

ORDINANCE NO. 328

**AN ORDINANCE ADOPTING THE “CODE OF ORDINANCES OF THE CITY OF ELGIN, IOWA”**

BE IT ORDAINED by the City Council of the City of Elgin, Iowa, that:

SECTION 1. Pursuant to published notice and following public hearing on the 20<sup>th</sup> day of November, 2023, so required by Sections 362.3 and 380.8, Code of Iowa, there is hereby adopted by the City of Elgin, Iowa, the “CODE OF ORDINANCES OF THE CITY OF ELGIN, IOWA.”

SECTION 2. All of the provisions of the “CODE OF ORDINANCES OF THE CITY OF ELGIN, IOWA,” shall be in force and effect on and after the effective date of this ordinance.

SECTION 3. All ordinances or parts thereof in force on the effective date of this ordinance are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided.

SECTION 4. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by the City or authorizing the issuance of any bonds of said City or any evidence of said City's indebtedness or any contract or obligation assumed by said City; nor shall said repeal affect the administrative ordinances or resolutions of the Council not in conflict or inconsistent with the provisions of “THE CODE OF ORDINANCES OF THE CITY OF ELGIN, IOWA”; nor shall it affect the following ordinances specifically saved from repeal:

**STREET AND ALLEY VACATIONS**

ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
22	September 2, 1893	183	August 20, 1951
66	February 6, 1899	186	October 3, 1955
75	June 4, 1900	190	October 6, 1958
86	December 2, 1901	206	August 11, 1969
87	March 17, 1902	208	May 8, 1970
107	January 14, 1907	210	August 3, 1970
117	October 5, 1908	216	August 6, 1973
155	April 7, 1925	223	August 18, 1975
161	April 7, 1925	240	August 20, 1984
167	May 7, 1934	245	June 15, 1987
169	September 3, 1934	299	October 4, 2010
173	June 4, 1945	317	July 5, 2016
175	November 1, 1948	322	October 17, 2022

### STREET GRADES

ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
40	August 6, 1895	122	May 11, 1909
74	February 5, 1900	130	June 5, 1911
89	September 18, 1902	133	April 4, 1912
91	June 29, 1903	137	April 5, 1912
95	October, 1904	145	July 2, 1917
100	October 2, 1905	148	June 7, 1921
101	October 2, 1905	154	April 7, 1925
109	March 28, 1907	172	June 16, 1937
118	October 5, 1908		

nor shall it affect any other right or franchise conferred by any ordinance or resolution of the Council or any other person or corporation; nor shall it affect any ordinance naming, establishing, relocating or vacating any street or public way, whether temporary or permanent; nor shall it affect any ordinance, establishing building lines, establishing and changing grades, or dedicating property for public use; nor shall it affect any prosecution, suit or other proceeding pending or any judgment rendered on or prior to the effective date of this ordinance.

SECTION 5. The following ordinances, passed subsequent to the preparation of this code but prior to adoption of this code, are hereby adopted and made a part of this code. These are ordinances \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_. Said ordinances shall be codified and incorporated in published copies of this code as supplements thereto following adoption of this ordinance.

SECTION 6. An official copy of the "CODE OF ORDINANCES OF THE CITY OF ELGIN, IOWA," adopted by this ordinance, including a certificate of the City Clerk as to its adoption and the effective date, is on file in the office of the City Clerk, and shall be kept available for public inspection.

SECTION 7. The City Clerk shall furnish a copy of the "CODE OF ORDINANCES OF THE CITY OF ELGIN, IOWA," to the Judicial Magistrates serving the City of Elgin.

SECTION 8. This ordinance shall be in full force and effect from and after the publication of this ordinance, as required by law.

Passed by the City Council of the City of Elgin, Iowa, the 20 day of November, 2023.

ATTEST: *Angie Wanda*  
CITY CLERK

*[Signature]*  
MAYOR

First Reading: 11/20/2023

Second Reading: Motion to Waive 11/20/2023

Third Reading: Motion to Waive 11/20/2023

**CLERK'S CERTIFICATE**

I hereby certify that the foregoing Ordinance No. 328 was published as required by law on the 29 day of November, 2023.

SIGNED *Linger Wanda*  
CITY CLERK

CLERK'S CERTIFICATE

State of Iowa )  
County of Fayette ) SS

I, Ginger Wandes, City Clerk of the City of Elgin, Iowa, hereby certify that the "CODE OF ORDINANCES OF THE CITY OF ELGIN, IOWA," was adopted by the City Council of the City of Elgin, Iowa, and that an official copy of said Code of Ordinances is on file at the office of the City Clerk, City of Elgin, Iowa, and that Ordinance No. 328 adopting said Code of Ordinances was passed by the City Council of the City of Elgin, Iowa, on the 20 day of November, 2023, signed by the Mayor on the 20 day of November, 2023; duly recorded and published as provided by law, and that the effective date of said Code is \_\_\_\_\_.

