

**ORDINANCE NO. 6502**

**AN ORDINANCE TO AMEND CHAPTER 17.11 “APPEALS” OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY REPEALING THE “EDITOR’S NOTE” AND AMENDING SECTION 17.11.010 “EXCLUSIVE APPEAL REMEDY”.**

**BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

**SECTION 1.** That Chapter 17.11 “Appeals” of the 2020 Municipal Code of Council Bluffs, Iowa, is hereby amended by repealing the “Editor’s note” and amending Section 17.11.010 “Exclusive Appeal Remedy” to read as follows:

**Chapter 17.11 - APPEALS**

**17.11.010 Exclusive Appeal Remedy**

**17.11.010 Exclusive Appeal Remedy**

The exclusive appeal remedy for any party aggrieved by any action of the building official pursuant to this title is by appeal to the Board of Appeals, pursuant to CBMC 13.01.204.

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY CLAUSE.** If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

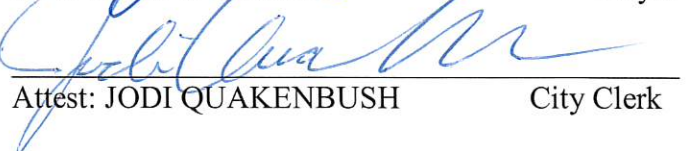
**SECTION 4. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED  
AND  
APPROVED

June 27, 2022.

  
MATTHEW J. WALSH

Mayor

  
Attest: JODI QUAKENBUSH

City Clerk

First Consideration: 6-13-22  
Second Consideration: 6-27-22  
Public Hearing: n/a  
Third Consideration: Waived

## **17.02.050 Section 111.1 Amended - Application For Appeal**

~~Section 111.1 is amended as follows:~~

Any person directly affected by a decision of the building official or a notice or order issued under this code shall have the right to appeal to the ~~b~~Board of ~~a~~Appeals pursuant to CBMC ~~13.01.204~~13.01.110.

(Ord. No. 6224, 1-26-2015)

## **Chapter 17.11 - APPEALS**

### **17.11.010 Exclusive Appeal Remedy**

~~Editor's note— Ord. No. 6184, § 1, adopted July 8, 2013, in effect repealed the former CBMC 13.11.010—CBMC 13.11.070, and enacted a new CBMC 13.11 as set out herein. The former CBMC 13.11 pertained to similar subject matter and derived from Ord. No. 4359, 1980; Ord. No. 5342, 1997 and Ord. No. 6122, adopted March 7, 2011.~~

### **17.11.010 Exclusive Appeal Remedy**

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(Ord. No. 6184, § 1, 7-8-2013; Ord. No. 6224, 1-26-2015)

## **17.12.040 Adoption Of Rules And Regulations** ~~By The City Manager~~

The building official is authorized and empowered to make and adopt written rules and regulations necessary for the proper enforcement of the provisions of this title.

(Ord. 4359 § 2 (part), 1980)

(Ord. No. 6224, 1-26-2015)

## Council Communication

Department: City Clerk  
Case/Project No.:  
Submitted by: Graham Jura

Ordinances 6501, 6502 and 6503  
ITEM 5.B.

Council Action: 6/27/2022

### Description

Ordinance 6501 to amend Chapter 17.02 "International Property Maintenance Code" of the 2020 Municipal Code, by amending Section 17.02.050 "Section 111.1 Amended-Application For Appeal".

Ordinance 6502 to amend Chapter 17.11 "Appeals" of the 2020 Municipal Code, by repealing the "Editor's note" and amending Section 17.11.010 "Exclusive Appeal Remedy".

Ordinance 6503 to amend Chapter 17.12 "Miscellaneous Provisions" of the 2020 Municipal Code, by amending Section 17.12.040 "Adoption of Rules and Regulations by the City Manager".

### Background/Discussion

The Council Bluffs Building Division recently reviewed CBMC and found that updates were necessary to properly reference code provisions regarding the building Board of Appeals as well as removing a reference to a City Manager that the City does not have.

This change affected 3 different chapters within Title 17, so 3 ordinances are attached.

### Recommendation

Approval is recommended.

### ATTACHMENTS:

| Description                       | Type      | Upload Date |
|-----------------------------------|-----------|-------------|
| Ordinance-red line version of all | Other     | 5/27/2022   |
| Ordinance 6501                    | Ordinance | 6/8/2022    |
| Ordinance 6502                    | Ordinance | 6/8/2022    |
| Ordinance 6503                    | Ordinance | 6/8/2022    |

## Proof Of Publication

State of Iowa

Pottawattamie County

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17.11.010 Exclusive Appeal Remedy

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**SECTION 4. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED AND APPROVED June 27, 2022.

MATTHEW J. WALSH, Mayor  
Attest: JODI QUAKENBUSH, City Clerk

First Consideration: 6-13-22  
Second Consideration: 6-27-22  
Public Hearing: n/a  
Third Consideration: Waived  
2022 (7) 2-1 Saturday

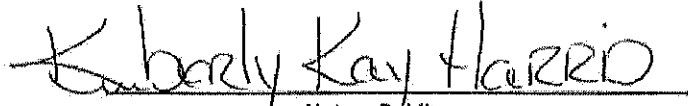
I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN Daily Nonpareil, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 02nd day of July, 2022.

  
Billing Representative

Sworn to and subscribed before me this 2nd day  
of July, A.D. 2022.

  
Notary Public

State of Virginia  
County of Hanover  
My Commission expires  
Kimberly Kay Harris  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. No. 356753  
Commission Exp. Jan. 31, 2025

CITY OF COUNCIL BLUFFS  
209 PEARL ST.  
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