

**ORDINANCE NO. 436**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EARLHAM, IOWA, 2017, CHAPTER 165.20 BOARD OF ADJUSTMENT CREATED**

**Be it enacted by the City Council of the City of Earlham, Iowa:**

**SECTION 1. SECTION AMENDED.** Chapter 165.20 of the Code of Ordinances of the City of Earlham, Iowa, 2017, pertaining to the creation of the Board of Adjustment, is hereby deleted in its entirety, and replaced by the following in lieu thereof:

165.20 A Board of Adjustment is established, which shall consist of five (5) members appointed by the Council, at least three (3) of which shall be residents of the City of Earlham. The City must try to have at least one of the remaining members be an agricultural landowner. The term of office of the members of the Board shall be five years. Terms shall overlap as provided by law. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in his or her absence, the acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The presence of three members shall be necessary to constitute a quorum.

**SECTION 2. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 3. WHEN EFFECTIVE.** This ordinance shall be in effect, after its final passage, approval and publication as provided by law.

Passed and approved by the City Council of Earlham, Iowa, this 12th day of September, 2022

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Jeff Lillie, Mayor

ATTEST: \_\_\_\_\_  
Mary Sue Hibbs, City Clerk/Treasurer

Passed First Reading: \_\_\_\_\_  
Passed Second Reading: \_\_\_\_\_  
Passed Third Reading \_\_\_\_\_

<u>Member</u>	<u>1<sup>st</sup> Reading</u>	<u>2<sup>nd</sup> Reading</u>	<u>3<sup>rd</sup> Reading</u>
Baskin			
Fredericksen			
Mudge			
Nelsen			
Swalla			

I certify that the foregoing Ordinance was published as Ordinance No. 436 on the \_\_\_\_ day of September, 2022

\_\_\_\_\_  
Mary Sue Hibbs, City Clerk/Treasurer