

## **Title 2 ADMINISTRATION AND PERSONNEL**

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## **Chapter 2.04 CITY COUNCIL MEETING TIME [11](#)**

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### **2.04.010 Regular meetings.**

The time of the regular meetings of the city council of the city of Fort Dodge, Iowa shall be at six p.m. on the second and fourth Monday of each month of the year, except as otherwise provided in this chapter. In addition to the regular meetings, the city council shall meet on the first day of each even numbered year, which is not a Sunday or legal holiday. In the event that the regular scheduled meeting date is a legal holiday, such meeting shall not be held.

(Ord. 1728 § 2, 1988).

(Ord. No. 2110, § II, 10-26-09)

### **2.04.020 Rescheduling of regular meetings.**

A regular meeting of the city council of the city of Fort Dodge may be rescheduled for a day and time other than that provided in Section 2.04.010 upon passage of a resolution by the city council authorizing such change setting the date and time of the rescheduled meeting and providing for notification thereof as by law provided.

(Ord. 1728 § 3, 1988).

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FOOTNOTE(S):

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For the statutory provisions regarding meetings of the city council, see I.C.A. 368A.1. [\(Back\)](#)

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**2.06.010 Purpose.**

The purpose of this chapter is to provide for the public disclosure of information and openness relating to the acceptance of services, funds, and property by municipal agencies from private agencies.

(Ord. 1769 § 1, 1990).

**2.06.020 Definitions.**

For the purposes of this chapter:

1. "Funds" means any nontangible, personal property.
2. "Governing body" means the board of directors, board of trustees or other legally constituted group who exercises fiscal or policy-making control over a private agency.
3. "Municipal agency" means any municipal board, commission or agency appointed by or with the approval of the city council of the city of Fort Dodge, Iowa.
4. "Power of appointment" means the legal authority to appoint or approve the appointment of members of a governing body.
5. "Private agency" means any organization, association, charitable trust, foundation, corporation or other legal nongovernmental entity.
6. "Property" means all tangible, personal or real property.
7. "Services" means the soliciting, holding or management of funds and property for and/or on behalf of a municipal agency; the providing of shows, programs or exhibits; or the providing of any other assistance to include, but not limited to, administrative, personnel or accounting.

(Ord. 1769 § 2, 1990).

**2.06.030 Compliance with open meeting and public record laws.**

Any municipal agency who accepts services, funds or property from a private agency over which private agency the accepting municipal agency has total or majority power of appointment shall as a condition of said acceptance require said private agency to comply with Chapter 21, Official Meetings Open to the Public, and Chapter 22, Examination of Public Records, of the 1989 Code of Iowa as now exists or may hereafter be amended.

(Ord. 1769 § 3, 1990).

**2.06.040 Compliance.**

Compliance with this chapter by municipal agencies shall be included as a subject of review in the annual audit of the city of Fort Dodge.

(Ord. 1769 § 4, 1990).

## **Chapter 2.08 CITY OFFICERS <sup>121</sup>**

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### **2.08.030 City clerk—Duties.**

It shall be the duty of the clerk:

- (1) To be present at all meetings of the city council and to keep a correct journal of the proceedings thereof;
- (2) To keep and file all communications and petitions addressed to the city council, and endorse thereon the action by the council;
- (3) To preserve and safely keep all public documents ordered filed in his office, and to furnish any city officer a copy thereof when the same shall be necessary to such officer in the discharge of his duties as such;
- (4) To keep a record properly indexed of all ordinances, resolutions, and other measures adopted by the city council, which are by law required to be recorded, stating the date of their passage and approval and publication, where publication is required, and attest the same with his signature;
- (5) To keep a full and correct record of all city elections whether regular or special and to perform such duties as are required by law and the ordinances of the city;
- (6) To act as clerk of the board of health, and keep a record of the proceedings thereof;

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- (7) To make such reports as shall be required by the mayor or by the city council, and at the termination of his term of office, to turn over all property documents, books and records in his office belonging to the city to his successor in office;
- (8) To issue all licenses, under the direction of the mayor, and to keep a record thereof in a book which shall show the date issued, number of license, name of person, firm or corporation, to whom issued, term of license and for what issued;
- (9) To draw and attest by his signature, and the seal of the city, all warrants upon the city treasury;
- (10) To keep separate accounts of all the revenues, funds and income payable into the city treasury and also of all moneys received on account for any purpose, by the city treasurer as shown by the duplicate receipt filed in the clerk's office;
- (11) To keep separate and accurate accounts with all city officers and departments and to comply with the provisions of the law requiring a uniform system of municipal accounts;
- (12) To keep a record of all warrants drawn showing the number, amount, date, payee's name, on what account, upon what fund or appropriation, and the receipt for the same signed by the payee thereof;
- (13) To make such reports as shall be required by the superintendent of the department of accounts, finances and public safety or the city council.

(Ord. 484 § 4, 1913).

### **2.08.040 Deputy city clerk—Appointment— Powers and functions.**

The deputy city clerk of the city shall be appointed who shall, in case of the absence, sickness or disability of the city clerk, possess and exercise all the powers and perform all of the functions and duties of the city clerk, in the name and place of the city clerk, as provided for by the laws of the state of Iowa and the ordinances of the city.

(Ord. 948 § 1, 1946).

### **2.08.050 Deputy city clerk—Oath of office—Bond.**

The deputy city clerk shall take an oath of office and file the same with the city clerk and shall furnish a bond in an amount to be fixed by the city council, as provided for by Chapter 64 of the Code of Iowa, 1946.

(Ord. 948 § 2, 1946).

### **2.08.060 Deputy city clerk—Term of office—Salary.**

The term of office of the deputy city clerk shall run concurrently with that of the city clerk in office at the time of his appointment and he shall receive salary or compensation as determined by the council.

(Ord. 948 § 3, 1946).

### **2.08.070 City treasurer—Duties.**

It shall be the duty of the city treasurer:

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- (1) To receive and safely keep all moneys of the city that may in any manner come into his hands by virtue of his office;
- (2) To give all persons paying money into the treasury his receipt therefor, specifying the date, amount, by whom, and upon what account paid, and return a duplicate receipt therefor and report the amount of the same to the city council once a month;
- (3) To pay no money out of the city treasury except upon warrant duly signed by the mayor and city clerk;
- (4) To keep a full and accurate account of all moneys and other things received by him on behalf of the city, specifying from whom, when and upon what account received, and also a full and true account of all disbursements, specifying when, to whom, from what fund and upon what account paid, the same to be kept in a book provided for that purpose by the city;
- (5) To keep a separate account of each fund belonging to the city showing the debits and credits thereto belonging;
- (6) To keep a record showing the following particulars in relation to all warrants: The date of presentment, by whom presented, to whom payable, the number, date, amount, whether paid or not, and if not, why not; if paid the amount of principal and interest separately, and such other matters in relation thereto as may by him be deemed of importance;
- (7) To take a receipt for any amount of interest paid on any warrant, and when the warrant is paid, to write or stamp the words "Cancelled," upon the face thereof and file and preserve the same until reported to the city council for their action thereon. To also cancel in like manner all warrants, bonds, coupons, orders or evidences of debt due by the city, whenever paid by him;
- (8) To keep a cash book in which shall be kept an account showing the following particulars: The several amounts received by him, the date of receipt of each amount, the name of the person from whom the same was received, and upon what account the same was received; the book shall also show each separate amount paid out by him, the date of payment, to whom paid, from what fund, and the number and series of the warrant upon which the same was paid. The account shall be posted up and the balance carried forward on the last day of each month and a report thereof made as hereinafter provided;
- (9) To draw from the county treasurer all funds belonging to the city at least once each month, giving duplicate receipts therefor;
- (10) To make such reports as shall be required by the superintendent of the department of accounts, finances and public safety or the city council;
- (11) To make a complete settlement with the council at the expiration of his office, record such settlement in his books and deliver all books, papers and records belonging to the city to his successor in office.

(Ord. 484 § 5, 1913).

### **2.08.080 City solicitor—Duties.**

It shall be the duty of the city solicitor:

- (1) To prosecute and defend all suits to which the city may be a party in all of the courts of the state and of the United States;
- (2) To prosecute all appeals when the interests of the city require such appeals to be taken, and to prosecute all suits for violation of any city ordinance;
- (3) To prosecute all criminal proceedings in behalf of the city, before the police court, arising under any of the city ordinances;

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- (4) To give his advice to the city council or any of its members on any legal question arising relative to the business of the city;
- (5) To give his opinion in writing whenever so desired by the city council, or mayor, or any member of the council, which shall be preserved by the city clerk in the city records;
- (6) To examine all contracts to which the city is a party and to examine all bonds given for the faithful performance of such contracts;
- (7) To prepare all city ordinances required by the city council and to review all city ordinances whenever the same shall be presented to him for that purpose by the city council, before their final adoption;
- (8) To perform such other services pertaining to his office and profession as the interests of the city shall require;
- (9) To manage and conduct on behalf of the city all condemnation proceedings where private property is taken for public use;
- (10) To attend regular and special meetings of the city council when notified by the mayor or council so to do;
- (11) To sign the name of the city to all appeal bonds and to all other bonds or papers of whatever kind that may be necessary in legal proceedings, or for the prosecution of any cause in court and the same when so signed shall be binding upon the city;
- (12) To report to the city council whenever requested to do so by the council or by the mayor, an abstract of all cases to which the city has been a party during the preceding year, together with the result or condition of the same;
- (13) To transmit to his successor in office all books, papers and documents pertaining to his office and belonging to the city.

(Ord. 484 § 3, 1913).

### **2.08.090 City engineer—Duties.**

It shall be the duty of the city engineer:

- (1) To make or cause to be made all plats, drawings, estimates and specifications for public improvement when ordered by the city council;
- (2) To report grades for all streets at the time and in the manner required by the city council and make profile and schedule thereof, which shall be filed in his office and a record made thereof. He shall also report plans and estimates for the changing of any grade established on any street;
- (3) To prepare plats and schedules of all work and improvements made by the city assessable to abutting or adjacent property;
- (4) To superintend under the direction of the city council and the superintendent of parks and public property, streets and public improvements, the construction of all bridges, culverts, drains and sewers, the grading, curbing, guttering, paving and improvement of streets, generally, the construction of sidewalks, and any and all public improvements that may be ordered by the city council;
- (5) To make such reports and do such other work properly within his office as shall be required by the superintendents of streets and public improvements, public safety and parks and public property;
- (6) To preserve and severally keep and file in his office all maps, surveys, plats, books, papers, and all other property and things pertaining to his office belonging to the city, all of which together

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with all instruments, if any, furniture and materials, the property of the city and in his possession, he shall deliver to his successor.

(Ord. 997, 1949: Ord. 484 § 6, 1913).

### **2.08.110 City marshal—Duties.**

It shall be the duty of the city marshal:

- (1) To diligently inquire into and report to the department of public safety and to the judge of police court all violations of the city ordinances and the criminal laws of the state and to prosecute all persons guilty thereof;
- (2) To cause to be enforced within the city the laws of the state and ordinances of the city in all matters coming within his jurisdiction;
- (3) To arrest any person found in any street, alley or public place in an intoxicated condition or doing any act in violation of the laws of the state or the ordinances of the city;
- (4) To cause to be abated any nuisance found within the city and to serve or cause to be served all legal processes, notices, and other papers to him directed by the council, police judge, superintendent of public safety or other competent authority, and such notices to property owners and others as shall be required by the ordinances of the city;
- (5) To promptly pay over to the mayor of the city or to the police judge any and all money that may come into his hands by virtue of his office;
- (6) To be represented in the police court when in session, preserve order therein and execute warrants and processes therefrom;
- (7) To perform such other duties as are required by the laws of the state and the ordinances of the city and to perform and fully carry out all orders, directions, and instructions from the superintendent of the department of accounts, finances and public safety;
- (8) The city marshal is hereby constituted the chief of police of the city and the deputy marshal and police officers are hereby made subject to the city marshal and shall perform such duties as he may from time to time require. In the absence or disability of the marshal, the deputy marshal shall perform the duties of the chief of police, unless otherwise directed by the department of accounts, finances and public safety;
- (9) The city marshal shall, in addition to the foregoing regulations, perform such duties pertaining to his office as shall be required by the regulations of the police department, or by the superintendent of public safety, or by the city council;
- (10) The city marshal, as chief of police, may peremptorily suspend or discharge any subordinate under his direction for neglect of duty, disobedience of orders or misconduct but shall, within twenty-four hours thereafter, report such suspension or discharge, with the reason therefor, to the superintendent of the department of accounts, finances and public safety, who shall thereupon affirm such suspension or revoke such suspension or discharge according to the merits under the facts in the case.

(Ord. 484 § 8, 1913).

### **2.08.140 City health physician—Appointment.**

The office of city health physician in and for the city shall be filled by appointment by the mayor and city council.



(Ord. 628 § 1, 1919).

**2.08.150 City health physician—Qualifications.**

The city health physician appointed under the provisions of Section 2.08.140 and the laws of the state of Iowa must be a lawful practicing physician, holding proper certificate of authority to practice medicine within the state of Iowa and must be a citizen of the state and a resident of the city.

(Ord. 628 § 2, 1919).

**2.08.160 City health physician—Medical advisor—Investigation of contagious diseases.**

The city health physician shall be the medical advisor of the local board of health of the city and of the mayor and city council thereof and shall investigate all suspect cases of contagious disease and make prompt report thereof to the mayor and local board of health, provided such cases are not attended by a regular physician, but if attended by a regular physician, then the city health physician shall have the right, if he thinks proper, to also investigate and report on such cases.

(Ord. 628 § 4, 1919).

**2.08.170 City health physician—Investigation and advisement on public health matters.**

It shall be the duty of the city health physician to fully investigate and act upon all matters pertaining to the public health and sanitary condition of the city and to advise the mayor and city council and board of health on all questions pertaining to sanitary affairs and public health and upon all matters coming under his supervision.

(Ord. 628 § 5, 1919).

**2.08.180 City health physician—Additional duties.**

The city health physician shall perform such other duties as are now required by the laws of the state of Iowa and the ordinances of the city or the regulations of the state or local board of health and such further duty as may during his term of office be prescribed by law or by resolution of the city council or regulation of the state or local board of health.

(Ord. 628 § 6, 1919).

**2.08.190 Housing code inspector—Office created.**

There is hereby created the office of housing code inspector of the city.

