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MAR 14 1997

HOUSE FILE 658
BY COMMITTEE ON LOCAL GOVERNMENT

Place On Calendar

(SUCCESSOR TO HSB 196)

Passed House, Date 3/25/97 (p. Passed Senate, Date 4/23/97 (p.1461)
Vote: Ayes 99 Nays 0 Vote: Ayes 47 Nays 0
Approved May 19, 1997

A BILL FOR

1 An Act relating to city ordinances and other official actions of
2 a city council and mayor.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 658

1 Section 1. Section 380.1, Code 1997, is amended to read as
2 follows:

3 380.1 TITLE OF ORDINANCE.

4 The subject matter of an ordinance or amendment must be
5 generally described in its the title of the ordinance or
6 amendment.

7 Sec. 2. Section 380.2, Code 1997, is amended to read as
8 follows:

9 380.2 AMENDMENT.

10 An amendment to an ordinance or to a code of ordinances
11 must specifically ~~repeat~~ identify the ordinance or code, or
12 the section, subsection, or paragraph ~~or subpart~~ to be
13 amended, and must set forth the ordinance, code, section,
14 subsection, or paragraph ~~or subpart~~ as amended, which action
15 is deemed to be a repeal of the previous ordinance, code,
16 section, subsection, or paragraph amended.

17 Sec. 3. Section 380.3, unnumbered paragraph 1, Code 1997,
18 is amended to read as follows:

19 A proposed ordinance or amendment must be considered and
20 voted on for passage at two council meetings prior to the
21 meeting at which it is to be finally passed, unless this
22 requirement is suspended by a recorded vote of not less than
23 three-fourths of all of the council members of the council.
24 If a proposed ordinance, or amendment, or resolution fails to
25 receive sufficient votes for passage at any consideration and
26 vote thereon, the proposed ordinance, or amendment, or
27 resolution shall be considered defeated.

28 Sec. 4. Section 380.3, unnumbered paragraph 2, is amended
29 by striking the paragraph.

30 Sec. 5. Section 380.4, Code 1997, is amended to read as
31 follows:

32 380.4 MAJORITY REQUIREMENT -- TIE VOTE.

33 Passage of an ordinance, amendment, or resolution requires
34 ~~an-affirmative-vote-of-not-less-than~~ a majority vote of all of
35 the ~~council~~ members of the council, except when the mayor may

1 vote to break a tie vote in a city with an even number of
2 council members, as provided in section 372.4. A Passage of a
3 motion requires a majority vote of a quorum of the council. A
4 resolution must be passed to spend public funds in excess of
5 ten twenty-five thousand dollars on any one project, or a
6 motion to accept public improvements and facilities upon their
7 completion, also requires an affirmative vote of not less than
8 a majority of the council members. Each council member's vote
9 on an ordinance, amendment, or resolution a measure must be
10 recorded. A measure which fails to receive sufficient votes
11 for passage shall be considered defeated.

12 As used in this chapter, "all of the members of the
13 council" refers to all of the seats of the council including a
14 vacant seat and a seat where the member is absent, but does
15 not include a seat where the council member declines to vote
16 by reason of a conflict of interest.

17 A measure voted upon is not invalid by reason of a conflict
18 of interest in a member of the council, unless the vote of the
19 member of the council was decisive to passage of the measure.
20 If a specific percentage vote or a unanimous vote of all of
21 the members of the council is required by statute, the vote
22 must be computed on the basis of the number of members not
23 disqualified by reason of conflict of interest. However, a
24 majority of all members is required for a quorum. For the
25 purpose of this section, the statement of a council member
26 that the council member declines to vote by reason of conflict
27 of interest is conclusive and must be entered of record.

28 Sec. 6. Section 380.6, Code 1997, is amended to read as
29 follows:

30 380.6 EFFECTIVE DATE.

31 Measures passed by the council, ~~other than motions,~~ become
32 effective in one of the following ways:

33 1. ~~If the mayor signs the measure, a resolution becomes~~
34 ~~effective immediately upon signing and an ordinance or~~
35 ~~amendment becomes a law when~~

1 a. An ordinance or amendment signed by the mayor becomes
2 effective when the ordinance or a summary of the ordinance is
3 published, as provided in section 380.7, subsection 3, unless
4 a subsequent effective date is provided within the measure
5 ordinance or amendment.

6 b. A resolution signed by the mayor becomes effective
7 immediately upon signing.

8 c. A motion becomes effective immediately upon passage of
9 the motion by the council.

10 ~~2. If the mayor vetoes the measure, the~~ The mayor may veto
11 an ordinance, amendment, or resolution within fourteen days
12 after passage. The mayor shall explain the reasons for the
13 veto in a written message to the council at the time of the
14 veto. Within thirty days after the mayor's veto, the council
15 may pass the measure again by a vote of not less than two-
16 thirds of all of the council members of the council. If the
17 mayor vetoes a measure an ordinance, amendment, or resolution
18 and the council repasses the measure after the mayor's veto, a
19 resolution becomes effective immediately upon repassage, and
20 an ordinance or amendment becomes a law when published, unless
21 a subsequent effective date is provided within the measure
22 ordinance or amendment.

23 3. If the mayor takes no action on the measure, a
24 resolution becomes effective fourteen days after the date of
25 passage and an ordinance or amendment becomes a law when the
26 ordinance or a summary of the ordinance is published, but not
27 sooner than fourteen days after the date of passage, unless a
28 subsequent effective date is provided within the measure
29 ordinance or amendment.

30 Sec. 7. Section 380.7, Code 1997, is amended to read as
31 follows:

32 380.7 CITY CLERK.

33 The city clerk shall:

34 1. Promptly record each measure ~~with a statement, where~~
35 ~~applicable, indicating whether the mayor signed, vetoed, or~~

1 ~~took no action on the measure, and whether the measure was~~
2 ~~repassed after the mayor's veto.~~

3 2. Record a statement with the measure, where applicable,
4 indicating whether the mayor signed, vetoed, or took no action
5 on the measure, and whether the measure was repassed after the
6 mayor's veto.

