

GENERAL CODE PROVISIONS

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CHAPTER 1

CODE OF ORDINANCES

1.01 Title
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1.01 TITLE. This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Colfax, Iowa. *(Ord. 551 – Apr. 10 Supp.)*

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

1. “Alley” means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. “City” means the City of Colfax, Iowa.
3. “City Administrator” means the City Administrator of Colfax, Iowa.
4. “Clerk” means the city clerk of Colfax, Iowa.
5. “Code” means the specific chapter of this Code of Ordinances in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).
6. “Code of Ordinances” means the Code of Ordinances of the City of Colfax, Iowa. *(Ord. 551 – Apr. 10 Supp.)*
7. “Council” means the city council of Colfax, Iowa.
8. “County” means Jasper County, Iowa.
9. “Measure” means an ordinance, amendment, resolution or motion.
10. “Month” means a calendar month.
11. “Oath” means an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words

“affirm” and “affirmed” are equivalent to the words “swear” and “sworn.”

12. “Occupant” or “tenant,” applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

13. “Ordinances” means the ordinances of the City of Colfax, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.

14. “Person” means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.

15. “Preceding” and “following” mean next before and next after, respectively.

16. “Property” includes real property, and tangible and intangible personal property unless clearly indicated otherwise.

17. “Property owner” means a person owning private property in the City as shown by the County Auditor’s plats of the City.

18. “Public place” includes in its meaning, but is not restricted to, any City-owned open place, such as parks and squares.

19. “Public property” means any and all property owned by the City or held in the name of the City by any of the departments, commissions or agencies within the City government.

20. “Public way” includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.

21. “Sidewalk” means that surfaced portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line, intended for the use of pedestrians.

22. “State” means the State of Iowa.

23. “Statutes” or “laws” means the latest edition of the Code of Iowa, as amended.

24. “Street” or “highway” means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

25. "Writing" and "written" include printing, typing, lithographing, or other mode of representing words and letters.
26. "Year" means a calendar year.

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

(Code of Iowa, Sec. 364.1)

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

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

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

(Code of Iowa, Sec. 364.14)

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

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

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

(Code of Iowa, Sec. 380.2)

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

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

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

(Code of Iowa, Sec. 718.5)

1.10 STANDARD PENALTY. Unless another penalty is expressly provided by the Code of Ordinances for any particular provision, section or chapter, any person failing to perform a duty, or obtain a license required by, or violating any provision of the Code of Ordinances, or any rule or regulation adopted herein by reference shall be punishable in the same manner as a simple misdemeanor under the Code of Iowa.

(Ord. 542 – Aug. 09 Supp.)

(Code of Iowa, Sec. 903.1)

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

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CHAPTER 2

CHARTER

2.01 Title
2.02 Form of Government
2.03 Powers and Duties

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

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

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

(Code of Iowa, Sec. 372.4)

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

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.1)

EDITOR'S NOTE

The terms of the Mayor and the Council were changed to four (4) years, beginning with persons elected at the November 2, 1999, election.

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CHAPTER 3
BOUNDARIES

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

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

1. Ward 1.

Ward 1 and precinct is all of that property commencing at the intersection of Walnut Street (Highway 117) and West Front Street; then south to West Howard Street, then west on West Howard Street to North Locust Street; then south to the intersection of Ward 3 between West Broadway Street and West Spring Street on South West Street; then south to Pleasant Street, then east to South Locust Street, then south to High Street, then east to South Walnut Street; and then south to the southern City limits; then east, south, east and north along the City limits to Goodrich Street; then north to Blake Street; then west on Blake Street to Lincoln Street; then north on Lincoln Street to East State Street; then west on East State Street to the intersection of Chautauqua Avenue, East State Street and Lincoln Streets; then north on Lincoln Street to East Division Street; then west on East Division Street to North Iowa Street; then north on North Iowa Street to East Front Street; then west on East Front Street to the point of beginning.

2. Ward 2.

Ward 2 and precinct is all of that property lying east of a line from Highway 117 South along the Washington Township boundary to the intersection with North League Road then north along the Mound Prairie Township Boundary then east to the intersection of the eastern corporate limits then south irregularly to the intersection of Highway F-48 then south irregularly to South 44 Ave West then following irregularly along corporate limits to the intersection of Goodrich Street then north to the intersection of Blake Street then west to Lincoln Street then north to the intersection of East State Street then northeast to the intersection of South Lincoln Street to the intersection of Chautauqua Avenue then northwest to the intersection of South Lincoln Street then north to the intersection of East Division Street then west to the intersection of North Iowa Street then north to the intersection of East Front Street then west to the intersection of North Walnut Street then north to the point of the beginning on Highway 117 South.

