

## Title 2

### PERSONNEL AND ADMINISTRATION

Title 2 PERSONNEL AND ADMINISTRATION .....	1
Chapter 2.04 ELECTIONS AND APPOINTMENTS* .....	4
2.04.010 Council—Number and election—Mayor pro tem. ....	4
2.04.020 Council—Compensation.....	4
2.04.030 Manager appointed.....	4
2.04.040 Manager—Qualifications. ....	5
2.04.050 Manager pro tem. ....	5
2.04.060 Manager—Oath and bond. ....	5
2.04.070 Manager—Duties. ....	5
Chapter 2.06 RUNOFF ELECTIONS.....	7
2.06.010 Chapter purpose.....	7
2.06.020 Adoption of state provisions. ....	7
2.06.030 Municipal election.....	7
2.06.040 Canvass of votes.....	7
2.06.050 Publication of ballot. ....	7
2.06.060 Procedure for runoff election. ....	8
Chapter 2.08 COUNCIL .....	8
2.08.010 Executive and legislative functions. ....	8
2.08.020 Powers and duties.....	8
2.08.030 Interest in contracts or jobs prohibited. ....	8
2.08.040 Franks and free passes prohibited. ....	8
2.08.050 Compensation. ....	8
2.08.060 Rules of order adopted. ....	9
2.08.070 Rules 1 through 4—Meetings.....	9
2.08.080 Rule 5—Quorum. ....	9
2.08.090 Rules 6 and 7—Role call—Order of business. ....	9
2.08.100 Rules 8 through 14—Conduct. ....	10
2.08.110 Rule 15—Voting required.....	10
2.08.120 Rules 16 through 28—Motions. ....	11
2.08.130 Rules 29 through 31—Amendments.....	12
2.08.140 Rules 32 and 33—Reconsideration of questions. ....	12

Chariton, Iowa, Code of Ordinances  
Title 2 PERSONNEL AND ADMINISTRATION

---

2.08.150 Rules 34 through 40—Committees. ....	12
2.08.160 Rule 41—Attendance. ....	13
2.08.170 Rule 42—Suspension of rules. ....	13
2.08.180 Rules 43 and 44—Addressing council. ....	14
2.08.190 Rule 45—Form of proposed amendment. ....	14
2.08.200 Rule 46—Witnesses. ....	14
2.08.210 Rule 47—Expenditures. ....	14
Chapter 2.12 CITY CLERK-TREASURER. ....	14
2.12.010 Purpose. ....	14
2.12.020 Duties. ....	15
2.12.030 Compensation. ....	17
Chapter 2.16 CITY ATTORNEY. ....	17
2.16.010 General duties. ....	17
2.16.020 Legal advisor of council. ....	17
2.16.030 Condemnation proceedings. ....	17
2.16.040 Drafting instruments in writing. ....	17
2.16.050 Authorization to sign name of city. ....	17
2.16.060 Transmitting papers to successor. ....	17
2.16.070 Attendance. ....	18
2.16.080 Other powers and duties. ....	18
2.16.090 Compensation. ....	18
Chapter 2.24 AIRPORT COMMISSION* ....	18
2.24.010 Created—Appointment. ....	18
2.24.020 Terms—Chairman. ....	18
2.24.030 Expenditures of municipal funds not authorized. ....	18
2.24.040 Reports required—Review. ....	19
Chapter 2.27 CEMETERY ADVISORY COMMISSION. ....	19
2.27.010 Created—Appointment. ....	19
2.27.020 Terms—Chairman. ....	19
2.27.030 Expenditures of municipal funds not authorized. ....	19
2.27.040 Reports required—Review. ....	19
Chapter 2.30 CITY LAKES ADVISORY COMMISSION ....	20
2.30.010 Created. ....	20
2.30.020 Term of office. ....	20
2.30.030 Expenditures—Municipal funds not authorized. ....	20

Chariton, Iowa, Code of Ordinances  
Title 2 PERSONNEL AND ADMINISTRATION

---

2.30.040 Reports required—Review. ....	20
Chapter 2.32 PLANNING AND ZONING COMMISSION .....	20
2.32.010 Created.....	20
2.32.020 Term of office.....	21
2.32.030 Powers.....	21
Chapter 2.36 FIRE DEPARTMENT .....	21
2.36.010 Officers.....	21
2.36.020 Term of office.....	21
2.36.030 Control.....	22
2.36.040 Repairs—Reports. ....	22
2.36.050 Authority of assistant chiefs.....	22
2.36.060 Duties of fire wardens.....	22
2.36.070 Duties of members of department. ....	22
2.36.080 Riding on apparatus prohibited. ....	23
2.36.090 Apparatus kept.....	23
2.36.100 Destruction of buildings.....	23
2.36.110 Arrest of persons during fire.....	23
2.36.120 Parking near fire or apparatus prohibited.....	23
2.36.130 Authority of person in command.....	23
2.36.140 Fire fighting outside city—Use of equipment.....	24
2.36.150 Fire fighting outside city—City's jurisdiction.....	24
2.36.160 Fire fighting outside city—Rights of department.....	24
Chapter 2.44 LIBRARY BOARD OF TRUSTEES.....	24
2.44.010 Chapter purpose.....	24
2.44.020 Public library established.....	24
2.44.030 Members—Appointment.....	24
2.44.040 Members—Qualification.....	24
2.44.050 Members—Terms of office.....	25
2.44.060 Members—Vacancies.....	25
2.44.070 Members—Compensation.....	25
2.44.080 Powers and duties.....	25
2.44.090 Library use—Power to contract with other organizations.....	26
2.44.100 Library use—Nonresidents.....	26
2.44.110 Library account—Expenditures.....	27
2.44.120 Annual report.....	27

Chapter 2.48 HISTORICAL PRESERVATION COMMISSION .....	27
2.48.010 Chapter purpose and intent .....	27
2.48.020 Definitions .....	27
2.48.030 Commission members—Number and qualifications .....	28
2.48.040 Commission members—Appointment, term, vacancies.....	28
2.48.050 Commission members—Compensation.....	29
2.48.060 Meetings, quorum.....	29
2.48.070 Officers .....	29
2.48.080 Commission powers .....	29
2.48.090 Commission duties .....	30
2.48.100 Historic districts identified .....	30
2.48.110 Historic sites identified.....	30

## **Chapter 2.04 ELECTIONS AND APPOINTMENTS\***

### **2.04.010 Council—Number and election—Mayor pro tem.**

The city, operating under the council-manager by popular election form of municipal government shall be governed by a council elected at large. There shall be elected five councilmen. At the first meeting after election, the council shall elect one of their own number as mayor, appoint a clerk, and, at the meeting or as soon thereafter as practicable, appoint an attorney and such number of assistant attorneys as are deemed necessary. If, at any meeting, the mayor is not present, the members of the council may select one of their number to act as presiding officer pro tem, whose acts as such presiding officer pro tem, shall have the same force and legality as though performed by the regularly elected mayor, and such presiding officer pro tem shall have the power to sign all resolutions or ordinances and to execute all contracts or other documents adopted or approved at such meeting. The presiding officer of the council, whether the regular elected presiding officer or a presiding officer pro tem, shall have the right to cast a vote as a member of the council.

(Ord. 343 § 2, 1970)

### **2.04.020 Council—Compensation.**

The compensation of members of the council shall be five hundred dollars per year.

(Ord. 814 § 2, 2004; Ord. 343 § 3, 1970)

### **2.04.030 Manager appointed.**

At the first meeting after election, or as soon thereafter as practicable the council shall appoint a competent person as manager who shall be the administrative head of the municipal government of the city.