7 2- 3. Publish a summary of all ordinances or the complete
8 text of ordinances and amendments in the manner provided in
9 section 362.3. As used in this subsection, "summary" shall
10 mean a narrative description of the terms and conditions of an
11 ordinance setting forth the main points of the ordinance in a
12 manner calculated to inform the public in a clear and
13 understandable manner the meaning of the ordinance and which
14 shall provide the public with sufficient notice to conform to
15 the desired conduct required by the ordinance. The
16 description shall include the title of the ordinance, an
17 accurate and intelligible abstract or synopsis of the
18 essential elements of the ordinance, a statement that the
19 description is a summary, the location and the normal business
20 hours of the office where the ordinance may be inspected, when
21 the ordinance becomes effective, and the full text of any
22 provisions imposing fines, penalties, forfeitures, fees, or
23 taxes. Legal descriptions of property set forth in ordinances
24 shall be described in full, provided that maps or charts may
25 be substituted for legal descriptions when they contain
26 sufficient detail to clearly define the area with which the
27 ordinance is concerned. The narrative description shall be
28 written in a clear and coherent manner and shall, to the
29 extent possible, avoid the use of technical or legal terms not
30 generally familiar to the public. When necessary to use
31 technical or legal terms not generally familiar to the public,
32 the narrative description shall include definitions of those
33 terms.

34 3- 4. Authenticate all measures except motions with the
35 clerk's signature and certification as to time and manner of

1 publication, if any. The clerk's certification is presumptive
2 evidence of the facts stated therein.

3 ~~4~~ 5. Maintain for public use copies of all effective
4 ordinances and codes.

5 Sec. 8. Section 380.8, Code 1997, is amended to read as
6 follows:

7 380.8 CODE OF ORDINANCES PUBLISHED.

8 1. a. ~~At-least-once-every-five-years,~~ a A city shall
9 compile a code of ordinances containing all of the city
10 ordinances in effect, except grade ordinances, bond
11 ordinances, zoning map ordinances, and ordinances vacating
12 streets and alleys, and ordinances containing legal
13 descriptions of urban revitalization areas and urban renewal
14 areas.

15 b. A city may maintain a code of ordinances either by
16 compiling at least annually a supplement to the code of
17 ordinances consisting of all new ordinances and amendments to
18 ordinances which became effective during the previous year and
19 adopting the supplement by resolution or by adding at least
20 annually new ordinances and amendments to ordinances to the
21 code of ordinances itself.

22 c. A city which does not maintain the city code of
23 ordinances as provided in paragraph "b" shall compile a code
24 of ordinances at least once every five years.

25 2. a. If a proposed code of ordinances contains only
26 existing ordinances ~~edited-and-compiled~~ without change in
27 substance, the council may adopt the code by ordinance.

28 b. If a proposed code of ordinances contains a proposed
29 new ordinance or an amendment to existing ordinances, the
30 council shall hold a public hearing on the proposed code
31 before adoption. The clerk shall publish notice of the
32 hearing as provided in section 362.3. Copies of the proposed
33 code of ordinances must be available at the city clerk's
34 office and the notice must so state. Within thirty days after
35 the hearing, the council may adopt the proposed code of

1 ordinances which. A new ordinance or an amendment to an
2 existing ordinance becomes law effective upon publication of
3 the ordinance adopting it the code of ordinances unless a
4 subsequent effective date is provided within an ordinance. If
5 the council substantially amends the proposed code of
6 ordinances after a the hearing, notice and hearing must be
7 repeated before the code may be adopted.

8 ~~Ordinances-and-amendments-which-become-effective-after~~
9 ~~adoption-of-a-code-of-ordinances-may-be-compiled-as~~
10 ~~supplements-to-the-code,-and-upon-adoption-of-the-supplement~~
11 ~~by-resolution,-become-part-of-the-code-of-ordinances-~~

12 3. An-adopted A code of ordinances compiled and maintained
13 at least annually, or compiled at least once every five years,
14 is presumptive evidence of the passage, publication, and
15 content of the ordinances codified therein as of the date of
16 the clerk's certification of the ordinance adopting the code
17 or supplement.

18 Sec. 9. Section 380.10, unnumbered paragraphs 1 and 2,
19 Code 1997, are amended to read as follows:

20 A city may adopt the provisions of any statewide or
21 nationally recognized standard code or portions of any such
22 code by an ordinance which identifies the code by subject
23 matter, source and date, and which incorporates the provisions
24 of the code or portions of the code by reference without
25 setting them forth in full. ~~Such-code-or-portion-must-be~~
26 ~~adopted-only-after-notice-and-hearing-in-the-manner-provided~~
27 ~~in-section-380-8-~~ Copies of the proposed code or portions of
28 such code shall be available at the office of the city clerk.

29 A city may by ordinance adopt by reference any portion of
30 the Code of Iowa in effect at the time of the adoption in the
31 manner provided in this section ~~380-8-for-adoption-of-a~~
32 ~~proposed-code-of-ordinances-containing-a-proposed-new~~
33 ~~ordinance-or-amendment~~, subject to the following limitations:

34 Sec. 10. Section 380.10, Code 1997, is amended by adding
35 the following new unnumbered paragraph:

1 NEW UNNUMBERED PARAGRAPH. Copies of any portions of the
2 Code of Iowa to be adopted by reference shall be available at
3 the city clerk's office. The council shall hold a public
4 hearing on any proposed standard code or on the portions of
5 any standard code to be adopted by reference. The council
6 shall hold a public hearing on any portion of the Code of Iowa
7 to be adopted by reference. The clerk shall publish notice of
8 the hearing as provided in section 362.3. The notice must
9 state that copies of the proposed standard code or portions
10 thereof, or of the portion of the Iowa Code, are available at
11 the city clerk's office. If the council substantially amends
12 the proposed code after the hearing, notice and hearing must
13 be repeated before the code may be adopted. Within thirty
14 days after the hearing, the council by ordinance may adopt the
15 proposed code which becomes effective upon publication of the
16 ordinance adopting it, unless a subsequent effective date is
17 provided within the adopting ordinance.

18 EXPLANATION

19 This bill changes the way cities adopt, record, and codify
20 ordinances, amendments, resolutions, and motions.

21 The bill provides that an amendment to an ordinance, or
22 part of an ordinance, is deemed to be a repeal of the previous
23 ordinance, or part, rather than requiring the specific repeal
24 of the ordinance or part.

25 The bill strikes the provision that allowed a city council
26 to suspend one of the three required meetings to consider an
27 ordinance or amendment if publication of a proposed ordinance
28 or amendment occurred prior to first consideration of the
29 ordinance or amendment by the city council.