AND

The unincorporated areas of Colfax and Mound Prairie Township lying on the eastern edge of the City of Colfax. The census blocks included in this unincorporated area are Census Tract 407, Blocks 1008, 1022, 1023, 1028, 1029, and 1041 in Mound Prairie Township. This segment has a population of zero, according to the 2010 Federal Decennial Census.

The unincorporated areas of Colfax and Washington Township lying on the northern edge of the City of Colfax. The census blocks included in this unincorporated area are Census Tract 407, Blocks 1016, 1017, 1019, 1035, 1037, 1038, 1056, and 1057 in Washington Township. This segment has a population of zero, according to the 2010 Federal Decennial Census.

3. Ward 3.

All portions of the City in Poweshiek Township and in Washington Township beginning at the northeast corporate limits west of Highway 117, south to the intersection of the corporate limits and Highway 117, south along Highway 117 to Howard Street, southwesterly on W. Howard Street to S. Locust Street, south on S. Locust Street to the alley between W. Broadway Street and W. Spring Street, west on said alley to S. West Street, south on S. West Street to W. Pleasant Street, east on West Pleasant Street to S. Locust Street; then south on S. Locust Street to High Street; then east on High Street to S. Walnut Street; then south on S. Walnut Street to the southern City limits; then west and north to the intersection of the corporate limits and the Washington Township/Poweshiek Township line.

AND

The unincorporated areas of census blocks 190990407002013, 190990407002022, and 190990407002023 in Washington Township and the unincorporated areas in Poweshiek Township south of the line beginning at the intersection of the east border of Poweshiek Township and N 8th Ave W, west along N 8th Ave to Field Ave, south and west along Field to Highway 117, south along Highway 117 to Fleet Ave, west along Fleet to the western border of census block 190990402004116, west and south along said border to the western edge of census block 190990402004120, south along western edges of census blocks 190990402004120, 190990407002000, and 190990407002002, 190990407002004 to the Washington/Poweshiek Township line.

(Chapter 3 - Ord. 587 - Sep. 11 Supp.)

CHAPTER 4

MUNICIPAL INFRACTIONS

4.01 Municipal Infraction
4.02 Environmental Violation
4.03 Penalties

4.04 Civil Citations
4.05 Alternative Relief
4.06 Criminal Penalties
4.07 Costs of Enforcement of Municipal Infraction

4.01 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.

(Code of Iowa, Sec. 364.22[3])

4.02 ENVIRONMENTAL VIOLATION. A municipal infraction which is a violation of Chapter 455B of the Code of Iowa or of a standard established by the City in consultation with the Department of Natural Resources, or both, may be classified as an environmental violation. However, the provisions of this section shall not be applicable until the City has offered to participate in informal negotiations regarding the violation or to the following specific violations:

(Code of Iowa, Sec. 364.22 [1])

1. A violation arising from noncompliance with a pretreatment standard or requirement referred to in 40 C.F.R. §403.8.
2. The discharge of airborne residue from grain, created by the handling, drying or storing of grain, by a person not engaged in the industrial production or manufacturing of grain products.
3. The discharge of airborne residue from grain, created by the handling, drying or storing of grain, by a person engaged in such industrial production or manufacturing if such discharge occurs from September 15 to January 15.

4.03 PENALTIES. A municipal infraction is punishable by the following civil penalties:

(Code of Iowa, Sec. 364.22 [1])

1. Standard Civil Penalties.

A. Violations of the following chapters of the Code of Ordinances of the City of Colfax, Iowa, will be punishable by a civil penalty of:

\$ 85.00 – 1st offense
 \$100.00 – 2nd offense
 \$200.00 – 3rd and all subsequent offenses

Chapters: 46.01 - Juvenile Curfew
 51 - Junk and Junk Vehicles
 55 - Animal Protection and Control
 56 - Licensing of Dogs and Cats
 77 - Skateboards, Roller Skates and Scooters
 84 - Outside Storage of Vehicles
 105 - Solid Waste Control
 122 - Peddlers, Solicitors, Transient Merchants
(Ord. 545 – Dec. 09 Supp.)

B. Violations of the following chapters of the Code of Ordinances of the City of Colfax, Iowa, will be punishable by a civil penalty of:

\$100.00 – 1st offense
 \$200.00 – 2nd offense
 \$500.00 – 3rd and all subsequent offenses

Chapters: 57 - Dangerous and Vicious Animals
 90 - Water Service System
 93 - Water Well Protection
 97 - Use of Public Sewers
 155 - Building Code
 156 - Electrical Code
 157 - Plumbing Code
 158 - Fire Code
 159 - Minimum Housing Code

(Ord. 470 and 474 – Jun. 03 Supp.)

