

FORT DODGE MUNICIPAL CODE

**A Codification of the General Ordinances
of the City of Fort Dodge, Iowa**

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**LexisNexis Municipal Codes
Matthew Bender & Company, Inc.
701 East Water Street
Charlottesville, VA 22902
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Municipal Codes

PREFACE

The Fort Dodge Municipal Code, originally published by Book Publishing Company, has been kept current by regular supplementation by Matthew Bender & Company, Inc., its successor in interest.

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the title, chapter, and section. Thus, Section 2.04.010 is Section .010, located in Chapter 2.04 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification.

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

This supplement brings the code up to date through Ordinance 2053, passed April 19, 2006.

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**CHARTER OF
THE CITY OF FORT DODGE, IOWA**

PREAMBLE

We, the people of Fort Dodge, in order to secure Continuity, Representation, Separation of Powers, Accountability, and Professionalism in city government, and to insure Justice, Tranquility, Safety, and General Welfare for ourselves and our posterity, have adopted this Charter that the full benefits of government might be enjoyed by all.

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CHARTER OF THE CITY OF FORT DODGE, IOWA

March 5, 1981

ARTICLE I

POWERS OF THE CITY

Section 1.01 – Powers of the City

The City of Fort Dodge, Iowa, shall have all powers possible for a city to have under the constitution and laws of this state.

Section 1.02 – Construction

The powers of the City of Fort Dodge, Iowa, under this Charter shall be construed liberally in favor of the City and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power in this article.

Section 1.03 – Intergovernmental Relations

The City of Fort Dodge, Iowa, may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any other governmental entity or agency of Iowa, or with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof, as by law provided.

Section 1.04 – Savings Clause

If any article, section, provision or part of this Charter or the application thereof to any person or circumstance is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Charter as a whole or any article, section, provision, part or application thereof not so adjudged invalid or unconstitutional.

Section 1.05 – Definitions

As used in this Charter the following definitions shall be applicable:

1. "As by law provided" refers to any and all state or federal statutes imposing a duty requirement power or limitation upon an Iowa municipal corporation.
2. "At large" means anywhere within the corporate limits of the City of Fort Dodge.
3. "City" means the City of Fort Dodge, Iowa, a municipal corporation.

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4. "City Council" means the governing body of the City of Fort Dodge.

5. "Compensation" is the established annual remuneration for members of the City Council.

6. "Eligible elector" means a person who possesses all of the qualifications necessary to entitle them to be registered to vote whether or not they are in fact so registered.

7. "May" confers a discretionary power.

8. "Measure" means any resolution, ordinance or amendment considered or adopted by the City Council.

9. "Must" states a requirement.

10. "Qualified elector" means a person who is registered to vote pursuant to Iowa law.

11. "Salary" is the established annual pay for the mayor and employees of the City.

12. "Shall" imposes a mandatory duty.

13. "State law" means any statute or regulation promulgated pursuant to the statutes of the State of Iowa.

14. "Ward" is a territorial subdivision created for the purpose of electing some City Council members.

ARTICLE II

CITY COUNCIL

Section 2.01 – Composition, Eligibility, Election and Terms

(a) Composition. There shall be a City Council of seven members. Three shall be elected at large by the qualified electors of the City, and one shall be elected from each of the four wards by the qualified electors of that ward.

(b) Eligibility. Only eligible electors of the City shall be eligible to be a candidate or hold office at large, and only eligible electors of the ward shall be eligible to be a candidate or hold office from a ward.

(c) Election and Terms. The regular election of council members shall be held as by law provided.

(1) At the first election under this Charter:

a. Three council members at large will be elected. The two council members receiving the highest number of votes shall be elected for four-year terms. The remaining council member shall be elected for a two-year term.

b. In case of a tie, the Mayor and Clerk shall determine by lot which council member is elected as by law provided.

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c. The council members elected from wards shall be elected for two-year terms.