30 The bill requires a majority vote of all council members to
31 adopt an ordinance, amendment, or resolution; and requires a
32 majority of a quorum of the council to adopt a motion. The
33 vote of a council member who has a conflict of interest does
34 not make the measure invalid unless such vote was decisive to
35 passage of the measure. The bill changes from motion to

1 resolution the type of official action required of the council
2 to accept public improvements upon completion and to spend
3 funds in excess of \$25,000. Currently, the limit is \$10,000.
4 The bill provides that a vote on a motion must be recorded.
5 Currently, votes on an ordinance, amendment, or resolution are
6 required to be recorded.

7 The bill also provides that a vote on a measure is not
8 invalid for conflict of interest reasons unless the vote was
9 decisive in passing the measure.

10 The bill provides that an ordinance or amendment is
11 effective upon publication unless a subsequent date is
12 specified. Currently, it is effective upon signing by the
13 mayor. The bill requires that a statement separate from the
14 ordinance be recorded with an ordinance indicating the mayor's
15 action on a measure and any subsequent action.

16 The bill includes legal descriptions of urban
17 revitalization and urban renewal areas in the types of
18 ordinance, or portions of ordinances, that are not required to
19 be included in the code of ordinances compiled by the city.
20 The bill allows a city to maintain its code of ordinances by
21 publishing an annual supplement or by adding new ordinances
22 and amendments to the compiled code each year. The bill
23 requires that a city which publishes an annual supplement
24 shall also compile a new code of ordinances every five years.

25 The bill provides that state or national statutes or
26 standard codes adopted by reference become effective upon
27 publication of the ordinance adopting the state or national
28 statute or standard code unless a subsequent effective date is
29 specified. Copies of the federal or state law or standard
30 code are required to be available at the city clerk's office.

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HOUSE FILE 658

H-1233

- 1 Amend House File 658 as follows:
2 1. Page 2, by striking lines 20 and 21 and
3 inserting the following: "However, the vote".
4 2. Page 2, by inserting before line 28 the
5 following:
6 "Sec. ____ . Section 380.5, Code 1997, is amended to
7 read as follows:
8 380.5 MAYOR.
9 The mayor may sign, veto, or take no action on an
10 ordinance, amendment, or resolution passed by the
11 council. However, the mayor may not veto ~~a measure~~ an
12 ordinance, amendment, or resolution if the mayor was
13 entitled to vote on the such measure at the time of
14 passage."
15 3. Page 3, line 20, by inserting after the word
16 "when" the following: "the ordinance or a summary of
17 the ordinance is".
18 4. Page 3, line 23, by striking the words "the
19 measure," and inserting the following: "the-measure
20 an ordinance, amendment, or resolution,".
21 5. By renumbering as necessary.

By BRAUNS of Muscatine

H-1233 FILED MARCH 18, 1997

Adopted 3/25/97 (p. 805)

HOUSE FILE 658

H-1276

- 1 Amend the amendment, H-1233, to House File 658 as
2 follows:
3 1. Page 1, line 3, by striking the words
4 "However, the vote." and inserting the following:
5 "The vote."

By BRAUNS of Muscatine

H-1276 FILED MARCH 24, 1997

Adopted 3/25/97 (p. 805)

S-3/26/97 Loan Gov.
S. 4/3/97 Do Pass
S-4/10/97 Unfinished Business Calendar

HOUSE FILE 658
BY COMMITTEE ON LOCAL GOVERNMENT
(SUCCESSOR TO HSB 196)

(As Amended and Passed by the House, March 25, 1997)

Passed House, Date _____ Passed Senate, Date ^(p.1401) 4/23/97
Vote: Ayes _____ Nays _____ Vote: Ayes 47 Nays 0
Approved May 19, 1997

A BILL FOR

1 An Act relating to city ordinances and other official actions of
2 a city council and mayor.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1. Section 380.1, Code 1997, is amended to read as
2 follows:

3 380.1 TITLE OF ORDINANCE.

4 The subject matter of an ordinance or amendment must be
5 generally described in ~~its~~ the title of the ordinance or
6 amendment.

7 Sec. 2. Section 380.2, Code 1997, is amended to read as
8 follows:

9 380.2 AMENDMENT.

10 An amendment to an ordinance or to a code of ordinances
11 must specifically ~~repeat~~ identify the ordinance or code, or
12 the section, subsection, or paragraph ~~or subpart~~ to be
13 amended, and must set forth the ordinance, code, section,
14 subsection, or paragraph ~~or subpart~~ as amended, which action
15 is deemed to be a repeal of the previous ordinance, code,
16 section, subsection, or paragraph amended.

17 Sec. 3. Section 380.3, unnumbered paragraph 1, Code 1997,
18 is amended to read as follows:

19 A proposed ordinance or amendment must be considered and
20 voted on for passage at two council meetings prior to the
21 meeting at which it is to be finally passed, unless this
22 requirement is suspended by a recorded vote of not less than
23 three-fourths of all of the council ~~members~~ of the council.
24 If a proposed ordinance, or amendment, or resolution fails to
25 receive sufficient votes for passage at any consideration and
26 vote thereon, the proposed ordinance, or amendment, or
27 resolution shall be considered defeated.

28 Sec. 4. Section 380.3, unnumbered paragraph 2, is amended
29 by striking the paragraph.

30 Sec. 5. Section 380.4, Code 1997, is amended to read as
31 follows:

32 380.4 MAJORITY REQUIREMENT -- TIE VOTE.

33 Passage of an ordinance, amendment, or resolution requires
34 ~~an-affirmative-vote-of-not-less-than~~ a majority vote of all of
35 the ~~council~~ members of the council, except when the mayor may

1 vote to break a tie vote in a city with an even number of
2 council members, as provided in section 372.4. A Passage of a
3 motion requires a majority vote of a quorum of the council. A
4 resolution must be passed to spend public funds in excess of
5 ten twenty-five thousand dollars on any one project, or a
6 motion to accept public improvements and facilities upon their
7 completion, also requires an affirmative vote of not less than
8 a majority of the council members. Each council member's vote
9 on an ordinance, amendment, or resolution a measure must be
10 recorded. A measure which fails to receive sufficient votes
11 for passage shall be considered defeated.

12 As used in this chapter, "all of the members of the
13 council" refers to all of the seats of the council including a
14 vacant seat and a seat where the member is absent, but does
15 not include a seat where the council member declines to vote
16 by reason of a conflict of interest.

17 A measure voted upon is not invalid by reason of a conflict
18 of interest in a member of the council, unless the vote of the
19 member of the council was decisive to passage of the measure.
20 The vote must be computed on the basis of the number of
21 members not disqualified by reason of conflict of interest.
22 However, a majority of all members is required for a quorum.
23 For the purpose of this section, the statement of a council
24 member that the council member declines to vote by reason of
25 conflict of interest is conclusive and must be entered of
26 record.

