

**TITLE 2**  
**BOARDS AND COMMISSIONS**

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**Title 2 – Boards and Commissions**  
**Chapter 1 – Airport Advisory Commission**

SECTIONS:

- 2-1-1 Creation
- 2-1-2 Number of Members
- 2-1-3 Appointment
- 2-1-4 Ex-officio Members
- 2-1-5 Officers
- 2-1-6 Term Duration and Limits
- 2-1-7 Removal - Vacancies
- 2-1-8 Residence Requirements
- 2-1-9 Responsibilities and Duties

**2-1-1 Creation:** The Airport Advisory Commission is hereby created.

**2-1-2 Number of Members.** The Airport Advisory Commission shall consist of five (5) gender balanced members.

**2-1-3 Appointment.** The members are to be appointed by City Council.<sup>i</sup>

**2-1-4 Ex-officio Members.** The City Administrator, or his or her designated representative, shall serve as an ex-officio member of this board.

**2-1-5 Officers.** Secretary. The City Administrator, or his or her designated representative, shall serve as Secretary.

**2-1-6 Term Duration and Limits.** Duration. The term of office of each member shall commence with their appointment. Board members are appointed for staggered terms of five (5) years beginning July first, except to fill vacancies, and shall remain on the Commission until his or her successors are appointed.

Limits. No individual shall serve more than two (2) full consecutive terms on the Commission.

**2-1-7 Removal - Vacancies.** The Council may, at any time, remove any member of the Airport Advisory Commission after showing due cause, and shall fill the vacancies occurring in the Commission by removal or otherwise.<sup>ii</sup>

**2-1-8 Residence Requirements.** Each member of the Airport Advisory Commission shall be a resident of the City of Muscatine, Iowa.

**2-1-9 Responsibilities and Duties:** The Airport Advisory Commission shall confer with and assist the City Administrator, or his or her designated representative, in preparation of the airport budget, recommend procedures and policies in connection with the administration of the airport, pursue matters and investigate means by which the airport can be improved, and make recommendations for the long range needs of the airport.

**Title 2 – Boards and Commissions  
Chapter 2 – Civil Service Commission**

SECTIONS:

- 2-2-1 Creation
- 2-2-2 Applicability
- 2-2-3 Qualifications
- 2-2-4 Number of Members
- 2-2-5 Appointment
- 2-2-6 Term Duration and Limits
- 2-2-7 Officers
- 2-2-8 Ex-Officio Members
- 2-2-9 Vacancies
- 2-2-10 Responsibilities and Duties

**2-2-1 Creation.** The Civil Service Commission is hereby created in accordance with Section 400.1 of the Code of Iowa.

*(Code of Iowa, Section 400.1)*

**2-2-2 Applicability.** The provisions of this Chapter shall apply to full-time police officers, firefighters, and all appointive permanent full-time employees, unless otherwise excepted under Iowa Code Section 400.6.

*(Code of Iowa, Section 400.6)*

**2-2-3 Qualifications.** Each member of the Civil Service Commission shall be a resident of the City of Muscatine, a citizen of Iowa, and an eligible elector preceding appointment. Each member shall serve without compensation, shall not hold or be a candidate for any office of public trust, and shall not be a party to or have an interest in any contract prohibited by Section 400.2(2) of the Iowa Code.

*(Code of Iowa, Section 400.2)*

**2-2-4 Number of Members.** The Civil Service Commission shall consist of three (3) gender balanced members.

*(Code of Iowa, Section 400.1)*

**2-2-5 Appointment.** The members are to be appointed by City Council.<sup>iii</sup>

*(Code of Iowa, Section 400.1)*

**2-2-6 Term Duration.** The term of office of such members shall commence with their appointment. Commissioners shall hold office, one until the first Monday in April of the second year, one until the first Monday in April of the third year, and one until the first Monday in April of the fourth year after such appointment, whose successors shall be appointed for a term of four years. All Commissioners shall remain on the Commission until their successors are appointed.<sup>iv</sup>

*(Code of Iowa, Section 400.1)*

**2-2-7 Officers.**

A. **Chairman.** The Commission shall elect a chairperson from among its members.

*(Code of Iowa, Section 400.4)*

B. **Clerk.** The city clerk shall be clerk of the Commission.

*(Code of Iowa, Section 400.4)*

**2-2-8 Ex-officio Members.** The City Administrator, or his or her designated representative, shall serve as an ex-officio member of this commission.

**2-2-9 Vacancies.** The City Council shall fill the vacancies occurring in the Commission for the unexpired term of the appointment.<sup>v</sup>

**2-2-10 Responsibilities and Duties.** The Civil Service Commission shall exercise all the responsibilities and duties in accordance with the provisions of the Code of Iowa for Civil Service Commissions.

**Title 2 – Boards and Commissions**  
**Chapter 3 – Parks and Recreation Advisory Commission**

SECTIONS:

- 2-3-1 Creation
- 2-3-2 Number of Members
- 2-3-3 Appointment
- 2-3-4 Term Duration and Limits
- 2-3-5 Removal - Vacancies
- 2-3-6 Residence Requirements
- 2-3-7 Responsibilities and Duties
- 2-3-8 Department Established

**2-3-1 Creation.** The Parks and Recreation Advisory Commission is hereby created.

**2-3-2 Number of Members.** The Parks and Recreation Advisory Commission shall consist of seven (7) gender balanced members.

