

**TITLE 1**  
**ADMINISTRATION**

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CHAPTER 1  
LEWISVILLE CITY CODE

SECTION:

- 1-1-1: Title  
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1-1-1: **TITLE:** Upon adoption by the city council, this code is hereby declared to be and shall hereafter constitute the official city code of Lewisville. This code of ordinances shall be known and cited as the *LEWISVILLE CITY CODE* and is hereby published by authority of the city council and shall be supplemented to incorporate the most recent legislation of the city as provided in section 1-1-3 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this code by title in any legal documents. (2012 Code)

1-1-2: **ACCEPTANCE<sup>1</sup>:** This code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this state as the ordinances of the city of general and permanent effect, except the excluded ordinances enumerated in section 1-2-1 of this title. (2012 Code)

1-1-3: **AMENDMENTS:** Any ordinance amending this code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this code. All such amendments or revisions by

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1. Codification of ordinances authorized per IC §§ 50-903 – 50-906.

ordinance shall be immediately forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper place in each copy of this code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of this code. (2012 Code)

1-1-4:       **CODE ALTERATIONS:** It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this code in such a manner that the meaning of any phrase or order may be changed or omitted. Said code books, while in actual possession of officials and other interested persons, shall be and remain the property of the city and shall be returned to the office of the city clerk-treasurer when directed so to do by order of the city council. (2012 Code)

CHAPTER 2  
**SAVING CLAUSE**

SECTION:

- 1-2-1: Repeal Of General Ordinances; Exclusions
- 1-2-2: Public Ways And Public Utility Ordinances
- 1-2-3: Court Proceedings
- 1-2-4: Severability Clause

1-2-1:       **REPEAL OF GENERAL ORDINANCES; EXCLUSIONS:** All general ordinances of the city passed prior to the adoption of this code are hereby repealed, except such as are included in this code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed:

- A. Tax levy ordinances.
- B. Appropriation ordinances.
- C. Ordinances relating to boundaries and annexations.
- D. Franchise ordinances and other ordinances granting special rights to persons or corporations.
- E. Contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants.
- F. Salary ordinances.
- G. Ordinances establishing, naming or vacating streets, alleys or other public places.
- H. Improvement ordinances.
- I. Bond ordinances.

- J. Ordinances relating to elections.
- K. Ordinances relating to the transfer or acceptance of real estate by or from the city.
- L. All special ordinances. (2012 Code)

1-2-2:           **PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES:** No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this code or by virtue of the preceding section, excepting as this code may contain provisions for such matters, in which case, this code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (2012 Code)

1-2-3:           **COURT PROCEEDINGS:**

- A. **Prior Acts:** No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.
- B. **Extend To All Repeals:** This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.
- C. **Currently Pending Actions:** Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the city herein repealed, and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provi-

sions; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the city under any ordinance or provision thereof in force at the time of the adoption of this code. (2012 Code)

1-2-4:       **SEVERABILITY CLAUSE:** If any section, subsection, paragraph, sentence, clause or phrase of this code, or any part hereof, or any portion adopted by reference or any codes or portions of codes adopted herein is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this code, or any part hereof, or any portion adopted by reference of any codes or portions of codes adopted herein. The city council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (2012 Code)

## CHAPTER 3

**DEFINITIONS AND INTERPRETATIONS**

## SECTION:

- 1-3-1: General Rules Of Interpretation
- 1-3-2: Definitions, General
- 1-3-3: Catchlines

**1-3-1: GENERAL RULES OF INTERPRETATION:**

- A. **Liberal Construction:** All general provisions, terms, phrases and expressions contained in this code shall be liberally construed in order that the true intent and meaning of the mayor and city council may be fully carried out.
- B. **Minimum Requirements:** In the interpretation and application of any provision of this code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare.
- C. **Computation Of Time:** Whenever a notice is required to be given or an act to be done in a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall not be counted in computing the time, but the day on which such proceeding shall be held shall be counted.
- D. **Delegation Of Authority:** Whenever a provision appears requiring the head of a department or some other city officer to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.
- E. **Gender:** The use of any gender based pronoun should not be construed to be gender biased, but is only used for grammatical simplicity.