(Ord. 343 § 4, 1970)

#### **2.04.040 Manager—Qualifications.**

The council in making the appointment of a manager, shall consider only the qualifications and fitness of the person appointed, and he shall be appointed without regard to his political affiliation and need not be a resident of the city at the time of his appointment.

(Ord. 343 § 5, 1970)

#### **2.04.050 Manager pro tem.**

During the absence or disability of the manager, the council may designate some properly qualified person to perform and execute the duties of his office.

(Ord. 343 § 6, 1970)

#### **2.04.060 Manager—Oath and bond.**

Before entering upon the duties of his office, the manager shall take an official oath that he will support the constitution of the United States, the constitution of the state of Iowa, and, without fear or favor, will, do the best of his ability, faithfully and honestly perform the duties of his office, and shall execute, a bond in favor of the city, for the faithful performance of his duties, in such sum as may be fixed by the council.

(Ord. 343 § 7, 1970)

#### **2.04.070 Manager—Duties.**

The duties of the manager shall be as follows:

- (1) He shall see that the laws and ordinances of the municipal corporation are faithfully enforced and executed;
- (2) He shall attend all meetings of the council;
- (3) He shall recommend to the council such measures as he may deem necessary or expedient for the good government and welfare of the city;
- (4) He shall have the general supervision and direction of the administration of the city government and may appoint with approval of the council such administrative assistants as shall be deemed advisable and such administrative assistants to the manager shall hold office at his pleasure;
- (5) He shall supervise and direct the official conduct of all officers of the city whom he has appointed and shall take active control of the police, fire, and engineering departments of the city;
- (6) He shall supervise the performance of all contracts for work to be done for the city, make all purchases of material and supplies, and see that such material and supplies are received, and are of the quality and character called for by the contract;
- (7) He shall have power to employ, reclassify, or discharge all employees of the city, as the occasion requires, and to fix the compensation to be paid to such employees, except as otherwise provided in this chapter;
- (8) He shall have power to suspend or to discharge summarily any officer, appointee, or employee that he has power to appoint or employ;

Chariton, Iowa, Code of Ordinances  
Title 2 PERSONNEL AND ADMINISTRATION

---

- (9) He shall supervise and manage all public improvements, works, and undertakings of the city, and all public buildings, and shall have charge of their construction, improvement, repair, and maintenance. Nothing in this chapter shall be construed so as to prevent cooperation between the manager and any commission, board, trustees or other body;
- (10) He shall have charge of the making and preservation of all surveys, maps, plans, drawings, specifications, and estimates for public works or public improvements; the cleaning, sprinkling, and lighting of streets, alleys, and public places; the collection and disposal of waste, and the preservation of tools, equipment, vehicles, and appliances belonging to the corporation;
- (11) He shall manage all municipal parks, airports, and cemeteries, and all municipal water, lighting, heating, or power plants, and transportation enterprises, except those operated under a board of trustees or other board or commission at the time that the council-manager form of government is or was adopted, or placed thereby a subsequent election. If a board or commission is abolished or ceases to exist, management theretofore exercised by such board or commission shall thereupon vest in the manager;
- (12) He may, without notice, summarily cause the affairs of any department or the conduct of any officer under his supervision, or of any employee, to be investigated; and he, or any person appointed by him to examine or investigate the affairs of any department or the conduct of any officer or employee, shall have power to compel the attendance of witnesses and the production of books and papers or other evidence;
- (13) He shall provide for the issuance and revocation of such licenses and permits as are authorized by law or ordinance and shall cause a record thereof to be kept;
- (14) He shall keep the council fully advised of the financial and other conditions of the city, and of its needs;
- (15) He shall have power to appoint or employ persons to fill all places for which no other mode of appointment is provided, and shall have power to administer oaths;
- (16) He shall prepare and submit to the council an annual budget;
- (17) He shall, at all times, see that the business affairs of the municipal corporation of which he is manager are transacted by modern and scientific methods and in an efficient and businesslike manner, and that accurate records of all the business affairs of the city under his management are fully and accurately kept;
- (18) He shall make to the council an itemized monthly report in writing, showing the receipts and disbursements for the preceding month, and such report shall be made by him not later than the tenth day of each month. Copies of the reports shall be kept available at the clerk's office for public distribution;
- (19) He shall appoint a treasurer subject to the approval of the council;
- (20) He shall perform such other and further duties as the council by ordinance shall direct;
- (21) The city manager shall be an authorized municipal officer under Section 9.04.040 to make a finding that a nuisance or other condition listed in Section 9.04.030 exists, and shall be authorized to serve written notice to abate the nuisance or other condition upon the property owner.

(Ord. 764 § 2, 1999; Ord. 343 § 8, 1970)

## **Chapter 2.06 RUNOFF ELECTIONS**

### **2.06.010 Chapter purpose.**

The purpose of this chapter is to adopt the alternative of using a runoff election in lieu of a primary election for the choosing of persons for elective municipal offices, and prescribing the procedures to be followed therein.

(Ord. 403 § 1, 1975)

### **2.06.020 Adoption of state provisions.**

The provisions of Section 69 of the home rule act, providing for a runoff election are adopted in lieu of the requirements for a primary in Sections 66 and 67 thereof.

(Ord. 403 § 2, 1975)

### **2.06.030 Municipal election.**

Four weeks prior to the municipal election, the clerk and mayor shall canvass the petitions of all candidates that have been filed with the clerk, and shall find all candidates that have filed proper petitions to be the nominees for the offices sought. The clerk shall then do all things necessary for conducting the municipal election.

(Ord. 403 § 3, 1975)

### **2.06.040 Canvass of votes.**

On the day following the municipal election, the clerk shall publicly canvass the election returns. He shall report the canvass results to the council, listing the names of those candidates who have been elected for office and also listing the names of those candidates for office whose names must be placed on the runoff ballot indicating the offices which are to be filled as a result of the following conditions:

- (1) If no candidate for a single office receives a majority of the votes cast for that office, the two candidates receiving the largest number of votes shall be placed upon the runoff ballot.
- (2) If any of the top candidates, in an at-large contest, to the number of positions to be filled receive less than a majority of the votes cast at the election, those candidates receiving a majority of the votes shall be declared elected and those candidates receiving the next highest number of votes but not having a majority, to the number of twice the number of unfilled positions, shall be placed on the runoff ballot.

(Ord. 403 § 4, 1975)

### **2.06.050 Publication of ballot.**

If there must be a runoff election, the clerk shall forthwith cause to be published once in a newspaper or newspapers published within the municipal corporation and of general circulation therein, in proper form, the names of persons as they are to appear on the municipal runoff ballot, the publication to be not less than five days before the runoff election.

(Ord. 403 § 5, 1975)

**2.06.060 Procedure for runoff election.**

Any such runoff election shall be held two weeks after the regular municipal election. The runoff election shall be conducted in the same manner as provided by law for conducting municipal elections except that there shall be no added voter registrations accepted for the election but transfers may be accepted until ten days before the election, as now provided under law.

(Ord. 403 § 6, 1975)

**Chapter 2.08 COUNCIL**

**2.08.010 Executive and legislative functions.**

All legislative and other powers granted to cities shall be exercised by the council except those conferred upon some other officer by law or ordinance. Neither the council nor the members thereof shall exercise any executive functions, unless expressly conferred by law.

(Ord. 7 § 1, 1933)

**2.08.020 Powers and duties.**

The election, qualifications, powers and duties of the councilmen are such as are provided in the laws of the state of Iowa for the government of cities of the second class, and the ordinances of the city.