**2-3-3 Appointment.** The members are to be appointed by City Council.<sup>vi</sup>

**2-3-4 Term Duration and Limits.**<sup>vii</sup>

- A. **Duration.** The Parks and Recreation Advisory Commission shall consist of seven (7) members to be appointed by the City Council. The term of office of such members shall commence with their appointment and shall be for three (3) years, except to fill vacancies provided, however, that appointments to the first Commission shall be three (3) members for one (1) year, three (3) members for two (2) years and one (1) member for three (3) years. Each term shall commence on the first day of July. All members of the Parks and Recreation Advisory Commission shall remain on the Commission until their successors are appointed.
- B. **Limits.** No individual shall serve more than two (2) full consecutive terms on the Parks and Recreation Advisory Commission.

**2-3-5 Removal - Vacancies.** The Council may, at any time, remove any member of the Commission after showing due cause, and shall fill the vacancies occurring on the Commission by removal or otherwise.<sup>viii</sup>

**2-3-6 Residence Requirements.** Each member of the Parks and Recreation Advisory Commission shall be a resident of the City of Muscatine, Iowa.

**2-3-7 Responsibilities and Duties.** The Parks and Recreation Advisory Commission shall confer with and assist the City Administrator, or his/her designated representative, in preparation of the budgets, recommend rules, procedures and policies in connection with the administration, pursue matters and investigate means by which improvements can be made, and make recommendations for the long range needs of the cemetery, parks, riverfront, levee and all land owned by the City along the Mississippi River, municipal golf course and all other recreation facilities owned and/or operated by the City.

**2-3-8 Department Established.** The Parks and Recreation Department of the City is established to enforce all ordinances and regulations relating to all parks and recreational facilities under the City's jurisdiction.

**Title 2 – Boards and Commissions**  
**Chapter 4 – Historic Preservation Commission**

SECTIONS:

- 2-4-1 Purpose
- 2-4-2 Definitions
- 2-4-3 Muscatine Historic Preservation Commission
- 2-4-4 Appointment and Terms
- 2-4-5 Removal/Vacancies
- 2-4-6 Qualifications
- 2-4-7 Compensation
- 2-4-8 Chairperson and Secretary
- 2-4-9 Meetings and Quorum
- 2-4-10 Responsibilities and Duties

**2-4-1 Purpose.** The purpose of this Ordinance is to promote the educational, cultural, economic, and general welfare of the public through the recognition, enhancement, and perpetuation of sites and districts of historical and cultural significance; safeguard the City's historic, aesthetic, and cultural heritage by preserving sites and districts of historic and cultural significance; stabilize and improve property values; foster pride in the legacy of beauty and achievements of the past; protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business thereby provided; strengthen the economy of the City; and promote the use of sites and districts of historic and cultural significance as places for the education, pleasure and welfare of the people of the City.

**2-4-2 Definitions.**

- A. "**Commission**" means the Muscatine Historic Preservation Commission, as established by this ordinance.
- B. "**Historic District**" means an area which contains a significant portion of archaeological sites, buildings, structures, objects and/or other improvements which, considered as a whole, possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and 1) embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or 2) is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or 3) possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials, or combinations thereof, which is deemed to add significantly to the value and attractiveness of properties within such area; or 4) is associated with the lives of persons significant in our past; or 5) has yielded, or may be likely to yield, information important in prehistory or history.
- C. "**Historic Site**" means an archaeological or historic site, object, structure or building which 1) is associated with events that have made a significant contribution to the broad patterns of our history; or 2) is associated with the lives of persons significant in our past; or 3) embodies the distinctive characteristics of a type, period, or method of construction, or that represents a work of a master, or that possess high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or 4) has yielded, or may be likely to yield, information important in prehistory or history.

**2-4-3 Muscatine Historic Preservation Commission.** There is hereby created and organized the Muscatine Historic Preservation Commission to be appointed as hereinafter provided with duties and responsibilities as set forth in this Chapter.

**2-4-4 Appointment and Terms.** The Commission shall consist of five (5) gender balanced members to be appointed by the City Council. The term of office of such members shall commence with their appointment. Appointments will be staggered, with one member appointed on July 1 of each year over a five-year period. All terms shall be for five (5) years. All members of the Commission shall remain on the Commission until their successors are appointed. No one individual shall serve for more than two (2) full consecutive terms on the Commission.<sup>ix</sup>

**2-4-5 Removal/Vacancies.** The Council may, at any time, remove any member of the Commission after showing due cause, and shall fill the vacancies occurring on the Commission by removal or otherwise.<sup>x</sup>

**2-4-6 Qualifications.** Members shall demonstrate a positive interest in historic preservation; should be drawn from professionals in architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines to the extent that such professions are available; and may include other persons as have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines. All members shall be residents of the City of Muscatine. Any member who establishes a permanent and primary residence outside of the City of Muscatine shall no longer be eligible to serve on the Commission.

**2-4-7 Compensation.** The members of the Commission shall serve without compensation.

**2-4-8 Chairperson and Secretary.** The Commission shall elect a Chairperson who shall preside over all Commission meetings. The City Administrator or his/her designee shall serve as secretary who shall be responsible for maintaining written records of the Commission's proceedings.

**2-4-9 Meetings and Quorum.** The Commission shall meet at least three (3) times a year and a simple majority of the Commission shall constitute a quorum for the transaction of business.

**2-4-10 Responsibilities and Duties.** The Commission may do the following:

- A. Conduct studies for the identification and designation of historic districts and sites meeting the definitions established by this Ordinance, proceed at its own initiative or upon a petition from any person, group, or association, and shall maintain records of all studies and inventories for public use.
- B. Make a recommendation to Council to recommend to the State Historic Preservation Officer for the listing of a historic district or site in the National Register of Historic Places and may conduct a public hearing thereon.
- C. Investigate and recommend to the Council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein.
- D. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation.

