

SECTION 1.09  
ADMINISTRATION

1.09.01 – DUTIES OF ADMINISTRATION OFFICIAL, BOARD OF ADJUSTMENT CITY COMMISSION,  
AND COURTS ON MATTERS OF APPEAL

1.09.02 – AMENDMENTS

1.09.03 – PENALTIES FOR VIOLATION

1.09.04 – SCHEDULE OF FEES, CHARGES, AND EXPENSES

1.09.05 – COMPLAINTS REGARDING VIOLATIONS

1.09.06 – REPEAL OF CONFLICTING ORDINANCES: EFFECTIVE DATE

1.09.07 – SEVERABILITY CLAUSE

#### 1.09.01 – DUTIES OF ADMINISTRATION OFFICIAL, BOARD OF ADJUSTMENT CITY COMMISSION, AND COURTS ON MATTERS OF APPEAL

All questions of interpretation and enforcement shall be first presented to the Administrative Official or his Assistant, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Administrative Official, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by Chapter 414, Code of Iowa.

#### 1.09.02 – AMENDMENTS

The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed, provided that at least seven days notice of the time and place of such hearing shall be published in a paper of general circulation in the City. In no case shall the notice be published less than 7 days or more than 20 days prior to the hearing.

The Council may impose conditions on a property owner are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case, however, of a written protest against a change or repeal which is filed with the City Clerk and signed by the owners of 20% or more of the area of the lots including in the proposed change or repeal, or by the owners of 20% or more of the property which is located within two hundred (200) feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths (3/4) of all the members of the Council. The provisions of Section 414.4 relative to public hearings of and official notice apply equally to all changes or amendments.

#### 1.09.03 – PENALTIES FOR VIOLATION

Violation of any of the provisions of this Ordinance including any of its requirements (including violations and safeguards established incident to a grant of variance or special exception) shall also be deemed a violation of the City Code, and may, in the discretion of the City Council be prosecuted as a simple misdemeanor or as a municipal infraction. In addition, the City shall be entitled to exercise any or all other legal or equitable remedies available to it.

(Amended by Ordinance No. 155)

#### 1.09.04 – SCHEDULE OF FEES, CHARGES, AND EXPENSES

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning district changes, zoning permits, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Administrative Official, City Clerk and may be altered or amended only by the City Council, as recommended by the Commission.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

#### 1.09.05 – COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Administrative Official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

#### 1.09.06 – REPEAL OF CONFLICTING ORDINANCES: EFFECTIVE DATE

All Ordinances or parts of Ordinances in conflict with this Zoning Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall become effective upon publication.

Repealed in particular is Ordinance No. 76, "A Zoning Ordinance for the town of Garwin, Iowa", adopted August 28, 1967, and all amendments thereto.

#### 1.09.07 – SEVERABILITY CLAUSE

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.