- F. **Joint Authority:** All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.
- G. **May/Shall:** The word "may" is permissive; the word "shall" is mandatory.
- H. **Nontechnical And Technical Words:** Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- I. **Number:** A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.
- J. **Officers And Employees Generally:** Whenever any officer or employee is referred to by title only, such reference shall be construed as if followed by the words "of the city of Lewisville".
- K. **Tense:** Words used in the past or present tense include the future as well as the past and present.
- L. **Ordinance:** The word "ordinance" contained in the ordinances of the city has been changed in the content of this code to "title", "chapter", "section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the city ordinances is not meant to amend passage and effective dates of such original ordinances. (2012 Code)

1-3-2: **DEFINITIONS, GENERAL:** Whenever the following words or terms are used in this code, they shall have such meanings herein ascribed to them unless the context makes such meanings repugnant thereto:

**AGENT:** A person acting on behalf of another with authority conferred, either expressly or by implication.

**CITY:** The city of Lewisville, county of Jefferson, state of Idaho.

**CODE:** The city code of the city of Lewisville.



<b>COUNCIL:</b>	Unless otherwise indicated, the city council of the city of Lewisville.
<b>COUNTY:</b>	The county of Jefferson, state of Idaho.
<b>FISCAL YEAR:</b>	The fiscal year of the city shall commence on October 1 of each year <sup>1</sup> .
<b>INFRACTION:</b>	A civil public offense, not constituting a crime, punishable by a penalty not exceeding one hundred dollars (\$100.00) and for which no incarceration may be imposed <sup>2</sup> .
<b>LICENSE:</b>	The permission granted for the carrying on of a business, profession or occupation.
<b>MISDEMEANOR:</b>	Any offense not defined as a felony or infraction under state law <sup>3</sup> .
<b>NUISANCE:</b>	Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the city, or any activity which, by its perpetuation, can reasonably be said to have a detrimental effect on the value, use, or enjoyment of the property of a person or persons within the community.
<b>OCCUPANT:</b>	As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.
<b>OFFENSE:</b>	Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.
<b>OPERATOR:</b>	The person who is in charge of any operation, business or profession.

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1. IC § 50-1001.

2. IC §§ 18-111, 18-113A.

3. IC §§ 18-111, 18-113.

**OWNER:** As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

**PERSON:** Any public or private corporation, firm, partnership, limited liability partnership, trust, association, limited liability company, organization, government or any other group acting as a unit, as well as a natural person.

**PERSONAL PROPERTY:** Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

**RETAILER:** Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.

**RIGHT OF WAY:** The privilege of the immediate use of the roadway or other property.

**STATE:** The state of Idaho.

**STREET:** Shall include highways or roads, alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.


**TENANT:** As applied to a building or land, shall include any person in lawful occupation of the whole or any part of such building or land, whether alone or with others.

**WHOLESALE DEALER:** Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.



WRITTEN, IN  
WRITING:

May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark. (2012 Code)



1-3-3:       **CATCHLINES:** The catchlines of the several sections of this code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (2012 Code)

**CHAPTER 4****GENERAL PENALTY****SECTION:**

- 1-4-1: General Penalty
- 1-4-2: Application Of Provisions
- 1-4-3: Liability Of Officers

**1-4-1: GENERAL PENALTY':**

- A. **Misdemeanor:** Except in cases where a different punishment is hereafter prescribed by city ordinance, every offense declared to be a misdemeanor is punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding one thousand dollars (\$1,000.00), or by both. These punishments shall comply with Idaho Code section 18-113, as amended.
- B. **Infraction:** When the offense is designated as an infraction by any section or provision of this code or by state law, it is punishable only by a penalty not exceeding three hundred dollars (\$300.00) and no incarceration may be imposed. (Ord. 2015-1, eff. 5-13-2015)
- C. **Federally Mandated Programs:** When the city is participating in a federally mandated program, wherein penalties or enforcement remedies are required by the terms of participation in the program, the city may enforce such requirements by ordinance, to include a criminal or civil monetary penalty not to exceed one thousand dollars (\$1,000.00), or imprisonment for criminal offenses not to exceed six (6) months, or to include both a fine and imprisonment for criminal offenses, as limited by this section. (2012 Code)

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1. IC §§ 18-111, 18-113, 18-113A, 50-302, 50-302A.