Witness my hand and official seal of the City of Elgin, Iowa, this 29 day of November, 2023.

SIGNED: Ginger Wandes  
CITY CLERK  
CITY OF ELGIN, IOWA

# Proof of Publication

State of Iowa

Publication Fee 15.32

Fayette County

I, Sue Hosto, as the billing clerk for the *Union/Echo/Leader*, a weekly newspaper of general circulation, published at West Union, Fayette County, Iowa, swear that the notice hereto attached was published in said newspaper on the following date(s):

Nov 15, 20 23

Susan M Hosto

Billing Clerk

Sworn to and subscribed in my presence by the said billing clerk this 15<sup>th</sup> day of November, 2023.

Michelle Haefner

Notary Public



## PUBLIC NOTICE

### PUBLIC HEARING NOTICE

Notice is hereby given that there is now on file for public inspection in the office of the City Clerk of Elgin, Iowa, the proposed "CODE OF ORDINANCES OF THE CITY OF ELGIN, IOWA."

The City Council will meet at 7:15 p.m. on the 20<sup>th</sup> day of November, 2023, at the Kohler Memorial Building meeting room 212 Main Street, Elgin, Iowa. At which time any citizen of Elgin, Iowa, or any other person having an interest in the proposed "CODE OF ORDINANCES OF THE CITY OF ELGIN, IOWA," may appear and be heard for or against the adoption of the proposed Code of Ordinances or any part thereof.

Ginger Wander, City Clerk  
City of Elgin, Iowa  
Published in *The Union Echo Leader*  
November 15, 2023

# Proof of Publication

State of Iowa

Publication Fee 60.54

Fayette County

I, Sue Hosto, as the billing clerk for the *Union/Echo/Leader*, a weekly newspaper of general circulation, published at West Union, Fayette County, Iowa, swear that the notice hereto attached was published in said newspaper on the following date(s):

NOV 29, 2023

Susan M Hosto

Billing Clerk

Sworn to and subscribed in my presence by the said billing clerk this 29<sup>th</sup> day of November, 2023.

Michelle Haefner

Notary Public



# PUBLIC NOTICE

## ORDINANCE NO. 328 AN ORDINANCE ADOPTING THE "CODE OF ORDINANCES OF THE CITY OF ELGIN, IOWA"

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SECTION 2. All of the provisions of the "CODE OF ORDINANCES OF THE CITY OF ELGIN, IOWA," shall be in force and effect on and after effective date of this ordinance.

SECTION 3. All ordinances or parts thereof in force on the effective date of this ordinance are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided.

SECTION 4. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance; nor shall such a repeal affect any ordinance or resolution promising or guaranteeing the payment of money by the City or authorizing the issuance of any bonds of said City or any evidence of said City's indebtedness or any contract or obligation assumed by said City; nor shall said repeal affect the administrative ordinances or resolutions of the Council not in conflict or inconsistent with the provisions of "THE CODE OF ORDINANCES OF THE CITY OF ELGIN, IOWA"; nor shall it affect the following ordinances specifically saved from repeal:

ORDINANCE NO.	ADOPTED
22	September 2, 1893
66	February 6, 1899
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240	August 20, 1984
245	June 15, 1987
299	October 4, 2010
317	July 5, 2016
322	October 17, 2022
122	May 11, 1909
130	June 5, 1911
133	April 4, 1912
137	April 5, 1912
145	July 2, 1917
148	June 7, 1921
154	April 7, 1925
172	June 16, 1937

Nor shall it affect any other right or franchise conferred by any ordinance or resolution of the Council or any other person or corporation; nor shall it affect any ordinance naming, establishing, relocating or vacating any street or public way, whether temporary or permanent; nor shall it affect any ordinance, establishing building lines, establishing and changing grades, or dedicating property for public use; nor shall it affect any prosecution, suit or other proceeding pending or any judgement rendered on or prior to the effective date of this ordinance.

SECTION 5. The following ordinances, passed subsequent to the preparation of this code but prior to adoption of this code, are hereby adopted and made part of this code. These are ordinances 323, 327, 329. Said ordinances shall be codified and incorporated in published copies of this code as supplements thereto following adoption of this ordinance.

SECTION 6. An official copy of the "CODE OF ORDINANCES OF THE CITY OF ELGIN, IOWA," adopted by this ordinance, including a certificate of the City Clerk as to its adoption and the effective date, is on file in the office of the City Clerk, and shall be kept available for public inspection.

SECTION 7. The City Clerk shall furnish a copy of the "CODE OF ORDINANCES OF THE CITY OF ELGIN, IOWA," to the Judicial Magistrates serving the City of Elgin.

SECTION 8. This ordinance shall be in full force and effect from and after the publication of this ordinance, as required by law.

Passed by the City Council of the City of Elgin, Iowa the 20<sup>th</sup> day of November, 2023.  
Ginger Wander, City Clerk