C. Standard penalties for any municipal infraction not provided for in subsections 4.03(1)(A), 4.03(1)(B) or 4.03(2):

First Offense – not to exceed \$750.00
 Each Repeat Offense – not to exceed \$1,000.00

(Ord. 562 – Mar. 11 Supp.)

Each day that an above listed violation occurs or is permitted to exist constitutes a repeat offense. Municipal infraction violations within the previous 48 months will be considered for purposes of determining prior offenses.

(Ord. 445 – Sep. 01 Supp.)

2. Special Civil Penalties.

A. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8, by an industrial user is punishable by a penalty of not more than one thousand dollars (\$1,000.00) for each day a violation exists or continues.

B. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than one thousand dollars (\$1,000.00) for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:

(1) The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.

(2) The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.

(3) The violation does not continue in existence for more than eight (8) hours.

4.04 CIVIL CITATIONS. Any officer authorized by the City to enforce this Code of Ordinances may issue a civil citation to a person who commits a municipal infraction. The citation may be served by personal service as provided in Rule of Civil Procedure 56.1, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in Rule of Civil Procedure 60 and subject to the conditions of Rule of Civil Procedure 60.1. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

(Code of Iowa, Sec. 364.22 [4])

1. The name and address of the defendant.

2. The name or description of the infraction attested to by the officer issuing the citation.
3. The location and time of the infraction.
4. The amount of civil penalty to be assessed or the alternative relief sought, or both.
5. The manner, location, and time in which the penalty may be paid.
6. The time and place of court appearance.
7. The penalty for failure to appear in court.

4.05 ALTERNATIVE RELIEF. Seeking a civil penalty as authorized in this chapter does not preclude the City from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

(Code of Iowa, Sec. 364.22 [8])

4.06 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.

(Code of Iowa, Sec. 364.22[11])

4.07 COSTS OF ENFORCEMENT OF MUNICIPAL INFRACTION. If the City prevails in the enforcement of a municipal infraction, in addition to all other relief available to the City, the City shall be entitled to an award of reasonable attorneys' fees and costs incurred by the City in enforcement of the municipal infraction.

(Ord. 562 – Mar. 11 Supp.)

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CHAPTER 5

OPERATING PROCEDURES

5.01 Oaths
5.02 Bonds
5.03 Duties: General
5.04 Books and Records
5.05 Transfer to Successor
5.06 Meetings

5.07 Conflict of Interest
5.08 Resignations
5.09 Removal of Appointed Officers and Employees
5.10 Vacancies
5.11 Gifts

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

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

(Code of Iowa, Sec. 63.1)

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

(Code of Iowa, Sec. 63.10)

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

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

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

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

1. Required. The Council shall provide by resolution for a surety bond or blanket position bond running to the City and covering the Mayor, Clerk, Treasurer and such other officers and employees as may be necessary and advisable.

(Code of Iowa, Sec. 64.13)

2. Bonds Approved. Bonds shall be approved by the Council.
(Code of Iowa, Sec. 64.19)
3. Bonds Filed. All bonds, after approval and proper record, shall be filed with the Clerk.
(Code of Iowa, Sec. 64.23[6])
4. Record. The Clerk shall keep a book, to be known as the "Record of Official Bonds" in which shall be recorded the official bonds of all City officers, elective or appointive.
(Code of Iowa, Sec. 64.24[3])

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

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

5.04 BOOKS AND RECORDS. All books and records required to be kept by law or ordinance shall be open to examination by the public upon request, unless some other provisions of law expressly limit such right or require such records to be kept confidential. Access to public records which are combined with data processing software shall be in accordance with policies and procedures established by the City.

(Code of Iowa, Sec. 22.2 & 22.3A)

1. Record Retention Manual. The Record Retention Manual from the Iowa League of Cities 2003 is hereby adopted.

(Ord. 476 – Jun. 03 Supp.)

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

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

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

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

(Code of Iowa, Sec. 21.4)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.5)

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

(Code of Iowa, Sec. 21.7)

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

(Code of Iowa, Sec. 21.8)

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

(Code of Iowa, Sec. 362.5)

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

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

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

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

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

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

4. Stock Interests. Contracts in which a City officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection 8 of this section, or both, if the contract is for professional services not customarily awarded by competitive bid, if the remuneration of employment will not be directly affected as a result of the contract, and if the duties of employment do not directly involve the procurement or preparation of any part of the contract.

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

5. Newspaper. The designation of an official newspaper.

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

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

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

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

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

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

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

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

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

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

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

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

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

5.08 RESIGNATIONS. An elected officer who wishes to resign may do so by submitting a resignation in writing to the Clerk so that it shall be properly recorded and considered. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which the person was elected, if during that time the compensation of the office has been increased.