- E. Acquire, with approval of Council, by purchase, bequest, or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties.
- F. Preserve, restore, maintain and operate historic properties, under the ownership or control of the Commission.
- G. Contract, with the approval of the Council, with the state or the federal government or other organizations.
- H. Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.
- I. Provide information for the purpose of historic preservation to the Council.
- J. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.
- K. Review and recommend properties for tax abatement programs as they may apply to preservation or restoration efforts.



## Title 2 – Boards and Commissions

### Chapter 5 – Library Board of Trustees

#### SECTIONS:

- 2-5-1 Creation
- 2-5-2 Appointment
- 2-5-3 Terms
- 2-5-4 Removal - Vacancies
- 2-5-5 Residence Requirements
- 2-5-6 Powers and Duties
- 2-5-7 Power to Contract with Others for the Use of the Library
- 2-5-8 Termination of Contracts
- 2-5-9 Library Account
- 2-5-10 Report
- 2-5-11 Injury to Books or Property
- 2-5-12 Theft
- 2-5-13 Notice; Failure to Return and Detention
- 2-5-14 Violation

**2-5-1 Creation.** There is hereby created and organized a Library Board of Trustees, to be appointed as hereinafter provided, with the duties and responsibilities as set forth in this Chapter. Further, it is the purpose of this Chapter to retain all applicable Ordinances and to adopt as Ordinances all applicable State statutes to assure the continued functioning of the Board of Library Trustees in the Musser Public Library pursuant to Section 196, Chapter 1088 of the Laws of the 64th G.A. Second Session.

*(Code of Iowa, Section 392.5)*

**2-5-2 Appointment.** The Board of Library Trustees shall consist of nine (9) members to be appointed by the Mayor, with the approval of the Council.

**2-5-3 Terms.** The terms of office of such members shall be appointed for a term of six (6) years and appointments made every two (2) years of one-third (1/3) the total number, as near as possible, to stagger the terms. Each term shall commence on the first day of July. All members of the Board of Library Trustees shall remain on the Board until their successors are appointed. No individual is to serve more than two (2) full consecutive terms on the Board.

**2-5-4 Removal - Vacancies.** The Council may, at any time, remove any member of the Board of Library Trustees after showing due cause, and the Mayor, with the consent of the Council, shall fill the vacancies occurring on the Board by removal or otherwise. A trustee absent for three (3) consecutive regular meetings of the Board, except in a case of sickness or temporary absence from the City, shall render the office of such absent trustee vacant.

**2-5-5 Residence Requirements.** Eight (8) of the members of the Board shall be residents of the City of Muscatine and shall not be less than eighteen (18) years of age. The Board shall consist of one (1) County resident who is not a resident of the City of Muscatine, and who shall be appointed by the Mayor with the approval of the Muscatine County Board of Supervisors.

## **2-5-6 Powers and Duties.**

The Board shall have and exercise the following powers:

- A. To meet and organize by the election of one of their number as President of the Board, and by the election of a Secretary and such other officers as the Board may deem necessary.
- B. To have charge, control, and supervision of the Public Library, its appurtenances and fixtures, and rooms containing the same, and directing and controlling all the affairs of such Library.
- C. To employ a Library Director for the proper management of said Library and to fix his or her compensation; but, prior to such employment, the compensation of such Library Director shall be fixed in accordance with the Pay Plan of the City.
- D. To remove such Library Director by a vote of two-thirds (2/3) of such Board for conviction of a criminal act, incompetency, or inattention to the duties of such employment.
- E. To select or oversee a designee to select or purchase books, pamphlets, magazines, periodicals, papers, maps, journals, furniture, fixtures, stationery, supplies for such Library, and such other Library materials deemed appropriate.
- F. To authorize the use of such Library by non-residents of the City and to fix charges therefore.
- G. To make, adopt, amend, modify, or repeal by-laws, rules, and regulations, not inconsistent with law, for the care, use, government, and management of such Library and the business of said Board, fixing and enforcing penalties for the violation thereof.
- H. To authorize the expenditures of all monies allocated for Library purposes by the Council; and of the expenditure of all monies available by gift or otherwise for the erection of Library buildings.
- I. To accept gifts of real property, personal property, or mixed property and devises and bequests, including trust funds; to take title to said property in the name of said Library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts for the improvement of said Library.
- J. All budget and accounting procedures, personnel policies, purchasing procedures, and public improvement procedures established by the City Council shall be adhered to by the Board.
- K. Said Board shall keep a record of its proceedings.

**2-5-7 Power to Contract with Others for the Use of the Library.** Contracts may be made between the Board and other boards of trustees of free public libraries; any city, school corporation, township, or county; or with the trustees of any county library district for use of the Musser Public Library by their respective residents. Such use shall be accomplished by one or more of the following methods, in whole or in part:

- A. By lending the books of the Library to such residents on the same terms and conditions as to residents of the City.
- B. By the establishment of depositories of books of the Library to be loaned to such residents at stated times and places.
- C. By the transportation of books of the Library by mobile or other conveyance for lending the same to such residents at stated times and places.
- D. By the establishment of branch libraries for lending books to such residents.

*(Code of Iowa, Section 392.5 & Chapter 28E)*

**2-5-8 Termination of Contracts.** The contracts authorized in this Chapter may, by mutual consent of the contracting parties, be terminated at any time. They may also be terminated by a majority of the electors, represented by either of the contracting parties, voting on a proposition to terminate which shall be submitted by the governing body upon a written petition of electors in a number not less than five percent (5%) of those who voted in the area for governor at the last general election.