27 Sec. 6. Section 380.5, Code 1997, is amended to read as
28 follows:

29 380.5 MAYOR.

30 The mayor may sign, veto, or take no action on an
31 ordinance, amendment, or resolution passed by the council.
32 However, the mayor may not veto a measure an ordinance,
33 amendment, or resolution if the mayor was entitled to vote on
34 the such measure at the time of passage.

35 Sec. 7. Section 380.6, Code 1997, is amended to read as

1 follows:

2 380.6 EFFECTIVE DATE.

3 Measures passed by the council, ~~other than motions,~~ become
4 effective in one of the following ways:

5 1. ~~If the mayor signs the measure, a resolution becomes~~
6 ~~effective immediately upon signing and an ordinance or~~
7 ~~amendment becomes a law when~~

8 a. An ordinance or amendment signed by the mayor becomes
9 effective when the ordinance or a summary of the ordinance is
10 published, as provided in section 380.7, subsection 3, unless
11 a subsequent effective date is provided within the measure
12 ordinance or amendment.

13 b. A resolution signed by the mayor becomes effective
14 immediately upon signing.

15 c. A motion becomes effective immediately upon passage of
16 the motion by the council.

17 2. ~~If the mayor vetoes the measure, the~~ The mayor may veto
18 an ordinance, amendment, or resolution within fourteen days
19 after passage. The mayor shall explain the reasons for the
20 veto in a written message to the council at the time of the
21 veto. Within thirty days after the mayor's veto, the council
22 may pass the measure again by a vote of not less than two-
23 thirds of all of the council members of the council. If the
24 mayor vetoes a measure an ordinance, amendment, or resolution
25 and the council repasses the measure after the mayor's veto, a
26 resolution becomes effective immediately upon repassage, and
27 an ordinance or amendment becomes a law when the ordinance or
28 a summary of the ordinance is published, unless a subsequent
29 effective date is provided within the measure ordinance or
30 amendment.

31 3. If the mayor takes no action on ~~the measure an~~
32 ordinance, amendment, or resolution, a resolution becomes
33 effective fourteen days after the date of passage and an
34 ordinance or amendment becomes a law when the ordinance or a
35 summary of the ordinance is published, but not sooner than

1 fourteen days after the date of passage, unless a subsequent
2 effective date is provided within the measure ordinance or
3 amendment.

4 Sec. 8. Section 380.7, Code 1997, is amended to read as
5 follows:

6 380.7 CITY CLERK.

7 The city clerk shall:

8 1. Promptly record each measure~~7-with-a-statement7-where~~
9 ~~applicable7-indicating-whether-the-mayor-signed7-vetoed7-or~~
10 ~~took-no-action-on-the-measure7-and-whether-the-measure-was~~
11 ~~repassed-after-the-mayor's-veto.~~

12 2. Record a statement with the measure, where applicable,
13 indicating whether the mayor signed, vetoed, or took no action
14 on the measure, and whether the measure was repassed after the
15 mayor's veto.

16 ~~2.~~ 3. Publish a summary of all ordinances or the complete
17 text of ordinances and amendments in the manner provided in
18 section 362.3. As used in this subsection, "summary" shall
19 mean a narrative description of the terms and conditions of an
20 ordinance setting forth the main points of the ordinance in a
21 manner calculated to inform the public in a clear and
22 understandable manner the meaning of the ordinance and which
23 shall provide the public with sufficient notice to conform to
24 the desired conduct required by the ordinance. The
25 description shall include the title of the ordinance, an
26 accurate and intelligible abstract or synopsis of the
27 essential elements of the ordinance, a statement that the
28 description is a summary, the location and the normal business
29 hours of the office where the ordinance may be inspected, when
30 the ordinance becomes effective, and the full text of any
31 provisions imposing fines, penalties, forfeitures, fees, or
32 taxes. Legal descriptions of property set forth in ordinances
33 shall be described in full, provided that maps or charts may
34 be substituted for legal descriptions when they contain
35 sufficient detail to clearly define the area with which the

1 ordinance is concerned. The narrative description shall be
2 written in a clear and coherent manner and shall, to the
3 extent possible, avoid the use of technical or legal terms not
4 generally familiar to the public. When necessary to use
5 technical or legal terms not generally familiar to the public,
6 the narrative description shall include definitions of those
7 terms.

8 ~~3~~ 4. Authenticate all measures except motions with the
9 clerk's signature and certification as to time and manner of
10 publication, if any. The clerk's certification is presumptive
11 evidence of the facts stated therein.

12 ~~4~~ 5. Maintain for public use copies of all effective
13 ordinances and codes.

14 Sec. 9. Section 380.8, Code 1997, is amended to read as
15 follows:

16 380.8 CODE OF ORDINANCES PUBLISHED.

17 1. a. ~~At least once every five years,~~ a A city shall
18 compile a code of ordinances containing all of the city
19 ordinances in effect, except grade ordinances, bond
20 ordinances, zoning map ordinances, and ordinances vacating
21 streets and alleys, and ordinances containing legal
22 descriptions of urban revitalization areas and urban renewal
23 areas.

24 b. A city may maintain a code of ordinances either by
25 compiling at least annually a supplement to the code of
26 ordinances consisting of all new ordinances and amendments to
27 ordinances which became effective during the previous year and
28 adopting the supplement by resolution or by adding at least
29 annually new ordinances and amendments to ordinances to the
30 code of ordinances itself.

31 c. A city which does not maintain the city code of
32 ordinances as provided in paragraph "b" shall compile a code
33 of ordinances at least once every five years.

34 2. a. If a proposed code of ordinances contains only
35 existing ordinances ~~edited and compiled~~ without change in

1 substance, the council may adopt the code by ordinance.

2 b. If a proposed code of ordinances contains a proposed
3 new ordinance or an amendment to existing ordinances, the
4 council shall hold a public hearing on the proposed code
5 before adoption. The clerk shall publish notice of the
6 hearing as provided in section 362.3. Copies of the proposed
7 code of ordinances must be available at the city clerk's
8 office and the notice must so state. Within thirty days after
9 the hearing, the council may adopt the proposed code of
10 ordinances which. A new ordinance or an amendment to an
11 existing ordinance becomes law effective upon publication of
12 the ordinance adopting it the code of ordinances unless a
13 subsequent effective date is provided within an ordinance. If
14 the council substantially amends the proposed code of
15 ordinances after a the hearing, notice and hearing must be
16 repeated before the code may be adopted.

