

ORDINANCE NO. _____

**An Ordinance Amending Title 1 Administrative,
Chapter 6 Mayor and City Council,
Section 7 Qualifications of the Mayor and Council Members**

BE IT ORDAINED by the City Council of the City of Muscatine, Iowa, as follows:

Section 1. Title 1, Administrative, Chapter 6 Mayor and City Council, Section 7 Qualifications is hereby amended to read as follows:

1-6-7 Qualifications of the Mayor and Council Members. The Mayor shall be a resident of the City and the Council members shall be residents of the City and of the Ward which they are elected to represent at the time a petition for election is filed, at the time of election, and continuing throughout the term of office.

The terms "reside" and "residence" shall mean the Mayor and Council members' permanent abodes, whether owned or rented, in which they maintain their actual living quarters. In order to have their residence in a particular place, they must establish a physical presence there and have the intent to make that place their permanent residence. Neither voting in the City nor payment of taxes to the City shall be deemed adequate to satisfy the requirements of this definition, nor shall "residency" be satisfied by the maintaining of a rented room or rooms solely for the purpose of establishing residency when it appears that their actual residence is outside the City. Factors to be considered include frequency of presence, property ownership, location of personal belongings, as well as social and family ties with the community.

The failure of the Mayor or Council members to maintain their residence within the corporate limits of the City shall be grounds for removal. A Committee shall be established and authorized to investigate complaints made to the City with respect to residency requirements of elected officials. Upon notification or discovery of an official who has violated the necessary requirements, the Committee shall make a finding with respect to whether or not such individual is or is not a resident of the City in accordance with the requirements. The Committee shall then recommend such finding to the City Council for a final determination in accordance with Iowa Code Chapter 66.

Section 2. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

Section 3. This Ordinance shall become effective upon passing and publication as provided by law.

PASSED, APPROVED AND ADOPTED ON THIS _____ day of April, 2012.

DeWayne Hopkins, Mayor

ATTEST:

Gregg, Mandsager, City Administrator

First Reading: _____

Second Reading: _____

Third Reading: _____

Publication: _____