The proposition may be submitted at any election provided by law which covers the area of that seeking to terminate the contract. The petition shall be presented to the governing body not less than forty (40) days before the election at which the question is to be submitted.

**2-5-9 Library Account.** All money appropriated by the Council from the General Fund for the operation and maintenance of the Library shall be set aside in an account for the Library. Expenditures shall be paid for only on orders of the Board, signed by its President and Secretary, or their designated representatives. The warrant writing officer is the City Clerk.

*(Code of Iowa, Section 384.20)*

**2-5-10 Report.** The Board of Trustees shall, after the close of each Municipal fiscal year, make to the Council a report containing a statement of the condition of the Library, the number of books and other Library material added thereto, the number circulated, the number not returned or lost, the amount of fines collected, and the amount of money expended in the maintenance thereof during such year, together with such further information as required by the Council.

**2-5-11 Injury to Books or Property.** It is unlawful for any person to intentionally damage, deface, alter, or destroy any property, belonging to the Library

*(Code of Iowa, Section 716.1)*

**2-5-12 Theft.** It is unlawful for any person to take possession or control of any library property with the intent to deprive the Library thereof.

*(Code of Iowa, Section 714.1)*

**2-5-13 Notice; Failure to Return; Detention.**

A. Notice. There shall be notices posted in clear public view stating the following:

1. Failure to Return. Failure to return library materials for two months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one month or more after the date the person agreed to return the library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including any mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

*(Code of Iowa Section 714.5)*

2. Detention and Search. Persons concealing library materials may be detained and searched by a peace officer or Library employee.

*(Code of Iowa, Section 808.12)*

**2-5-14 Violation.** All persons who violate this Chapter shall be deemed guilty of a misdemeanor and subject to a penalty as set out in Section 1-2-14 of this Code of Ordinances.

**Title 2 – Boards and Commissions**  
**Chapter 6 – Art Center Board of Trustees**

SECTIONS:

- 2-6-1 Creation
- 2-6-2 Number of Members
- 2-6-3 Appointment
- 2-6-4 Ex-officio Member
- 2-6-5 Term Duration and Limits
- 2-6-6 Removal - Vacancies
- 2-6-7 Residence Requirements
- 2-6-8 Responsibilities and Duties
- 2-6-9 Establishment of Art Center

**2-6-1 Creation.** There is hereby created and organized an Art Center Board of Trustees, to be appointed as hereinafter provided, with the duties and responsibilities as set forth in this Chapter.

**2-6-2 Number of Members.** The Art Center Board of Trustees shall consist of nine (9) gender balanced members.

**2-6-3 Appointment.** The Trustees are to be appointed by the City Council.<sup>xi</sup>

**2-6-4 Ex-officio Members.** The City Administrator, or his or her designated representative, shall serve as an ex-officio member of this board.

**2-6-5 Term Duration and Limits.**

- A. **Duration.** The terms of office commence upon appointment. The duration of the appointments shall be 3 years, except to fill vacancies. One-third (1/3) of the members are to be appointed each year so as to stagger the terms. Each term shall commence on the first day of July. The trustees shall remain on the Board until their successors are appointed.
- B. **Limits.** No individual shall serve more than two (2) full consecutive terms on the Board.

**2-6-6 Removal - Vacancies.** The Council may, at any time, remove any member of the Art Center Board of Trustees after showing due cause, and shall fill the vacancies occurring in the Commission by removal or otherwise. A trustee absent for three (3) consecutive regular meetings of the Board, except in a case of sickness or temporary absence from the City, shall render the office of such absent trustee vacant.

**2-6-7 Residence Requirements.** Each member of the Art Center Board of Trustees shall be a resident of the City of Muscatine, Iowa.

**2-6-8 Responsibilities and Duties.**

- A. To meet and organize by the election of one of their number as president of the Board, and by the election of a secretary and such other officers and committees as the Board may deem necessary.

- B. To have charge, control, and supervision of the art center, its work of art, appurtenances, fixtures, and buildings or rooms containing the same, directing and controlling all the affairs of such Art Center.
- C. To employ a Director for the management of said Art Center and fix his or her compensation; but, prior to such employment, the compensation of such director shall be fixed in accordance with the Pay Plan of the City.
- D. To remove such Director by a vote of two-thirds (2/3) of such board for misdemeanor, incompetency, or inattention to the duties of such employment.
- E. To accept, on behalf of the City, gifts or works of art; to select and make purchases of pictures, portraits, paintings, statuary, relics, and other objects of art, in the original and in replicas or copies, books, periodicals, papers, and journals on the subject of art, furniture, fixtures, stationery, and supplies for such Art Center.
- F. To receive, hold, and dispose of all gifts, donations, devises, and bequests that may be made to the City for the purpose of establishing, increasing, or improving such Art Center; but when any such gift, donation, devise, or bequest shall be conditioned upon any act of the City, the City Council must first determine whether such condition can or shall be complied with.
- G. To make, adopt, amend, modify, or repeal by-laws, rules, and regulations, not inconsistent with law, for the care, use, government, and management of such Art Center and the business of said board, fixing and enforcing penalties for the violation thereof.
- H. To authorize the expenditures of all monies allocated by the Council for the purposes, as provided by law, and of the expenditure of all monies available by gift, or otherwise, for the erection of art buildings or for the promotion of such art centers and of all other money belonging to the art center fund, provided however all budget and accounting procedures, personnel policies, purchasing procedures, and public improvements procedures established by the City Council shall be adhered to by the Board.