17 ~~Ordinances-and-amendments-which-become-effective-after~~
18 ~~adoption-of-a-code-of-ordinances-may-be-compiled-as~~
19 ~~supplements-to-the-code,-and-upon-adoption-of-the-supplement~~
20 ~~by-resolution,-become-part-of-the-code-of-ordinances.~~

21 3. An-adopted A code of ordinances compiled and maintained
22 at least annually, or compiled at least once every five years,
23 is presumptive evidence of the passage, publication, and
24 content of the ordinances codified therein as of the date of
25 the clerk's certification of the ordinance adopting the code
26 or supplement.

27 Sec. 10. Section 380.10, unnumbered paragraphs 1 and 2,
28 Code 1997, are amended to read as follows:

29 A city may adopt the provisions of any statewide or
30 nationally recognized standard code or portions of any such
31 code by an ordinance which identifies the code by subject
32 matter, source and date, and which incorporates the provisions
33 of the code or portions of the code by reference without
34 setting them forth in full. ~~Such-code-or-portion-must-be~~
35 ~~adopted-only-after-notice-and-hearing-in-the-manner-provided~~

1 ~~in-section-380-8-~~ Copies of the proposed code or portions of
2 such code shall be available at the office of the city clerk.

3 A city may by ordinance adopt by reference any portion of
4 the Code of Iowa in effect at the time of the adoption in the
5 manner provided in this section 380-8-for-adoption-of-a
6 proposed-code-of-ordinances-containing-a-proposed-new
7 ordinance-or-amendment, subject to the following limitations:

8 Sec. 11. Section 380.10, Code 1997, is amended by adding
9 the following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. Copies of any portions of the
11 Code of Iowa to be adopted by reference shall be available at
12 the city clerk's office. The council shall hold a public
13 hearing on any proposed standard code or on the portions of
14 any standard code to be adopted by reference. The council
15 shall hold a public hearing on any portion of the Code of Iowa
16 to be adopted by reference. The clerk shall publish notice of
17 the hearing as provided in section 362.3. The notice must
18 state that copies of the proposed standard code or portions
19 thereof, or of the portion of the Iowa Code, are available at
20 the city clerk's office. If the council substantially amends
21 the proposed code after the hearing, notice and hearing must
22 be repeated before the code may be adopted. Within thirty
23 days after the hearing, the council by ordinance may adopt the
24 proposed code which becomes effective upon publication of the
25 ordinance adopting it, unless a subsequent effective date is
26 provided within the adopting ordinance.

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*Brown chr
Huseman
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HSB 196
LOCAL GOVERNMENT

Succeeded By
SF *(11/6/58)*
HOUSE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON VANDE HOEF)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to city ordinances and other official actions of
2 a city council and mayor.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 380.1, Code 1997, is amended to read as
2 follows:

3 380.1 TITLE OF ORDINANCE.

4 The subject matter of an ordinance or amendment must be
5 generally described in its the title of the ordinance or
6 amendment.

7 Sec. 2. Section 380.2, Code 1997, is amended to read as
8 follows:

9 380.2 AMENDMENT.

10 An amendment to an ordinance or to a code of ordinances
11 must specifically ~~repeat~~ identify the ordinance or code, or
12 the section, subsection, or paragraph, ~~or subpart~~ to be
13 amended, and must set forth the ordinance, code, section,
14 subsection, or paragraph, ~~or subpart~~ as amended, which action
15 is deemed to be a repeal of the previous ordinance, code,
16 section, subsection, or paragraph amended.

17 Sec. 3. Section 380.3, unnumbered paragraph 1, Code 1997,
18 is amended to read as follows:

19 A proposed ordinance or amendment must be considered and
20 voted on for passage at two council meetings prior to the
21 meeting at which it is to be finally passed, unless this
22 requirement is suspended by a recorded vote of not less than
23 three-fourths of all of the council ~~members~~ of the council.
24 If a proposed ordinance, or amendment, or resolution fails to
25 receive sufficient votes for passage at any consideration and
26 vote thereon, the proposed ordinance, or amendment, or
27 resolution shall be considered defeated.

28 Sec. 4. Section 380.3, unnumbered paragraph 2, is amended
29 by striking the paragraph.

30 Sec. 5. Section 380.4, Code 1997, is amended to read as
31 follows:

32 380.4 MAJORITY REQUIREMENT -- TIE VOTE.

33 Passage of an ordinance, amendment, or resolution requires
34 ~~an affirmative vote of not less than~~ a majority vote of all of
35 the ~~council~~ members of the council, except when the mayor may

1 vote to break a tie vote in a city with an even number of
2 council members, as provided in section 372.4. A Passage of a
3 motion requires a majority vote of a quorum of the council. A
4 resolution must be passed to spend public funds in excess of
5 ten twenty-five thousand dollars on any one project, or a
6 motion to accept public improvements and facilities upon their
7 completion, also requires an affirmative vote of not less than
8 a majority of the council members. Each council member's vote
9 on an ordinance, amendment, or resolution a measure must be
10 recorded. A measure which fails to receive sufficient votes
11 for passage shall be considered defeated.

12 As used in this chapter, "all of the members of the
13 council" refers to all of the seats of the council including a
14 vacant seat and a seat where the member is absent, but does
15 not include a seat where the council member declines to vote
16 by reason of a conflict of interest.

17 A measure voted upon is not invalid by reason of a conflict
18 of interest in a member of the council, unless the vote of the
19 member of the council was decisive to passage of the measure.
20 If a specific percentage vote or a unanimous vote of all of
21 the members of the council is required by statute, the vote
22 must be computed on the basis of the number of members not
23 disqualified by reason of conflict of interest. However, a
24 majority of all members is required for a quorum. For the
25 purpose of this section, the statement of a council member
26 that the council member declines to vote by reason of conflict
27 of interest is conclusive and must be entered of record.

28 Sec. 6. Section 380.6, Code 1997, is amended to read as
29 follows:

30 380.6 EFFECTIVE DATE.

31 Measures passed by the council, ~~other than motions,~~ become
32 effective in one of the following ways:

33 1. ~~If the mayor signs the measure, a resolution becomes~~
34 ~~effective immediately upon signing and an ordinance or~~
35 ~~amendment becomes a law when~~

1 a. An ordinance or amendment signed by the mayor becomes
2 effective when the ordinance or a summary of the ordinance is
3 published, as provided in section 380.7, subsection 3, unless
4 a subsequent effective date is provided within the measure
5 ordinance or amendment.