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

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

(Code of Iowa, Sec. 372.15)

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

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

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

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

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

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

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

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

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CHAPTER 6

CITY ELECTIONS

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

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

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

(Code of Iowa, Sec. 376.3)

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

(Code of Iowa, Sec. 45.1)

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

(Code of Iowa, Sec. 45.2)

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

(Code of Iowa, Sec. 45.3)

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

(Code of Iowa, Sec. 45.4)

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

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

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CHAPTER 7

FISCAL MANAGEMENT

7.01 Purpose
7.02 Finance Officer
7.03 Cash Control
7.04 Fund Control

7.05 Operating Budget Preparation
7.06 Budget Amendments
7.07 Accounting
7.08 Financial Reports

7.01 PURPOSE. The purpose of this chapter is to establish policies and provide for rules and regulations governing the management of the financial affairs of the City.

7.02 FINANCE OFFICER. The Clerk is the finance and accounting officer of the City and is responsible for the administration of the provisions of this chapter.

7.03 CASH CONTROL. To assure the proper accounting and safe custody of moneys the following shall apply:

1. **Deposit of Funds.** All moneys or fees collected for any purpose by any City officer shall be deposited through the office of the finance officer. If any said fees are due to an officer, they shall be paid to the officer by check drawn by the finance officer and approved by the Council only upon such officer's making adequate reports relating thereto as required by law, ordinance or Council directive.

2. **Deposits and Investments.** All moneys belonging to the City shall be promptly deposited in depositories selected by the Council in amounts not exceeding the authorized depository limitation established by the Council or invested in accordance with the City's written investment policy and State law, including joint investments as authorized by Section 384.21 of the Code of Iowa.

(Code of Iowa, Sec. 384.21, 12B.10, 12C.1)

3. **Petty Cash Fund.** The finance officer shall be custodian of a petty cash fund for the payment of small claims for minor purchases, collect-on-delivery transportation charges and small fees customarily paid at the time of rendering a service, for which payments the finance officer shall obtain some form of receipt or bill acknowledged as paid by the vendor or agent. At such time as the petty cash fund is approaching depletion, the finance officer shall draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall

be submitted to the Council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses.

7.04 FUND CONTROL. There shall be established and maintained separate and distinct funds in accordance with the following:

1. Revenues. All moneys received by the City shall be credited to the proper fund as required by law, ordinance or resolution.

2. Expenditures. No disbursement shall be made from a fund unless such disbursement is authorized by law, ordinance or resolution, was properly budgeted, and supported by a claim approved by the Council.

3. Emergency Fund. No transfer may be made from any fund to the Emergency Fund.

(IAC, 545-2.5 [384,388], Sec. 2.5[2])

4. Debt Service Fund. Except where specifically prohibited by State law, moneys may be transferred from any other City fund to the Debt Service Fund to meet payments of principal and interest. Such transfers must be authorized by the original budget or a budget amendment.

(IAC, 545-2.5[384,388] Sec. 2.5[3])

5. Capital Improvements Reserve Fund. Except where specifically prohibited by State law, moneys may be transferred from any City fund to the Capital Improvements Reserve Fund. Such transfers must be authorized by the original budget or a budget amendment.

(IAC, 545-2.5[384,388] Sec. 2.5[4])

6. Utility and Enterprise Funds. A surplus in a Utility or Enterprise Fund may be transferred to any other City fund, except the Emergency Fund and Road Use Tax Funds, by resolution of the Council. A surplus may exist only after all required transfers have been made to any restricted accounts in accordance with the terms and provisions of any revenue bonds or loan agreements relating to the Utility or Enterprise Fund. A surplus is defined as the cash balance in the operating account or the unrestricted retained earnings calculated in accordance with generally accepted accounting principles in excess of:

A. The amount of the expense of disbursements for operating and maintaining the utility or enterprise for the preceding three (3) months, and

B. The amount necessary to make all required transfers to restricted accounts for the succeeding three (3) months.

(IAC, 545-2.5[384,388], Sec. 2.5[5])

7. Balancing of Funds. Fund accounts shall be reconciled at the close of each month and a report thereof submitted to the Council.

7.05 OPERATING BUDGET PREPARATION. The annual operating budget of the City shall be prepared in accordance with the following:

1. Proposal Prepared. The finance officer is responsible for preparation of the annual budget detail, for review by the Mayor and Council and adoption by the Council in accordance with directives of the Mayor and Council.

2. Boards and Commissions. All boards, commissions and other administrative agencies of the City that are authorized to prepare and administer budgets must submit their budget proposals to the finance officer for inclusion in the proposed City budget at such time and in such form as required by the Council.

3. Submission to Council. The finance officer shall submit the completed budget proposal to the Council no later than February 15 of each year.

4. Council Review. The Council shall review the proposed budget and may make any adjustments in the budget which it deems appropriate before accepting such proposal for publication, hearing and final adoption.