**2-6-9 Establishment of Art Center.** The City of Muscatine, Iowa, hereby establishes the Muscatine Art Center and that the original dwelling and building located on the real estate of the Muscatine Art Center be named and maintained hereafter as the Laura Musser Museum and that the center erected upon the real estate donated by C. Maxwell Stanley and Elizabeth Stanley to the City of Muscatine, Iowa, be designated the Stanley Gallery, said Art Center, Museum, and Gallery to be maintained and operated in accordance with the provisions of this Chapter.

**Title 2 – Boards and Commissions**  
**Chapter 7 – Planning and Zoning Commission**

SECTIONS:

- 2-7-1 Creation
- 2-7-2 Qualifications
- 2-7-3 Number of Members
- 2-7-4 Appointment
- 2-7-5 Term Duration and Limits
- 2-7-6 Removal and Vacancies
- 2-7-7 Compensation
- 2-7-8 Relation to Community Development Director
- 2-7-9 Responsibilities and Duties

**2-7-1 Creation.** Under and by virtue of the authority conferred by the Code of Iowa, a City Planning and Zoning Commission is hereby created and established.

*(Code of Iowa, Sec. 414.6 & 392.1)*

**2-7-2 Qualifications.** Members appointed to the Commission should be, by knowledge or experience, qualified to act reasonably in matters pertaining to the growth management policies of the City, development and refinement of the Comprehensive Plan, Zoning matters, and City real estate vacation requests. Members appointed to the Commission shall not hold any elective office in the municipal government and shall be residents of the City of Muscatine.

**2-7-3 Number of Members.** The Planning and Zoning Commission shall consist of seven (7) gender balanced members.

**2-7-4 Appointment.** The members are to be appointed by the City Council.<sup>xii</sup>

**2-7-5 Term Duration and Limits.**

- A. **Duration.** The term of office of the members of the Commission shall be five (5) years each, except to fill vacancies, and shall commence upon appointment. Any member who does not maintain a reasonable record of attendance may be recommended for removal. Each term shall commence on the first day of July. All members of the Planning and Zoning Commission shall remain on the Commission until their successors are appointed.
- B. **Term Limits.** No individual shall serve more than two (2) full consecutive terms on the Commission.

**2-7-6 Removal - Vacancies.** The Council may, at any time, remove any member of the Commission after showing due cause, and shall fill the vacancies occurring on the Commission by removal or otherwise.<sup>xiii</sup>

**2-7-7 Compensation of Members.** All members of the Planning and Zoning Commission shall serve without compensation.

**2-7-8 Relation to Community Development Director.** The Community Development Director, appointed by the City Administrator, shall report to the Planning and Zoning Commission on activities of his or her office concerning land use planning, the formulation of growth management policy, and those other activities corresponding with the public health, safety, and welfare of the community. The Community Development Director shall also advise the Commission of his or her considered judgment concerning matters before the Commission, or on matters which he or she feels should come before the Commission.

**2-7-9 Responsibilities and Duties.** Duties, powers and guidelines of the Planning and Zoning Commission, in accordance with the provisions of applicable law, are hereby established for the conduct of Commission activities.

- A. Meetings. The Commission shall conduct regular meetings to review land use proposals and formulate positions or policies related to the activities the Commission has under consideration.
- B. Chairman. The Commission shall choose annually at its first regular meeting one of its members to act as Chairman.
- C. Making of Plans, Surveys, Maps, and Other Appropriate Material. The City Planning and Zoning Commission shall have full power and authority to make, or cause to be made, such surveys, studies, maps, plans, or charts of the whole or any portion of the City or any land outside thereof, which in the opinion of the Commission bears relation to a comprehensive plan, and shall bring the same to the attention of the Council. The Commission may publish its studies and recommendations.
- D. Approval of Designs and Locations of Proposed Structures. No statuary, memorial, or work of art in a public place, and no public building, bridge, viaduct, street fixture, or public structure or appurtenances shall be located or erected, or a site therefore obtained, nor shall any permit be issued by any department of the City government for the erection or location for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the Planning and Zoning Commission and its recommendations thereon obtained.
- E. Recommendation Concerning Plans, Plats, etc. All plans, plats, or replats of subdivisions or resubdivisions of land embraced in the City, or within two (2) miles of the City corporate limits thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public shall first be submitted to the Planning and Zoning Commission and its recommendations obtained before approval by the Council.
- F. Approval of Plans. No plan for any street, park, parkway, boulevard, traffic way, riverfront, or other public improvement affecting the City shall be finally approved by the City, or the character or location thereof determined, unless such proposal shall first have been submitted to the Planning and Zoning Commission.
- G. Purpose of Comprehensive Plan. For the purpose of making a Comprehensive Plan for the physical development of the City, the Planning and Zoning Commission shall make careful and comprehensive studies of present conditions and future growth with due regard to its relations to neighboring territory. The Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.



- H. Procedure for Adoption of Comprehensive Plan. Before adopting a Comprehensive Plan, or any part of it or any substantial amendment thereof, the Planning and Zoning Commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the City not less than ten (10) nor more than twenty (20) days before the date of the hearing.
  
- I. Adopt a Comprehensive Plan for the City of Muscatine by successive resolutions adopting successive elements of the Plan, said elements corresponding with, but not limited to land use, transportation, community facilities, parks, recreation and open space, neighborhoods, schools, economic development, central business district, utilities, and administrative procedures. Such Comprehensive Plan and each element thereof shall be a public record and aid the Planning and Zoning Commission in the performance of its duties. The adoption of the Comprehensive Plan and each element thereof shall be by resolution and be carried by the affirmative votes of not less than a majority of all the members of the Planning and Zoning Commission. An attested copy thereof shall be certified to the City Council, and the Council may approve the same, and when such Plan or any modification or amendment thereof shall receive the approval of the Council, the Plan shall constitute the official Comprehensive Plan of Muscatine.
  