(Ord. 1262 § 1, 1967).

**2.08.200 Housing code inspector—Duties.**

The housing code inspector shall be charged with the enforcement of the Uniform Housing Code.

(Ord. 1262 § 2, 1967).

**2.08.210 Housing code inspector—Period of service—Qualifications.**

The officer so created as the housing code inspector shall serve at the pleasure of the mayor and council of the city, and be appointed by them to fill this office. He shall be a person experienced in the building trades, as a builder, plumber or electrician.

(Ord. 1262 § 3, 1967).

**2.08.220 Housing code inspector—Salary.**

The salary of the housing code inspector shall be set annually by the mayor and city council as provided by law.

(Ord. 1262 § 4, 1967).

**2.08.230 Housing code inspector—Permits.**

All persons shall consult the housing code inspector previous to proceeding with the construction of a housing unit and shall first secure from him a permit or other authorization that he may require.

(Ord. 1262 § 5, 1967).

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FOOTNOTE(S):

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For the statutory provisions relating to the mayor as exercising the executive functions and powers, see I.C.A. 363.3; for other provisions regarding powers and duties of the mayor, see I.C.A. 368A.2; for provisions regarding powers and duties of other officers, see I.C.A. 368A.3, clerk; 368A.4, treasurer; 368A.20, other officers (including the city attorney, engineer, auditor and physician); for provisions defining the police judge as magistrate and powers relating thereto, see I.C.A. 748.1 and 748.2; for provisions regarding the marshal, see I.C.A. 368A.17; for provisions regarding the assessment and valuation of property, and responsibility of the assessor relating thereto, see I.C.A. Chapter 441; for provisions regarding the licensing of a person as a weighmaster, see I.C.A. 543.31. ([Back](#))

**Chapter 2.10 SALARY REVIEW ADVISORY BOARD**

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[2.10.020 Establishment.](#)

[2.10.030 Term.](#)

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[2.10.050 Compensation.](#)

**2.10.010 Purpose.**

The purpose of the ordinance codified in this chapter is to establish a salary review advisory board pursuant to Article IV of the 1981 Charter of the city of Fort Dodge.

(Ord. 1608 § 1, 1982).

**2.10.020 Establishment.**

There is hereby established a city of Fort Dodge salary review advisory board with composition and duties as set forth in Article IV of the 1981 Charter of the city of Fort Dodge.

(Ord. 1608 § 2, 1982).

**2.10.030 Term.**

The term of all board members is established at four years, with the initial terms of the board members being established as follows:

- (1) Member at large, four years;
- (2) Ward No. 1 member, four years;
- (3) Ward No. 2 member, two years;
- (4) Ward No. 3 member, two years;
- (5) Ward No. 4 member, four years.

Thereafter, all members shall be appointed to four-year terms.

(Ord. 1608 § 3, 1982).

**2.10.040 Appointment procedure.**

All board members shall be appointed as follows:

- (1) Ward Members. Each ward councilman shall appoint the board member from his or her ward for the term as set out in Section 2.10.030, subject to council approval.
- (2) The three at-large councilmen shall appoint the at-large member for the term as set out in Section 2.10.030 subject to council approval.

(Ord. 1608 § 4, 1982).

**2.10.050 Compensation.**

The members of the board shall serve without compensation, but may be reimbursed for actual or reasonable expenses.

(Ord. 1608 § 5, 1982).

## **Chapter 2.12 SALARIES OF OFFICERS AND EMPLOYEES** <sup>131</sup>

Sections:

[2.12.010 Mayor.](#)

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[2.12.030 Other officers and employees.](#)

### **2.12.010 Mayor.**

The mayor of the city of Fort Dodge, Iowa, shall receive in full compensation for all services rendered, the sum of one thousand two hundred fifty dollars per month.

(Ord. 2028 § 2, 2005: Ord. 1959 § 2, 2001).

### **2.12.020 Council members.**

Each member of the city council of the city of Fort Dodge, Iowa, shall receive in full compensation for all services rendered the sum of four hundred dollars per month.

(Ord. 2028 § 3, 2005: Ord. 1960 § 2, 2001: Ord. 1837 § 3, 1993).

### **2.12.030 Other officers and employees.**

The compensation of all other officers and employees of the city shall be established as by law provided by resolution of the city council.

(Ord. 2028 § 4, 2005: Ord. 1959 § 3, 2001).

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FOOTNOTE(S):

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For the statutory provisions regarding compensation of councilmen, see ICA 363.39. The provisions for salaries of mayor and councilmen are detailed in Ordinance 1229. Ordinance 1229 (§§ 1 and 2) is not codified herein but remains in full force and effect. ([Back](#))

## **Chapter 2.16 HUMAN RIGHTS COMMISSION** <sup>141</sup>

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### **2.16.010 Purposes.**

The purpose of the city of Fort Dodge in enacting this ordinance codified in this chapter [is]:

- (1) To secure for all individuals within the city of Fort Dodge freedom from discrimination because of race, color, religion, creed, sex, national origin, age or mental or physical disability in connection with employment, retaliation, aiding or abetting; race, creed, color, sex, national origin, religion or disability in connection with education and public accommodations, services or practices; race, color, creed, sex, religion, marital status, physical disability or familial status in connection with credit; and thereby to protect the personal dignity of these individuals, to insure their full productive capacities, to preserve the public safety, health and general welfare, and to promote the interests, rights and privileges of individual citizens within the city of Fort Dodge.
- (2) To provide for the execution within the city of Fort Dodge of the policies embodied in the Iowa Civil Rights Act of 1965 and in the Federal Civil Rights Act and to promote cooperation between the city of Fort Dodge and the state and federal agencies enforcing those Acts.
- (3) To provide at the local level, a human rights commission dedicated to the following: effective enforcement of this chapter; serve as a source of information to employers, laborers, business people, employees, landlords, tenants and other citizens relative to various civil rights legislation and regulations; and active assistance to prevent and eliminate the effect of discriminatory practices.

(Ord. 1801 § 1, 1991).

(Ord. No. 2217, 8-25-14)

### **2.16.020 Construction.**

This chapter shall be construed broadly to effectuate its purposes.

(Ord. 1801 § 2, 1991).

### **2.16.030 Definitions.**

Unless indicated otherwise in this chapter, the following will define the listed words and phrases:

"Administrative closure" means that, in the opinion of the commission, that no useful purpose would be served by further action by the commission respecting a complaint that the case should be closed. In some cases, the case should not be closed until after sixty days from date of filing.

"Bona fide occupational qualification (BFOQ)" means discrimination on a prohibited basis is lawful only if it results from a bona fide occupational qualification essential to the normal operation of the employer's business or enterprise. The "BFOQ" exception will be interpreted narrowly and the burden of proving that a prohibited basis is a "BFOQ" rests upon the party seeking to rely upon the exception. Customer or employer preference or historical usage, tradition, or custom or stereotyped characterizations will not merit the exception.

"Commission" means the human rights commission created by the Joint Agreement of the Fort Dodge/Webster County human rights commission, under the authority of Chapter 28E, April 19, 1979.

"Complainant" means a person claiming to be aggrieved by a discriminatory practice and who has filed a complaint with the commission.

"Contract" means any agreement which is awarded, let, procured, or entered into with, or on behalf of, the city, county or any awarding authority thereof.

"Contracting authority" means any city or county department, agency, commission, authority, board or person, or any authorized employee, officer or director of any of the foregoing, including any purchasing agent of the city or county who makes or enters into any contractual agreement for the provision of any goods or services of any kind or nature whatsoever for and on behalf of the city or county.

"Court" means the district court in and for Webster County, Iowa or any judge or magistrate of said court if the court is not in session at that time.

"Disability" means the physical or mental impairment of a person which constitutes a substantial handicap, limiting one or more major life activities, has a record of such an impairment or is regarded as having such an impairment.

- (A) The term "major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- (B) The term "regarded as having an impairment" means: has a physical or mental impairment that does not substantially limit major life activities but that is perceived as constituting such a limitation; has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or has no impairments defined to be "physical or mental impairments," but is perceived as having such an impairment.

"Discriminatory practice" means any act or practice having an adverse effect on any protected class.

"Employee" means any person employed by an employer.

"Employer" means any person, public or private, employing employees within the numerical requirements of this chapter and in the corporate limits of Fort Dodge.

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"Employment agency" means any person undertaking to procure employees or opportunities to work for any other person or any person holding himself/herself to be equipped to do so.

"Executive director" means the human rights officer of the commission, selected by the commission and approved by the city council of the city of Fort Dodge. The executive director shall have such duties, powers and authority as may be conferred by the commission, subject to the provisions of this chapter.

"Gender identity" means a gender related identity of a person, regardless of the person's assigned sex at birth.

"Familial status" means one or more individuals (who have not attained the age of eighteen years) being domiciled with a parent or another person having legal custody of such individual(s) or the designee of such parent or other person having such custody, with the written permission of such parent or other person.

"Incident date" is the date action was taken against the complainant or date that complainant was notified of the act or practice, whichever comes first.

"Injury" means a loss of pecuniary benefit, rights or any offense against a person's dignity.

"Labor organization" means any organization which exists for the purpose, in whole or in part, of collective bargaining, or dealing with employers concerning grievances, terms or conditions of employment.

"No probable cause finding" is a decision rendered by the commission to determine that there is no probable cause to believe that discrimination exists after reviewing an investigation of a complaint.

"Person" means one or more individuals, partnerships, associations, corporations, legal representatives, trustees or receivers. It also includes, but is not limited to any owner, lender, builder, manager, broker, salesman, agent, employee or lending institution and includes any commission, authority, board or other instrumentality of government.

"Probable cause finding" means the decision rendered by the commission that there is probable cause to believe that discrimination exists after reviewing an investigation of a complaint.

"Public accommodation" means each and every place, establishment, facility of whatever kind, nature or class that caters or offers services, facilities, or goods to the general public. Public accommodation shall not mean any bona fide private club, other place, establishment, or facility which is by its nature distinctly private, except when such distinctly private place, establishment, or facility caters or offers services, facilities or goods to the general public for fee, charge or gratuitously, it shall be deemed a public accommodation during such period. Public accommodation includes each government unit or tax-supported district of whatever kind, nature or class that offers services, facilities, benefits, grants or goods to the public, gratuitously or otherwise. This paragraph shall not be construed by negative implication or otherwise to restrict any part or portion of the pre-existing definition of the term "public accommodation."

"Respondent" means that person against whom a complaint has been filed with the commission.

"Retaliation" means any act directed at a complainant or other person with the intent of affecting that person unfavorably because of his/her formal or informal efforts to secure or aid in securing compliance with this chapter.

"Satisfactorily adjusted" means that the complainant has indicated in writing that the complaint has been resolved to the satisfaction of the complainant and that no further action is desired from the commission. Whenever the offer of adjustment by a respondent is acceptable to the investigating official, but not to the complainant, the commission may close the case as satisfactorily adjusted. In a case which has been determined by the commission as having probable cause, the respondent's signature must be obtained before the case can be considered to be satisfactorily adjusted.

"Sexual orientation" means actual or perceived heterosexuality, homosexuality, or bisexuality.

"Successfully conciliated" means that a written agreement has been executed on behalf of the respondent, on behalf of the complainant, and on behalf of the commission, the contents of which are

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designed to remedy that alleged discriminatory act or practice and any other unlawful discrimination which may have been uncovered during the course of the investigation.

"Terms and conditions of employment" mean and include but is not limited to medical, hospital, accident and life insurance or benefits, leave, vacations, and other terms, conditions and privileges of employment.

"Withdrawn" means that the complainant has indicated in writing the desire that no further action be taken by the commission regarding the complaint.

(Ord. 2070 § 1 (part), 2007; Ord. 1801 § 3, 1991).

(Ord. No. 2217, 8-25-14)

### **2.16.040 Commission established.**

- (a) Members of the Fort Dodge human rights commission shall be appointed by the mayor and confirmed by the city council of Fort Dodge, Iowa.
- (b) The commission shall elect a chairperson and vice-chairperson from the members of the commission.
- (c) The appointment of the executive director shall be made by the commission and confirmed by the Fort Dodge city council.
- (d) Any four members shall constitute a quorum.
- (e) All members of the commission shall serve without compensation, but shall be reimbursed for necessary travel and other expenses, out of the funds appropriated for the commission. The executive director and the commission staff shall be compensated in such amounts as may be determined under the terms and conditions of Article VII, Section 5, of the aforementioned 28E Agreement.
- (f) The commission may recommend such additional personnel as it may deem necessary to carry out the purposes of this chapter consistent with the funds appropriated for that purpose and any gifts or grants which the commission may receive from other sources.

(Ord. 1801 § 4, 1991).

(Ord. No. 2217, 8-25-14)

### **2.16.050 Power and duties.**

The commission shall have the following powers and duties:

- (1) To prescribe the duties of the executive director and such investigators and other employees and agents as the commission shall deem necessary for the enforcement of this chapter;
- (2) To receive, investigate, and finally determine the merits of complaints alleging discriminatory practices;
- (3) To investigate and study the existence, character, causes and extent of discrimination in public accommodations, employment, apprenticeship programs, on-the-job training programs, vocational schools, extension of credit, real estate, financial transactions, and housing in the city or county and to attempt the elimination of such discrimination by education and conciliation;
- (4) To subpoena books, papers, records and any other real evidence necessary to the investigation of any complaint filed pursuant to this chapter.