(Ord. 7 § 2, 1933)

**2.08.030 Interest in contracts or jobs prohibited.**

No member of the city council shall be interested, directly or indirectly, in any contract or job of work or for materials, or the profits, thereof, or services to be furnished or performed for the city.

(Ord. 7 § 3, 1933)

**2.08.040 Franks and free passes prohibited.**

No such official shall accept or receive, directly or indirectly, from any person, firm or corporation operating within the city, any railway, gas works, waterworks, electric light or power plant, telegraph line or telephone exchange, or other business using a public franchise, any frank, free pass or ticket or other service upon terms more favorable than is granted to the public generally, except where, by franchise granted by the municipality to any such person or corporation, any officer of the municipality is granted such privileges as a part of such franchise.

(Ord. 7 § 4, 1933)

**2.08.050 Compensation.**

Commencing with the first day of January, 1978, the compensation of each councilman shall be five hundred dollars per year, the compensation to cover all meetings whether special, regular, or adjourned, and when adjourned to a later date.

(Ord. 449 § 1, 1977; Ord. 246 § 2, 1965)



### **2.08.060 Rules of order adopted.**

The rules of order set out in Sections 2.08.070 through 2.08.210 are hereby adopted to regulate and govern the business and meetings of the council.

(Ord. 5 (part), 1933)

### **2.08.070 Rules 1 through 4—Meetings.**

Rules 1 through 4 shall be as follows:

Rule 1. Regular meetings of the city council shall be held during the first and third weeks of each month.

Rule 2. Special meetings of the city council may be held at any time, upon the written notice of any three members of the city council, or on the written order of the mayor, stating the object of the meeting; but no business shall be entertained or transacted at such special meeting unless the same be so stated in the notice.

Rule 3. Each member of the city council shall be notified of each special or called meeting of the city council by written or printed notice, signed by the mayor or any three members of the council, which notice shall state the object of such meeting, and shall be served by the marshal or some other officer detailed by the mayor or marshal, for that purpose, the service to be made by reading the notice to the member personally, if found in the city, or by leaving the same at his usual place of residence. The notice shall be given as herein directed at least two hours previous to the time specified in the call. The clerk shall keep a record of such service.

Rule 4. Adjourned meetings may be held at such times as the city council may determine.

(Ord. 255 § 2, 1966; Ord. 5 (part), 1933)

(Ord. No. 888, § 2, 4-1-2013)

### **2.08.080 Rule 5—Quorum.**

Rule 5 shall be as follows:

Rule 5. A majority of the whole number of the members of the city council, including the mayor, shall be necessary to constitute a quorum.

(Ord. 5 (part), 1933)

### **2.08.090 Rules 6 and 7—Role call—Order of business.**

Rules 6 and 7 shall read as follows:

Rule 6. At the hour appointed for the meeting of the city council, the mayor, or president pro tem, in the absence of the mayor, shall take the chair and call the council to order; whereupon the clerk, or some person appointed to fill his place during his absence, shall call the roll of members and announce whether there is a quorum of the city council present or not, and if upon such roll call there is found to be present a quorum, the council shall proceed to business in the following order:

- (1) The reading of the minutes of the last meeting or meetings, amendment and approval of the same;
- (2) The presentation of petitions and other communications;

- (3) Reports of city officers;
- (4) Auditing of bills;
- (5) Reports of standing committees;
- (6) Reports of select committees;
- (7) Unfinished business of preceding meetings;
- (8) Resolutions;
- (9) New and miscellaneous business.

Rule 7. All questions relating to the priority of business shall be decided by the mayor without debate.

(Ord. 5 (part), 1933)

### **2.08.100 Rules 8 through 14—Conduct.**

Rules 8 through 14 shall be as follows:

Rule 8. The mayor shall preserve order and decorum and shall decide all questions of order, subject to an appeal to the council; he shall have the deciding vote upon all questions upon which the council is equally divided but not otherwise.

Rule 9. While the mayor is putting the question no member shall engage in conversation, walk across or out of the room.

Rule 10. Every member previous to his speaking shall rise from his seat, and address himself to the mayor and say, "Mr. Mayor," but shall not proceed with his remarks until recognized and named by the chair.

Rule 11. When two or more members shall rise at once the mayor shall name the member who is to speak.

Rule 12. No member shall speak more than twice on one question, without leave of the council, nor more than once in any case, until every member choosing to speak shall have spoken.

Rule 13. A member called to order shall immediately sit down, unless permitted to explain. If there be no appeal, the decision of the chair shall be conclusive; but if the member appeals from the decision of the chair, the council shall determine the case.

Rule 14. While a member is speaking no member shall hold any private discourse, nor pass between the speaker and the chair.

(Ord. 5 (part), 1933)

### **2.08.110 Rule 15—Voting required.**

Rule 15 shall be as follows:

Rule 15. Every member who shall be present when a question is stated from the chair, shall vote thereon, unless excused by the council, or directly interested in the question, in which case he shall not vote.

(Ord. 5 (part), 1933)

## **2.08.120 Rules 16 through 28—Motions.**

Rules 16 through 28 shall be as follows:

Rule 16. No motion shall be put or debated unless it is seconded. When a motion is seconded it shall be stated by the mayor, before debate, and every such motion shall be reduced to writing if required by a member.

Rule 17. After a motion or resolution is stated by the mayor, it shall be deemed to be in possession of the council, but may be withdrawn at any time before decision; but if any amendment has been proposed or adopted, it shall not be withdrawn without the consent of the mover of such amendment.

Rule 18. If the question in debate contains several distinct propositions any member may have the same divided, when the sense admits it, prior to the vote thereon.

Rule 19. In all cases where a resolution or motion is entered on the minutes of the council, the name of the member moving the same shall be entered also.

Rule 20. If any member requires it, the ayes and nays shall be taken upon any question and entered upon the minutes.

Rule 21. When a blank is to be filled and different sums or times are proposed, the question shall be taken first on the largest sum or longest time.

Rule 22. When a question is under debate, the only motion in order will be:

- (1) To adjourn;
- (2) The previous question;
- (3) To lay on the table;
- (4) To postpone indefinitely;
- (5) To adjourn to a certain day;
- (6) To refer;
- (7) To amend;

And such motions shall have precedence in the order herein named, the first three to be decided without debate.

Rule 23. A motion to adjourn the city council shall always be in order, except:

First. When a member is in possession of the floor;

Second. While the ayes and nays are being called;

Third. When the members are voting;

Fourth. When adjournment was the last preceding motion;

Fifth. When it has been decided that the previous question shall be called.

Rule 24. A motion to adjourn, simply, cannot be amended; but a motion to adjourn to a given date may be, and is open to debate.

Rule 25. When the previous question is moved and seconded it shall be put in this form: "Shall the main question now be put?" If this carries, all further motions and debate shall be excluded, and the question put in this order.

First. Upon the amendments pending; and

Second. Upon the main proposition before the council.

Rule 26. A motion to lay a question on the table, simply, is not debatable; but a motion to lay on the table conditionally, is subject to amendment and debate.

Rule 27. When a motion is postponed indefinitely, it shall not be taken up again before the next regular meeting.

Rule 28. A motion to refer to a standing committee shall take precedence of a similar motion for a special committee.

(Ord. 5 (part), 1933)

### **2.08.130 Rules 29 through 31—Amendments.**

Rules 29 through 31 shall be as follows:

Rule 29. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be entertained.