- J. Amendment or Modification of Comprehensive Plan. When such Comprehensive Plan has been adopted, no substantial amendment or modification thereof shall be made without such proposed change first being referred to the Planning and Zoning Commission for its recommendation. If the Commission disapproves the proposed change, it may be adopted by the Council only by the affirmative vote of at least three-fourths (3/4) of the members of the Council.

**Title 2 – Boards and Commissions**  
**Chapter 8 – Board of Water, Electric and Communications Trustees**

SECTIONS:

- 2-8-1 Creation
- 2-8-2 Number of Members
- 2-8-3 Appointment
- 2-8-4 Term Duration and Limits
- 2-8-5 Compensation
- 2-8-6 Removal - Vacancies
- 2-8-7 Trustee Requirements
- 2-8-8 Responsibilities and Duties

**2-8-1 Creation.** The City of Muscatine, Iowa, is the owner of a City water utility, a City electric utility and a City communication utility. The management, control and operation of the three utilities, is vested in the Board of Trustees. The Board of Trustees is referred to as the Board of Water, Electric and Communications Trustees of the City of Muscatine, Iowa. The Board is vested with the powers and duties conferred in Chapter 388, Iowa Code.

**2-8-2 Number of Members.** The Board of Water, Electric and Communications Trustees shall consist of five (5) gender balanced members.

**2-8-3 Appointment.** The members are to be appointed by the City Council.<sup>xiv</sup>

**2-8-4 Term Duration and Limits.**

- A. **Duration.** The terms of office of the members shall be for six (6) years and shall commence with their appointment. One (1) member shall be appointed each year to stagger the terms. Terms commence on the first day of July. All members of the Board shall remain on the Board until their successors are appointed.
- B. **Term Limits.** No individual shall serve more than two (2) full consecutive terms on the Board.

**2-8-5 Compensation.** The salary of each Trustee appointed to and serving on the Board of Water, Electric and Communications Trustees shall be one hundred fifty dollars (\$150.00) per month.

**2-8-6 Removal - Vacancies.** Members of the Board of Water, Electric and Communications Trustees may be removed in accordance with the Chapter 372.15 of the Iowa Code. The Council shall fill the vacancies occurring on the Board by removal or otherwise.<sup>xv</sup>

*(Iowa Code, Section 372.15)*

**2-8-7 Trustee Requirements.** A public officer or a salaried employee of the City may not serve on the Board. The Board may consist of one member who is not a resident of the City of Muscatine if that person is in the service area of the city utilities. All other members must be residents of the City of Muscatine.

**2-8-8 Responsibilities and Duties.** The Board of Water, Electric and Communications Trustees shall have such powers and responsibilities as are prescribed by the Code of Iowa.

**Title 2 – Boards and Commissions**  
**Chapter 9 – Zoning Board of Adjustment**

SECTIONS:

- 2-9-1 Creation
- 2-9-2 Number of Members
- 2-9-3 Appointment
- 2-9-4 Composition
- 2-9-5 Term Duration and Limits
- 2-9-6 Removal - Vacancies
- 2-9-7 Residence Requirements
- 2-9-8 Responsibilities and Duties

**2-9-1 Creation.** There is hereby created and organized a Zoning Board of Adjustment, to be appointed as hereinafter provided, with the duties and responsibilities as set forth in this Chapter.

**2-9-2 Number of Members.** The Zoning Board of Adjustment shall consist of five (5) gender balanced members.

**2-9-3 Appointment.** The members are to be appointed by the City Council.<sup>xvi</sup>

**2-9-4 Composition.** One (1) member of the Board shall be a member of the Planning and Zoning Commission.

**2-9-5 Term Duration and Limits.**

- A. Duration: The terms of office of such members shall commence with their appointment and shall be for terms of five (5) years, except to fill vacancies. Each term shall commence on the first day of July. All members of the Board shall remain on the Board until their successors are appointed.
- B. Term Limits: No individual shall serve more than two (2) full consecutive terms on the Board.

**2-9-6 Removal - Vacancies.** The Council may, at any time, remove any member of the Zoning Board of Adjustment after showing due cause, and shall fill the vacancies occurring on the Board by removal or otherwise.<sup>xvii</sup>

**2-9-7 Residence Requirements.** Each member of the Zoning Board of Adjustment shall be a resident of the City of Muscatine, Iowa.

**2-9-8 Responsibilities and Duties.** The Zoning Board of Adjustment shall have such responsibilities and duties as are prescribed by the Iowa Code and by Title 10, Chapter 22.

**Title 2 – Boards and Commissions**  
**Chapter 10 – Ad Hoc Committees and Task Forces**

SECTIONS:

2-10-1 Authority to Form Ad Hoc Committees and Task Forces

2-10-2 Appointment

2-10-3 Council to Establish Duties

2-10-4 Governing Rules and Procedures

2-10-5 Authority to Refer

2-10-6 Recommendations to Council

2-10-7 Authority of Council; Generally

**2-10-1 Authority to Form Ad Hoc Committees and Task Forces.** The Council shall have the authority to form, by resolution, ad hoc committees or task forces as needed.

**2-10-2 Appointment.** The Council shall appoint the membership of such committees or task forces. Members of regular Boards and Commissions may be appointed to ad hoc committees and task forces.

**2-10-3 Council to Establish Duties.** The Council shall set out the duties and, when necessary, the rules of procedure of the ad hoc committee or task force in the resolution establishing such ad hoc committee or task force.