5. Notice of Hearing. Upon adopting a proposed budget the Council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed budget to be published not less than ten (10) nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the County Auditor.

(Code of Iowa, Sec. 384.16[3])

6. Copies of Budget on File. Not less than twenty (20) days before the date that the budget must be certified to the County Auditor and not less than ten (10) days before the public hearing, the Clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations, and have them available for distribution at the offices of the Mayor and Clerk and at the City library.

(Code of Iowa, Sec. 384.16[2])

7. Adoption and Certification. After the hearing, the Council shall adopt, by resolution, a budget for at least the next fiscal year and the Clerk shall certify the necessary tax levy for the next fiscal year to the County Auditor and the County Board of Supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the County Auditor.

(Code of Iowa, Sec. 384.16[5])

7.06 BUDGET AMENDMENTS. A City budget finally adopted for the following fiscal year becomes effective July 1 and constitutes the City appropriation for each program and purpose specified therein until amended as provided by this section.

(Code of Iowa, Sec. 384.18)

1. Program Increase. Any increase in the amount appropriated to a program must be prepared, adopted and subject to protest in the same manner as the original budget.

(IAC, 545-2.2 [384, 388])

2. Program Transfer. Any transfer of appropriation from one program to another must be prepared, adopted and subject to protest in the same manner as the original budget.

(IAC, 545-2.3 [384, 388])

3. Activity Transfer. Any transfer of appropriation from one activity to another activity within a program must be approved by resolution of the Council.

(IAC, 545-2.4 [384, 388])

4. Administrative Transfers. The finance officer shall have the authority to adjust, by transfer or otherwise, the appropriations allocated within a specific activity without prior Council approval; provided, however, when such adjustments in any one activity aggregate five hundred dollars (\$500.00) or ten percent (10%) of the amount appropriated, whichever is greater, no further adjustments shall be made without approval by resolution of the Council. All such transfers shall be reported in writing at the next regular meeting of the Council following the transfer and recorded in the minutes for the information of the Council and the general public.

(IAC, 545-2.4 [384, 388])

7.07 ACCOUNTING. The accounting records of the City shall consist of not less than the following:

1. Books of Original Entry. There shall be established and maintained books of original entry to provide a chronological record of cash received and disbursed.
2. General Ledger. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts and for recording unappropriated surpluses.
3. Checks. Checks shall be prenumbered and signed by the Clerk and Mayor following Council approval, except as provided by subsection 5 hereof.
4. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by program and activity as will provide adequate information and control for budgeting purposes as planned and approved by the Council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.
5. Payment of Accounts by Clerk. The Clerk is authorized to make timely payments of certain bills of account for services or merchandise furnished to the City upon presentation of the bills of account and after having ascertained that said bills of account are correct and proper obligations of the City and without obtaining prior Council approval therefor and shall include the following classifications of accounts:
 - A. Utilities, including gas, telephone and electricity;
 - B. Payroll;
 - C. Payroll taxes, including monthly withholding deposits and payments due on quarterly reports for IPERS, FICA and Sales Tax;
 - D. Contract payments previously approved by Council;
 - E. Legal publication expenses;
 - F. Postage;

- G. Bills submitted on a specific project previously approved by the Council;
 - H. Membership dues previously approved by the Council;
 - I. Registration fees, education fees, travel expenses;
 - J. Interest coupons;
 - K. Petty cash expenses.
6. Utilities. The finance officer shall perform and be responsible for accounting functions of the municipally owned utilities.

7.08 FINANCIAL REPORTS. The finance officer shall prepare and file the following financial reports:

1. Monthly Reports. There shall be submitted to the Council each month a report showing the activity and status of each fund, program, sub-program and activity for the preceding month.
2. Annual Report. Not later than December first of each year there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. A copy of the annual report must be filed with the Auditor of State not later than December 1 of each year.

(Code of Iowa, Sec. 384.22)

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New ?

CHAPTER 8

URBAN RENEWAL

8.01 Purpose

8.02 Colfax Urban Renewal Area

8.03 Colfax Urban Renewal Area No. 2

8.04 Colfax Urban Renewal Area No. 3

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

8.02 COLFAX URBAN RENEWAL AREA. The provisions of this section apply to the Colfax Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on December 13, 1988:

The north 1.0 foot of the east 200.0 feet of Lot 10, in the subdivision of the West 1/2 NE 1/4 Section 12, Township 79 North, Range 21 West of the 5th P.M., Jasper County, Iowa.

The North 441.87' of Lot 12 adj. to Lot 10 SW 1/4 NE 1/4 Section 12, Township 79 North, Range 21 West of the 5th P.M., Jasper County, Iowa.