Rule 30. An amendment modifying the intention of a motion shall be in order; but an amendment relating to a different subject shall not be in order.

Rule 31. On an amendment to "strike out and insert" the paragraph to be amended shall first be read as it stands, then the words proposed to be struck out, and those to be inserted, and, finally, the paragraph as it would stand if so amended.

(Ord. 5 (part), 1933)

### **2.08.140 Rules 32 and 33—Reconsideration of questions.**

Rules 32 and 33 shall be as follows:

Rule 32. A question may be reconsidered by a three-fourths vote of all the members of the council at any time during the same meeting, or during the first meeting held thereafter.

Rule 33. No question shall be reconsidered more than once, nor shall a motion to reconsider be reconsidered.

(Ord. 5 (part), 1933)

### **2.08.150 Rules 34 through 40—Committees.**

Rules 34 through 40 shall be as follows:

Rule 34. All committees shall be appointed by the mayor unless otherwise especially directed by the council.

Rule 35. The standing committees of the city council shall be appointed by the mayor annually at the first meeting in April, and shall consist of not less than three members each, and the first person named on

each committee shall be the chairman thereof. The following shall be the standing committees of the council:

- (1) Committee on finance;
- (2) Committee on parks;
- (3) Committee on streets, alleys and sidewalks;
- (4) Committee on water and lights;
- (5) Committee on fire departments;
- (6) Committee on sewers and disposal plants;
- (7) Committee on city hall building.

Rule 36. All special committees shall consist of three members each, unless some other number be specified and the first person named shall be the chairman.

Rule 37. On the acceptance of a final report from a special committee the said committee shall be considered discharged.

Rule 38. No bills or claims against the city shall be allowed until passed upon and approved by the chairman of the committee which has ordered the supplies or had the work done, except the bills of city officers and other employed by the city, and receiving a compensation fixed by ordinance or by contract.

Rule 39. Standing and select committees to whom references are made shall in all cases report in writing the state of facts, with their opinion thereon, which opinion shall be summed up in form of an order, resolution or recommendation.

Rule 40. The clerk shall forward all papers to the appropriate committees as early as practicable the next day after the reference shall have been made and it shall be his duty to see that the same are delivered.

(Ord. 5 (part), 1933)

### **2.08.160 Rule 41—Attendance.**

Rule 41 shall be as follows:

Rule 41. Any three members of the council can compel the attendance of the absent members at any regular, adjourned or duly called special meeting, by serving notice upon the absent members. If the absent members do not at once attend upon the receipt of the notice they shall be subject to a fine of five dollars, which shall be entered on the minutes and deducted from their salaries.

(Ord. 5 (part), 1933)

### **2.08.170 Rule 42—Suspension of rules.**

Rule 42 shall be as follows:

Rule 42. These rules may be temporarily suspended by the unanimous consent of all the members present, or by a two-thirds vote of all the members of the council, but shall not be repealed, altered or amended unless by concurrence of two-thirds of all the members of the council.

(Ord. 5 (part), 1933)

### **2.08.180 Rules 43 and 44—Addressing council.**

Rules 43 and 44 shall be as follows:

Rule 43. Any member of the city council choosing to give his reasons for his vote on any motion or question before the council shall have the right to do so, but shall confine his remarks strictly to the matter under consideration and be limited in time to five minutes.

Rule 44. No member of the city council or any other person authorized to address the city council shall be permitted to use any ungentlemanly or personally offensive language to the mayor or any member of the council.

(Ord. 5 (part), 1933)

### **2.08.190 Rule 45—Form of proposed amendment.**

Rule 45 shall be as follows:

Rule 45. In all proceedings to amend or change an ordinance or section thereof, the proposed amendment shall contain the entire ordinance or section thereof to be amended or changed and the former ordinance or section shall be repealed; in other words an ordinance or section shall not be amended by striking out, inserting or adding, but the former ordinance or section (as the case may be), shall be repealed, and the new one, as amended, written out in full and substituted in its place.

(Ord. 5 (part), 1933)

### **2.08.200 Rule 46—Witnesses.**

Rule 46 shall be as follows:

Rule 46. Standing or special committees shall be empowered to require the attendance of witnesses, and for that purpose the chairman is authorized to issue subpoenas to the city marshal, who shall immediately serve the same as other legal subpoenas are served.

(Ord. 5 (part), 1933)

### **2.08.210 Rule 47—Expenditures.**

Rule 47 shall be as follows:

Rule 47. No committee of the council shall make arrangements for the expenditure of more than one hundred dollars, until given authority to do so at some regular, adjourned or special meeting of the city council, which authority shall be by the express action of the city council.

(Ord. 5 (part), 1933)

## **Chapter 2.12 CITY CLERK-TREASURER**

### **2.12.010 Purpose.**

The purpose of the chapter is to create the office of city clerk-treasurer to be appointed by the city council at the first meeting of January following a regular city election for a two-year term commencing on that date and continuing until a successor is appointed and qualified.

(493 § 1, 1980)

### **2.12.020 Duties.**

The city clerk-treasurer shall have the following duties:

- A. Oaths. Administer oaths of office to any city officer who is required to give an oath;
- B. Secretary.
  - 1. Attend all meetings of the council and its committees,
  - 2. Record and preserve a correct record of the proceedings of such meetings and publish the council proceedings immediately after each regular or special meeting, in the manner required by law,
  - 3. Publish all ordinances immediately after passage by council and approval by the mayor or as otherwise provided by law,
  - 4. Keep an ordinance book, authenticating each ordinance and certifying as to the time and manner of passage, approval, and publication. The minutes and ordinance books are permanent records;
- C. Accounting. The city clerk-treasurer shall be the chief accounting officer of the city, and:
  - 1. Keep separate accounts for every appropriation, department, public improvement or undertaking, in the manner provided by law,
  - 2. Keep an account of all cash, investments, accounts receivable and property received by, due to, or in the custody of the city and to give a receipt immediately upon cash being received specifying the date, from whom, for what account, and record each transaction in the correct fund as required by law, and council direction where not specified by law,
  - 3. Keep accounts for cash disbursed, purchase and contract commitments and property disposed of or sold by the city, specifying the date and to whom paid and record each transaction in the correct fund as required by law, and council direction where not specified by law,
  - 4. Maintain the budgetary accounts required by law or rules of the city finance committee of the state, and as further directed by council where permitted by law,
  - 5. Prepare and publish all financial and budgetary reports required by law and the council, and the list of claims in the manner specified by law. Regular salaries covered by the salary resolution may be grouped,
  - 6. Draw and sign all checks, showing the fund, payer and purpose thereon, but shall not draw any check except upon authorization of council,
  - 7. Furnish the council at the first meeting of each month a complete list of all the claims made, showing the payee, the purpose and the amount of each claim. Salary claims for regular employees may be grouped by fund if covered by the resolution setting such salaries;
- D. Custody of Funds, the Treasury.
  - 1. Immediately upon receipt of moneys to be held in the custody of the treasurer and belonging to the municipality deposit the same in banks selected by the council in amounts not exceeding the monetary limits authorized by the council,