**2-10-4 Governing Rules and Procedures.** Ad hoc committees or task forces shall abide by rules and procedures as prescribed by the resolution establishing such ad hoc committees or task forces. To the extent that a procedural matter is not covered by Iowa law or the resolution establishing such ad hoc committees or task forces, the most recent edition of Robert's Rules shall govern.

**2-10-5 Authority to Refer.** City Council may refer matters within the charge of an existing ad hoc committee or task force to that committee or task force charged with such matters.

**2-10-6 Recommendations to Council.** Ad hoc committees or task forces shall make recommendations by way of a formal report to the City Council.

**2-10-7 Authority of Council; Generally.** The Council has the authority to follow the recommendations, change the recommendations, take no action, remand the matter back to the ad hoc body or take any other action it sees fit. The Council by majority vote may remove a member of an ad-hoc committee or task force at any time, with or without cause. The City Council by majority vote may amend or dissolve an ad hoc committee or task force.

## TITLE 2 – Boards and Commissions

### CHAPTER 11- Council Appointments to City Administrative Boards <sup>xviii</sup> / <sup>xix</sup>

#### SECTIONS:

2-11-1 Scope

2-11-2 Appointment of Members

**2-11-1 Scope.** The City Council is represented on a number of boards, commissions, committees, and groups. These include ad hoc committees, policy committees, intergovernmental bodies, and various organizations in the community. Such representation is distinct from formal appointments to Boards and Commissions as provided in Title 2, Chapters 1-10 of this Code of Ordinances. As such, this section is intended to address City representation on these various boards, commissions, committees, and groups, and not representation on Boards and Commissions as set forth in Title 2, Chapters 1-10. For purposes of this Chapter, these boards, commissions, committees, and groups - where the City has a City Representative - will be collectively referred to as City Administrative Boards.

**2-11-2 Appointment of Members.** Except as otherwise specifically provided by state statute or as determined by the by laws of the outside agency, all members of the Administrative Boards shall be appointed and approved by the City Council. The City Clerk shall notify the City Council of the expiration of terms of office of any member of any Administrative Board as provided in section 2-12-1 of this Code. When a vacancy occurs by resignation, death, or other termination of service, the City Clerk shall provide the notice to the City Council as soon as the City Clerk is made aware of the vacancy, and City Council shall fill said vacancy as soon as practicable.

**TITLE 2 – Boards and Commissions**  
**CHAPTER 12 - Annual Organizational Meeting for Appointments <sup>xx</sup>**

SECTIONS:

2-12-1 City Clerk to Maintain Listing

2-12-2 Organizational Meeting

**2-12-1 Clerk to Maintain Listing.** An alphabetical listing of all Boards, Commissions, and Committees, including Ad-Hoc Committees as defined by Title 2, Chapter 10, and City Administrative Boards as defined by Title 2, Chapter 11, shall be compiled and maintained by the City Clerk. Such listing shall include the number and identity of members comprising each Board, Commission, or Committee, as the case may be, and the date each term of office expires. No later than 90 days before the end of each calendar year, the City Clerk shall prepare, from the alphabetical listing of all Boards, Commissions, or Committees, including Ad-Hoc Committees as defined by Title 2, Chapter 10, and City Administrative Boards as defined by Title 2, Chapter 11, a roster of all terms of office expiring within the next calendar year.

**2-12-2 Organizational Meeting.** The City Council shall hold an organizational meeting at the first regular meeting in January wherein the City Council shall review upcoming vacancies on Boards, Commissions, and Committees, including Ad-Hoc Committees as defined by Title 2, Chapter 10, and City Administrative Boards as defined by Title 2, Chapter 11. At the Council's choosing, the Council may elect to continue the Organizational meeting to a later date, or may schedule additional meetings as needed. If the meeting is continued or other meetings are held on an as needed basis, the Council shall refer the list of vacancies to be considered at the later meeting to the Nominating Committee in a timely manner in order that the Committee may prepare a slate of candidate(s) in advance of the full Council's meeting. If the Nominating Committee has already presented a slate of candidates for a particular vacancy, it may affirm its previous slate or may present a new slate for the full Council's consideration. All vacancies shall be filled as provided by the rules governing appointments to the respective Boards, Commissions, and Committees, including Ad-Hoc Committees as defined by Title 2, Chapter 10, and City Administrative Boards as defined by Title 2, Chapter 11.

Title 2

Chapter 13 <sup>xxi</sup> <sup>xxii</sup> <sup>xxiii</sup>

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## Title 2 – Boards and Commissions

### Chapter 14 – Public Art Advisory Commission

xxiv

#### SECTIONS:

- 2-14-1 Creation
- 2-14-2 Number of Members
- 2-14-3 Appointment
- 2-14-4 Term Duration and Limits
- 2-14-5 Removal – Vacancies
- 2-14-6 Residence Requirements
- 2-14-7 Responsibilities and Duties
- 2-14-8 Chairperson and Secretary
- 2-14-9 Meetings and Quorum
- 2-14-10 Compensation
- 2-14-11 Definition – Public Art

**2-14-1 Creation.** The Public Art Advisory Commission is hereby created.

**2-14-2 Number of Members.** The Public Art Advisory Commission shall consist of five (5) gender balanced members, including and one (1) member representing or having an interest in public art from Muscatine County and Ex Officio members from the Art Center and Parks and Recreation Departments.

**2-14-3 Appointment.** The Council shall appoint the members.

**2-14-4 Term Duration and Limits.**

- A. **Duration.** The Public Art Advisory Commission shall consist of (5) members to be appointed by the City Council. The term of office of such members shall commence with their appointment and shall be for (3) years, except to fill vacancies provided, however, that appointments to the first Commission shall be two (2) members for three (3) years, two (2) members for two (2) years, and one (1) member for one (1) year. Each term shall commence on the first day of July. All members of the Public Art Advisory Commission shall remain on the Commission until their successors are appointed.
- B. **Limits.** No individual shall serve more than two (2) full consecutive terms on the Public Art Advisory Commission.