6 b. A resolution signed by the mayor becomes effective
7 immediately upon signing.

8 c. A motion becomes effective immediately upon passage of
9 the motion by the council.

10 ~~2. If the mayor vetoes the measure, the~~ The mayor may veto
11 an ordinance, amendment, or resolution within fourteen days
12 after passage. The mayor shall explain the reasons for the
13 veto in a written message to the council at the time of the
14 veto. Within thirty days after the mayor's veto, the council
15 may pass the measure again by a vote of not less than two-
16 thirds of all of the council members of the council. If the
17 mayor vetoes ~~a measure~~ an ordinance, amendment, or resolution
18 and the council repasses the measure after the mayor's veto, a
19 resolution becomes effective immediately upon repassage, and
20 an ordinance or amendment becomes a law when published, unless
21 a subsequent effective date is provided within the ordinance
22 or amendment.

23 3. If the mayor takes no action on the measure, a
24 resolution becomes effective fourteen days after the date of
25 passage and an ordinance or amendment becomes a law when the
26 ordinance or a summary of the ordinance is published, but not
27 sooner than fourteen days after the date of passage, unless a
28 subsequent effective date is provided within the ordinance or
29 amendment.

30 Sec. 7. Section 380.7, Code 1997, is amended to read as
31 follows:

32 380.7 CITY CLERK.

33 The city clerk shall:

34 1. Promptly record each measure~~, with a statement, where~~
35 ~~applicable, indicating whether the mayor signed, vetoed, or~~

1 ~~took no action on the measure, and whether the measure was~~
2 ~~repassed after the mayor's veto.~~

3 2. Record a statement with the measure, where applicable,
4 indicating whether the mayor signed, vetoed, or took no action
5 on the measure, and whether the measure was repassed after the
6 mayor's veto.

7 ~~2.~~ 3. Publish a summary of all ordinances or the complete
8 text of ordinances and amendments in the manner provided in
9 section 362.3. As used in this subsection, "summary" shall
10 mean a narrative description of the terms and conditions of an
11 ordinance setting forth the main points of the ordinance in a
12 manner calculated to inform the public in a clear and
13 understandable manner the meaning of the ordinance and which
14 shall provide the public with sufficient notice to conform to
15 the desired conduct required by the ordinance. The
16 description shall include the title of the ordinance, an
17 accurate and intelligible abstract or synopsis of the
18 essential elements of the ordinance, a statement that the
19 description is a summary, the location and the normal business
20 hours of the office where the ordinance may be inspected, when
21 the ordinance becomes effective, and the full text of any
22 provisions imposing fines, penalties, forfeitures, fees, or
23 taxes. Legal descriptions of property set forth in ordinances
24 shall be described in full, provided that maps or charts may
25 be substituted for legal descriptions when they contain
26 sufficient detail to clearly define the area with which the
27 ordinance is concerned. The narrative description shall be
28 written in a clear and coherent manner and shall, to the
29 extent possible, avoid the use of technical or legal terms not
30 generally familiar to the public. When necessary to use
31 technical or legal terms not generally familiar to the public,
32 the narrative description shall include definitions of those
33 terms.

34 ~~3.~~ 4. Authenticate all measures except motions with the
35 clerk's signature and certification as to time and manner of

1 publication, if any. The clerk's certification is presumptive
2 evidence of the facts stated therein.

3 ~~4-~~ 5. Maintain for public use copies of all effective
4 ordinances and codes.

5 Sec. 8. Section 380.8, Code 1997, is amended to read as
6 follows:

7 380.8 CODE OF ORDINANCES PUBLISHED.

8 1. a. ~~At-least-once-every-five-years,~~ A city shall
9 compile a code of ordinances containing all of the city
10 ordinances in effect, except grade ordinances, bond
11 ordinances, zoning map ordinances, ~~and~~ ordinances vacating
12 streets and alleys, and ordinances containing legal
13 descriptions of urban revitalization areas and urban renewal
14 areas.

15 b. A city may maintain a code of ordinances either by
16 compiling at least annually a supplement to the code of
17 ordinances consisting of all new ordinances and amendments to
18 ordinances which became effective during the previous year and
19 adopting the supplement by resolution or by adding at least
20 annually new ordinances and amendments to ordinances to the
21 code of ordinances itself.

22 c. A city which publishes an annual supplement shall
23 compile a code of ordinances at least once every five years.

24 2. a. If a proposed code of ordinances contains only
25 existing ordinances ~~edited-and-compiled~~ without change in
26 substance, the council may adopt the code by ordinance.

27 b. If a proposed code of ordinances contains a proposed
28 new ordinance or an amendment to existing ordinances, the
29 council shall hold a public hearing on the proposed code
30 before adoption. The clerk shall publish notice of the
31 hearing as provided in section 362.3. Copies of the proposed
32 code of ordinances must be available at the city clerk's
33 office and the notice must so state. Within thirty days after
34 the hearing, the council may adopt the proposed code of
35 ordinances which. A new ordinance or an amendment to an

1 existing ordinance becomes law effective upon publication of
 2 the ordinance adopting it the code of ordinances unless a
 3 subsequent effective date is provided within an ordinance. If
 4 the council substantially amends the proposed code of
 5 ordinances after a the hearing, notice and hearing must be
 6 repeated before the code may be adopted.

7 ~~Ordinances-and-amendments-which-become-effective-after~~
 8 ~~adoption-of-a-code-of-ordinances-may-be-compiled-as~~
 9 ~~supplements-to-the-code,-and-upon-adoption-of-the-supplement~~
 10 ~~by-resolution,-become-part-of-the-code-of-ordinances-~~

11 3. An-adopted A code of ordinances compiled and maintained
 12 at least annually, or compiled at least once every five years,
 13 is presumptive evidence of the passage, publication, and
 14 content of the ordinances codified therein as of the date of
 15 the clerk's certification of the ordinance adopting the code
 16 or supplement.

17 Sec. 9. Section 380.10, unnumbered paragraphs 1 and 2,
 18 Code 1997, are amended to read as follows:

19 A city may adopt the provisions of any statewide or
 20 nationally recognized standard code or portions of any such
 21 code by an ordinance which identifies the code by subject
 22 matter, source and date, and which incorporates the provisions
 23 of the code or portions of the code by reference without
 24 setting them forth in full. ~~Such-code-or-portion-must-be~~
 25 ~~adopted-only-after-notice-and-hearing-in-the-manner-provided~~
 26 ~~in-section-380:8.~~ Copies of the proposed code or portions of
 27 such code shall be available at the office of the city clerk.