A part of Lot "G" of E. F. Wood's Subdivision of the South 1/2 of the NE 1/4 of Section 12, Township 79 North, Range 21 West of the 5th P.M., Jasper County, Iowa, described as follows: Beginning at the southwest corner of said Lot G; thence north 16° 58' 41" east along the westerly line of said Lot G, 294.00 feet; thence south 90°00'00" east, 338 feet; thence south 2°54'19" west, 281.55 feet to a point on the south line of said Lot G; thence north 90°00'00" west (assumed for the purposes of this description) along the said south line of Lot G, 409.58 feet to the point of beginning and containing 2.41 acres more or less.

All of the 40.0 foot wide right-of-way for the public street locally known as Oak Park Avenue running from the south line of Lot G of E. F. Wood's subdivision of the South 1/2 of the NE 1/4 and running to the south line of Lot 10 of the subdivision of the West 1/2 of the NE 1/4 all in Section 12, Township 79 North, Range 21 West of the 5th P.M., Jasper County, Iowa.

The taxes levied on the taxable property in the Colfax Urban Renewal Area each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which the such Urban Renewal Area is

located, from and after the effective date of the ordinance codified in this section shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Colfax Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the effective date of the ordinance codified by this section, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Colfax Urban Renewal Area on the effective date of the ordinance codified in this section, but to which the territory has been annexed or otherwise included after said effective date, the assessment roll as of January 1 of the calendar year preceding the effective date of such ordinance shall be used in determining the assessed valuation of the taxable property in said Colfax Urban Renewal Area on the effective date.

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

Old?

CHAPTER 8

URBAN RENEWAL

8.01 Purpose

8.02 Colfax Urban Renewal Area

8.03 Colfax Urban Renewal Area No. 2

8.04 Colfax Urban Renewal Area No. 3

8.05 Colfax Downtown Urban Renewal Area

8.06 Colfax North Urban Renewal Area

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

8.02 COLFAX URBAN RENEWAL AREA. The provisions of this section apply to the Colfax Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on December 13, 1988:

The north 1.0 foot of the east 200.0 feet of Lot 10, in the subdivision of the West ½ NE¼ Section 12, Township 79 North, Range 21 West of the 5th P.M., Jasper County, Iowa.

The North 441.87' of Lot 12 adj. to Lot 10 SW¼ NE¼ Section 12, Township 79 North, Range 21 West of the 5th P.M., Jasper County, Iowa.

A part of Lot "G" of E. F. Wood's Subdivision of the South ½ of the NE¼ of Section 12, Township 79 North, Range 21 West of the 5th P.M., Jasper County, Iowa, described as follows: Beginning at the southwest corner of said Lot G; thence north 16° 58' 41" east along the westerly line of said Lot G, 294.00 feet; thence south 90°00'00" east, 338 feet; thence south 2°54'19" west, 281.55 feet to a point on the south line of said Lot G; thence north 90°00'00" west (assumed for the purposes of this description) along the said south line of Lot G, 409.58 feet to the point of beginning and containing 2.41 acres more or less.

All of the 40.0 foot wide right-of-way for the public street locally known as Oak Park Avenue running from the south line of Lot G of E. F. Wood's subdivision of the South ½ of the NE¼ and running to the south line of Lot 10 of the subdivision of the West ½ of the NE¼ all in Section 12, Township 79 North, Range 21 West of the 5th P.M., Jasper County, Iowa.

The taxes levied on the taxable property in the Colfax Urban Renewal Area each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which the such Urban Renewal Area is located,

from and after the effective date of the ordinance codified in this section shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Colfax Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the effective date of the ordinance codified by this section, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Colfax Urban Renewal Area on the effective date of the ordinance codified in this section, but to which the territory has been annexed or otherwise included after said effective date, the assessment roll as of January 1 of the calendar year preceding the effective date of such ordinance shall be used in determining the assessed valuation of the taxable property in said Colfax Urban Renewal Area on the effective date.

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

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

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

8.03 COLFAX URBAN RENEWAL AREA NO 2. The provisions of this section apply to the Colfax Urban Renewal Area No. 2, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on June 25, 1991:

Beginning at the northwest corner of the south 3 acres of Lot 10 of the southwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 12, Township 79 north, Range 21 west of the 5th P.M.; thence south to the southwest corner of the said southwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 12; thence east along the south line of the northeast $\frac{1}{4}$ of said Section 12 to a point on the west right-of-way line of the public highway (now State 117) running along the east side of said Section 12, Township 79 north, Range 21 west of the 5th P.M.; thence south along the west right-of-way line of said public highway to the south line of said Section 12; thence east to a point 52.10 feet east of the southwest corner of Section 7, Township 79 north, Range 20 west of the 5th P.M.; thence north along the east right-of-way line of said public highway (now State 117) to the north line of the southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of said Section 7; thence east to the northeast corner of said southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$; thence south to the southwest corner of the east $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of said Section 7; thence east to the southeast corner of said east $\frac{1}{2}$ of the southwest $\frac{1}{4}$; thence north to the northeast corner of said east $\frac{1}{2}$ of the southwest $\frac{1}{4}$; thence west along the north line of the southwest $\frac{1}{4}$ of said Section 7 to a point on the east line of the west 30 acres of the southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of said Section 7; thence north along said east line to the north line of said southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$; thence west to the east line of the south 12 acres of the west 24 acres of the northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of said Section 7; thence north to the north line of said south 12 acres of the west 24 acres; thence west to the west right-of-way line of the public highway (now State 117); thence south along the said west right-of-way line of the public highway to a point on the north line of the southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of said Section 12, Township 79 north, Range 21 west of the 5th P.M.; thence west along the north line of the said southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$ and the north line of the southwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of said Section 12 to a point on the east line of Lot 12 of the southwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of said Section 12; thence southerly along said east line of Lot 12 and the east right-of-way line of Oak Park Avenue to a point beginning 294.00 feet northerly of the southwest corner of Lot G of E. F. Woods Subdivision of the south $\frac{1}{2}$ of the northeast $\frac{1}{4}$ of said Section 12; thence east 338.00 feet; thence southerly 281.55 feet to a point on the south line of said

Lot G, said point being 409.58 feet east of the southwest corner of said Lot G; thence west along the south line and the extension thereof of said Lot G to a point on the westerly right-of-way line of said Oak Park Avenue; thence northerly along the said westerly right-of-way of Oak Park Avenue and the west line of Lot 12 of the said southwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ to a point on the north line of the south 3 acres of Lot 10 of the southwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of said Section 12; thence west to the point of beginning.

The area includes the full right-of-way of all streets forming the boundary.

The taxes levied on the taxable property in the Colfax Urban Renewal Area No. 2 each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which the such Urban Renewal Area is located, from and after the effective date of Ordinance No. 338 shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Colfax Urban Renewal Area No. 2, as shown on the assessment roll as of January 1, 1990, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Colfax Urban Renewal Area No. 2 on the effective date of Ordinance No. 338, but to which the territory has been annexed or otherwise included after said effective date, the assessment roll as of January 1, 1990, shall be used in determining the assessed valuation of the taxable property in said Colfax Urban Renewal Area No. 2 on the effective date.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, advances or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9[1] of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Colfax Urban Renewal Area No. 2, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this section. Unless and until the total assessed valuation of the taxable property in the Colfax Urban Renewal Area No. 2 exceeds the total assessed value of the taxable property in such area as shown on the assessment roll referred to in subsection 1 of

this section, all of the taxes levied and collected upon the taxable property in the Colfax Urban Renewal Area No. 2 shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Colfax Urban Renewal Area No. 2 shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection 2 of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9[1] of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Colfax Urban Renewal Area No. 2.

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

8.04 COLFAX URBAN RENEWAL AREA NO 3. The provisions of this section apply to the Colfax Urban Renewal Area No. 3, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on July 26, 1999:

An area known as the Bruxvoort Addition, described as follows:

The East Half of the Northwest Quarter of the Northeast Quarter of Section Eleven, Township Seventy-nine North, Range Twenty-one West of the Fifth P.M., Jasper County, Iowa, EXCEPT beginning at the southeast corner of said Northwest Quarter of the Northeast Quarter, run thence north seven hundred twenty feet, then west three hundred thirty feet, thence south seven hundred twenty feet, thence east three hundred thirty feet to the place of beginning.

The taxes levied on the taxable property in the Colfax Urban Renewal Area No. 3 each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which the such Urban Renewal Area is located, from and after the effective date of Ordinance No. 421 shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Colfax Urban Renewal Area No. 3, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which

the City certifies to the County Auditor the amount of loans, advances, indebtedness or bonds payable from the special fund referred to in subsection 2 below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Colfax Urban Renewal Area No. 3 on the effective date of Ordinance No. 421, but to which the territory has been annexed or otherwise included after said effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinances which amends the plan for the Urban Renewal Area to include the annexed area shall be used in determining the assessed valuation of the taxable property in said Colfax Urban Renewal Area No. 3 on the effective date.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, advances or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9[1] of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Colfax Urban Renewal Area No. 3, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this section. Unless and until the total assessed valuation of the taxable property in the Colfax Urban Renewal Area No. 3 exceeds the total assessed value of the taxable property in such area as shown on the assessment roll referred to in subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the Colfax Urban Renewal Area No. 3 shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Colfax Urban Renewal Area No. 3 shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

3. The portion of taxes mentioned in subsection 2 of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9[1] of

the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Colfax Urban Renewal Area No. 3.