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- (A) The executive director, or designee, shall issue subpoenas (as by law provided);
  - (B) Every subpoena shall state the name of the commission, the purpose for which the subpoena is issued, and the name and address of the party on whose behalf it was issued;
  - (C) The subpoena shall be directed to a specific person, their attorney, an officer, partner, or managing agent of any person who is not a natural person. The subpoena shall command that person to produce designated books, papers, or other real evidence under his/her control at a specified time and place. Where a public hearing has been scheduled, the subpoena may command the person to whom it is directed to attend and give testimony.
  - (D) The subpoena shall be served by any person authorized by law to serve subpoenas or by any member of the commission staff by delivery of a copy thereof to the person named therein.
  - (E) Where service is accomplished by personal service, proof of service will be by acknowledgement of receipt of the person served or by the affidavit of the person serving the subpoena.
  - (F) Upon prompt petition by the person to whom the subpoena is addressed, the executive director or designee may quash or modify a subpoena where it is demonstrated by the petitioner that reasonable cause exists to squash said subpoena.
  - (G) Where a party fails to respond to a subpoena, the executive director or designee may authorize the filing of a petition for enforcement with the district court.
  - (H) Subsequent to notification to a respondent of the approval of a hearing upon the merits of a complaint, legal counsel, staff and respondent may employ prehearing discovery measures as set forth in the Iowa Administrative Procedure Act, in addition to oral interviews and informal requests for documents and other materials and information;
- (5) To hold hearings upon any complaint made against a person, an employer, an employment agency, a labor organization, the employees or members thereof, to subpoena witnesses and compel their attendance at such hearings, to administer oaths and take the testimony of any person under oath, and to compel such persons, employer, employment agency, labor organization, employees, or members thereof to produce for examination any books and papers relating to any matter involved in such complaint. The commission shall issue subpoenas for witnesses in the same manner and for the same purposes on behalf of the respondent upon his/her request. Such hearings may be held by the commission or by any hearing officer appointed by the commission.
- (6) To order such remedial action necessary to carry out the purposes of this chapter. For purposes of this subsection and pursuant to the provision of this chapter "remedial action" includes but is not limited to the following:
- (A) Hiring, reinstatement or upgrading,
  - (B) Admission or restoration of individuals to program(s) and admission to a public accommodation or an educational institution,
  - (C) Sale, exchange, lease, rental, assignment or sublease of real property to an individual,
  - (D) Payment to the complainant of damages for an injury caused by the discriminatory practice which damages shall include but are not limited to actual damages, court costs and reasonable attorney fees, and the issuance of an order requiring the respondent to cease and desist from said practice,
  - (E) Reporting as to the manner of compliance,
  - (F) Posting notices in conspicuous places in the respondent's place of business in the form prescribed by the commission and inclusion of notices in advertising material,
  - (G) In addition to the remedies provided in the preceding provisions of this subsection, the commission may issue an order requiring the respondent to cease and desist from the

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discriminatory practice and to take such affirmative action as in the judgment of the commission will carry out the purposes of this section as follows:

- (i) In the case of a respondent operating by virtue of a license issued by the state or a political subdivision or agency, if the commission, upon notice to the respondent with an opportunity to be heard, determines that the respondent has engaged in a discriminatory practice and that the practice was authorized, requested, commanded, performed, knowingly or recklessly tolerated by the board of directors of the respondent, by an officer or executive agent acting within the scope of his/her employment, the commission shall so certify to the licensing agency. Where the licensing agency derives all or part of its authority from the city or county, it shall be bound by the commission finding, unless it is reversed in the course of judicial review. In the case of such a licensing agency, where such a certification has been made, the licensing agency may initiate licensee disciplinary procedures.
  - (ii) In the case of a respondent who is found by the commission to have engaged in a discriminatory practice in the course of performing under a contract, subcontract, with the state, political subdivision or agency, if the practice was authorized, requested, commanded, performed, knowingly or recklessly tolerated by the board of directors of the respondent, by an officer or executive agent acting within the scope of his/her employment, the commission shall so certify to the contracting agency. Where the contracting agency fits within the definitions found in Section 2.16.030, the finding of discrimination is binding on that contracting authority, unless the commission's finding of a discriminatory practice is reversed in the course of judicial review.
  - (iii) Upon receiving a certification made under this subsection, a contracting authority may take appropriate action to terminate a contract or portion thereof previously entered into with the respondent, either absolutely or on condition that the respondent carry out a program of compliance with provisions of this chapter and assist the state and all political subdivisions and agencies thereof to refrain from entering into further contracts with that respondent.
- (H) The election of an affirmative order under subdivision (G) of this subsection shall not bar the election of affirmative remedies provided in subdivisions (A) through (F) of this subsection. The terms of a conciliation agreement reached with the respondent may require him/her to refrain in the future from committing discriminatory practices of the type stated in the agreement, to take remedial action as in the judgment of the commission will carry out the purposes of this chapter and to consent to the entry in an appropriate district court of a consent decree embodying the terms of the conciliation agreement. Violation of such a consent decree may be punished as contempt by the court upon showing by the commission of the violation at any time within six months of its occurrence. In all cases where a conciliation agreement is entered into, the commission shall issue an order stating its terms and furnish a copy of the order to the complainant, the respondent, and such other persons as the commission deems proper. At any time in its discretion, the commission may investigate whether the terms of the agreement are being complied with by the respondent;
- (7) To seek a temporary injunction against a respondent when it appears that a complainant may suffer irreparable injury as a result of an alleged violation of this chapter. In the event said respondent is the recipient of, or engaged in any program or activity through grants, loans, contracts or insurance from any federal or state agency, the commission shall seek to enjoin said federal or state agency, on a temporary basis, from further engagement with said respondent. A temporary injunction may only be issued ex parte if the complaint filed with the commission alleges discrimination in housing. In all other cases a temporary injunction may be issued only after the respondent has been notified and afforded the opportunity to be heard;
- (8) To issue such publications and reports of investigations and research as in the judgment of the commission shall tend to promote goodwill among the various racial, religious, and ethnic groups of the city and which shall tend to minimize or eliminate discrimination in public

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accommodations, employment, apprenticeship and on the job training programs, vocational schools, or housing because of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, ancestry, or disability;

- (9) To prepare and transmit to the mayor, city council and board of supervisors from time to time, but not less often than once each year, reports describing its proceedings, investigations, hearings conducted and the outcome thereof, decisions rendered, and the other work performed by the commission;
- (10) To make recommendations to the city council for such further legislation concerning discrimination because of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, ancestry, or disability as it may deem necessary and desirable;
- (11) To cooperate, within the limits of any appropriations made for its operation, with other agencies or organizations, both public and private, including the Iowa Civil Rights Commission whose purposes are consistent with those of this chapter, and in the planning and conducting of programs designed to eliminate discrimination based on race, color, religion, creed, national origin, sex, disability or age;
- (12) To receive, administer, dispense and account for any funds that may be voluntarily contributed to the commission and any grants that may be awarded the commission for furthering the purposes of this chapter;
- (13) To hold meetings at intervals of not less than one per month at a time and place to be determined by the commission;
- (14) To enter into contract with federal and state civil rights agencies which would further the purposes of this chapter and seek from the Equal Employment Opportunity Commission, the U.S. and Iowa Civil Rights Commission the designation as a deferral agency, which shall have legal precedence in all cases in its jurisdiction, except where otherwise agreed, or where a complainant requests in written form that the deferral agency not be notified;
- (15) To require that all contracts entered into on behalf of the city and county and all subcontractors thereon, for which the consideration is in excess of ten thousand dollars shall contain a nondiscrimination clause barring discrimination in employment and shall be required that public notices contain the provisions set forth therein;
- (16) To adopt by-laws and regulations necessary for the functioning of the commission and consistent with the terms of this chapter;

(Ord. 2070 § 2, 2007; Ord. 1801 § 5, 1991).

(Ord. No. 2217, 8-25-14)

### **2.16.060 Public meetings, records and confidentiality.**

- (a) In accordance with Chapter 21 of the Code of Iowa, all meetings of the commission shall be public meetings except as provided by law.
- (b) All records of the commission shall be public except as provided by law.
- (c) No member of the commission or of its staff shall disclose the filing of a complaint, the information gathered during the investigation, or the endeavors to eliminate such discriminatory practice by conference, conciliation, or persuasion, unless such disclosure is made in connection with the conduct of an investigation, after a public hearing is scheduled or district court action is commenced upon a complaint filed as provided in this chapter. This section does not prevent any complainant, respondent, witness, or other person from publicizing the filing of a complaint or the matter therein complained of. Any violation of this section shall be punishable by a fine not to exceed one hundred dollars.

(Ord. 1801 § 6, 1991).

**2.16.070 Discriminatory practices—Employment.**

(a) It shall be a discriminatory practice for any:

- (1) Person to refuse to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment against any applicant for employment or any employee because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such applicant or employee, unless based upon the nature of the occupation. If a person with a disability is qualified to perform a particular occupation, by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection.
- (2) Labor organization or the employees, agents, or members thereof to refuse to admit to membership any applicant, to expel any member, or to otherwise discriminate against any applicant for membership or any member in the privileges, rights, or benefits of such membership because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability of such applicant or member.
- (3) Employer, employment agency, labor organization, or the employees, agents, or members thereof to directly or indirectly advertise or in any other manner indicate or publicize that individuals of any particular age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability are unwelcome, objectionable, not acceptable, or not solicited for employment or membership unless based on the nature of the occupation. If a person with a disability is qualified to perform a particular occupation by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection.

An employer, employment agency, or their employees, servants, or agents may offer employment or advertise for employment to only persons with disabilities, when other applicants have available to them other employment compatible with their ability which would not be available to persons with disabilities because of their disabilities. Any such employment or offer of employment shall not discriminate among persons with disabilities on the basis of race, color, creed, sex, sexual orientation, gender identity, or national origin.

(b) The following age provisions not applicable to retirement programs:

- (1) The provisions of this chapter relating to discrimination because of age shall not be construed to apply to any retirement plan or benefit system of any employer unless such plan or system is a mere subterfuge adopted for the purpose of evading the provisions of this chapter. However, a retirement plan or benefit system shall not require the involuntary retirement of a person because of that person's age. This paragraph does not prohibit the following:
  - (A) The involuntary retirement of a person who has attained the age of sixty-five and has for the two prior years been employed in a bona fide executive or high policy-making position and who is entitled to an immediate, nonforfeitable annual retirement benefit from a pension, profit-sharing savings or deferred compensation plan of the employer which equals in aggregate, at least forty-four thousand dollars;
  - (B) The involuntary retirement of any person covered by a collective bargaining agreement which was entered into by a labor organization and was in effect on September 1, 1977. This exemption does not apply after the termination of that agreement or January 1, 1980, whichever first occurs.
- (2) An employee welfare plan may provide life, disability or health insurance benefits which vary by age based on actuarial differences if the employer contributes equally for all the participating employees or may provide for employer contributions differing by age if the benefits for all the participating employees do not vary by age.

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- (3) Nothing in this chapter will be construed to prohibit compulsory retirement of any employee who has attained seventy years of age, and who is serving under a contract of unlimited tenure, or similar arrangement providing for unlimited tenure, at an institution of higher education as defined by Section 1201(a) of the Federal Higher Education Act of 1965.
- (c) Employment policies relating to pregnancy and childbirth shall be governed by the following:
- (1) A written or unwritten employment policy or practice which excludes from employment applicants or employees because of the employee's pregnancy is a prima facie violation of this chapter.
  - (2) Disabilities caused or contributed to by the employee's pregnancy, miscarriage, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to a disability due to the employee's pregnancy or giving birth, on the same terms and conditions as they are applied to other temporary disabilities.
  - (3) The employer may elect to exclude health insurance coverage for abortion from a plan provided by the employer, except where the life of the mother would be endangered if the fetus were carried to term or where medical complications have arisen from an abortion.
  - (4) An employer shall not terminate the employment of a person disabled by pregnancy because of the employee's pregnancy.
  - (5) Where a leave is not available or a sufficient leave is not available under any health or temporary disability insurance or sick leave plan available in connection with employment, the employer of the pregnant employee shall not refuse to grant to the employee who is disabled by the pregnancy a leave of absence if the leave of absence is for the period that the employee is disabled because of the employee's pregnancy, childbirth or related medical condition or for eight weeks, whichever is less. However, the employee must provide timely notice of the period of leave requested and the employer must, approve any change in the period requested before the change is effective. Before granting the leave of absence, the employer may require that the employee's disability resulting from pregnancy be verified by medical certification stating that the employee is not able to reasonably perform the duties of employment.
- (d) This section shall not prohibit discrimination on the basis of age if the person subject to the discrimination is under the age of eighteen years, unless that person is considered by law to be an adult.
- (e) Notwithstanding the provisions of this section, a state or federal program designed to benefit a specific age classification which serves a bona fide public purpose shall be permissible.
- (f) This section shall not apply to age discrimination in bona fide apprenticeship employment programs if the employee is over forty-five years of age.
- (g) This section shall not apply to:
- (1) The employment of individuals for work within the home of the employer if the employer or members of the employer's family reside therein during such employment.
  - (2) The employment of individuals to render personal service to the person of the employer or members of the employer's family.
  - (3) Any bona fide religious institution or its educational facility, association, corporation, or society with respect to any qualifications for employment based on religion, sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose. A religious qualification for instructional personnel or an administrative officer, serving in a supervisory

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capacity of a bona fide religious educational facility or religious institution, shall be presumed to be a bona fide occupational qualification.

- (h) This section shall not apply to those employers and/or activities exempted pursuant to Section 601A.6 of the Code of Iowa, as amended.

(Ord. 2070 §§ 3, 4, 2007; Ord. 1801 § 7, 1991).

### **2.16.080 Discriminatory practices—Public accommodations, services or practices.**

- (a) It shall be a discriminatory practice for any public accommodation, agent or employee thereof:
- (1) To refuse or deny to any person because of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability the accommodations, advantages, facilities, services, or privileges thereof, or otherwise to discriminate against any person because of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability in the furnishing of such accommodations, advantages, facilities, services, or privileges;
  - (2) To directly or indirectly advertise or in any other manner indicate or publicize that the patronage of persons of any particular race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability is unwelcome, objectionable, not acceptable, or not solicited.
- (b) This section shall not apply to:
- (1) Any bona fide religious institution with respect to any qualifications the institution may impose based on religion, sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose.
  - (2) The rental or leasing to transient individuals of less than four rooms within a single housing accommodation by the occupant or owner of such housing accommodation if the occupant or owner or members of his immediate family reside therein.

(Ord. 2070 §§ 5, 6, 2007; Ord. 1801 § 8, 1991).

### **2.16.090 Discriminatory practices—Housing.**

It shall be a discriminatory practice for any owner, or person acting for an owner, of rights to housing or real property, with or without compensation, including but not limited to persons licensed as real estate brokers, salesmen, attorneys, auctioneers, agents or representatives by power of attorney, appointment, or any person acting under court order, deed, trust, or will:

- (1) To refuse to sell, rent, lease, assign, sublease, refuse to negotiate, or to otherwise make unavailable, or deny any real property or housing accommodation or part, portion, or interest therein, to any person because of the race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status of such person;
- (2) To discriminate against any person because of the person's race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status, in the terms, conditions, or privileges of the sale, rental, lease assignment, or sublease of any real property or housing accommodation or any part, portion, or interest in the real property or housing accommodation or in the provision of services or facilities in connection with the real property or housing accommodation.