28 A city may by ordinance adopt by reference any portion of
 29 the Code of Iowa in effect at the time of the adoption in the
 30 manner provided in this section ~~380:8-fer-adeption-of-a~~
 31 ~~proposed-code-of-ordinances-containing-a-proposed-new~~
 32 ~~ordinance-or-amendment~~, subject to the following limitations:

33 Sec. 10. Section 380.10, Code 1997, is amended by adding
 34 the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. Copies of any portions of the

1 Code of Iowa to be adopted by reference shall be available at
2 the city clerk's office. The council shall hold a public
3 hearing on any proposed standard code or on the portions of
4 any standard code to be adopted by reference. The council
5 shall hold a public hearing on any portion of the Code of Iowa
6 to be adopted by reference. The clerk shall publish notice of
7 the hearing as provided in section 362.3. The notice must
8 state that copies of the proposed standard code or portions
9 thereof, or of the portion of the Iowa Code, are available at
10 the city clerk's office. If the council substantially amends
11 the proposed code after the hearing, notice and hearing must
12 be repeated before the code may be adopted. Within thirty
13 days after the hearing, the council by ordinance may adopt the
14 proposed code which becomes effective upon publication of the
15 ordinance adopting it, unless a subsequent effective date is
16 provided within the adopting ordinance.

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EXPLANATION

18 This bill changes the way cities adopt, record, and codify
19 ordinances, amendments, resolutions, and motions.

20 The bill provides that an amendment to an ordinance, or
21 part of an ordinance, is deemed to be a repeal of the previous
22 ordinance, or part, rather than requiring the specific repeal
23 of the ordinance or part.

24 The bill strikes the provision that allowed a city council
25 to suspend one of the three required meetings to consider an
26 ordinance or amendment if publication of a proposed ordinance
27 or amendment occurred prior to first consideration of the
28 ordinance or amendment by the city council.

29 The bill requires a majority vote of all council members to
30 adopt an ordinance, amendment, or resolution; and requires a
31 majority of a quorum of the council to adopt a motion. The
32 vote of a council member who has a conflict of interest does
33 not make the measure invalid unless such vote was decisive to
34 passage of the measure. The bill changes from motion to
35 resolution the type of official action required of the council

1 to accept public improvements upon completion and to spend
2 funds in excess of \$25,000. Currently, the limit is \$10,000.
3 The bill provides that a vote on a motion must be recorded.
4 Currently, votes on an ordinance, amendment, or resolution are
5 required to be recorded.

6 The bill also provides that a vote on a measure is not
7 invalid for conflict of interest reasons unless the vote was
8 decisive in passing the measure.

9 The bill provides that an ordinance or amendment is
10 effective upon publication unless a subsequent date is
11 specified. Currently, it is effective upon signing by the
12 mayor. The bill requires that a statement separate from the
13 ordinance be recorded with an ordinance indicating the mayor's
14 action on a measure and any subsequent action.

15 The bill includes legal descriptions of urban
16 revitalization and urban renewal areas in the types of
17 ordinance, or portions of ordinances, that are not required to
18 be included in the code of ordinances compiled by the city.
19 The bill allows a city to maintain its code of ordinances by
20 publishing an annual supplement or by adding new ordinances
21 and amendments to the compiled code each year. The bill
22 requires that a city which publishes an annual supplement
23 shall also compile a new code of ordinances every five years.

24 The bill provides that state or national statutes or
25 standard codes adopted by reference become effective upon
26 publication of the ordinance adopting the state or national
27 statute or standard code unless a subsequent effective date is
28 specified. Copies of the federal or state law or standard
29 code are required to be available at the city clerk's office.

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HOUSE FILE 658

AN ACT

RELATING TO CITY ORDINANCES AND OTHER OFFICIAL ACTIONS OF A
CITY COUNCIL AND MAYOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 380.1, Code 1997, is amended to read as follows:

380.1 TITLE OF ORDINANCE.

The subject matter of an ordinance or amendment must be generally described in its title of the ordinance or amendment.

Sec. 2. Section 380.2, Code 1997, is amended to read as follows:

380.2 AMENDMENT.

An amendment to an ordinance or to a code of ordinances must specifically ~~repeat~~ identify the ordinance or code, or the section, subsection, or paragraph, or subpart to be amended, and must set forth the ordinance, code, section, subsection, or paragraph, or subpart as amended, which action is deemed to be a repeal of the previous ordinance, code, section, subsection, or paragraph amended.

Sec. 3. Section 380.3, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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 of all of the council members of the council.

If a proposed ordinance, ~~or amendment, or resolution~~ fails to receive sufficient votes for passage at any consideration and vote thereon, the proposed ordinance, ~~or amendment, or resolution~~ shall be considered defeated.

Sec. 4. Section 380.3, unnumbered paragraph 2, is amended by striking the paragraph.

Sec. 5. Section 380.4, Code 1997, is amended to read as follows:

380.4 MAJORITY REQUIREMENT -- TIE VOTE.

Passage of an ordinance, amendment, or resolution requires ~~an affirmative vote of not less than~~ a majority vote of all of the council members of the council, except when the mayor may vote to break a tie vote in a city with an even number of council members, as provided in section 372.4. A Passage of a motion requires a majority vote of a quorum of the council. A resolution must be passed to spend public funds in excess of ten twenty-five thousand dollars on any one project, or a motion to accept public improvements and facilities upon their completion, also requires an affirmative vote of not less than a majority of the council members. Each council member's vote on ~~an ordinance, amendment, or resolution~~ a measure must be recorded. A measure which fails to receive sufficient votes for passage shall be considered defeated.

As used in this chapter, "all of the members of the council" refers to all of the seats of the council including a vacant seat and a seat where the member is absent, but does not include a seat where the council member declines to vote by reason of a conflict of interest.

A measure voted upon is not invalid by reason of a conflict of interest in a member of the council, unless the vote of the member of the council was decisive to passage of the measure. The vote must be computed on the basis of the number of members not disqualified by reason of conflict of interest. However, a majority of all members is required for a quorum. For the purpose of this section, the statement of a council

member that the council member declines to vote by reason of conflict of interest is conclusive and must be entered of record.

Sec. 6. Section 380.5, Code 1997, is amended to read as follows:

380.5 MAYOR.

The mayor may sign, veto, or take no action on an ordinance, amendment, or resolution passed by the council. However, the mayor may not veto a-measure an ordinance, amendment, or resolution if the mayor was entitled to vote on the such measure at the time of passage.