(2) Commencing at the next regular election and at all subsequent elections, council members at large shall be elected for four-year terms. The council members elected from wards shall be elected for two-year terms.

(3) The terms of council members shall begin and end as by law provided.

Section 2.02 – Compensation, Expenses

Upon adoption of this Charter by the voters, the then existing City Council shall by ordinance no later than the 15th day of August immediately following such adoption prescribe the reasonable compensation of the council members provided herein giving due regard to the duties and responsibility of such council members herein set out as by law provided. Thereafter the City Council shall prescribe the reasonable compensation of the council members giving due regard to the duties and responsibilities of such council members herein set out and the recommendations of the Salary Review Advisory Board, all as by law provided.

Section 2.03 – Division of Council Wards

Upon adoption of this Charter by the voters, the then existing City Council shall by ordinance no later than the 15th day of August immediately following such adoption divide the City into four council wards of substantially equal population pursuant to the population enumeration of the most recent decennial census as by law provided. Thereafter the City Council shall by ordinance realign four existing council wards every ten years pursuant to the population enumeration of the most recent decennial census as by law provided. These wards shall be designated as Council Ward 1, Council Ward 2, Council Ward 3 and Council Ward 4.

Section 2.04 – Meetings

(a) The City Council shall, by ordinance, establish regular meetings dates and times, but in no event shall meet less than twice monthly. Special meetings may be called by the Mayor, giving notification to each council member, or by any three members of the Council. Notice of all meetings shall be given to the public as by law provided.

(b) Voting, except on procedural motions, shall be by roll call and the ayes and nays must be recorded in the minute book. Passage of an ordinance, amendment, resolution, a motion to spend public funds, or a motion to accept public improvements and facilities upon their completion, shall be adopted as by law provided.

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Section 2.05 – General Powers and Duties

(a) All powers of the City shall be vested in the Council except as otherwise provided by state law, this Charter, or council ordinance.

(b) The Council shall by ordinance establish reasonable procedures, minimum expenditure levels, and areas of applicability for the utilization of informal competitive bids and formal sealed competitive bids in addition to and not inconsistent with those established by law.

(c) The Council may establish, eliminate, or modify such departments as may from time to time be necessary; provide such supervisory and operational personnel as efficiency and effectiveness may warrant; authorize such equipment for said departments as efficiency and effectiveness may warrant giving due consideration to the recommendations of the Mayor.

(d) The Council shall establish as by law provided, all salaries and compensation for all officers, administrative and operational personnel, giving due consideration to the recommendations of the Mayor.

(e) The Council shall by ordinance establish reasonable procedures for the obligation and expenditure of municipal funds not inconsistent with state law.

(f) The Council shall determine its own rules and maintain records of its proceedings as by law provided.

(g) The Council may investigate the affairs and conduct of any City department, agency, or officer and secure from a court of competent jurisdiction production of evidence and attendance of witnesses.

(h) The Council may override mayoral vetoes as by law provided.

Section 2.06 – Appointments

(a) The Council shall appoint the City Clerk.

(b) The Council shall appoint a City Attorney who shall serve as chief legal advisor to the Council, Mayor and all City departments, offices, and agencies. The City Attorney shall represent the City in all legal proceedings and perform other duties prescribed by state or city law unless special counsel is appointed by the Council at the request of the City Attorney.

Section 2.07 – Administrative Agencies

The Council shall establish all City administrative agencies (boards and commissions) as by law provided.

Section 2.08 – Prohibitions

(a) Appointments and Removals. Neither the Council nor any of its members shall, inconsistent with its statutory removal hearing power, dictate the appointment or removal of any City administrative officers or employees whom the Mayor or any of the Mayor's subordinates are empowered to appoint.

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(b) Interference with Administration. Except for the purpose of inquiries and investigations under the Code of Iowa, the Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the Mayor solely through the Mayor and neither the Council nor its members shall give orders to any such officers or employees, either publicly or privately.