For purposes of this section, "person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries;

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- (3) To directly or indirectly advertise, or in any other manner indicate or publicize that the purchase, rental, lease, assignment, or sublease of any real property or housing accommodation or any part, portion, or interest therein, by persons of any particular race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status is unwelcome, objectionable, not acceptable, or not solicited;
- (4)
  - (A) To discriminate against the lessee or purchaser of any real property or housing accommodation or part, portion, or interest of the real property or housing accommodation, or against any prospective lessee or purchaser of the property or accommodation, because of the race, color, creed, religion, sex, sexual orientation, gender identity, disability, age, or national origin of persons who may from time to time be present in or on the lessee's or owner's premises for lawful purposes at the invitation of the lessee or owner as friends, guests, visitors, relatives, or in any similar capacity,
  - (B) A person shall not induce or attempt to induce another person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status,
  - (C) A person shall not represent to a person of a particular race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status that a dwelling is not available for inspection, sale, or rental when the dwelling is available for inspection, sale, or rental,
  - (D) A person whose business includes engaging in residential real estate related transactions shall not discriminate against a person in making a residential real estate related transaction available or in terms or conditions of a residential real estate related transaction because of race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status,
  - (E) A person shall not deny another person access to, or membership or participation in, a multiple listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in terms or conditions of access, membership, or participation in such organization because of race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status.
- (5) The provisions of this section shall not apply to:
  - (A) Any bona fide religious institution with respect to any qualifications it may impose based on religion, sexual orientation, or gender identity, when the qualifications are related to a bona fide religious purpose unless the religious institution owns or operates property for a commercial purpose or membership in the religion is restricted on account of race, color, or national origin,
  - (B) The rental or leasing of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or members of his family reside in one of such housing accommodations,
  - (C) The rental or leasing of less than four rooms within a single housing accommodation by the occupant or owner of such housing accommodation, if he or members of his family reside therein,
  - (D) Restrictions based on sex on the rental or leasing of housing accommodations by nonprofit corporations,
  - (E) Discrimination on the basis of sex in the rental or leasing of a housing accommodation when residents of both sexes must share a common bathroom facility on the same floor of the building,
  - (F) Regarding "familial status" housing accommodations provided under any state or federal program specifically designed and operated to assist elderly persons, as defined in the

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state or federal program, or to housing for older persons. As used in this subsection, "housing for older persons" means housing communities consisting of accommodations intended for, and at least eighty percent occupied by, at least one person fifty-five years of age or older per unit, and providing significant facilities and services specifically designed to meet the physical or social needs of such persons intended for and occupied solely by persons sixty-two years of age or older,

- (G) Additional Housing Exception. Subsections (1) through (4)(E) do not prohibit a person engaged in the business of furnishing appraisals of real estate from taking into consideration factors other than race, color, creed, sex, sexual orientation, gender identity, religion, national origin, disability, or familial status in appraising real estate.

(Ord. 2070 §§ 1 (part), 7, 8, 2007; Ord. 1801 § 9, 1991).

### **2.16.100 Discriminatory practices—Credit.**

It shall be a discriminatory practice for any:

- (1) Creditor to refuse to enter into a consumer credit transaction or impose finance charges or other terms or conditions more onerous than those regularly extended by that creditor to consumers of similar economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical disability, or familial status.
- (2) Person authorized or licensed to do business in this city pursuant to Chapter 524, 533, 534, 536, or 536A to refuse to loan or extend credit or to impose terms or conditions more onerous than those regularly extended to persons of similar economic backgrounds because of age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical disability, or familial status.
- (3) Creditor to refuse to offer credit life or health and accident insurance because of color, creed, national origin, race, religion, marital status, age, physical disability, sex, sexual orientation, gender identity, or familial status. Refusal by a creditor to offer credit life or health and accident insurance based upon the age or physical disability of the consumer shall not be an unfair or discriminatory practice if such denial is based solely upon bona fide underwriting considerations not prohibited by Title XIII, Subtitle 1. The provisions of this section shall not be construed by negative implication or otherwise to narrow or restrict any other provisions of this chapter.
- (4) Cosignatures may be required of a married couple intending to establish a joint account with the company or business issuing the credit card. The exception for cosignatures is limited and the issuer should presume the applicant is seeking a credit card in the applicant's own name regardless of the marital status of the applicant.

(Ord. 2070 § 9, 2007; Ord. 1801 § 10, 1991).

### **2.16.110 Aiding or abetting.**

It shall be a discriminatory practice for:

- (1) Any person to intentionally aid, abet, compel or coerce another person to engage in any of the practices declared discriminatory by this chapter;
- (2) Any person to discriminate against another person in any of the rights protected against discrimination on the basis of age, race, creed, color, sex, national origin, religion or disability by this chapter because such person has lawfully opposed any practice forbidden under this chapter, obeys the provisions of this chapter, or has filed a complaint, testified, or assisted in any proceeding under this chapter. Any employer, employment agency, or their employees, servants or agents may offer employment or advertise for employment to only the disabled,



when other applicants have available to them other employment compatible with their ability which would not be available to the disabled because of their handicap. Any such employment or offer of employment shall not discriminate among the disabled on the basis of race, color, creed, sex, religion, national origin or age.

(Ord. 1801 § 11, 1991).

#### **2.16.120 Discriminatory practices—Education.**

It is an unfair or discriminatory practice for any educational institution to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability in any program or activity. Such discriminatory practices shall include but not be limited to the following practices:

- (1) On the basis of race, creed, color, sex, national origin, religion or disability, exclusion of a person or persons from participation in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training, program or activity except athletic programs;
- (2) On the basis of race, creed, color, sex, national origin, religion or disability, denial of comparable opportunity in intramural and interscholastic athletic programs;
- (3) On the basis of race, creed, color, sex, national origin, religion or disability, discrimination among persons in employment and the conditions thereof;
- (4) On the basis of sex, the application of any rules concerning the actual or potential parental, family or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions dependent upon the physician's diagnosis and certification;
- (5) For the purpose of this section, "educational institution" means and includes any preschool, elementary, secondary, or community college, area education agency, or postsecondary college or university and their governing boards. This section does not prohibit an educational institution from maintaining separate toilet facilities, locker rooms, or living facilities for the different sexes so long as comparable facilities are provided. Nothing in this section shall be construed as prohibiting any bona fide religious institution from imposing qualifications based on religion, sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose or any institution from admitting students of only one sex.

(Ord. 2070 §§ 10, 11, 2007; Ord. 1801 § 12, 1991).

#### **2.16.130 Retaliation.**

- (a) It shall be a discriminatory practice for any person to discharge, harass, penalize, or otherwise retaliate against an individual because of that individual's attempts to secure compliance or aid in securing compliance with this chapter or the remedies provided thereunder.
- (b) It shall be a discriminatory practice for any person to discharge, harass, penalize or otherwise retaliate with respect to employment, housing, education, public accommodations, services, or financial practices against any individual because of that individual's association with persons of a particular race, religion, creed, physical or mental disability, national origin, color, sex or age.

(Ord. 1801 § 13, 1991).

**2.16.140 Complaint and appeal procedures.**

- (a) A person claiming to be aggrieved by a discriminatory practice, his agent, the director of the commission, the city attorney or a nonprofit organization with a purpose of combating discrimination may file with the commission a written complaint stating that a discriminatory practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the commission to identify the person charged (hereinafter the respondent). The director shall promptly furnish the respondent with a notice of charge and a copy of the complaint must be filed within three hundred days after notification of the alleged discriminatory practice. A complaint filed with the Iowa Civil Rights Commission under the provisions of the Iowa Civil Rights Act shall be sufficient for the purposes of this chapter, if it alleges discriminatory acts within the corporate limits of Fort Dodge.
- (b) A member of the commission staff or one or more members of the commission, as appointed by the chairperson shall constitute the investigating committee. It shall be the purpose of the investigating committee to promptly investigate the allegations of discriminatory practice set forth in the complaint.
- (c) At the outset of any investigation, the investigating committee may approach the respondent with mediation proposals which would encourage the administrative closing of the case.
- (d) The investigating committee may recommend to the commission that the complaint be administratively closed because there is no useful purpose that would be served by further action by the commission respecting a complaint, such as:
  - (1) The commission staff has not been successful in locating a complainant after diligent efforts;
  - (2) The respondent has gone out of business;
  - (3) A right to sue letter has been issued;
  - (4) After a probable cause decision has been made, it is determined that the record does not justify proceeding to public hearing;
  - (5) A satisfactorily adjustment has been made that was agreeable to the investigating committee, but not to the complainant; and
  - (6) The complainant has indicated in writing the desire that no further action be taken by the commission regarding the complaint.
- (e) The investigating committee shall take the testimony of the complainant, respondent, witnesses, and such other evidence as it deems relevant. The investigating committee shall present the evidence to the commission and make a recommendation to the commission as to whether there is probable cause to believe a discriminatory practice has been committed. At any time during the investigative procedures and prior to a vote by the commission on probable cause, a respondent may request mediation, which, after commission approval would allow for the administrative closing of the case.
- (f) If it is determined after investigation that no probable cause exists for such complaint, the commission shall forthwith notify the complainant and respondent. The notification to the complainant shall state that there has been a no probable cause finding and that the complainant has twenty days to petition to reopen the case. The respondent shall be notified that the complainant has the right to petition to reopen the case listing the time limitation.
- (g) The respondent shall be notified immediately if the complainant does petition to reopen, along with a copy of the petition. The respondent shall then have twenty days to resist the petition. Failure to resist shall not obligate the commission to reopen if inadequate grounds to reopen are alleged.
- (h) If it is determined after investigation that probable cause exists for crediting the allegations of the complaint, the commission staff shall promptly proceed with conciliation.
- (i) The commission shall notify the Iowa Civil Rights Commission whenever a finding of probable cause or no probable cause has been made with respect to any case within their jurisdiction or whenever such case is otherwise closed.

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- (j) The complaint may be amended at any time prior to the scheduling of the complaint for a public hearing, and thereafter, only upon the consent of the person(s) conducting the hearing. Such leave shall be freely given when justice so requires.

(Ord. 1801 § 14, 1991).

(Ord. No. 2101, 10-13-08)

### **2.16.150 Conciliation.**

- (a) After a finding of probable cause, the respondent shall be promptly notified in writing of the finding and shall be informed of his/her right to conciliate.
- (b) Where the conciliation results in an agreement between the respondent and the commission, the agreement shall be in writing and shall be signed by the respondent or his/her representatives and by the director of the commission. The director shall consult with the complainant prior to signing the agreement, and should the complainant object to the agreement it must be presented to the commission for its approval before the agreement may be signed. The complainant shall be given an opportunity to state the reasons for dissatisfaction to the commission.
- (c) If, after attempts to conciliate, the person or persons directed to conciliate shall find that conciliation efforts have failed, such failure shall be reported in writing to the commission. If the commission determines the charge to be well founded, it will promptly schedule the matter for public hearing. If the commission determines the charge not to be well founded, it shall declare the case closed and shall so notify the Iowa Civil Rights Commission of the failure of conciliation efforts and of the action taken.

(Ord. 1801 § 15, 1991).

### **2.16.160 Public hearing.**

- (a) After the commission had voted to take a complaint to public hearing, the commission shall serve on the respondent by registered or certified mail a written notice, together with a copy of the complaint as it may have been amended, requiring the respondent to answer the allegations of the complaint at a public hearing. The hearing shall be held not less than twenty days but not more than sixty days after the commission has voted to take the complaint to public hearing. A copy of the notice shall be furnished to the complainant, the Iowa Civil Rights Commission, and such other public officers and such other persons as the commission deems proper.
- (b) The notice shall include:
  - (1) A statement of the time, place and nature of the hearing;
  - (2) A statement of the legal authority and jurisdiction under which the hearing is to be held;
  - (3) A reference to the particular section(s) of the chapter alleged to have been violated; and
  - (4) A short and plain statement of the matters asserted. If the commission is unable to state the matters in detail at the time that the notice is served, the initial notice may be limited to a statement of the issues involved.
- (c) The hearing will be conducted by a hearing officer appointed by the commission.
- (d) No person shall take part in the conducting of the hearing who has any personal interests in its outcome or who has taken part in the investigation of the complaint. No commissioner who would be disqualified under the above criteria shall take part in any vote or discussion by the commission respecting the complaint.

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- (e) If a party fails to appear in a contested case proceeding after proper service of notice, the person(s) conducting the hearing may proceed and make a decision in the absence of the party.
- (f) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved and to be represented by counsel at their own expense. The case for the commission may be presented by any member of the commission staff, an attorney from the city or county attorney's office, or an attorney of the complainant's choice. The hearing need not be bound by the strict rules of evidence, but the admission of evidence should be based on sound discretion.
- (g) The record in a case shall include:
  - (1) All pleadings, motions, and intermediate rulings;
  - (2) All evidence received or considered and all other submissions;
  - (3) A statement of all matters officially noticed;
  - (4) All questions and offers of proof, objections and ruling thereon; and
  - (5) All proposed findings and exceptions.
- (h) Oral proceedings shall be open to the public and shall be recorded either by mechanized means or by certified shorthand reporter. Oral proceedings or any part thereof shall be transcribed at the request of any party with the expense of the transcription charged to the requesting party. The recording or stenographic notes of oral proceedings or the transcription thereof shall be filed with and maintained by the commission for at least five years from the date of decision. Notice of public hearing shall be disseminated among local news media at least five days prior to the date of the hearing.
- (i) Findings of fact shall be based solely on the evidence in the record and on matters officially noticed in the record.
- (j) The person(s) conducting the hearing will make written findings of fact and conclusions of law, will state in writing their determinations as to whether or not the respondent discriminated against the complainant, and their recommended disposition, including remedies provided under Section 2.16.050(6).
- (k) If the decision under subsection (j) of this section is made by a hearing officer, the commission shall vote as to whether to adopt, modify or overrule the written findings and proposed remedies. Their decision shall be by a majority of those present and voting. Thereupon, the commission shall issue a ruling, either incorporating the proposed findings and remedies as its own, or stating the commission's decision, including separate findings and remedy. Decisions shall be sent by certified mail to the parties of record. For the purposes of Section 2.16.180, the date of mailing shall be considered the date of the commission's decision.

