ORDINANCE NO. 1248

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF IOWA FALLS, IOWA, BY AMENDING THE SUBSECTIONS UNDER APPEALS FROM THE BOARD OF ADJUSTMENT

BE IT ENACTED by the City Council of the City of Iowa Falls, Iowa:

SECTION 1. SECTION MOTIFIED. Section 165.62 of The Code of Ordinances of the City of Iowa Falls, Iowa, is repealed and the following adopted in lieu thereof:

> **165.62** An individual who is affected by a variance granted by a city's board of adjustment may appeal the variance to the City Council within sixty (60) days. The effective date of the variance shall be stayed during the Council's review of the appeal. A variance's effective date is not automatically stayed during the sixty (60) day appeal window.
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> The Council may, on its own initiative, review and either remand a variance back to the board of adjustment for further study, in which case the variance is delayed for thirty (30) days from the date of remand, or overturn the board's decision on the variance even if an appeal has not been brought. The Council may only overturn a decision of the board by a vote of two-thirds (2/3) of all members of the council.

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 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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 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 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 20th day of July 2026, and approved this 20th day of July, 2026.

Michael Emerson, Mayor

ATTEST:

Amanda Ubben, City Clerk