**2-14-5 Removal – Vacancies.** The Council may, at any time, remove any member of the Commission after showing due cause, and shall fill the vacancies occurring on the Commission by removal or otherwise.

**2-14-6 Residence Requirements.** Each member of the Public Art Advisory Commission shall be a resident of the City of Muscatine, Iowa.

**2-14-7 Responsibilities and Duties.** The Public Art Advisory Commission shall promote and encourage programs to further public awareness of, accessibility to,



participation in, and support for the artistic and cultural development of the City of Muscatine. The Commission shall coordinate with the City Administrator or the appropriate department on recommendations for the expenditure of available funds for art and cultural activities. The Commission will evaluate gifts of art to be installed on City of Muscatine property, and advise City Council on potential sites that can be enhanced by the addition of public art and recommend various proposals for such sites. The Commission shall work with partners (individuals, for-profit businesses, non-profit organizations, other government institutions) to develop proposed projects to be implemented on public property within the City of Muscatine.

**2-14-8 Chairperson and Secretary.** The Public Art Advisory Commission shall select a Chairperson, who shall preside over all Commission meetings. The City Administrator or his/her Designee shall serve as Secretary and be responsible for maintaining written records of the Commissions' proceedings.

**2-14-9 Meetings and Quorum.** The Public Art Advisory Commission shall meet at least four (4) times per fiscal year and a simple majority of the Commission shall constitute a quorum for the transaction of business.

**2-14-10 Compensation.** The members of the Public Art Advisory Commission shall serve without compensation.

**2-14-11 Definition – Public Art.** Public Art is loosely defined to include both temporary and permanent installations of murals, sculptures, memorials, integrated architectural components, community art and digital media placed in or on City owned property.

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- <sup>i</sup> 9-8-2016 [Ordinance 93568-0816](#) Adopted to Amend Title 2, Chapter 1, Section 3
- <sup>ii</sup> 9-8-2016 [Ordinance 93568-0816](#) Adopted to Amend Title 2, Chapter 1, Section 7
- <sup>iii</sup> 9-8-2016 [Ordinance 93568-0816](#) Adopted to Amend Title 2, Chapter 2, Section 5
- <sup>iv</sup> 9-8-2016 [Ordinance 93568-0816](#) Adopted to Amend Title 2, Chapter 2, Section 6
- <sup>v</sup> 9-8-2016 [Ordinance 93568-0816](#) Adopted to Amend Title 2, Chapter 2, Section 9
- <sup>vi</sup> 9-8-2016 [Ordinance 93568-0816](#) Adopted to Amend Title 2, Chapter 3, Section 3
- <sup>vii</sup> 9-8-2016 [Ordinance 93568-0816](#) Adopted to Amend Title 2, Chapter 3, Section 4
- <sup>viii</sup> 9-8-2016 [Ordinance 93568-0816](#) Adopted to Amend Title 2, Chapter 3, Section 5
- <sup>ix</sup> 9-8-2016 [Ordinance 93568-0816](#) Adopted to Amend Title 2, Chapter 4, Section 5
- <sup>x</sup> 9-8-2016 [Ordinance 93568-0816](#) Adopted to Amend Title 2, Chapter 4, Section 5
- <sup>xi</sup> 9-8-2016 [Ordinance 93568-0816](#) Adopted to Amend Title 2, Chapter 6, Section 6
- <sup>xii</sup> 9-8-2016 [Ordinance 93568-0816](#) Adopted to Amend Title 2, Chapter 7, Section 4
- <sup>xiii</sup> 9-8-2016 [Ordinance 93568-0816](#) Adopted to Amend Title 2, Chapter 7, Section 6
- <sup>xiv</sup> 9-8-2016 [Ordinance 93568-0816](#) Adopted to Amend Title 2, Chapter 8, Section 3
- <sup>xv</sup> 9-8-2016 [Ordinance 93568-0816](#) Adopted to Amend Title 2, Chapter 8, Section 6
- <sup>xvi</sup> 9-8-2016 [Ordinance 93568-0816](#) Adopted to Amend Title 2, Chapter 9, Section 3
- <sup>xvii</sup> 9-8-2016 [Ordinance 93568-0816](#) Adopted to Amend Title 2, Chapter 9, Section 6
- <sup>xviii</sup> 9-8-2016 [Ordinance 93568-0816](#) Adopted to Add Title 2, Chapter 11 Council Appointments to City Administrative Boards.
- <sup>xix</sup> 7-2-2015 [Ordinance 93109-0715](#) Adopted amending Title 2 by adding Chapter 11 Convention and Visitors Board
- <sup>xx</sup> 9-8-2016 [Ordinance 93568-0816](#) Adopted to add Title 2, Chapter 12 Annual Organizational Meeting for Appointments

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- xxi 1-5-2017 [Ordinance 93693-0117](#) Adopted Amending Ordinance 93109-0715 and correcting a scrivener's error by changing Title 2, Chapter 11 to Chapter 13
- xxii 1-5-2017 [Ordinance 93693-0117](#) adopted Amending Title 2, Chapter 13, Section 3
- xxiii 1-5-2017 [Ordinance 93693-0117](#) adopted Amending Title 2, Chapter 13, Section 5
- xxiv 5-2-2019 [Ordinance 2019-0078](#) adopted adding Title 2, Chapter 14