

CHAPTER 1

GENERAL PROVISIONS

DIVISION I

Sec. 1.1. HOW CODE DESIGNATED AND CITED.

The ordinances embraced in the following chapters and sections constitute and are designated the "Municipal Code, City of Ames, Iowa", and may be so cited.
[State Law Ref. Iowa Code Sec. 380.8]

Sec. 1.2. RULES OF CONSTRUCTION.

In the construction of this Code the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council or repugnant to the context of the provisions.

(1) **City.** The words "the city" or "this city" mean "the City of Ames, Iowa" and extend to its several officers, agents and employees.

(2) **Computing time; holidays.** In computing time, the first day shall be excluded and the last included, unless the last day falls on Sunday, in which case the time prescribed shall be extended so as to include the whole of the following Monday, provided that, whenever the last day falls on a Saturday, a Sunday, the first day of January, the 12th day of February, the third Monday in February, the last Monday in May, the 4th day of July, the first Monday in September, the 11th day of November, the fourth Thursday in November, the 25th day of December and the following Monday whenever any of the foregoing named legal holidays may fall on a Sunday, and any day appointed or recommended by the Governor of Iowa or the President of the United States as a day of fasting or thanksgiving, the time therefore shall be extended to include the next day which is not a Saturday, Sunday or such day hereinbefore enumerated.
[State Law Ref. Iowa Code Sec. 4.1(22)]

(3) **Delegation-of-authority.** Whenever a provision appears requiring an officer of the city to do some act or make certain inspections, it is to be construed to authorize the officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.

(4) **Number and gender.** Wording importing the singular number may be extended to several persons or things, and words importing the plural number may be applied to one person or thing. Words of one gender include the other gender.
[State Law Ref. Iowa Code Sec. 4.1(3)]

(5) **Person.** The word "person" shall include and be applied to corporations, associations, clubs, societies, firms, partnerships, municipalities and bodies politic and corporate as well as to individuals.
[State Law Ref. Iowa Code Sec. 4.1(13)]

(6) **Property.** The word "property" includes real and personal property.
[State Law Ref. Iowa Code Sec. 4.1(9).]

Sec. 1.3. CATCHLINES, TITLES, HEADINGS AND NOTES.

The catchlines of the several sections of this Code printed in boldface type, titles, headings, chapter heads, section and subsection heads or titles, editor's notes, cross references and state law references, unless set out in the body of the section itself, contained in this Code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

Sec. 1.4. SEVERABILITY OF PARTS OF CODE.

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared invalid, unenforceable or unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unenforceability or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Sec. 1.5. EFFECT OF REPEALS.

The repeal of an ordinance does not revive an ordinance previously repealed, nor affect any rights which have accrued, any duty imposed, or any proceedings commenced under or by virtue of the ordinance repealed.

[State Law Ref. Iowa Code Sec. 4.1(1)]

Sec. 1.6. MISDEMEANOR PENALTY.

Where it is provided in this Code that a violation is or can be charged as a misdemeanor, the penalty shall be a fine not to exceed six hundred twenty five dollars, and/or imprisonment not to exceed thirty days or as amended by the State of Iowa under Chapter 903 of the Code of Iowa.

(Ord. No. 864, Sec. 9, 12-4-56; Ord. No. 3003, Sec. 1, 2-23-88; Ord. No. 3551, 3-7-00, Ord. No. 3588, 9-26-00)

[State Law Ref. Iowa Code Sec. 364.3] [State Law Ref. Iowa Code Sec. 903.1]; (Ord. 4243, 1-12-16).

Sec. 1.7. RESERVED.

(Ord. No. 2050, Sec. 2, 10-20-64, Ord. No. 3697, 1-14-03)

Sec. 1.8. CHARTER ADOPTED.

(1) **Purpose.** The purpose of this ordinance is to provide for a charter embodying the form of government existing on July 1, 1975.

(2) **Charter.** This ordinance may be cited as the Charter of the City of Ames, Iowa.

(3) **Form of government.** The form of government of the City of Ames, Iowa, is the mayor-council with appointed manager.

(4) **Powers and duties.** The council and mayor and manager 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 of Ames, Iowa.

(5) **Number and term of council.** The council consists of two (2) council members elected at large and one council member from each of four (4) wards as established by ordinance, elected for terms of four (4) years.

(6) **Term of mayor.** The mayor is elected for a term of four (4) years.

(7) **Copies on file.** The city clerk shall keep an official copy of this charter on file with the official records of the city clerk, shall immediately file a copy with the Secretary of the State of Iowa, and shall keep copies of the charter available at the city clerk's office for public inspection.

(8) **When effective.** This section is in effect after its final passage, approval and publication as required by law.
(*Ord. No. 2512, Sections 1 - 8, 7-1-75; Ord. No. 2776, Sec. 1, 7-7-81*) [*State Law Ref. Iowa Code, Sec. 372.1*]

DIVISION II

Sec. 1.9. MUNICIPAL INFRACTIONS.

- (1) Except as otherwise provided in this Code, all violations of this Code are municipal infractions.
- (2) A repeat violation is when the same person violates the same provision of this code on any date subsequent to the date of the first violation.
- (3) Unless another penalty amount is stated elsewhere in this Code with respect to a specific provision or provisions of this Code, the schedule of penalties for a municipal infraction is:
 - (a) First Violation - \$30.00
 - (b) First Repeat Violation - \$100.00
 - (c) Subsequent Repeat Violations - \$200.00
- (4) This section does not preclude a peace officer of the City from issuing a criminal citation for a violation of this Code if criminal penalties are also provided for the violation.
- (5) Each day that a violation occurs or is permitted to exist by the defendant constitutes a separate violation.
(*Ord. No. 3003, Sec. 2, 2-23-88; Ord. No. 3497, Sec. 1, 8-25-98*)