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

8.05 COLFAX DOWNTOWN URBAN RENEWAL AREA. The provisions of this section apply to the Colfax Downtown Urban Renewal Area, which includes the property identified below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on November 12, 2012:

(For the list of properties included in the Colfax Downtown Urban Renewal Area refer to Ordinance No. 594 and Exhibit A to the Urban Renewal Plan on file at City Hall.)

The taxes levied on the taxable property in the Colfax Downtown Urban Renewal Area each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which the Urban Renewal Area is located, from and after the effective date of Ordinance No. 594 shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Colfax Downtown Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness or bonds payable from the special fund referred to in subsection 2 below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Colfax Downtown Urban Renewal Area on the effective date of Ordinance No. 594, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1) of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Colfax Downtown Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, to the extent authorized in Section 403.19(2) of the Code of Iowa, taxes for the instructional support program levy of a school district, to the extent authorized in Section 403.19(2) of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this section. Unless and until the total assessed valuation of the taxable property in the Colfax Downtown Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the Colfax Downtown Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Colfax Downtown Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

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

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

(Ord. 594 – Nov. 12 Supp.)

8.06 COLFAX NORTH URBAN RENEWAL AREA. The provisions of this section apply to the Colfax North Urban Renewal Area, which includes the property identified below, such area having been identified in the Urban Renewal Plan approved by the Council by resolution adopted on November 12, 2012:

Lot 1, except Parcels B, G, and J, in Colfax Tractor Parts Subdivision
Final Plat, an Official Plat in Section 36, Township 80 North, Range 21
West of the 5th P.M., Jasper County, Iowa. (PIN 0636100024)

The taxes levied on the taxable property in the Colfax North Urban Renewal Area each year by and for the benefit of the State, the City, the County and any school district or other taxing district in which the Urban Renewal Area is located, from and after the effective date of Ordinance No. 595 shall be divided as follows:

1. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Colfax North Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness or bonds payable from the special fund referred to in subsection 2 below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Colfax North Urban Renewal Area on the effective date of Ordinance No. 595, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

2. That portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1) of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Colfax North Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in

Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, to the extent authorized in Section 403.19(2) of the Code of Iowa, taxes for the instructional support program levy of a school district, to the extent authorized in Section 403.19(2) of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this section. Unless and until the total assessed valuation of the taxable property in the Colfax North Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection 1 of this section, all of the taxes levied and collected upon the taxable property in the Colfax North Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Colfax North Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

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

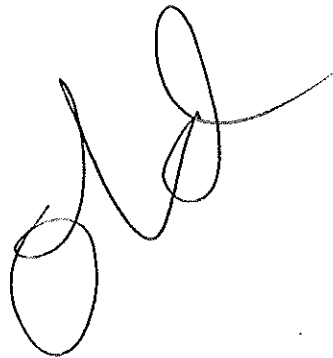
4. As used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

(Ord. 595 - Nov. 12 Supp.)

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the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Colfax Urban Renewal Area No. 3.

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

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CHAPTER 9

URBAN REVITALIZATION

9.01 DESIGNATION OF REVITALIZATION AREA. In accordance with Chapter 404 of the Code of Iowa, a revitalization area consisting of all property within the corporate boundaries of the City is established. A schedule of tax exemptions for the revitalization area is adopted as set forth in Chapter 404.3 of the Code of Iowa.

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CHAPTER 10

HOTEL-MOTEL TAX

10.01 Tax Imposed
10.02 Definitions

10.03 Collection and Use

10.01 TAX IMPOSED. A hotel and motel tax at a rate of 7% shall be imposed upon the sales price from the renting of sleeping rooms, apartments or sleeping quarters in a hotel, motel, inn, public lodging house, rooming house, mobile home which is tangible personal property, or tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals, except the guests of a religious institution if the property is exempt under Iowa Code Section 427.1, subsection 8, and the purpose of renting is to provide a place for a religious retreat or function and not a place for transient guests generally. *(Ord. 510 – Oct. 07 Supp.)*

10.02 DEFINITIONS. “Renting” and “rent” shall include any kind of direct or indirect charge for such sleeping rooms, apartments or sleeping quarters or their use. However, the tax shall not apply to the sales price from the renting of a sleeping room, apartment or sleeping quarters while rented by the same person for a period of more than thirty-one (31) consecutive days. *(Ord. 510 – Oct. 07 Supp.)*

10.03 COLLECTION AND USE. The tax imposed by this chapter shall be remitted by the person or company liable for the same to the Iowa Director of Revenue and Finance in the manner provided by the laws of the State of Iowa. All revenues received by the City from the imposition of the hotel and motel tax shall be used in accordance with the provisions of the laws of the State of Iowa.

(Ch. 10 – Ord. 472 – Jun. 03 Supp.)

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