(Ord. 1801 § 16, 1991).

### **2.16.170 Judicial review—Enforcement.**

- (a) Any complainant or respondent claiming to be aggrieved by a final order of the commission, including a refusal to issue an order, may obtain judicial review thereof, and the commission may obtain an order of court for the enforcement of commission orders in a proceeding as provided in this section.
- (b) An enforcement proceeding brought by the commission shall be brought in the Webster County district court.
- (c) Such an enforcement proceeding shall be initiated by the filing of a petition in such court and the service of a copy thereof upon the appropriate party. Thereupon, the commission shall file with the court a transcript of the record of the hearing before it. The court shall have the power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the

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pleadings, testimony, and proceedings set forth in such transcript an order enforcing, modifying, and enforcing as so modified, or setting aside the order of the commission, in whole or in part.

- (d) An objection that has not been urged before the commission shall not be considered by the court in an enforcement proceeding, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.
- (e) If no proceeding to obtain judicial review is instituted within thirty days from the service of an order of the commission under this section, the commission may obtain an order of the court for the enforcement of such order upon showing that respondent is subject to the jurisdiction of the commission and resides or transacts business within the county in which the petition for enforcement is brought.
- (f) The petition shall name the commission as a respondent and shall contain a concise statement of:
  - (1) The nature of the commission action which is the subject of the petition;
  - (2) The particular action appealed from;
  - (3) The grounds on which relief is sought; and
  - (4) The relief sought.
- (g) Service of the petition shall be made by certified mail to the commission and all parties of record in the case before the commission, within ten days from filing of judicial review.
- (h) The court shall not itself hear further evidence with respect to issues of fact. However, the court may remand the case to the commission for the taking of further evidence upon application by any party and a showing of materiality and that there was good cause for failing to present such evidence before the commission in the original proceeding. The commission may modify its findings and decision by reason of additional evidence and shall file that evidence and any modifications, new findings or decision with the court and mail copies to all parties.
- (i) The court may affirm the commission's action or remand to the commission for further proceedings. The court shall reverse, modify, or grant any other appropriate relief if substantial rights of the petitioner have been prejudiced because the commission action is:
  - (1) The violation of constitutional, statutory law, or the provisions of this chapter;
  - (2) In excess of the commission's authority;
  - (3) In violation of any commission rule;
  - (4) Unsupported by substantial evidence in the record;
  - (5) Unreasonable, arbitrary or capricious or an abuse of discretion; and
  - (6) Or affected by any other error of law.
- (j) Appeal from the district court may be taken as in other civil cases, although the appeal may be taken regardless of the amount involved.

(Ord. 1801 § 17, 1991).

### **2.16.180 Sixty-day administrative release.**

- (a) A person claiming to be aggrieved by a discriminatory practice must initially seek administrative relief by filing a complaint with the commission in accordance with this chapter. A complainant after the proper filing of a complaint with the commission, may subsequently commence an action for relief in the district court if all of the following conditions have been satisfied:
  - (1) The complainant has timely filed the complaint with the commission as provided in this chapter; and

- (2) The complaint has been on file with the commission for at least sixty days and the commission has issued a release to the complainant pursuant to subsection (b) of this section.
- (b) Upon a request by the complainant, and after the expiration of sixty days from the timely filing of a complaint with the commission, the commission shall issue to the complainant a release stating that the complainant has a right to commence an action in the district court. A release under this subsection shall not be issued if a finding of no probable cause has been made on the complaint, a conciliation agreement has been executed, the commission has served notice of hearing upon the respondent pursuant to this chapter, or the complaint was closed as an administrative closure and two years have elapsed since the issuance date of the closure.
- (c) An action authorized under this section is barred unless commenced within ninety days after issuance by the commission of a release under subsection (b) of this section or within one year after the filing of the complaint, whichever occurs first. If a complainant obtains a release from the commission under subsection (b) of this section, the commission shall be barred from further action on that complaint.
- (d) A party may obtain a copy of all documents contained in case file where the commission has issued a release to the complainant pursuant to this section. A party shall be defined as the complainant, or legal representative for the complainant, the respondent, or legal representative for the respondent.

(Ord. 1801 § 18, 1991).

**2.16.220 Reserved.**

**Editor's note**— Ord. No. 2217, adopted Aug. 25, 2014, repealed § 2.16.220, which pertained to construction of chapter and derived from Ord. 2070 § 12, adopted in 2007.

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FOOTNOTE(S):

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Prior ordinance history: Ordinance 1712. [\(Back\)](#)

## **Chapter 2.18 HISTORIC PRESERVATION COMMISSION**

Sections:

[2.18.010 Purpose.](#)

[2.18.015 Definitions.](#)

[2.18.020 Creation—Membership.](#)

[2.18.030 Powers and duties.](#)

[2.18.040 Amendatory provisions.](#)

**2.18.010 Purpose.**

The purpose of this chapter is to:

- (1) 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;
- (2) Safeguard the city's historic, aesthetic and cultural heritage by preserving sites and districts of historic and cultural significance;
- (3) Stabilize and improve property values;
- (4) Foster pride in the legacy of beauty and achievements of the past;
- (5) Protect and enhance the city's ability to attract visitors who support local businesses;
- (6) Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure and welfare of the people of Fort Dodge;
- (7) Strengthen the economy of the city.

(Ord. 1847 § 2(1), 1993; Ord. 1775 § 1, 1990).

**2.18.015 Definitions.**

As used in this chapter:

"Commission" means the Fort Dodge historic preservation commission, as established by Ordinance 1775.

"Historic district" means an area which contains a significant portion of buildings, structures or other improvements which, considered as a whole, possesses integrity of location, design, setting, materials, workmanship, feeling and association, and;

- (1) Embodies the distinctive characteristics of a type, period or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
- (2) Is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or
- (3) Possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials or combinations thereof, which is deemed to add significantly to the value and attractiveness of properties within such area;
- (4) Is associated with the lives of persons significant in our past; or
- (5) Has yielded, or may be likely to yield, information important in prehistory or history.

"Historic site" means a structure or building which,

- (1) Is associated with events that have made a significant contribution to the broad patterns of our history; or
- (2) Is associated with the lives of persons significant in our past; or
- (3) Embodies the distinctive characteristics of a type, period or method of construction, or that represents a work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
- (4) Has yielded, or may be likely to yield, information important in prehistory or history.

(Ord. 1847 § 2(2), 1993; Ord. 1775 § 1A, 1990).

### **2.18.020 Creation—Membership.**

The commission shall consist of seven members, all citizens of the city, appointed by the mayor with the approval of the council, for overlapping five-year terms. Members shall demonstrate a positive interest in historic and cultural preservation possessing interest or expertise in architecture, historic preservation, city planning, building rehabilitation, general conservation or real estate. In the initial appointments to the commission one member shall be appointed for one year; one member for two years; one member for three years; one member for four years, one member for five years, the sixth member for two years, and the seventh member for four years. Members shall serve without compensation, but may receive their actual expenses. Vacancies shall be filled in the same manner as original appointments for the balance of the unexpired term. A simple majority of the commission shall constitute a quorum for the transaction of business. The commission shall at the first meeting of a quorum elect a chairperson who shall preside over all meetings. The commission shall then elect a secretary to record and maintain written records of the commission's proceedings. The commission shall meet at least three times a year.

(Ord. 1954 § 2, 2000; Ord. 1847 § 2(3), 1993; Ord. 1775 § 2, 1990).

### **2.18.030 Powers and duties.**

The commission shall:

- (1) Promote the educational, cultural and economic and general welfare of the public through the recognition, enhancement and perpetuation of sites and districts of historical and cultural significance as now or hereafter provided by law;
- (2) Recommend to the city council such ordinances as they deem necessary from time to time to safeguard the city's historic, aesthetic and cultural heritage by preserving sites and districts of historic and cultural significance;
- (3) Take actions necessary to promote the use of sites and districts of aesthetic and cultural significance as places for the education, pleasure and welfare of the people of Fort Dodge, as now or hereafter provided by law.
- (4) The commission may conduct studies for the identification and designation of historic districts and sites meeting the definitions established by this chapter. (The necessary inventory forms and procedures for their completion are available from the state Bureau of Historic Preservation.) The commission may proceed at its own initiative or upon a petition from any person, group or association. The commission shall maintain records of all studies and inventories for public use;
- (5) The commission may make a recommendation to the state Bureau of Historic Preservation for the listing of a historic district or site in the National Register of Historic Places and may conduct a public hearing thereon;
- (6) The commission may investigate and recommend to the city council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein; and
- (7) The commission may appoint three members to a local design review committee, which committee shall have the power to review applications for the Main Street Linked Investments for Tomorrow program. Projects receiving preliminary design review approval from this committee will be submitted to the State Main Street LIFT Design Review Board;
- (8) Other Powers. In addition to those duties and powers specified above, the commission may, with city council approval:



## Title 2 ADMINISTRATION AND PERSONNEL

- (A) Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation,
- (B) Acquire by purchase, bequest or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties,
- (C) Preserve, restore, maintain and operate historic properties, under the ownership or control of the commission,
- (D) Lease, sell and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property,
- (E) Contract, with the approval of the governing body, with the state or the federal government or other organizations,
- (F) Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation,
- (G) Provide information for the purpose of historic preservation to the governing body,
- (H) Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.

(Ord. 1847 § 2(4), 1993; Ord. 1775 § 3, 1990).

### **2.18.040 Amendatory provisions.**

The city may amend this chapter to meet any unforeseen circumstances which may affect the duties and responsibilities of the commission.

(Ord. 1847 § 2(5), 1993; Ord. 1775 § 4A, 1990).

## **Chapter 2.20 PARKS AND RECREATION BOARD**

Sections:

[2.20.010 Board created.](#)

[2.20.015 Transfer of powers and duties.](#)

[2.20.020 Appointment of members—Term.](#)

[2.20.030 Duties.](#)

[2.20.040 Reports.](#)

[2.20.050 Rules for use of parks or recreational facilities.](#)

### **2.20.010 Board created.**

A parks and recreation board is created to advise the council on the needed facilities to provide open space, such as parks, playgrounds and community facilities, and for other forms of recreation. It shall also plan and oversee all city parks, Loomis Park, and the recreation programs and encourage other programs for the leisure time of the citizens of Fort Dodge, of all ages.

(Ord. 1985 § 2 (part), 2002; Ord. 1485 § 2, 1978).

**2.20.015 Transfer of powers and duties.**

All powers and duties heretofore exercised by the former riverfront improvement commission of the city of Fort Dodge, with respect to Loomis Park, and all powers and duties hereto exercised by the former parks board and recreation commission of the city of Fort Dodge are transferred to the park and recreation board of the city of Fort Dodge. All powers and duties of the former riverfront improvement commission, not relating to Loomis Park, shall be retained by the city council of the city of Fort Dodge to be exercised in such manner as they from time to time deem appropriate.

(Ord. 1985 § 2 (part), 2002: Ord. 1485 § 3, 1978).

**2.20.020 Appointment of members—Term.**

The board shall consist of seven members, no less than five of whom shall be citizens of the City of Fort Dodge, no more than two of whom may be citizens of Webster County residing within Webster County, appointed by the Mayor with the approval of the City Council for overlapping five-year terms. Members shall serve without compensation, but may receive their actual expenses. Vacancies shall be filled in the same manner as original appointments.

(Ord. 2011 § 2 (part), 2004; Ord. 1543 § 2, 1980; Ord. 1461 § 2, 1977).

(Ord. No. 2227, § 1, 4-13-15)

**2.20.030 Duties.**

In addition to its duty to plan for recreation, and for the facilities for recreation, and to update and revise these plans as required, the board shall have administrative authority over the properties devoted to parks and recreation by the city council, subject to:

- (1) Council approval of all contracts and agreements;
- (2) Council approval of all expenditures and encumbrances in excess of such limits as the council may from time to time establish.

(Ord. 2011 § 2 (part), 2004; Ord. 1461 § 3, 1977).

**2.20.040 Reports.**

The board shall make written reports to the city council of its activities from time to time, as it deems advisable or upon council request. Its revenues and expenditures shall be reported monthly by the clerk in the manner of other departmental expenditures and a copy shall be provided each member of the board.

(Ord. 1461 § 4, 1977).

**2.20.050 Rules for use of parks or recreational facilities.**

The board shall make rules and regulations for the use of parks or other recreational facilities, or for the conduct of recreation programs, subject to the approval of the rules by the city council and the adoption of the rules and regulations for the use of the parks or the recreational facilities by ordinances.

(Ord. 1461 § 5, 1977).

## **Chapter 2.36 BONDS OF CITY OFFICERS** [§1](#)

Sections:

[2.36.010 Bond required.](#)

[2.36.020 Superintendents—Bond requisition.](#)

### **2.36.010 Bond required.**

The officers of the city shall, in addition to the oath or affirmation required by law, execute a bond to the city, with two or more sureties, or a surety company authorized to do business in the state of Iowa, to be approved by the council, conditioned for the faithful performance of their respective duties, and they will account for and pay over to the person entitled to receive the same, all moneys or other property belonging to the city which may in any manner come into their hands. Bonds shall be as determined by the council.

(Ord. 682 § 1, 1923; Ord. 482 § 1, 1913).

### **2.36.020 Superintendents—Bond requisition.**

The superintendents of the different departments are authorized to require bonds from employees in their respective departments, and to fix the amount of the bonds whenever they shall deem such action necessary. Such bonds shall comply as to sureties thereon, with other bonds herein required and shall be approved by the city council.

(Ord. 482 § 2, 1913).

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FOOTNOTE(S):

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For the statutory provisions regarding bonds of municipal offices, see ICA 64.13—64.16; for provisions regarding custody of officers, bonds, see ICA 64.23(7). [\(Back\)](#)

## **Chapter 2.40 CITY FORESTER**

Sections:

[2.40.010 Purpose.](#)

[2.40.020 Creation.](#)

[2.40.030 Appointment and qualifications.](#)

[2.40.040 Duties.](#)

[2.40.050 Salary.](#)

**2.40.010 Purpose.**

The purpose of the ordinance codified in this chapter is to create the position of city forester and to provide for the appointment, duties and compensation therefor and repeal ordinances in conflict therewith.

(Ord. 1601 § 1, 1982).

**2.40.020 Creation.**

There is created the position of city forester within the department of forestry.

(Ord. 1601 § 2, 1982).