Chariton, Iowa, Code of Ordinances  
Title 2 PERSONNEL AND ADMINISTRATION

---

2. File the council's depository declaration with the county and state treasurers in January each year and at other times when necessary,
  3. Reconcile the bank statements with the city books and certify monthly to the council the balance of cash and investments of each fund and amounts received and disbursed,
  4. Invest all idle funds and other funds as directed by the council in accordance with law and make reports to the state auditor as required by law,
  5. Pay all claims against the city only upon council order,
  6. Act as treasurer of all boards and commissions;
- E. Debt Service.
1. Sign all evidence of indebtedness, coupons, or certificates as required by law of a city clerk or treasurer,
  2. Keep a register of all bonds and warrants outstanding and record all payments made of interest and principal thereon;
- F. Records.
1. Have custody and be responsible for the safekeeping of all records or documents in which the municipality is a party in interest unless otherwise specifically directed by law or ordinance. File and preserve all receipts, vouchers, and other documents kept, or that may be required to be kept, necessary to prove the validity of every transaction and the identity of every person having any beneficial relation thereto. Upon order of the council, destroy all vouchers and minor records when over ten years old, except the permanent records specified for retention by law,
  2. Copies of Records. Furnish upon request to any municipal officer a copy of any record, paper or public document under the clerk's control when it may be necessary to such officer in the discharge of his duty, and furnish a copy to any citizen when requested upon payment of the allowable charge set in the law or resolution of council;
- G. Seal. Affix the seal of the corporation to those public documents or instruments which by law or ordinance are required to be attested by the affixing of the seal, or as directed by the mayor or council;
- H. Petitions and Communications. Keep and file by number and date all communications and petitions directed to the council or to the city generally. He shall endorse thereon the action of the council taken on the matters presented in such communications and petitions;
- I. Licenses and Permits. Issue all licenses and permits authorized by the council, and keep a record thereof which shall show the date, number, and to whom issued, and for what purpose;
- J. Appointments. Keep a record of all appointments, notify all persons appointed by the mayor or council to office of such appointments and the time of taking office;
- K. Elections. Perform all duties required of clerks by the election laws of the state, receive and forward nomination petitions, certify the calling of elections and perform those duties that the county commissioner of elections might delegate for the conduct of city elections;
- L. Perform such other duties as specified by the council by resolution or ordinance.

(Ord. 493 § 3, 1980)



### **2.12.030 Compensation.**

The clerk-treasurer shall be paid such compensation as specified by council resolution.

(Ord. 493 § 4, 1980)

## **Chapter 2.16 CITY ATTORNEY**

### **2.16.010 General duties.**

The city attorney shall institute, prosecute and defend all suits in which the city is a party, shall cause executions to be issued on judgments which may be collected, and attend to their prompt collection, and pay all money received by him to the city clerk and take his receipt therefor.

(Ord. 12 § 1, 1933)

### **2.16.020 Legal advisor of council.**

The city attorney shall be the legal advisor of the city council, its committees, and the mayor and all other city officers in matters pertaining to the transaction of the city's business, and when so required by the council, its committees, or the mayor, shall give his opinion in writing.

(Ord. 12 § 2, 1933)

### **2.16.030 Condemnation proceedings.**

The city attorney shall conduct all proceedings for the condemnation of private property for works of internal improvement and for other public uses and purposes.

(Ord. 12 § 3, 1933)

### **2.16.040 Drafting instruments in writing.**

When so required by the council, or the mayor, the city attorney shall draft all contracts, conveyances, ordinances and other instruments of writing relating to the city's business, and shall perform other acts of a nature requiring the attention of an attorney in connection with the city's business.

(Ord. 12 § 4, 1933)

### **2.16.050 Authorization to sign name of city.**

The city attorney is authorized to sign the name of the city to all appeal bonds and to all other bonds or papers or whatever kind that may be necessary in any legal proceedings or for the prosecution of any cause in court.

(Ord. 12 § 5, 1933)

### **2.16.060 Transmitting papers to successor.**

The city attorney shall keep and transmit to his successor in office all books, papers and documents pertaining to his office and belonging to the city.

(Ord. 12 § 6, 1933)

**2.16.070 Attendance.**

The city attorney shall attend all regular and special meetings of the council.

(Ord. 12 § 7, 1933)

**2.16.080 Other powers and duties.**

The city attorney shall have such other powers and perform such other duties as may be provided by the council, by the ordinances of the city or the laws of the state.

(Ord. 12 § 8, 1933)

**2.16.090 Compensation.**

The city attorney shall receive as compensation for his services as legal advisor of the city council; its committees, and officers, the sum of two thousand eight hundred eighty dollars per year, payable in monthly installments on the first day of each month. He shall receive such reasonable fees as are usual and customary for his services as counsel in the institution, prosecution and defense of all suits and claims in which the city is a party and for the drafting of all contracts, conveyances, ordinances, opinions and all other services.

(Ord. 495 § 1, 1980)

**Chapter 2.24 AIRPORT COMMISSION\***

**2.24.010 Created—Appointment.**

There is created and established an airport commission empowered to look after and control, regulate and manage the municipal airport of the city, which commission shall be appointed by the manager and consist of five members.

(Ord. 96 § 1, 1946)

**2.24.020 Terms—Chairman.**

The original appointments shall be for terms of one, two, three, four and five years, and all subsequent appointments shall be for five years. All appointments shall be effective as of September 1st, in the year made. At the first meeting following the new appointment, the commission shall elect the chairman from among their members.

(Ord. 96 § 2, 1946)

**2.24.030 Expenditures of municipal funds not authorized.**

The control of moneys in the airport fund is reserved to the city council and this commission is not authorized or empowered to contract any debts or incur any expenses in the name of the city. Any proposed expenditure must be presented to the city council for its approval and is not to be considered as authorized until such approval has been secured.

(Ord. 96 § 3, 1946)

**2.24.040 Reports required—Review.**

The airport commission shall make an annual report to the city council either orally or in writing as the city council may desire, and if the council wishes it may require the airport commission to make a special report at any meeting of the city council. Any and all acts of the airport commission are subject to review by the city council, which may for adequate reason change or amend the regulations as to the operation, care and control of the airport as it may desire, by a majority vote.

(Ord. 96 § 4, 1946)

**Chapter 2.27 CEMETERY ADVISORY COMMISSION**

**2.27.010 Created—Appointment.**

Effective January 1, 1994, there is created and established a cemetery advisory commission empowered solely to advise the council on the control, regulation and management of the cemeteries of the city, which commission shall be appointed by the council and consist of five members.

(Ord. 675 § 3 (part), 1993)

**2.27.020 Terms—Chairman.**

The original appointments shall be for respective terms of one, two, three, four and five years, and all subsequent appointments shall be for five years. All appointments shall be effective as of January 1st. At the first meeting following the new appointment, the commission shall elect the chairman from among their members.

(Ord. 675 § 3 (part), 1993)

**2.27.030 Expenditures of municipal funds not authorized.**

The control of moneys in the cemetery fund is reserved to the city council and this advisory commission is not authorized or empowered to contract any debts or incur any expenses in the name of the city. Any proposed expenditure must be presented to the city council for its approval and is not to be considered as authorized until such approval has been secured.

(Ord. 675 § 3 (part), 1993)

**2.27.040 Reports required—Review.**

The cemetery commission shall make an annual report to the city council either orally or in writing as the city council may desire and if the council wishes it may require the cemetery commission to make a special report at any meeting of the city council. Any and all acts of the cemetery commission are subject to review by the city council, which may for adequate reason change or amend the regulations as to the operation, care and control of the cemetery as it may desire.

(Ord. 675 § 3 (part), 1993)

## **Chapter 2.30 CITY LAKES ADVISORY COMMISSION**

### **2.30.010 Created.**

There is created a city lakes advisory commission empowered solely to advise the council on the control, regulation, and management of the City Lakes Park which commission shall be appointed by the council and consist of seven members. The commission shall consist of two residents of the city; one resident of Lucas County; one member designated by the city water department; and three members affiliated with local conservation and tourism groups such as Pheasants Forever, Ducks Unlimited, and the Lucas County Conservation Board.

