

CHAPTER 167

THEFT BY FINANCIAL INSTRUMENT

H.F. 647

AN ACT defining the crime of theft to include the utterance of a financial instrument for the use of property which knowingly will not be paid when presented to a financial institution and making a penalty applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 714.1, subsection 6, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Makes, utters, draws, delivers, or gives any check, share draft, draft, or written order on any bank, credit union, person, or corporation, and obtains property, the use of property, including rental property, or service in exchange therefor for such instrument, if the person knows that such check, share draft, draft, or written order will not be paid when presented.

Approved May 19, 1997

CHAPTER 168

CITY ORDINANCES AND RELATED MATTERS

H.F. 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 repeal 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 eouncil 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 eouneil 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 eouncil 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 eouneil 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. 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.
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.
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 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.

Approved May 19, 1997