Sec. 7. Section 380.6, Code 1997, is amended to read as follows:

380.6 EFFECTIVE DATE.

Measures passed by the council, ~~other-than-motions,~~ become effective in one of the following ways:

1. ~~If the mayor signs the measure, a resolution becomes effective immediately upon signing and an ordinance or amendment becomes a law when~~

a. An ordinance or amendment signed by the mayor becomes effective when the ordinance or a summary of the ordinance is published, as provided in section 380.7, subsection 3, unless a subsequent effective date is provided within the measure ordinance or amendment.

b. A resolution signed by the mayor becomes effective immediately upon signing.

c. A motion becomes effective immediately upon passage of the motion by the council.

2. ~~If the mayor vetoes the measure, the~~ The mayor may veto an ordinance, amendment, or resolution within fourteen days after passage. The mayor shall explain the reasons for the veto in a written message to the council at the time of the veto. Within thirty days after the mayor's veto, the council may pass the measure again by a vote of not less than two-thirds of all of the council members of the council. If the

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

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

Sec. 8. Section 380.7, Code 1997, is amended to read as follows:

380.7 CITY CLERK.

The city clerk shall:

1. Promptly record each measure, ~~with a statement, where applicable, indicating whether the mayor signed, vetoed, or took no action on the measure, and whether the measure was repassed after the mayor's veto.~~

2. Record a statement with the measure, where applicable, indicating whether the mayor signed, vetoed, or took no action on the measure, and whether the measure was repassed after the mayor's veto.

~~3.~~ 3. Publish a summary of all ordinances or the complete text of ordinances and amendments in the manner provided in section 362.3. As used in this subsection, "summary" shall mean a narrative description of the terms and conditions of an ordinance setting forth the main points of the ordinance in a manner calculated to inform the public in a clear and understandable manner the meaning of the ordinance and which shall provide the public with sufficient notice to conform to

the desired conduct required by the ordinance. The description shall include the title of the ordinance, an accurate and intelligible abstract or synopsis of the essential elements of the ordinance, a statement that the description is a summary, the location and the normal business hours of the office where the ordinance may be inspected, when the ordinance becomes effective, and the full text of any provisions imposing fines, penalties, forfeitures, fees, or taxes. Legal descriptions of property set forth in ordinances shall be described in full, provided that maps or charts may be substituted for legal descriptions when they contain sufficient detail to clearly define the area with which the ordinance is concerned. The narrative description shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When necessary to use technical or legal terms not generally familiar to the public, the narrative description shall include definitions of those terms.

3- 4. Authenticate all measures except motions with the clerk's signature and certification as to time and manner of publication, if any. The clerk's certification is presumptive evidence of the facts stated therein.

4- 5. Maintain for public use copies of all effective ordinances and codes.

Sec. 9. Section 380.8, Code 1997, is amended to read as follows:

380.8 CODE OF ORDINANCES PUBLISHED.

1. a. ~~At least once every five years,~~ a A city shall compile a code of ordinances containing all of the city ordinances in effect, except grade ordinances, bond ordinances, zoning map ordinances, and ordinances vacating streets and alleys, and ordinances containing legal descriptions of urban revitalization areas and urban renewal areas.

b. A city may maintain a code of ordinances either by compiling at least annually a supplement to the code of ordinances consisting of all new ordinances and amendments to ordinances which became effective during the previous year and adopting the supplement by resolution or by adding at least annually new ordinances and amendments to ordinances to the code of ordinances itself.

c. A city which does not maintain the city code of ordinances as provided in paragraph "b" shall compile a code of ordinances at least once every five years.

2. a. If a proposed code of ordinances contains only existing ordinances ~~edited and compiled~~ without change in substance, the council may adopt the code by ordinance.

b. If a proposed code of ordinances contains a proposed new ordinance or an amendment to existing ordinances, the council shall hold a public hearing on the proposed code before adoption. The clerk shall publish notice of the hearing as provided in section 362.3. Copies of the proposed code of ordinances must be available at the city clerk's office and the notice must so state. Within thirty days after the hearing, the council may adopt the proposed code of ordinances which. A new ordinance or an amendment to an existing ordinance becomes law effective upon publication of the ordinance adopting it the code of ordinances unless a subsequent effective date is provided within an ordinance. If the council substantially amends the proposed code of ordinances after a the hearing, notice and hearing must be repeated before the code may be adopted.

~~Ordinances and amendments which become effective after adoption of a code of ordinances may be compiled as supplements to the code, and upon adoption of the supplement by resolution, become part of the code of ordinances.~~

3. An adopted A code of ordinances compiled and maintained at least annually, or compiled at least once every five years, is presumptive evidence of the passage, publication, and

content of the ordinances codified therein as of the date of the clerk's certification of the ordinance adopting the code or supplement.

Sec. 10. Section 380.10, unnumbered paragraphs 1 and 2, Code 1997, are amended to read as follows:

A city may adopt the provisions of any statewide or nationally recognized standard code or portions of any such code by an ordinance which identifies the code by subject matter, source and date, and which incorporates the provisions of the code or portions of the code by reference without setting them forth in full. ~~Such code or portion must be adopted only after notice and hearing in the manner provided in section 380-8.~~ Copies of the proposed code or portions of such code shall be available at the office of the city clerk.

A city may by ordinance adopt by reference any portion of the Code of Iowa in effect at the time of the adoption in the manner provided in this section 380-8 for adoption of a proposed code of ordinances containing a proposed new ordinance or amendment, subject to the following limitations:

Sec. 11. Section 380.10, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Copies of any portions of the Code of Iowa to be adopted by reference shall be available at the city clerk's office. The council shall hold a public hearing on any proposed standard code or on the portions of any standard code to be adopted by reference. The council shall hold a public hearing on any portion of the Code of Iowa to be adopted by reference. The clerk shall publish notice of the hearing as provided in section 362.3. The notice must state that copies of the proposed standard code or portions thereof, or of the portion of the Iowa Code, are available at the city clerk's office. If the council substantially amends the proposed code after the hearing, notice and hearing must be repeated before the code may be adopted. Within thirty days after the hearing, the council by ordinance may adopt the

proposed code which becomes effective upon publication of the ordinance adopting it, unless a subsequent effective date is provided within the adopting ordinance.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 658, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House
Approved May 19, 1997

TERRY E. BRANSTAD
Governor