Sec. 2.09 – Removal from Office, Filling Vacancies

(a) Removal from Office. A Council member may be removed from office as by law provided.

(b) Filling Vacancies. In exercising its statutory vacancy filling powers, the Council shall utilize the following procedure.

(1) To fill a vacancy in an at-large council position, the Council shall within seven days of the time the vacancy occurs, appoint from outside its members, a seven-member nominating committee comprised of one member from each council ward and three members from the City at large. No more than two members may be from any one ward. The committee shall conduct one public hearing and within fourteen days of the committee's appointment shall submit a list of names to the Council of not less than three nor more than five eligible electors willing to serve. The Council shall fill the vacancy from that list.

(2) To fill a vacancy occurring in a council ward position, the Council shall within seven days of the time the vacancy occurs, appoint from outside its members, a five-member nominating committee from that council ward. The committee shall conduct one public hearing and within fourteen days of the committee's appointment, shall submit a list of names to the Council of not less than three nor more than five eligible electors willing to serve. The Council shall fill the vacancy from that list.

Section 2.10 – Mayor Pro Tem

The Council shall elect one of its members as Mayor pro tem who shall serve for a period of two years and have such powers as are by law provided.

Section 2.11 – Independent Audit

The Council shall provide for an independent audit as by law provided.

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ARTICLE III

MAYOR

Section 3.01 – Eligibility, Election and Term

(a) There shall be a Mayor elected at large by the qualified electors of the City.

(b) Eligibility. Only eligible electors of the City shall be a candidate or hold the office of Mayor.

(c) Election and Term. The Mayor shall be elected by the voters at large at the regular City election every four years to serve for a four-year term.

The term of a Mayor shall begin and end as by law provided.

Section 3.02 – Salary

Upon adoption of this Charter by the voters, the then existing City Council shall by ordinance no later than the 15th day of August immediately following such adoption prescribe the reasonable salary of the Mayor giving due regard to the duties and responsibilities of the Mayor herein set out as by law provided. Thereafter the Council shall by ordinance prescribe the reasonable salary of the Mayor giving due regard to the duties and responsibilities of the Mayor herein set out and the recommendations of the Salary Review Advisory Board, all as by law provided.

Section 3.03 – Removal from Office, Filling Vacancies

(a) Removal from Office. A Mayor may be removed from office as by law provided.

(b) Filling Vacancies. In exercising its statutory vacancy filling powers, the Council shall utilize the following procedure.

To fill a vacancy in the position of Mayor, the Council shall within seven days of the time the vacancy occurs, appoint from outside its members, a seven-member nominating committee comprised of one member from each council ward and three members from the City at large. No more than two members shall be from any one ward. The committee shall conduct one public hearing and within fourteen days of the committee's appointment shall submit a list of names to the Council of not less than three or more than five eligible electors willing to serve. The Council shall fill the vacancy from that list.

Section 3.04 – Mayor's Powers and Duties

(a) The Mayor is the chief executive officer of the City and presiding officer of the Council. The Mayor is not a member of the Council and shall not be eligible to vote on any measure before the Council. The Mayor shall

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supervise all city officers and departments and may call special meetings of the Council.

(b) State of the City Messages. The Mayor shall during January of each calendar year and at any other time at the formal request of a majority of the Council, give the Council information as to the affairs of the City and make what recommendations he or she considers necessary and desirable.

(c) Procedure on Council Measures. The Mayor may sign, veto or take no action on an ordinance, amendment or resolution passed by the Council.

Measures passed by the Council shall become effective as by law provided.

(d) Law Enforcement Authority. The Mayor shall see that all laws, provisions of the Charter, and ordinances and amendments of the Council subject to enforcement by the Mayor or by officers subject to the Mayor's direction and supervision are faithfully executed. The Mayor may take command of the police and govern the City by proclamation when the Mayor determines that a time of emergency or public danger exists. Within the City limits, the Mayor has all the powers conferred upon the sheriff to suppress disorders.