**2.40.030 Appointment and qualifications.**

The city forester shall be appointed by the manager and shall be a person skilled and learned in the science of municipal arboriculture and shall hold a degree or its equivalent in arboriculture, forestry or other closely related sciences.

(Ord. 2045 § 2 (part), 2005; Ord. 1601 § 3, 1982).

**2.40.040 Duties.**

The city council shall by resolution adopt a job description setting forth the duties of the city forester.

(Ord. 1601 § 4, 1982).

**2.40.050 Salary.**

The city council shall by resolution establish a pay grade and step for the position as prescribed by Chapter 2.72.

(Ord. 1601 § 5, 1982).

**Chapter 2.44 ELECTIONS <sup>[6]</sup>**

Sections:

[2.44.010 Permanent registration of voters—State code adopted.](#)

[2.44.020 Elections defined.](#)

[2.44.030 Commissioner of registration.](#)

[2.44.040 Time and place held.](#)

[2.44.050 Special city elections.](#)

[2.44.060 Appointment of judges and clerks.](#)

[2.44.070 Notice of appointment.](#)

[2.44.080 Ballot boxes, ballots and poll books—Delivery.](#)

[2.44.090 Vacancy in office of judge or clerk.](#)

[2.44.100 Judges and clerks—Oath.](#)

[2.44.110 Administration of oath.](#)

[2.44.120 Polls—Hours.](#)

[2.44.130 Powers of judges.](#)

[2.44.140 Election returns.](#)

[2.44.150 Judges and clerks—Compensation.](#)

[2.44.160 Voting precincts.](#)

[2.44.170 Municipal wards.](#)

**2.44.010 Permanent registration of voters—State code adopted.**

- (a) The plan for the permanent registration of voters provided in Chapter 48 of the 1971 Code, as amended, is adopted for the permanent registration of voters, in the city.
- (b) Each and all of the provisions of the 1971 Code Chapter 48, as amended, are adopted as a part of this chapter and as the plan and provisions for the permanent registration of voters in the city.

**2.44.020 Elections defined.**

All of the provisions of Chapter 48 of the 1971 Code shall apply to registration of voters in the city, including the definition of the word "elections."

**2.44.030 Commissioner of registration.**

The city clerk is constituted commissioner of registration and he shall appoint such deputies and clerks as may be necessary and shall proceed in all matters in connection with the permanent registration of voters as by 1971 Code Chapter provided.

**2.44.040 Time and place held.**

All regular city elections shall be held at the time as by law provided, and at such place or places in each precinct as the city council shall direct.

**2.44.050 Special city elections.**

All special city elections shall be conducted as nearly as practicable in the same manner as herein provided for regular city elections and as otherwise provided by the laws of the state.

**2.44.060 Appointment of judges and clerks.**

The city council shall, at least ten days prior to each election, designate the place, or places, in each precinct where such election shall be held and appoint for each polling place three judges and two clerks of election, and thereafter the mayor shall issue his proclamation of the time and place of holding such election and the officers to be voted for at such election.

**2.44.070 Notice of appointment.**

The city clerk shall make out and send to each person so appointed as judge or clerk of election, notice of his appointment. The city clerk shall cause to be delivered at least twelve hours before the time of opening the polls, poll books for each polling place together with the necessary ballots, ballot boxes and supplies required by law, to one of the judges appointed for such polling place and shall take his receipt therefor.

**2.44.080 Ballot boxes, ballots and poll books—Delivery.**

It shall be the duty of the commissioner of registration to deliver the ballot boxes, ballots and poll books to the judge entitled to receive them.

**2.44.090 Vacancy in office of judge or clerk.**

If at the time of opening the polls in any precinct there shall be a vacancy in the office of the judge or clerk of the election the same shall be filled by the members of the board present.

**2.44.100 Judges and clerks—Oath.**

Before opening the polls each of the judges and clerks shall take the following oath: "I do solemnly swear that I will impartially and to the best of my knowledge and ability perform the duties of judge or clerk of this election, and will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same."

**2.44.110 Administration of oath.**

Any one of the judges or clerks present may administer the oath to the others, and it shall be entered in the poll books, subscribed by the person taking it, and certified by the officer administering it.

**2.44.120 Polls—Hours.**

At all elections the polls shall be opened at seven in the forenoon, or in each case as soon thereafter as vacancies in the places of judges or clerks of election have been filled. In all cases the polls shall be closed at eight in the evening.

**2.44.130 Powers of judges.**

The judges of election shall have all the powers granted by law to judges of election in county and state elections with reference to maintaining order and preventing disturbance at or about the polling places, challenging persons offering to vote, and the same general rules shall apply with reference to counting the ballots and making the returns from each precinct as by law provided for county elections in the state.

**2.44.140 Election returns.**

The returns from elections when made up and signed by the judges and attested by the clerks, as by law required, shall be returned forthwith to the city clerk together with all ballot boxes, registers and poll books. The city clerk shall preserve the ballots for the time and in the manner required by law.

**2.44.150 Judges and clerks—Compensation.**

The judges and clerks of election shall receive compensation for their services as fixed by the city council and as provided by state law.

**2.44.160 Voting precincts.**

The voting precincts listed in Exhibit "A" attached to the ordinance codified in this section and found on file in the office of the city clerk are made a part of this section as though set out at length in this section and are established for the city of Fort Dodge for the purpose of registration and voting at all elections to be hereafter held in the city, including national, state, county, school, city and special elections of all kinds. All references in the precinct descriptions listed in Exhibit "A" to streets, avenues, creeks, draws and right-of-ways reference the centerline thereof unless specifically stated to the contrary.

(Ord. 1803 § 2, 1991).

**2.44.170 Municipal wards.**

The city of Fort Dodge is divided into four municipal wards as follows:

- a. The first ward includes all that part of the city designated as Precincts 4, 5 and 6 as established by Ordinance No. 1803.
- b. The second ward includes all that part of the city designated as Precincts 7, 8 and 9 as established by Ordinance No. 1803.
- c. The third ward includes all that part of the city designated as Precincts 10, 11 and 12 as established by Ordinance No. 1803.
- d. The fourth ward includes all that part of the city designated as Precincts 1, 2 and 3 as established by Ordinance No. 1803.

(Ord. 1804 § 2, 1991).

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FOOTNOTE(S):

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For the statutory provisions regarding elections in municipal organizations, see ICA 363.8—363.28 and 363.33; for provisions regarding permanent registration of voters, see ICA Chapter 48; for provisions regarding judges and election boards, see ICA 49.12—49.16; for provisions generally regarding the method of conducting elections, see ICA Chapter 49; for provisions regarding division of the city into precincts, see ICA 49.5.[\(Back\)](#)

## **Chapter 2.48 POLICE DEPARTMENT** [\[v\]](#)

Sections:

[2.48.010 Number of police officers.](#)

[2.48.020 Method of appointment.](#)

[2.48.030 Duties of police officers.](#)

[2.48.040 Special police officers.](#)

[2.48.050 Office and grade of lieutenant created.](#)

[2.48.060 Vacations and salaries.](#)

### **2.48.010 Number of police officers.**

The police department of the city shall consist of the chief of police (city marshal), captain of police, and such number of detectives, desk sergeants, patrolmen and other officers as the city council may from time to time provide for by ordinance.

(Ord. 485 § 1).

### **2.48.020 Method of appointment.**

All appointments to the police department, except the chief of police and captain of police shall be made by the manager with the approval of the city council from the lists of names certified to the city council by the civil service commissions.

(Ord. 2045 § 2 (part), 2005; Ord. 1587 § 3 (part), 1982; Ord. 485 § 2).

### **2.48.030 Duties of police officers.**

The duties of the members of the police department shall be to preserve peace, enforce the state laws, city ordinances and orders of the city council and department of accounts, finances and public safety and they shall at all times be subject to the rules and regulations made by the superintendent of accounts, finances and public safety and chief of police, regarding their conduct, promotion and classification.

(Ord. 485 § 4).



**2.48.040 Special police officers.**

- (a) In cases of emergency, the manager and city council shall appoint such number of special police officers as in judgment of the manager and city council are necessary for the proper and efficient enforcement of the ordinances of the city, and the special policemen shall during the time of their appointment have the same authority as the regular police officers.
- (b) The appointment of such special officers shall continue only during the pleasure of the manager and council and shall be terminated at any time upon order of the manager and council.

(Ord. 2045 § 2 (part), 2005; Ord. 457 §§ 1, 2).

**2.48.050 Office and grade of lieutenant created.**

There is created in the city police department the office and grade of lieutenant.

(Ord. 989 § 2).

**2.48.060 Vacations and salaries.**

- (a) The salaries of the officers of the police department are fixed by the council and are on file in the office of the city clerk.
- (b) Police patrol officers shall be entitled to the following amount of vacation each year at full salary:  
Patrolmen, first year—seven days; second year—ten days; third year—two weeks, after ten years, an additional week of vacation will be granted. This extra week to be taken by the employee at a time agreeable with the chief of the department.
- (c) In addition to the above salaries, members of the police department will be paid a longevity pay as determined by the council.
- (d) All the above salaries shall be payable semi-monthly.

(Ord. 1131 §§ 1, 2, 5, 6).

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FOOTNOTE(S):

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For the statutory provisions regarding police departments, see I.C.A. 368A.17—368A.19; for provisions regarding establishment of police departments, see I.C.A. 368.15. [\(Back\)](#)

**Chapter 2.52 DEPARTMENT OF FIRE AND RESCUE SERVICES\***

Sections:

[2.52.010 Purpose.](#)

[2.52.020 Department established.](#)

[2.52.030 Departmental functions.](#)

[2.52.040 Fire chief appointment.](#)

### **2.52.010 Purpose.**

The purpose of this chapter is to re-establish the department of fire and rescue services, provide organization, function, duties and responsibilities therefor, and repeal ordinances in conflict therewith.

(Ord. 1942 § 1, 2000).

### **2.52.020 Department established.**

- (a) There is re-established a city of Fort Dodge department to be known as the department of fire and rescue services. The head of such department shall be the fire chief who shall be appointed, in accordance with the provisions of the city Charter and the laws of the state of Iowa.
- (b) The department shall be organized, staffed, housed, equipped and financed, in such manner and to such degree, as may from time to time be prescribed and authorized by resolution of the city council, giving due regard to the recommendations of the chief and the manager.

(Ord. 2045 § 2 (part), 2005; Ord. 1942 § 2, 2000).

### **2.52.030 Departmental functions.**

The department shall perform the following functions:

- (1) Fire Suppression. Take all necessary steps for the suppression of fires within the city, including utilization of all necessary personnel and equipment, the destruction of any building or structure and the removal of any obstruction, for the purpose of checking or suppressing any such fires.
- (2) Fire Prevention. Take all necessary steps for the prevention of fires within the city, including recommendation of fire codes, education, inspections and enforcement.
- (3) Service Calls and Alarms. Establish procedures in coordination with the public safety communications agency for the effective efficient communication of all calls for service or CE (civil emergency) alarms in coordination with other police, fire and emergency response agencies.
- (4) Emergency Medical Services. Take all steps necessary for the providing of emergency medical services within the city, in coordination with Trinity Regional Hospital.
- (5) Rescue Services. Take all necessary steps for the providing of rescue services of people from fire, water, confined space dangers, or hazardous materials danger within the city of Fort Dodge.
- (6) Hazardous Material Response. Take all steps necessary for the control and containment of hazardous material, spills, leaks and releases within the city.
- (7) Civil Disorder. Assisting in the re-establishing of order in the event of civil disturbance, disaster or riot or any other declared emergency.

## Title 2 ADMINISTRATION AND PERSONNEL

- (8) Training. Provide for and administer a program for the training of all fire/rescue officers to ensure the effective accomplishment of the departmental functions.
- (9) Records. Maintain records of all fires, rescues and emergency responses which occur within the city requiring the services of the department.
- (10) Intergovernmental Contracts. Carry out the terms and provisions of fire/rescue service contracts entered into, by the city, with other governmental subdivisions, including, but not limited to, South Cooper Township, Region V Hazmat, operational mutual aid agreements and emergency mutual aid agreements.
- (11) Inspections. Inspect all buildings and structures as provided for and/or required by state law and/or local fire and/or building codes.
- (12) Investigations. Investigate the causes of all fires, in conjunction with the state fire marshal, and provide written reports to the police department and state and federal agencies, as appropriate of all suspected arsons.

Department functions shall be on a tax-supported basis except as may be expressly designated as revenue services by council resolutions.

(Ord. 1942 § 3, 2000).

### **2.52.040 Fire chief appointment.**

The fire chief shall be appointed by the manager, with the approval of the city council, in accordance with the city Charter, personnel ordinance and state civil service law. The fire chief shall be accountable to the manager and subject to his/her supervision and control and shall have the following duties:

- (1) Have general authority and control over all departmental staff and oversee the proper fulfillment of all functions assigned to the department;
- (2) Administer the affairs of the department;
- (3) Prescribe such rules and regulations, as deemed necessary or expedient, for the proper operation of the department and to keep himself/herself informed of all latest administrative practices;
- (4) Take all personnel actions necessary, within the department, consistent with city personnel ordinances, policies, procedures and the state civil service and state law;
- (5) Coordinate all emergency preparedness functions of the department with the functions of city departments, state, federal and county governments, in adjacent political subdivisions;
- (6) Establish procedures for the effective management of the departmental budget, in compliance with city fiscal ordinances and procedures;
- (7) Provide for effective maintenance of all equipment, facilities and utilities assigned for the use of the department.

(Ord. 2045 § 2 (part), 2005; Ord. 1942 § 4, 2000).

## **Chapter 2.56 REMOVAL OF APPOINTED OFFICERS\***

Sections:

[2.56.010 Removal by council.](#)

**2.56.010 Removal by council.**

Unless otherwise provided by law or ordinance, any and all of the officers of the city appointed by the city council shall hold office only during the pleasure of the council of the city and may be removed at any time without notice or hearing by a two-thirds vote of the council.

(Ord. 481 § 1, 1913).

**Chapter 2.60 MUNICIPAL ART MUSEUM <sup>[8]</sup>**

Sections:

[2.60.010 Authorization to establish and maintain.](#)

[2.60.020 Board of art trustees.](#)

[2.60.030 Authority of art museum trustees.](#)

[2.60.040 Appropriations.](#)

[2.60.050 Board of art trustees—Filing reports required.](#)

**2.60.010 Authorization to establish and maintain.**

The city, by its mayor and council, is authorized to establish and maintain a municipal art museum and open the same to the use of the public, and purchase, erect or rent buildings or rooms, or use any available property belonging to the city suitable for the purpose of such art museum.