(Ord. No. 922, § 2, 9-7-2021)

### **2.30.020 Term of office.**

The term of office of the members shall be for four years, except that the members first named shall hold office for such terms, not exceeding four years, so that the terms of not more than one-third of the members will expire in any one year. Any vacancy occurring on the commission caused by resignation or otherwise, shall be filled by the council for the unexpired term. At the first meeting following the new appointment, the commission shall elect a chairperson from among the members. All members of such commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the council.

(Ord. No. 922, § 2, 9-7-2021)

### **2.30.030 Expenditures—Municipal funds not authorized.**

The control of monies in the park and recreation fund is reserved to the city council and this commission is not authorized or empowered to contract any debts or incur any expenses in the name of the city. Any proposed expenditure must be presented to the city council for its approval and is not to be considered as authorized until such approval has been obtained.

(Ord. No. 922, § 2, 9-7-2021)

### **2.30.040 Reports required—Review.**

The city lakes advisory commission shall make an annual report to the city council either orally or in writing as the city council may desire, and if the council wishes, it may require the city lakes advisory commission to make a special report at any meeting of the city council. Any and all acts of the city lakes advisory commission are subject to review by the city council, which may for adequate reason change or amend the regulations as to the operation, care, and control of the City Lakes Park as it may desire.

(Ord. No. 922, § 2, 9-7-2021)

## **Chapter 2.32 PLANNING AND ZONING COMMISSION**

### **2.32.010 Created.**

There is created a city planning and zoning commission, composed of seven residents of the city, who shall be qualified by knowledge and experience to act in matters pertaining to the development of city planning and zoning. None of the residents shall hold any elective position in the city. Such members shall be appointed by the city council.

(Ord. 196 § 1, 1958)

### **2.32.020 Term of office.**

The term of office of the members shall be five years, except that the members first named shall hold office for such terms, not exceeding five years, that the terms of not more than one-third of the members will expire in any one year. Any vacancy occurring on the commission, caused by resignation or otherwise, shall be filled by the council for the unexpired term. All members of such commission shall serve without compensation except their actual expenses which shall be subject to the approval of the council.

(Ord. 196 § 2, 1958)

### **2.32.030 Powers.**

The commission shall have and possess the following powers, and such other powers as may be incidental to the successful carrying out of the powers vested in it herein or such as may be expressly conferred upon it by law:

- (1) To make such surveys, studies, maps, plans or plats of the whole or any portion of the city and of any land outside thereof, which in the opinion of such commission bears relation to a comprehensive plan, and shall submit such plan to the council with its studies and recommendation and it may publish the same;
- (2) To prepare a comprehensive plan regarding the height, number of stories and size of buildings and other structures; the percentage of ground that may be occupied; the size of yards, courts and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes and to this end shall prepare a preliminary report and hold public meetings thereon and after such hearings have been held, to submit its final report and recommendations to the city council;
- (3) To recommend to the city council, from time to time, as conditions require, amendments, supplements, changes or modifications in the comprehensive plan prepared by it. The body may, from time to time, recommend to the city council the following subject: A survey of street and traffic problems.

(Ord. 196 § 3, 1958)

## **Chapter 2.36 FIRE DEPARTMENT**

### **2.36.010 Officers.**

The fire department of the city shall consist of a chief, two assistant chiefs and one fire warden in each ward, in addition to the city councilmen, who shall be ex officio fire wardens in their respective wards, and such engine, hose, hook and ladder or chemical companies as may from time to time be organized by the city council.

(Ord. 48 § 1, 1933)

### **2.36.020 Term of office.**

The chief and assistant chiefs shall be elected by the fire department and all fire wardens shall be appointed by the chief of the fire department. Such officers shall hold their offices, unless sooner removed by the council, for the term of one year, and until their successors are elected and qualified.

(Ord. 48 § 2, 1933)

### **2.36.030 Control.**

The chief, or in his absence the assistant chiefs, shall have sole and absolute control over all the members of the fire department.

(Ord. 48 § 3, 1933)

### **2.36.040 Repairs—Reports.**

It shall be the duty of the chief to report quarterly to the council in writing, on the first Monday of March, June, September and December of each year the condition of the engine, hose, hooks and ladders, and all wagons and other apparatus connected with the fire department or belonging to the city and under their control, and of the buildings in which the same are kept and to recommend in writing such improvements or repairs as he may deem expedient or necessary. He shall also examine and include in the quarterly report, whether the bylaws of the company as by the ordinances of the city provided, are observed by the members of the fire department; and whenever any of the fire apparatus belonging to the city shall need repairing, he shall cause the same to be reported without delay, to the chairman of the fire committee.

(Ord. 48 § 4, 1933)

### **2.36.050 Authority of assistant chiefs.**

The assistant chiefs shall assist the chief and obey his orders, and in the absence of the latter they shall be vested with the powers and obligations of their chief; and in the absence from a fire of all the chiefs the mayor or such person as he may deputize shall command as chief.

(Ord. 48 § 5, 1933)

### **2.36.060 Duties of fire wardens.**

The fire wardens except members of the council, who are ex officio wardens, shall report themselves to the person in command at a fire, and it shall be the duty of the wardens, immediately on the alarm of fire being given, to repair to the place of the fire and assist in such manner as the officer in command may direct. It shall further be their duty to prevent the hose from being run over, or any of the fire apparatus being tampered with, and to keep suspicious persons from the vicinity of the fire. Badges for all fire wardens shall be furnished by the city.

(Ord. 48 § 6, 1933)

### **2.36.070 Duties of members of department.**

The members of the fire department, under the direction and control of its proper officers shall, on the alarm of fire being given, repair to the station where the fire engine and other apparatus are kept, and shall then follow the directions and commands of the officer in command; and in the absence of the chief or other person authorized to command, then they shall work the apparatus in the most efficient manner possible until the arrival of such officer or until the fire shall have been extinguished.

(Ord. 48 § 7, 1933)

### **2.36.080 Riding on apparatus prohibited.**

It is unlawful for anyone, except a fireman, to ride or be on any fire apparatus, except with authority of the officer in charge.

(Ord. 48 § 8, 1933)

### **2.36.090 Apparatus kept.**

The fire apparatus belonging to the city shall be kept in such place or places as the council shall provide and the same shall be kept in constant readiness for use.

(Ord. 48 § 9, 1933)

### **2.36.100 Destruction of buildings.**

The chief in command, may direct the pulling down or removal of any building or fence for the purpose of checking the progress of a fire; and the chief in command, with the advice and concurrence of three or more members of the council, shall have authority to blow up with powder or by any other means, any building or structure during the progress of a fire for the purpose of extinguishing or checking the further progress of the same.

(Ord. 48 § 12, 1933)

### **2.36.110 Arrest of persons during fire.**

During the progress of a fire and for twenty-four hours thereafter, it shall be lawful for any fire warden, chief, mayor, councilman, marshal, foreman or other officer in command of any fire company, in any part of the city, to arrest any suspected person or persons hindering, resisting or refusing to obey any such officer while acting in the discharge of his duty, and take such offender before the mayor to answer to such charge of disobedience. The officer shall be vested with full power to command all persons present to assist in the discharge of any duties under his supervision at any fire in the extinguishment of the same, or the removal or preservation of property; and any person who refuses to obey any such officer, shall forfeit and pay to the city the sum of five dollars for each and every such offense. Provided that no person shall be bound to obey such officer unless such officer shall at the time wear his badge of office, or shall make known to such person his official character.