(e) Appointing Authority. The Mayor shall appoint such department heads as may be authorized by the Council subject to the Council's approval and such other administrative officers and employees as may from time to time be authorized by the Council.

The Mayor may delegate to administrative officers who are subject to the Mayor's direction and supervision, the authority to exercise only that portion of the Mayor's appointing and hiring authority which are not herein made subject to the approval of the Council.

(f) Suspension. Suspension or removal of appointees shall be consistent with the laws of the state. The Mayor shall inform the Council of all such actions.

(g) Supervisory Authority. The Mayor shall direct and supervise the administration of all departments, offices and agencies of the City except as otherwise provided by this Charter, state law, or city ordinances.

(h) Budget Preparation. The Mayor shall prepare and submit the annual budget and capital improvements program to the Council along with a budget message detailing the current state of economy and efficiency in the several departments and agencies, specifically addressing itself to merger of departments, structural realignment, changes in authorized levels of personnel and such other matters as may from time to time be requested by the Council. This message may include such additional matters as the Mayor feels is reasonable and necessary for the orderly and efficient operation of the City and understanding of the budget proposals.

(i) Other. The Mayor shall exercise such other powers and perform

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such other duties as may be prescribed by this Charter, by ordinance or by state law.

Section 3.05 – Administrative Assistant

(a) There shall be an Administrative Assistant who shall be appointed by the Mayor, subject to the approval of the Council. This appointment shall be made solely on the basis of the appointee's educational, executive and administrative qualifications and may be removed by the Mayor in accordance with Section 3.04(f) of this Charter.

(b) The Administrative Assistant shall be responsible to the Mayor for the administration of all city affairs placed in his charge and to assist the Mayor in the administration of all other city affairs. These duties shall include but not be limited to:

- (1) Attend meetings of the Council.
- (2) Recommend to the Mayor any measures necessary or expedient for the good government and welfare of the City.
- (3) Coordinate all operations between City departments.
- (4) Coordinate the supervision of the construction, improvement, repair maintenance, and management of all City property, capital improvements, and undertakings of the City, including the making and preservation of all surveys, maps, plans, drawings, specifications, and estimates for capital improvements except property improvements.
- (5) Monitor the supervision of the performance of all contracts for work to be done for the City.
- (6) Supervise the purchasing of material and supplies, and ascertain that such material and supplies are received and are of the quality and character called for by the contract.
- (7) Keep the Mayor fully advised of the financial and other conditions of the City and of its future needs.
- (8) Assist in the preparation annually of the required budget.
- (9) Assure that accurate records are being kept by modern and efficient accounting methods.
- (10) Keep the Mayor informed of appropriate state and federal programs. Prepare and submit applications for funding under such programs and report on the status of pending and current programs and assist with other necessary accountability reports.
- (11) Perform other duties at the Mayor's direction.

(c) The Administrative Assistant shall not actively participate in any election campaign of any City official other than by casting a vote.

(d) The Administrative Assistant shall be paid a salary of an amount to be fixed by the Mayor with the approval of the Council. The Council shall not decrease the salary of any incumbent Administrative Assistant.

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ARTICLE IV

SALARY REVIEW ADVISORY BOARD

Section 4.01 – Establishment

The Council shall by ordinance establish and appoint a Salary Review Advisory Board.

Section 4.02 – Composition

The Salary Review Advisory Board shall be composed of five members, one member from each of the wards and one member at large to act as chairman and who shall vote only to break a tie.

Section 4.03 – Duties

The Salary Review Advisory Board shall meet during the month of December of each even-numbered year and examine the then current salary of the Mayor and the compensation of the Council. Upon completing such biennial examination, the Board shall file a report with the City Council during January of each odd-numbered year, setting out their advisory recommendations for reasonable changes, if any, in the salary of the Mayor and compensation of the Council.