**1-4-2: APPLICATION OF PROVISIONS:****A. Application Of Penalty Provisions:**

1. The penalty provided in this chapter shall be applicable to every section of this code just as if it were a part of each and every separate section. Any person convicted of a violation of any section of this code where any duty is prescribed or obligation imposed or where any action which is of a continuing nature is forbidden or is declared to be unlawful shall be deemed guilty of a misdemeanor unless otherwise provided. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this code.

2. Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this code, and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply.

**B. One Recovery For Same Offense:** In all cases where the same offense is made punishable or is created by different clauses or sections of this code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced. {2012 Code)

**1-4-3: LIABILITY OF OFFICERS:** No provision of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the city council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. {2012 Code)

## CHAPTER 5

**MAYOR AND CITY COUNCIL**

## SECTION:

- 1-5-1: Election Of Council Members
- 1-5-2: Filling Vacancy
- 1-5-3: Council Meetings
- 1-5-4: Rules Of Procedure And Order Of Business
- 1-5-5: Mayor And Council Salaries

1-5-1:       **ELECTION OF COUNCIL MEMBERS:** There shall be four (4) council members elected at large to represent the city. At each general city election, two (2) council members shall be elected from the city at large to serve for a term of four (4) years or until the successors are elected and qualified. (2012 Code)

1-5-2:       **FILLING VACANCY:** A vacancy on the council shall be filled by appointment made by the mayor with the consent of the council, which appointee shall serve only until the next general city election, at which such vacancy shall be filled for the balance of the original term. (2012 Code)

1-5-3:       **COUNCIL MEETINGS:**

- A.   Regular Meetings: The regular meetings of the city council shall convene, and be held at the Lewisville Community Center, 3451 East 480 North, Lewisville, Idaho, at seven o'clock (7:00) P.M., on the second Wednesday of each month. (Ord., 2-9-2010; 2021-1)
- B.   Special Meetings: The mayor, as provided in Idaho Code section 50-604, or three (3) members of the council, as provided in Idaho Code section 50-706, may call special meetings of the council, the object of which must be submitted to the council in writing; the call

and object, as well as the disposition thereof, shall be entered upon the journal of the clerk-treasurer.

- C. Open Meetings: All meetings shall be open to the public pursuant to Idaho Code section 67-2341 et seq. (2012 Code)

1-5-4: **RULES OF PROCEDURE AND ORDER OF BUSINESS:** The rules of procedure and order of business, as prescribed in the succeeding rules of this section, shall be followed by the city council at all of their meetings, unless they shall temporarily suspend the same by a three-fourths ( $\frac{3}{4}$ ) vote of all the members of the council, and on such vote, the yeas and nays shall be recorded in the minutes of the council:

Rule 1. Any member desiring to have an ordinance, resolution or order passed by the council shall prepare the same in writing and introduce it at a meeting of the said council as hereafter provided<sup>1</sup>.

Rule 2. On the passage or adoption of any ordinance or bylaw, and every resolution or order to enter into a contract by the council, the yeas and nays shall be recorded as hereinbefore provided, and to pass or adopt any bylaw, ordinance, or any such resolution or order, a concurrence of a majority of the whole number of members elected or appointed to the council shall be required. All appointments to be made by the council shall be by viva voce, and a concurrence of a like majority as aforesaid shall be required; and the names of those for whom they voted, if the vote results in an appointment, shall be recorded.

Rule 3. All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a three-fifths ( $\frac{3}{5}$ ) majority of all members of the council elected or appointed thereto. All ordinances of a general or permanent nature shall be fully and distinctly read on three (3) different days unless there is a three-fourths ( $\frac{3}{4}$ ) vote to suspend this rule. Ordinances shall contain no subject which shall not be clearly expressed in its title and no ordinance or section thereof shall be revised or amended unless the old ordinance or amendment shall be repealed.

Rule 4. At all meetings of the council, a majority of the council members shall constitute a quorum to transact business. A smaller number may adjourn from day to day and may compel the attendance of absent members as by ordinance provided.

