic development activities of said department.
11. Perform such other duties as assigned by the City Administrator or City Council.

## **CHAPTER 23**

### **MUNICIPAL INFRACTIONS**

#### **23.01 Municipal Infraction**

#### **23.03 Civil Citations**

#### **23.05 Applicable Chapters**

#### **23.02 Civil Penalties**

#### **23.04 Criminal Penalties**

**23.01 MUNICIPAL INFRACTION.** A violation of this Code of Ordinances or any ordinance or code herein adopted by reference or the omission or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction punishable by civil penalty as provided herein.

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

(1) Unless another civil penalty is provided elsewhere in this Code, a municipal infraction is a civil offense punishable as provided in the following schedule of civil penalties:

First offense: \$500.00.

Second and subsequent offenses: \$750.00.

(2) Each day that a municipal infraction occurs or is permitted to exist constitutes a separate offense.

(3) Seeking a civil penalty as authorized in this section does not preclude the city from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to abatement or injunctive relief.

**23.03 CIVIL CITATIONS.** Civil citations shall be used to charge municipal infractions and shall be administered as follows:

(1) A City employee or a City Official authorized by the City Council to enforce the Code or regulations may issue a civil citation to a person who commits a municipal infraction.

(2) The citation may be served by personal service as provided in rule of civil procedure 1.305, by certified mail addressed to the person at their last known mailing address return receipt requested, or by publication in the manner provided by rule of civil procedure 1.310 and subject to the conditions of rule of civil procedure 1.311.

(3) A copy of the citation shall be retained by the issuing officer, and the original shall be filed with the clerk of the district court and one copy shall be delivered to the defendant.

(4) The citation shall serve as notification of an allegation that a municipal infraction has been committed and shall contain the following information:

- (i) The name and address of the defendant.
- (ii) The name or description of the alleged infraction, attested to by the officer issuing the citation.
- (iii) The location and time of the alleged infraction.
- (iv) The amount of civil penalty for the violation charged and the court costs, or the alternative relief sought, or both.
- (v) The manner, location and time in which the penalty may be paid.
- (vi) The time and place of court appearance.
- (vii) The penalty for failure to appear in court.
- (viii) The legal description of the affected real property, if applicable.

(5) Upon receiving a citation under subsection (4) that affects real property and that charges a violation relating to the condition of the property, including a building code violation, a local housing regulation violation, a housing code violation, or a public health or safety violation, the clerk of court shall index the citation pursuant to Section 617.10 of the Iowa Code, if the legal description of the affected property is included in or attached to the citation. After filing the citation with the clerk of the district court, the city shall also file the citation in the office of the county treasurer. The county treasurer shall include a notation of the pendency of the action in the county system, as defined in Section 445.1 of the Iowa Code, until the judgment of the court is satisfied or until the action is dismissed. Pursuant to Section 446.7 of the Iowa Code, an affected property that is subject to a pending action shall not be offered for sale by the county treasurer at tax sale.

(6) A person against whom judgment is entered, shall pay court costs and fees as in small claims court under Chapter 631 of the Iowa Code. If the action is dismissed, the city is liable for the court costs and court fees, unless the person charged agrees to pay those costs and fees in lieu of further prosecution. Where the action is disposed of without payment, or provision for assessment, of court costs, the clerk shall enter judgment for costs against the city.

(7) When judgment has been entered against a defendant, the court may do any of the following:

- (i) Impose a civil penalty by entry of a personal judgment against the Defendant.

(ii) Direct that payment of the civil penalty be suspended or deferred under conditions imposed by the court.

(iii) Grant appropriate alternative relief ordering the defendant to abate or cease the violation.

(iv) Authorize the city to abate or correct the violation.

(v) Order that the city's costs for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both.

If a defendant willfully violates the terms of an order imposed by the court, the failure is contempt.

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

**23.05 APPLICABLE CHAPTERS.** Any violation of any provision of the following portions of this Code of Ordinances is hereby declared to be a municipal infraction:

- (1) Chapter 50 Beer and Liquor Licenses.
  - (2) Chapter 52, Explosives--Use Permits.
  - (3) Chapter 53, Peddlers, Solicitors, and Transient Merchants.
  - (4) Chapter 54, House-movers.
  - (5) Chapter 55, Junk-dealers.
  - (6) Chapter 56, Pawnbrokers.
  - (7) Chapter 57, Tree Ordinance.
  - (8) Chapter 58, Taxicabs and Limousines.
  - (9) Chapter 60, Dispensing Beer from Kegs.
  - (10) Chapter 63, Nuisances.
  - (11) Chapter 64, Weeds.
  - (12) Chapter 65, Abandoned Motor Vehicles.
  - (13) Chapter 66, Junk Motor Vehicles.
  - (14) Chapter 67, Domestic Animal Control.
  - (15) Chapter 68, Dry Run Waterway.
  - (16) Chapter 69, Solid Waste.
  - (17) Chapter 70, Hazardous Substances.
  - (18) Chapter 71, Open Burning.
  - (19) Chapter 90, Building Code.
  - (20) Chapter 91 Rental Housing Code.
  - (21) Chapter 100, Zoning.
  - (22) Chapter 102, Flood Plain Management.
  - (23) Chapter 104, Public Offenses - Sec. 104.4.04 and Sec. 104.4.14 only.
  - (24) Chapter 74, Waterworks
  - (25) Chapter 75, Wastewater Facilities
- (Ordinance 1133; Passed December 4, 2023 and Published January 9, 2024)*

(Ordinance 980 – Published on 08-04-14)

(Ordinance 1049 – Published on 08-14-18)

**CHAPTERS 24 - 31 RESERVED**