(Ord. 1638 § 2 (part), 1983; Ord. 773 § 1).

**2.60.020 Board of art trustees.**

The mayor of the city shall, by, and with the approval of the city council, appoint a board of art trustees, consisting of seven members who shall hold office as follows: One shall hold office until July 1, 1990; two until July 1, 1991; one until July 1, 1992; two until July 1, 1993; one until July 1, 1994. From and after the expiration of appointments made in accordance with this section, all appointments shall be for a term of six years each, except to fill vacancies.

(Ord. 1758 § 2, 1989; Ord. 773 § 2).

(Ord. No. 2215, 8-11-14)

**2.60.030 Authority of art museum trustees.**

The board of trustees shall have and exercise the following powers:

- (1) To meet and organize by election of one of their numbers as president of the board and by the election of a secretary and such other officers and committees as the board may deem necessary. All duly elected, qualified and acting officers of the board, prior to the date of adoption hereof, shall remain in their elective offices for the balance of their terms previously elected to. From and after the expiration of such terms, all officers and committees of the board shall be elected pursuant hereto;

## Title 2 ADMINISTRATION AND PERSONNEL

- (2) To have charge, control and supervision of the public art museum, its works of art, appurtenances, fixtures and buildings or rooms containing the same, directing and controlling all affairs of such art museum;
- (3) To employ a director as may be authorized and approved by the city council of the city of Fort Dodge and such assistants and employees as may be necessary and authorized by the city council of the city of Fort Dodge, for the management of the art museum, in conformity with the city of Fort Dodge classification and salary plans as set out at Chapters 2.68 and 2.72 of the Fort Dodge municipal code;
- (4) To remove such director, assistants or employees by a vote of two-thirds of such board for misdemeanor, incompetency or inattention to the duties of such appointment as by law provided;
- (5) To accept on behalf of the city gifts or works of art, to select and make purchases of pictures, portraits, paintings, statuary and relics and other objects of art in the original and in replicas or copies, books, periodicals, papers and journals on the subject of art, furniture, fixtures, stationery and supplies for such art museum;
- (6) To receive, hold and dispose of all gifts, donations, devises and bequests as may be made to the city for the purpose of establishing, increasing or improving such art museum, but when any such gift, donation, devise or bequest shall be conditioned upon any act of the city, the city council must first determine whether such condition can or shall be complied with;
- (7) To make and adopt, amend, modify or repeal by-laws, rules, regulations not inconsistent with law or the ordinances of the city of Fort Dodge, for the care, use, government and management of such art museum and the business of such board;
- (8) To have control of the expenditures of all moneys allocated by the city council for the purposes as provided by law and of the expenditure of all moneys available by gift or otherwise for the erection of art buildings or for the promotion of such art museum and of all other moneys belonging to the art museum fund. The obligation and expenditure of municipal funds by the board shall conform with the obligation and expenditure procedures of the city of Fort Dodge as set out in Chapter 3.04 of the Fort Dodge municipal code. For the purpose of compliance therewith in the expenditure and obligation of municipal funds for the art museum, the board of trustees shall have power equivalent to that of the mayor pursuant to Section 3.05.030 of the Fort Dodge municipal code.

(Ord. 1715 § 2 (part), 1987; Ord. 1638 § 2 (part), 1983; Ord. 1635 § 2 (part), 1983; Ord. 773 § 3).

### **2.60.040 Appropriations.**

The city council may appropriate funds not to exceed five percent of the general fund of the city for the purpose of maintaining and enlarging such art museum and for defraying the necessary expenses connected therewith, including the maintenance of the building, water, light, heat, power, and the salaries of the employees. All money received and set apart for the maintenance of such art museum shall be deposited in the treasury of the city to the credit thereof, and shall be kept by the city treasurer separate and apart from all other moneys and paid out pursuant to Chapter 3.04 of the Fort Dodge Municipal Code.

(Ord. 1715 § 2 (part), 1987; Ord. 1638 § 2 (part), 1983; Ord. 773 § 4).

### **2.60.050 Board of art trustees—Filing reports required.**

The board of art trustees shall file written reports at the close of each municipal fiscal year, as by law provided.

(Ord. 773 § 5).

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FOOTNOTE(S):

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--- (8) ---

For the statutory provisions regarding municipal art galleries, see ICA Chapter 379. [\(Back\)](#)

## **Chapter 2.64 PUBLIC LIBRARY BOARD OF TRUSTEES <sup>191</sup>**

Sections:

[2.64.010 Purpose.](#)

[2.64.020 Library trustees.](#)

[2.64.030 Qualifications of trustees.](#)

[2.64.040 Organization of the board.](#)

[2.64.050 Powers and duties.](#)

[2.64.060 Power to contract with others for the use of the library.](#)

[2.64.070 Nonresident use of the library.](#)

[2.64.080 Library account.](#)

[2.64.090 Annual report.](#)

### **2.64.010 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. 1518 § 1,1979).

### **2.64.020 Library trustees.**

The board of trustees of the Fort Dodge Public Library, hereinafter referred to as the board, consists of five members. All board members are to be appointed by the mayor with the approval of the council. The mayor may appoint one member who lives outside the city of Fort Dodge, but within Webster County.

(Ord. 1518 § 2, 1979).

**2.64.030 Qualifications of trustees.**

All of the members of the board shall be bona fide citizens and residents of the city, except the nonresident member who must be a bona fide citizen and resident of Webster County, and all shall be over the age of eighteen.

(Ord. 1518 § 3, 1979).

**2.64.040 Organization of the board.**

- (1) Terms of Office. All appointments to the board shall be for five years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every year of one fifth of the total number and appointees will be limited to two terms. The present incumbents are confirmed in their appointments and terms, but shall be subject to the two-term limitation upon expiration of their current term.
- (2) Vacancies. The position of any trustee shall be vacant if he moves permanently from the city or county in the case of a nonresident county member; or 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 the approval of the council, and the new trustee shall fill out the unexpired term for which the appointment is made, and shall not be considered as a term for the two-term limitation if the vacancy appointment occurs with less than half of the unexpired term remaining.
- (3) Compensation. Trustees shall receive no compensation for their services.

(Ord. 1518 § 4, 1979).

**2.64.050 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 a 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 and Chapter 20, 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, and approved annually by the city council;
- (7) To authorize the use of the library by nonresidents of the city and to fix charges therefor;

## Title 2 ADMINISTRATION AND PERSONNEL

- (8) To make and adopt, amend, modify or 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, and of all moneys available by gift or otherwise for the erection of library buildings, and of 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 said property in the name of the library; to execute deeds and bills of sale for the conveyance of said 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, 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 exists, 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 judgement of a historical and educational nature and pay for the same out of funds allocated for library purposes.

(Ord. 1518 § 5, 1979).

### **2.64.060 Power to contract with others for the use of the library.**

- (1) Contracting. The board may contract with any other boards of trustees of free public libraries in any other city, school corporation, private or semiprivate organization, institution of higher learning, township, or county, or with the trustees of any county library district for the use of the library by their respective residents,
- (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. 1518 § 6, 1979).

### **2.64.070 Nonresident use of the library.**

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 bookmobiles or a traveling library so that books or other library materials may be loaned to nonresidents;



(4) By establishing branch libraries for lending books or other library materials to nonresidents.

(Ord. 1518 § 7, 1979).

**2.64.080 Library account.**

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 board secretary.

(Ord. 1518 § 8, 1979).

**2.64.090 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. 1518 § 9, 1979),

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FOOTNOTE(S):

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For the statutory provisions regarding library trustees, see ICA 378.3-378.8; for provisions regarding public libraries generally, see ICA Chapter 378. [\(Back\)](#)

**Chapter 2.68 POSITION CLASSIFICATION PLAN**

Sections:

[2.68.010 Definitions.](#)

[2.68.020 Position classification plan adopted.](#)

[2.68.030 Administration authority.](#)

[2.68.040 Allocation of new positions.](#)

[2.68.050 Allocation appeals.](#)

[2.68.060 Review and maintenance of plan.](#)

[2.68.070 Class specifications—Interpretation.](#)

[2.68.080 Official copy to be maintained.](#)

[2.68.090 Amendments.](#)

[2.68.100 Allocation of existing positions.](#)

**2.68.010 Definitions.**

- (a) A "class" is a group of positions (or one position) that:
  - (1) Has similar duties and responsibilities;
  - (2) Requires like qualifications; and
  - (3) Can be equitably compensated by the same salary range.
- (b) The "class title" is the official designation or name of the class as stated in the class specification. It shall be used on all personnel records and actions. Working or office titles may be used for purposes of internal administration.
- (c) A "position" is a group of currently assigned duties and responsibilities requiring the full-time or part-time employment of one person. A position may be occupied or vacant.

(Ord. 1458 § 1, 1977).

**2.68.020 Position classification plan adopted.**

The classified service shall consist of all classes of positions included in the "Schematic List of Classes," adopted by the city council, to be changed from time to time upon the recommendation of the personnel director by resolution or amendment.

(Ord. 1458 § 10, 1977).

**2.68.030 Administration authority.**

The personnel director shall be responsible for administering the classification plan. The personnel director may assign other officials or employees to assist him in this activity.

(Ord. 1458 § 2, 1977).

**2.68.040 Allocation of new positions.**

The department head or other supervisor shall complete a position description covering the duties and responsibilities of each proposed position. The personnel director shall allocate the position to one of the classes in the classification plan. If a suitable class does not exist, he shall establish a new class in accordance with the provisions of Section 2.68.090 and allocate the position to it.

(Ord. 1458 § 3, 1977).

**2.68.050 Allocation appeals.**

If an employee has facts which indicate to him that his position is improperly allocated, he may request the personnel director to review the allocation of his position. Such request shall be submitted in writing and shall contain a statement of justification.

(Ord. 1458 § 4, 1977).

**2.68.060 Review and maintenance of plan.**

- (a) Each time a vacancy occurs, a position description shall be completed and submitted to the personnel director for a review of the allocation of the position. This requirement may be waived by the personnel director in cases where changes in the duties and responsibilities a position have been unlikely.
- (b) Each time a department is reorganized, position descriptions for all affected employees shall be submitted to the personnel director for his review.
- (c) The personnel director may require employees to submit position descriptions on a periodic basis, or any time he has reason to believe that there has been a change in the duties and responsibilities of one or more positions.
- (d) Each time a new class is established, a class specification shall be written and incorporated into the existing plan. The class title shall be added to the schematic list of titles. Likewise, an abolished class shall be deleted from the classification plan by removing the class specification and eliminating the class title from the schematic list of titles.
- (e) Two years after the adoption of this regulation, the personnel director shall conduct a general review of the classification plan to be followed by a minimum of at least one general review in each succeeding two-year period.

(Ord. 1458 § 5, 1977).

**2.68.070 Class specifications—Interpretation.**

The class specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions which shall be allocated to the classes established. In a series of classes such as the engineering classes, the specifications for all classes should be reviewed as a unit.

(Ord. 1458 § 6, 1977).

**2.68.080 Official copy to be maintained.**

The personnel director shall be responsible for maintaining an official copy of the position classification plan. The official copy shall include regulations for administration, a schematic list of class titles and class specifications, plus all amendments thereto. A copy of the official plan shall be available for inspection by the public under reasonable conditions during business hours.

(Ord. 1458 § 7, 1977).

**2.68.090 Amendments.**

Each time it appears desirable to establish a new class of positions or to abolish a current class of positions, the personnel director shall effect such a change by issuing an amendment to Section 2.68.020 (Section 10 of Ordinance 1458) of this regulation.

(Ord. 1458 § 8, 1977).

**2.68.100 Allocation of existing positions.**

The positions covered by the position classification plan are allocated to appropriate classes in accordance with Part V entitled "Allocation Lists." The personnel director shall notify each employee of the allocation of his position in writing.

(Ord. 1458 § 9, 1977).

**Chapter 2.72 SALARY PLAN**

Sections:

[2.72.010 Administration.](#)

[2.72.020 Interpretation.](#)

[2.72.030 Initial step—Subsequent increases.](#)

[2.72.040 Review and amendment of salary plan.](#)

[2.72.050 New appointees.](#)

[2.72.060 Promotions and transfers.](#)

[2.72.070 Demotions.](#)

[2.72.080 Reallocation downward.](#)

[2.72.090 Reinstated employees.](#)

[2.72.100 Part-time employment.](#)

[2.72.110 Overtime.](#)

[2.72.120 Salary step increases.](#)

[2.72.130 Incentive award system.](#)

[2.72.140 Employee performance evaluation plan.](#)

[2.72.150 Allowances.](#)

**2.72.010 Administration.**

The personal director shall be responsible for administering the salary plan for all positions. He shall be responsible for making arrangements to insure the administration of the plan for all employees is on an equitable basis.

(Ord. 1459 § 10, 1977).

**2.72.020 Interpretation.**

The personnel director shall be responsible for interpreting the application of the plan to all pay problems which are not specifically covered by this chapter, using the principles expressed herein as a policy guide.

(Ord. 1459 § 11, 1977).

**2.72.030 Initial step—Subsequent increases.**

The personnel director shall make recommendations to the council for placing the salary of each employee on one of the steps for the class to which his position has been allocated. After the initial step has been established by the council, the provisions of Section 2.72.120 will apply for all subsequent increases.

(Ord. 1459 § 12, 1977).

**2.72.040 Review and amendment of salary plan.**

- (a) Prior to the annual submission of the budget to the council, the mayor shall have the personnel director complete a review of the pay plan and submit his findings, together with recommended amendments, to the council.
- (b) The rates of pay for each class of positions prescribed in the classification plan for the city of Fort Dodge shall be changed by, and rates of pay for new classes of positions shall be established by the council in the form of amendment to the ordinances which provide for such rates.

(Ord. 1459 § 13, 1977).

**2.72.050 New appointees.**

Generally, a new employee shall be paid the minimum rate of pay for his class. Exceptions may be granted in the following cases upon the written prior approval of the personnel director:

- (a) The minimum rate for each class is based upon the assumption that a new employee meets the minimum qualifications stated in the class specification. If it becomes necessary to appoint a new employee of lesser qualifications, he should be started at one or possibly two steps below the minimum rate of the class.
- (b) If a new employee more than meets the minimum qualifications, and will not accept appointment at the minimum rate of the class, he may be appointed at the second step or in unusual cases at a still higher step. The practice should be used in emergencies only. Cases should be thoroughly analyzed and measured against objective standards. In addition, every effort should first be made to recruit a qualified employee who will accept appointment at the minimum rate of the class.