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1. IC §§ 50-901, 50-901A, 50-902 for ordinance preparation, passage and publication.

Rule 5. The city clerk-treasurer shall attend all regular and special meetings of the council and shall keep a true record of the proceedings thereof and record verbatim all ordinances, resolutions, orders, etc., in the journal of proceedings of the council at said meetings. In his absence, the mayor shall appoint from among the members of the council in attendance to record such meeting a secretary pro tempore who shall have the same rights, privileges, powers and duties as the clerk-treasurer would have should he be personally present. Said member of the council so appointed secretary pro tempore shall also retain his rights, powers and privileges as a member of such council and be permitted to vote upon all questions or motions arising before them.

Rule 6. At the hour herein provided for the meetings, the council shall be called to order by the mayor or in his absence by some member of the council who shall act as mayor pro tempore, said mayor pro tempore to be nominated and elected by viva voce vote of the members present. The member present receiving the highest number of votes cast shall act as mayor pro tempore and have all the rights, powers and privileges that the regularly elected mayor would have if present. The clerk-treasurer shall then proceed to call the roll, noting thereon those present and also the absentees, whereupon the mayor shall announce whether or not a quorum is present.

Rule 7. If it shall appear from the roll call that a quorum is present, the council shall proceed to transact business in accordance with the following order:

1. Roll call.
2. Reading of minutes.
3. Reading of petitions, memorials, remonstrances and other communications.
4. Reports of officers.
5. Reports of standing committees.
6. Reports of special committees.
7. Unfinished business and allowance of bills.
8. Introduction and first reading of bills or ordinances.



9. Second reading of ordinances, etc., consideration and amendment of bills for ordinances.

10. Third reading and final vote on bills or ordinances for consideration and/or amendment.

11. Motions, resolutions and miscellaneous business.

12. Reading, correction and approving the minutes of the meeting.

13. Adjournment.

Rule 8. All questions relating to the priority of business shall be settled by the mayor without debate by the members of the council.

Rule 9. All committees shall be appointed by the mayor. (Ord. 1, 1-28-1904)

1-5-5:           **MAYOR AND COUNCIL SALARIES:** Commencing January 1, 2019, the salaries of the mayor and of the members of the city council shall be as follows:

A. Mayor: The mayor shall receive a monthly salary in the sum of three hundred dollars (\$300.00). (Ord. 2018-3)

B. Council Members: Each member of the council shall receive a monthly salary in the sum of one hundred fifty dollars (\$150.00). (Ord. 2016-3)

CHAPTER 6  
**CITY OFFICERS AND EMPLOYEES**

SECTION:

1-6-1: City Clerk-Treasurer

1-6-1: **CITY CLERK-TREASURER:**

- A. Appointment; Term: The city council shall appoint a clerk-treasurer who shall hold office for the duration of his or her appointment or until such time as he or she shall be removed by the council.
- B. Duties:
1. Keep Seal, Ordinances And City Records: The clerk-treasurer shall keep all city records and shall be the custodian of the city seal and affix the same to documents as provided by law.
  2. Receive And Safely Keep Funds: It shall be the duty of the clerk-treasurer to receive and safely keep in designated depositories, as required by law, all monies or funds belonging to the city; to disburse the same upon an appropriation by ordinance or resolution of the council after audit and allowance by the council of claims thereof, with a check signed by two (2) council members, and to be countersigned by the clerk-treasurer, and not otherwise. Securities belonging to the city, incapable of deposit in a checking account, shall be kept by the clerk-treasurer in a safety deposit box in some banking institution designated by the council. All bonds or securities delivered to the clerk-treasurer by any designated depository of city funds, as security for such funds, shall be deposited with the county auditor or some other public official as may be provided by law.
  3. Attend Council Meetings; Keep Minutes And Records: The clerk-treasurer shall attend all sessions of the council, keep correct minutes, and shall keep in a separate book a record of ordinances passed by the council and of the titles of such ordinances; and all

ordinances not published in book form shall be carefully indexed yearly. The clerk-treasurer shall see that each ordinance is published as required by law and shall keep on file the proof of such publication.