(Ord. 48 § 13, 1933)

### **2.36.120 Parking near fire or apparatus prohibited.**

It is unlawful for any person to drive or park any vehicles within three hundred feet of a fire or within one hundred feet of any working fire apparatus, except if he is in the service of the fire department.

(Ord. 48 § 15, 1933)

### **2.36.130 Authority of person in command.**

The person in command at a fire shall have the power to prevent all persons except firemen from approaching nearer to a fire than certain boundaries which he may prescribe, and shall have power to appoint on the spot any number of persons present, whether they be members of the department or not, to aid him in enforcing any order given or regulation established at such fire.

(Ord. 48 § 16, 1933)

**2.36.140 Fire fighting outside city—Use of equipment.**

The fire department of the city may respond to calls for fire fighting or other emergency assistance outside the corporate limits of the city and in so doing may use the fire fighting equipment or other emergency equipment belonging to the city, and to the fire department.

(Ord. 136 § 1, 1950)

**2.36.150 Fire fighting outside city—City's jurisdiction.**

When responding to calls for fire fighting or other emergency assistance outside the corporate limits of the city, such equipment and men shall be considered within the jurisdiction of the city and the city shall have the same governmental immunity as when operating within its corporate limits.

(Ord. 136 § 2, 1950)

**2.36.160 Fire fighting outside city—Rights of department.**

Members of the Chariton volunteer fire department operating equipment used on fires without the corporate limits of the city shall be entitled to all the rights and privileges to which they are entitled when responding to calls for fire fighting or other emergency assistance inside the corporate limits of the city.

(Ord. 136 § 3, 1950)

## **Chapter 2.44 LIBRARY BOARD OF TRUSTEES**

**2.44.010 Chapter purpose.**

The purpose of this chapter is to provide for the creation and appointment of a city library board of trustees, and to specify that board's powers and duties.

(Ord. 383 § 1, 1974)

**2.44.020 Public library established.**

There is hereby established a free public library for the city, to be known as the "Chariton Free Public Library."

(Ord. 383 § 2, 1974)

**2.44.030 Members—Appointment.**

The board of trustees of the Chariton Free Public Library, hereinafter referred to as the "board," consists of nine members. All board members are to be appointed by the mayor with the approval of the council.

(Ord. 383 § 3, 1974)

**2.44.040 Members—Qualification.**

All of the members of the board shall be over the age of eighteen years and, with the exception of one member who may be a nonresident, bona fide residents of the city. The nonresident member, if any, shall be a



resident of Lucas County, but nothing in this section shall require the appointment of any nonresident to the board.

(Ord. 489 § 3 (part), 1980)

#### **2.44.050 Members—Terms of office.**

All appointments to the board shall be for six years, except to fill vacancies. Each term shall commence on July 1. Appointments shall be made every two years or one-third the total number as near as possible, to stagger the terms. (The present incumbents are confirmed in their appointments and terms).

(Ord. 383 § 5(1), 1974)

#### **2.44.060 Members—Vacancies.**

The position of any resident member shall be vacant if he moves from the city; the position of the nonresident member, if any, shall be vacant if he moves from Lucas County; and the position of any member shall be vacant if he is absent from six consecutive regular meetings of the board, except in the case of sickness or temporary absence from the city. Vacancies in the board shall be filled by appointment of the mayor, with approval of the council, and the new trustee shall fill out the unexpired term for which the appointment is made.

(Ord. 484 § 3 (part), 1980)

#### **2.44.070 Members—Compensation.**

Trustees shall receive no compensation for their services.

(Ord. 383 § 5 (3), 1974)

#### **2.44.080 Powers and duties.**

The board shall have and exercise the following powers and duties:

- (1) To meet and elect from its members a president, a secretary, and such other officers as it deems necessary. The city treasurer shall serve as board treasurer, but shall not be a member of the board;
- (2) To have charge, control and supervision of the public library, its appurtenances, fixtures and rooms containing the same;
- (3) To direct and control all the affairs of the library;
- (4) To employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the library, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by majority of the members of the board voting in favor thereof;
- (5) To remove by a two-thirds vote of the board the librarian and provide procedures for the removal of assistants or employees for misdemeanor, incompetency or inattention to duty, subject, however, to the provisions of Chapter 70, Code of Iowa;
- (6) To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other library materials, furniture, fixtures, stationery and supplies for the library within budgetary limits set by the board;
- (7) To authorize the use of the library by nonresidents of the city and to fix charges therefor;

- (8) To make and adopt, amend, modify and repeal rules and regulations, not inconsistent with ordinances and the law, for the care, use, government and management of the library and the business of the board, fixing and enforcing penalties for violations;
- (9) To have exclusive control of the expenditure of all funds allocated for library purposes by the council, all moneys available by gift or otherwise, and all other moneys belonging to the library, including fines and rentals collected, under the rules of the board;
- (10) To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to the property in the name of the library; to execute deeds and bills of sale for the conveyance of the property; and to expend the funds received by them from such gifts, for the improvement of the library;
- (11) To keep a record of its proceedings;
- (12) To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the city by action against the city council;
- (13) To have authority to make agreements with the local county historical associations, where such exist, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for library purposes.

(Ord. 383 § 6, 1974)

#### **2.44.090 Library use—Power to contract with other organizations.**

- (1) Contracting. The board may contract with any other boards of trustees of free public libraries, any other city, school corporation, private or semiprivate organization, institution of higher learning, township, or county.
- (2) Termination. Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five percent in number of the electors who voted for governor in the territory of the party at the last general election. The petition must be presented to the governing body not less than forty days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party who is seeking to terminate the contract.

(Ord. 383 § 7, 1974)

#### **2.44.100 Library use—Nonresidents.**

The board may authorize the use of the library by nonresidents in any one or more of the following ways:

- (1) By lending the books or other materials of the library to nonresidents on the same terms and conditions as to residents of the city, or upon payment of a special nonresident library fee;
- (2) By establishing depositories of library books or other materials to be loaned to nonresidents;
- (3) By establishing branch libraries for lending books or other library materials to nonresidents.

(Ord. 383 § 8, 1974)

#### **2.44.110 Library account—Expenditures.**

All money appropriated by the council from the general fund for the operation and maintenance of the library shall be set aside in an account for the library. Expenditures shall be paid for only on orders of the board, signed by its president and secretary. The warrant writing officer is the city treasurer.

(Ord. 383 § 9, 1974)

#### **2.44.120 Annual report.**

The board shall make a report to the city council immediately after the close of the municipal fiscal year. This report shall contain statements of the condition of the library, the number of books added thereto, the number circulated, the amount of fines collected, and the amount of money expended in the maintenance of the library during the year, together with such further information required by the council.

(Ord. 383 § 10, 1974)

### **Chapter 2.48 HISTORICAL PRESERVATION COMMISSION**

#### **2.48.010 Chapter purpose and intent.**

The purpose of this chapter is to:

- (a) Promote the educational, cultural, economic and general welfare of the public through the recognition, enhancement and perpetuation of sites and districts of historical and cultural significance;
- (b) Safeguard the city's historic, aesthetic and cultural heritage by preserving sites and districts of historic and cultural significance;
- (c) Stabilize and improve property values;
- (d) Foster pride in the legacy of beauty and achievements of the past;
- (e) Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business thereby provided;
- (f) Strengthen the economy of the city; and
- (g) Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure and welfare of the people of the city.

