

# Agenda Report

May 20, 2013 City Council Meeting

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May 20, 2013  
Item Nos. 13 & 14

## **ISSUE: Code Language Clarification**

Both Ordinances 13-04 & 13-05 deal with code language clean up

## **BACKGROUND:**

As a reminder, the City has two code sections (152.05 & 171.10 #8) that set fee amounts within the language of the code. However, the same fees associated with these code sections are also set by resolution. Legally code takes priority over resolution, so the current fees set by resolution are obsolete. The proposed ordinances change the code language by striking stipulate fee amount language and replacing with language that allows the City Council to set the fees from time to time by resolution. Approving both ordinances will ensure that staff can charge the current fees that were set in 2012 by the City Council. Please keep in mind that we ARE NOT increasing fees, only changing the language on how they are set moving forward.

## **RECOMMENDATION:**

Staff recommends the City Council adopt both Ordinances 13-04 and 13-05 by waiving the 2<sup>nd</sup> and 3<sup>rd</sup> readings and passing on first reading only. This will ensure that staff can immediately charge the fees as set by City Council in 2012.

## **STAFF CONTACTS:**

Jeffrey A. Fiegenschuh, City Administrator

ORDINANCE NO. 13-04

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF WINDSOR HEIGHTS, IOWA, BY AMENDING PROVISIONS PERTAINING TO THE TEMPORARY STRUCTURES CODE, UNDER THE ORDINANCES OF CHAPTER 152

Be It Enacted by the City Council of the City of Windsor Heights, Iowa:

SECTION 1. AMENDMENT. Chapter 152.05 PERMIT FEES is hereby amended by removing permit fee dollar amounts and adding the following:

**152.05 PERMIT FEES.** Upon approval by the Clerk and payment of a permit fee, the Clerk shall issue a permit to the applicant. The permit for a business or commercial class permit shall be for a period of thirty (30) days and shall authorize the erection, construction, or placement of a temporary structure on the property described in the application. ~~The cost of the business or commercial permit is %50.00 per month.~~ The fee shall be in the amount as established from time to time by resolution of the City Council and set forth in the Schedule of Civil Penalties and Fees attached in the appendix to this code of ordinances. Residential class permit fee is waived for the first 180 days with the start of a new building, plumbing, mechanical, or electrical permit. After 180 days, ~~the fee schedule set out below is imposed~~ the fees imposed shall be in the amount as established from time to time by resolution of the City Council and set forth in the Schedule of Civil Penalties and Fees attached in the appendix to this code of ordinances.

SECTION 2. REPEALER. All parts of the "MUNICIPAL CODE OF ORDINANCES OF THE CITY OF WINDSOR HEIGHTS, IOWA" in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this Ordinance as a whole or any section, subsection, provision, sentence, clause, phrase or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and notice of its passage is given as provided by law.

Passed & Approved by the City Council this 20th day of May, 2013

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David J. Sullivan, Mayor

Attest:

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Jeff Fiegenschuh  
City Administrator

ORDINANCE NO. 13-05

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF WINDSOR HEIGHTS, IOWA, BY AMENDING PROVISIONS PERTAINING TO THE ZONING CODE – SUPPLEMENTAL USE REGULATIONS CODE, UNDER THE ORDINANCES OF CHAPTER 171

Be It Enacted by the City Council of the City of Windsor Heights, Iowa:

SECTION 1. AMENDMENT. Chapter 171.10 TEMPORARY USES is hereby amended by removing permit fee dollar amounts and adding the following:

8. Fees. For uses other than long-term temporary food and beverage uses, the application fee for a temporary use permit shall be ~~twenty five dollars (\$25.00)~~ in the amount as established from time to time by resolution of the City Council and set forth in the Schedule of Civil Penalties and Fees attached in the appendix to this code of ordinances. The application fee for a long-term temporary food and beverage permit shall be ~~two hundred fifty dollars (\$250.00)~~ in the amount as established from time to time by resolution of the City Council and set forth in the Schedule of Civil Penalties and Fees attached in the appendix to this code of ordinances, payable each year of operation.

SECTION 2. REPEALER. All parts of the "MUNICIPAL CODE OF ORDINANCES OF THE CITY OF WINDSOR HEIGHTS, IOWA" in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this Ordinance as a whole or any section, subsection, provision, sentence, clause, phrase or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and notice of its passage is given as provided by law.

Passed & Approved by the City Council this 20<sup>th</sup> day of May, 2013

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David J. Sullivan, Mayor

Attest:

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Jeff Fiegenschuh  
City Administrator