4. **Furnish Copies Of City Records:** It shall be the duty of the clerk-treasurer to furnish any city officer with a certified copy of any record, paper or public document on file in his office or in his custody, for the use of such officer in the discharge of his official duties, and he shall also furnish a certified copy of any such record, paper or document to any person not an officer of the city, payment to be determined by the city council pursuant to Idaho Code section 9-338, "public records; right to examine".

5. **Keep Books And Records:** The clerk-treasurer shall keep such books and permanent records of the transactions and business of the office as may be necessary to accurately disclose all transactions and business of his office. He shall also countersign all checks, and keep a check register and an abstract of expenditures showing the number and amounts of checks issued and the person to whom they were issued.

6. **Issue Licenses:** The clerk-treasurer shall issue all licenses approved by the council, a duplicate of which shall be kept on file, but no license shall be issued to any person unless the fees and charges fixed by ordinance shall have first been paid, which payment the clerk-treasurer shall endorse upon the receipt and duplicate receipt the number of the license issued.

7. **Keep Records Of Municipal Bonds:** The clerk-treasurer shall keep records of outstanding bonds of the city, showing the number and amount of each, for what and to whom said bonds were issued, and when any of said bonds are purchased or paid or canceled. Said records shall show the fact, and in his report at the close of each fiscal year, he shall describe particularly the bonds issued and sold during the year, the terms of sale, and itemize each and every expense thereof.

8. **Deliver Books And Papers To Successor:** The clerk-treasurer shall deliver to any successor in office all books, monies, papers and other property pertaining to the office.

9. **Publish Quarterly Reports Of Receipts And Expenditures:** It shall be the duty of the clerk-treasurer to cause to be published for at least one insertion in the official newspaper, a full statement of the

receipts and expenditures of the city, giving the source from which received, to what purposes applied, and to whom paid.

10. Collect Monies: The clerk-treasurer shall receive, and all officers or other persons shall pay to the clerk-treasurer, except as otherwise provided by this code, all monies due the city on any account whatsoever.

11. Report To City Council:

a. The clerk-treasurer shall prepare and present to the council at its regular meeting each month a full and complete statement of the financial transactions of the office during the month preceding, which said statement shall set forth all receipts for licenses issued; money received with applications for licenses which are to come before the council; all other funds received by the clerk-treasurer; and said report shall give a detailed explanation of disbursements redeemed during the month and checks outstanding against each fund at the close of such month.

b. The clerk-treasurer shall also, at the close of each fiscal year, present to the council an annual report covering the operations of the entire year, and the terms of sale, and shall itemize each and every expense thereof. The clerk-treasurer shall also make such additional reports and furnish such other data from the records and files of the office as may be requested by the council or required by law.

c. The clerk-treasurer shall also render an account, including in and showing, under oath, the condition of the treasury at the date of such account, with a detailed statement of the specified amount in each designated depository, and of the amount and class of security held to guarantee each deposit. The council shall have free access to any and all books or papers in the office of the clerk-treasurer, for the purpose of inspection or examination.

12. Vouchers; Order Of Payment; Registration: Every fund in the hands of the clerk-treasurer shall be paid in the order in which the vouchers are presented for payment. All vouchers shall have attached a copy of the bill presented for payment.

13. Claims Filed With City: All claims against the city must be filed with the clerk-treasurer, in writing, and the clerk-treasurer shall present to the council for their auditing, with a full account of the items, verified by the oath of the claimant or his agent, that the same

is correct, reasonable and just, and that it, or any part thereof, has not been paid, and no claims or demands shall be audited or allowed unless presented and verified as provided in this section. All claims shall be approved by the city council with a majority vote.

#### 14. Claims For Damages:

a. All claims for damages against the city must be filed with the clerk-treasurer within six (6) months after the time when such claim for damages shall have occurred, specifying the time, place, character and cause of said damages. No action shall be maintained against the city for any claim for damages until the same has been presented to the city council, and until sixty (60) days have elapsed after such presentation. The allowance of any or all damage claims against the city shall be by ordinance, and not otherwise.

b. A claim for damages shall be deemed to have occurred when: 1) the injury complained of is actually suffered; or 2) if the injury is latent, when the claimant actually became aware of it or reasonably could be charged with knowledge of the same, whichever is the earlier time. (2012 Code)