(Ord. 1459 § 1, 1977).

**2.72.060 Promotions and transfers.**

When an employee is promoted to a position in a higher class, his salary shall be increased to the minimum rate for the higher class. In the case of overlapping ranges, the promoted employee shall be increased to the step immediately above his present salary. Upon the effective date of the amendatory ordinance codified in this section all employees promoted shall be given credit for time spent in existing steps by allocating this time to their promoted step. The personnel director may review the steps of civil service employees and, in addition to the above reallocation provision, may make adjustments to promote and foster cohesion within the system, if and when the personnel director determines that such adjustments are necessary.

There shall be no immediate change in the salary rate of an employee who is transferred unless his salary is below the approved minimum of the new position. If an employee is transferred to a position in a

class having a higher salary range than the class from which he was transferred, such change shall be deemed a promotion and the provisions governing promotions shall apply.

(Ord. 1570 § 2, 1981; Ord. 1459 § 2, 1977).

**2.72.070 Demotions.**

When an employee is demoted to a lower class position, he shall be paid at a rate which is within the approved range for the lower class position. The rate of pay shall be at the step the employee is currently occupying. The rate of pay for civil service employees shall be determined by the personnel director with the approval of the Civil Service Commission consistent with the civil service laws of the state of Iowa.

(Ord. 1567 § 2, 1981; Ord. 1459 § 3, 1977).

**2.72.080 Reallocation downward.**

When an employee's position is reallocated to a lower class of position, the employee shall be permitted to continue at his present rate of pay during period of incumbency (except in event of general service-wide reductions), but shall not be entitled to a salary increase.

(Ord. 1459 § 4, 1977).

**2.72.090 Reinstated employees.**

A reinstated employee shall be paid at a salary rate within the approved range for the position to which he is reinstated. He shall enter this rate at the step he left the employment of the city.

(Ord. 1459 § 5, 1977).

**2.72.100 Part-time employment.**

When employment is on a part-time basis, only the proportionate part of the rate for the time actually employed shall be paid.

(Ord. 1459 § 6, 1977).

**2.72.110 Overtime.**

When a rate of pay has been established for any class of positions, additional compensation shall be paid for overtime in accordance with the provisions of current contract for the city of Fort Dodge.

(Ord. 1459 § 7, 1977).

**2.72.120 Salary step increases.**

- (a) All classified employees eligible for a step increase shall be entitled to a one-step increase until the maximum steps of their grade have been reached.
- (b) Bargaining unit employees shall obtain eligibility for a step increase by having served the required years in the previous step.

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- (c) Permanent, non-bargaining unit classified employees shall obtain eligibility for a step increase by being awarded a certificate of satisfactory performance and having served the required years in the previous step.
- (d) Certificates of satisfactory performance shall be awarded pursuant to the city employee performance evaluation plan.
- (e) Required years of service in step for eligibility for a step increase:
  - Step
  - A - starting
  - B - 1 year at A step
  - C - 2 years at B step
  - D - 3 years at C step
  - E - 4 years at D step

(Ord. 1682 § 2(1)(a), 1985).

### **2.72.130 Incentive award system.**

- (a) An incentive award system is hereby established.
- (b) The council may establish a fund to finance the system. That fund shall be established at one percent of nonbargaining unit classified salaries.
- (c) Incentive awards shall be a nonrecurring cash payment and shall be an equal percentage of base wage not to exceed five percent.
- (d) Permanent non-bargaining unit classified employees shall obtain eligibility for an incentive award by being awarded a certificate of exceptional performance.
- (e) A certificate of exceptional performance shall be awarded pursuant to the city employee performance evaluation plan.

(Ord. 1682 § 2(1)(b), 1985).

### **2.72.140 Employee performance evaluation plan.**

The city employee performance evaluation plan and amendments thereto shall be prepared by the personnel director and submitted to the council for approval by resolution.

(Ord. 1682 § 2(1)(c), 1985).

### **2.72.150 Allowances.**

The rates of pay prescribed shall be deemed to include pay in every form.

(Ord. 1682 § 2(2), 1985; Ord. 1459 § 9, 1977).

## **Chapter 2.76 REHABILITATION LOAN APPEALS BOARD**

Sections:

[2.76.010 Definitions.](#)

[2.76.020 Creation.](#)

[2.76.030 Membership—Terms—Compensation.](#)

[2.76.040 Meetings—Records to be kept.](#)

[2.76.050 Rights of chairman.](#)

[2.76.060 Qualifications of members.](#)

[2.76.070 Duties.](#)

[2.76.080 Appeals.](#)

[2.76.090 Decisions of the board.](#)

### **2.76.010 Definitions.**

As used in this chapter, the following words and phrases shall have the following meanings:

- (1) "Rehabilitation financing handbook" means the procedural manual governing the housing rehabilitation financing program of the city of Fort Dodge, as approved by the city council and as from time to time supplemented and amended.
- (2) "Rehabilitation loan appeals board" means the entity created by the ordinance codified in this chapter.
- (3) "Rehabilitation loan review committee" means a committee of employees of the city of Fort Dodge, as defined in the rehabilitation financing handbook, whose responsibility it is to review and approve or disapprove applications for city loans and to authorize and direct foreclosure proceedings regarding the rehabilitation loan program for the city.

(Ord. 1600 § 1, 1982).

### **2.76.020 Creation.**

A rehabilitation loan appeals board is hereby created.

(Ord. 1600 § 2, 1982).

### **2.76.030 Membership—Terms—Compensation.**

The board shall consist of five members, all citizens of the city, appointed by the mayor with the approval of the council for overlapping five-year terms. In the initial appointments to the board, one member shall be appointed for one year; one member for two years; one member for three years; one member for four years; and one member for five years. The mayor shall designate the first chairman and vice-chairman and the board shall choose its chairman and vice-chairman every year thereafter. Members shall serve without compensation, but may receive their actual expenses. Vacancies shall be filled in the same manner as original appointments.



(Ord. 1600 § 3, 1982).

**2.76.040 Meetings—Records to be kept.**

The meetings of the board shall be held at the call of the chairman and at such other time as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. The presence of three members shall be necessary to constitute a quorum.

(Ord. 1600 § 4, 1982).

**2.76.050 Rights of chairman.**

The chairman shall have the same rights with reference to motions or voting as any other member of the board.

(Ord. 1600 § 5, 1982).

**2.76.060 Qualifications of members.**

All members of the board shall be residents of the city of Fort Dodge. The mayor shall appoint members to the board so that the following categories of representation are maintained:

- (1) Three individuals representing financial institutions, real estate or the general area of housing finance;
- (2) One individual whose neighborhood has been designated by the city council as eligible for rehabilitation loans;
- (3) One individual representing the community at large.

(Ord. 1600 § 6, 1982).

**2.76.070 Duties.**

The board shall:

- (1) Hear and decide appeals taken pursuant to Section 2.76.080;
- (2) Adopt such rules and regulations as may be necessary to carry out the duties of the board;
- (3) Generally advise the rehabilitation loan review committee;
- (4) Report annually to the city council on its activities and make recommendations concerning the city's rehabilitation loan program.

(Ord. 1600 § 7, 1982).

**2.76.080 Appeals.**

- (a) Appeals to the board may be taken by any person aggrieved or affected by any decision of the rehabilitation loan review committee. Each appeal shall be taken within a reasonable time as provided by the rules of the board. The chairman of the rehabilitation loan review committee shall transmit to the board all papers constituting the record upon which the action appealed from is taken.
- (b) An appeal stays all proceedings in furtherance of the action appealed from, unless the chairman of the rehabilitation loan review committee certifies to the board, after notice of appeal has been filed with him, that by reason of the facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application on notice to the chairman of the rehabilitation loan review committee and on due cause shown.
- (c) The board shall adopt rules providing for fixing a reasonable time for the hearing on the appeal, giving public notice thereof as well as due notice to the parties in interest, and deciding the same within a reasonable time. At the hearing any party may appear in person, or by agent or attorney.

(Ord. 1600 § 8, 1982).

**2.76.090 Decisions of the board.**

The board may, in conformity with the provisions of law and of the rehabilitation financing handbook, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determinations as it believes proper, and to that end shall have all the powers of the rehabilitation loan review committee. The concurring vote of three of the members of the board shall be necessary to reverse any order, requirement, decision or determination of the rehabilitation loan review committee, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter; provided, however, that the action of the board shall not become effective until after the resolution of the board setting forth the full reason for its decision and the vote of each member participating therein has been filed. Such resolution, immediately following the board's final decision, shall be filed in the office of the board, and shall be open to public inspection.

Every decision or action by the board shall be supported by a written testimony or evidence submitted in connection therewith.

If any appeal has been denied by the board, no new appeal for the same relief shall be considered by the board unless the board finds that conditions have changed.

Any taxpayer, or any officer, department or board of the city of Fort Dodge, or any person or persons jointly or severally aggrieved by any decision of the board, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within thirty days after the filing of the decision in the office of the board.

(Ord. 1600 § 9, 1982).

**Chapter 2.80 CABLE TELEVISION COMMISSION**

Sections:

[2.80.010 Purpose.](#)

[2.80.020 Organization.](#)

[2.80.030 Jurisdiction.](#)

[2.80.040 Rules and procedures.](#)

[2.80.050 Appeal.](#)

**2.80.010 Purpose.**

The purpose of this chapter is to provide for the harmonious resolution of complaints between citizen subscribers and the city's cable television franchisees and to promote compliance with the city's cable television franchise and regulatory ordinances.

(Ord. 1822 § 1, 1992).

**2.80.020 Organization.**

The cable television commission shall consist of five members, each to be appointed by the mayor with the approval of the city council. The three current members shall serve a term of three years, one new member for a term of two years and one new member for a term of one year. Once a member has served one term, he may be reappointed for a three-year term. Vacancies shall be filled for the unexpired term of the member whose term becomes vacant. Members shall be residents of the city of Fort Dodge, have personal knowledge of the technical qualitative issues with which the commission will deal and shall serve without pay and may be reimbursed for actual and reasonable expenses.

(Ord. 1962 § 2, 2001; Ord. 1822 § 2, 1992).

**2.80.030 Jurisdiction.**

- (a) The commission is established for the purpose of and limited to providing subscriber complaint resolution (both technical and programming) and franchise compliance oversight in relation to the city of Fort Dodge and cable television franchisees and their subscribers.
- (b) The commission shall investigate and review any unresolved complaints against the franchisees brought by any subscriber of said franchisee. Upon such investigation and review, the commission shall render a decision thereon subject to further review as hereinafter provided. The commission shall assist and advise the city council in regard to compliance with the terms of the city franchise and cable television regulatory ordinances by subscribers and franchisees.

(Ord. 1822 § 3, 1992).

**2.80.040 Rules and procedures.**

The commission shall adopt such rules and procedures necessary to conduct its affairs in keeping with the provisions of this chapter and the laws of the state of Iowa subject to approval of the city council. Meetings shall be held at the call of the chair and at such other times as the commission may determine. The commission shall elect its own chair and vice-chair and may administer oaths and compel attendance of witnesses. All meetings shall be open to the public subject to the provisions of Chapter 21 of the Code of Iowa. The commission, through its secretary to be appointed by the commission, shall keep minutes of proceedings, showing the vote of each member on each question or if absent or failing to vote, indicate such fact. It shall keep records of its examinations and other official acts which shall be filed with the office of the city clerk and shall be a public record.

(Ord. 1822 § 4, 1992).

### **2.80.050 Appeal.**

Any person aggrieved by a decision of the commission may seek review of that decision by filing an appeal therefrom with the city council within twenty days of the date of said decision. The city council shall hold a public hearing thereon and upon holding said hearing, may reverse or affirm the decision of the commission. Any person aggrieved by a decision of the city council may seek review of that decision as provided by the laws of Iowa.

(Ord. 1822 § 5, 1992).

## **Chapter 2.84 REGIONAL AIRPORT COMMISSION—RULES AND REGULATIONS**

Sections:

[2.84.010 Purpose.](#)

[2.84.020 Adopted.](#)

### **2.84.010 Purpose.**

The purpose of this chapter is to adopt by reference, the rules and regulations for the Fort Dodge regional airport commission.

(Ord. 1989 (part), 2002: Ord. 1900 (part), 1996).

### **2.84.020 Adopted.**

The rules and regulations for the Fort Dodge regional airport commission, attached to the ordinance codified in this chapter and made a part of this chapter as though set out at length herein, are adopted by reference.

(Ord. 1989 (part), 2002: Ord. 1900 (part), 1996).

## **Chapter 2.88 ENTERPRISE ZONE COMMISSION**

Sections:

[2.88.010 Established—Composition.](#)

[2.88.020 Selection of members.](#)

[2.88.030 Duties of planning department.](#)

**2.88.010 Established—Composition.**

The city council establishes the enterprise zone commission consisting of the following nine members:

- (1) The chairperson of the community development subcommittee of the city council; this commissioner shall serve as chairperson for the enterprise zone commission.
- (2) One representative of an international labor organization.
- (3) One member with economic development expertise chosen by the department of economic development.
- (4) One member of the plan and zoning commission.
- (5) One member of the Iowa Community College board of directors.
- (6) One representative of the local workforce development center selected by the Iowa Workforce Development Department unless otherwise designated by a regional advisory board.
- (7) The six members identified above shall select the remaining three at-large members. At least one of the remaining three members shall be from either Fort Dodge Census Tract 7 or 8.

(Ord. 1953 § 1, 2000).

**2.88.020 Selection of members.**

The representative commissioner positions identified in Section 2.88.010(1) through (6) shall be selected by the bodies they represent. The three at-large commissioner positions, as stated in Section 2.88.010(7) shall be selected by the six representative commissioners. All selected members must receive the approval of both the city council and the Iowa Department of Economic Development.

(Ord. 1953 § 2, 2000).

**2.88.030 Duties of planning department.**

The planning department is directed to provide staff support to said commission and submit information to the Iowa Department of Economic Development that will aid in their determination of the validity of the commission's composition.

(Ord. 1953 § 3, 2000).