(Ord. 700 § 2 (part), 1996)

#### **2.48.020 Definitions.**

For the purposes of this chapter, the following terms shall have the following meanings:

- (1) "Commission" means the Chariton historic preservation commission.
- (2) "Historic district" means an area that contains a significant portion of archaeological sites, buildings, structures, or other improvements that, when considered as a whole, possess integrity of location, design, setting, materials, workmanship, feeling and association, and:
  - (A) Embody the distinctive characteristics of a type, period or method of construction; or
  - (B) Represent the work of a master; or

- (C) Possess high artistic values; or
  - (D) Represent a significant and distinguishable entity whose components may lack individual distinction; or
  - (E) Are associated with events that have made significant contributions to the broad patterns of local, state or national history; or
  - (F) Possess a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials, or combinations thereof, which adds significantly to the value and attractiveness of properties within the area; or
  - (G) Are associated with the lives of persons significant in the past; or
  - (H) Have yielded, or are likely to yield, information important in prehistory or history.
- (3) "Historic site" means an archeological site, structure or building that:
- (A) Is associated with events that have made a significant contribution to the broad patterns of history; or
  - (B) Is associated with the lives of persons significant in the past; or
  - (C) Embodies the distinctive characteristics of a type, period or method of construction; or
  - (D) Represents work of a master; or
  - (E) Possesses high artistic values; or
  - (F) Represents a significant and distinguishable entity whose components may lack individual distinction; or
  - (G) Has yielded, or is likely to yield, information important in prehistory or history.

(Ord. 700 § 2 (part), 1996)

#### **2.48.030 Commission members—Number and qualifications.**

The commission shall consist of five members, at least three of whom shall be residents of the city. Members of the commission shall demonstrate a positive interest in historic preservation and shall possess interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general or real estate.

(Ord. 700 § 2 (part), 1996)

#### **2.48.040 Commission members—Appointment, term, vacancies.**

Members of the commission shall be appointed by the mayor with the advice and consent of the city council. The term of office for members of the commission shall be three years; provided, that three of the five initial members of the commission shall serve a term of two years. In the event of any vacancy on the commission, the mayor, with the advice and consent of the city council, shall appoint a replacement member to serve the unexpired portion of the term. Members may serve more than one term.

(Ord. 700 § 2 (part), 1996)

#### **2.48.050 Commission members—Compensation.**

Members shall serve without compensation.

(Ord. 700 § 2 (part), 1996)

#### **2.48.060 Meetings, quorum.**

A simple majority of the commission shall constitute a quorum for the transaction of business. The commission shall meet at least three times each year.

(Ord. 700 § 2 (part), 1996)

#### **2.48.070 Officers.**

The commission shall elect a president, who shall preside at all commission meetings, and a secretary, who shall be responsible for maintaining written records of the commission's proceedings.

(Ord. 700 § 2 (part), 1996)

#### **2.48.080 Commission powers.**

The commission may:

- (a) Conduct studies for the identification and designation of historic districts and historic sites and recommend to the city council the adoption of ordinances making such designations, proceeding either on its own initiative or upon a petition from any person, group or association;
- (b) Recommend to the city council that the city petition the State Historic Preservation Officer for the listing of a historic district or historic site in the National Register of Historic Places and conduct a public hearing on any such recommendation;
- (c) Appoint three members to a local design review committee that shall have the power to review applications for the Main Street Linked Investments for Tomorrow (LIFT) program and approve projects for submission to the State Main Street LIFT Design Review Board;
- (d) Recommend to the city council that the city should:
  - (1) Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation;
  - (2) Acquire by purchase, bequest or donation, fee and lesser interests in historic districts or historic sites, including properties adjacent to or associated with historic districts or historic sites;
  - (3) Preserve, restore, maintain and operate historic districts or historic sites, under the supervision of the commission;
  - (4) Lease, sell, and otherwise transfer or dispose of historic districts or historic sites subject to rights of public access and other covenants and in a manner that will preserve the property;
  - (5) Contract with the state or the federal government or other organizations; and
  - (6) Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.

(Ord. 700 § 2 (part), 1996)

### **2.48.090 Commission duties.**

The commission shall:

- (a) Maintain records of all studies and inventories for public use; and
- (b) Provide information for the purpose of historic preservation and promote and conduct educational and interpretive programs on historic districts and historic sites within its jurisdiction.

(Ord. 700 § 2 (part), 1996)

### **2.48.100 Historic districts identified.**

The following areas are hereby identified as historic districts in the City of Chariton, Iowa:

- (1) The original Town of Chariton, Iowa.
- (2) The South 15.18 acres of the Southeast Quarter of the Southeast Quarter; and the North 24.82 acres located in the Southeast Quarter of the Southeast Quarter; and the South 5 acres of the Northeast Quarter of the Southeast Quarter; all in Section 30, Township 72, Range 21 West of the 5th P.M., Lucas County, Iowa.

(Ord. No. 867, § 2, 2-20-2012)

### **2.48.110 Historic sites identified.**

The following properties are hereby identified as historic sites in the City of Chariton, Iowa:

- (1) Lot 19 of Eikenberry & Stuart's Addition to the City of Chariton, Iowa.
- (2) The high school locally known as 501 North Grand.
- (3) That portion of the Burlington Northern and Santa Fe Railway Company's (formerly Chicago, Burlington & Quincy Railroad Company) Station Ground property at Chariton, Iowa, situated in the Southeast Quarter of Section 19, Township 72 North, Range 21 West of the 5th P.M., Lucas County, Iowa, described as follows, to-wit:

Beginning at the point of intersection of the North right-of-way line of Auburn Avenue with the Southwesterly right-of-way line of Brookdale Street in the City of Chariton, Iowa, according to the recorded plat thereof; thence Northwesterly along said Southwesterly right-of-way line of Brookdale Street, also being the Northeasterly boundary of said Station Ground property, a distance of 300.0 feet; thence Southwesterly along a line drawn radially to said Northeasterly boundary a distance of 50.0 feet; thence Southeasterly along a line drawn concentric with said Northeasterly boundary line a distance of 265 feet, more or less, to the North right-of-way line of Auburn Avenue; thence East along said North right-of-way line to the point of beginning. Excepting therefrom, that portion lying Northeasterly of a line drawn parallel with and 9.0 feet normally distant Southwesterly from the centerline of said Railway Company's Spur Track No. 31, as now located and constructed.

- (4) The A. J. Stephens House known as 123 North 17th Street.
- (5) Lot Number 18 in Osage Addition to the City of Chariton, Lucas County, Iowa, except the following tract:

A part of Lot Number 18 of Osage Addition to the Town of Chariton, Lucas County, Iowa, more particularly described as beginning at a point on the South line of Lot Number 18 which is East 21.0 feet from the Southwest corner thereof; thence continuing East 29.0 feet to the Southeast corner of Lot

Number 18; thence North 24.5 feet along the East line of Lot Number 18; thence Southwesterly to the point of beginning.

And

Lot Number 17 in Osage Addition to the Town of Chariton, Lucas County, Iowa.

- (6) A tract of land described as: commencing at a point 33 feet North and 45 feet East of the Southwest corner of the Northeast Quarter of the Northwest Quarter of Section 20, Township 72 North, Range 21 West of the 5th P.M., in Lucas County, Iowa; thence North 146 feet, thence East 190 feet, thence South 146 feet, thence West 190 feet to the point of beginning, except Parcel A of Egly's Subdivision described more particularly in Plat of Survey recorded May 29, 2008, in Book 6, page 80 in the office of the Lucas County, Iowa, Recorder.

(Ord. No. 867, § 2, 2-20-2012)