

TITLE 2

ADMINISTRATION AND PERSONNEL

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Chapter 2.04 **Mayor**

Sections:

2.04.010 Powers and Duties

2.04.010 Powers and Duties. The duties of the Mayor shall be as follows:

A. The Mayor shall supervise all departments of the City and department heads concerning the functions of the department. The Mayor shall have the power to examine all functions thereof, their records, and all special reports from department heads at any time.

B. The Mayor shall act as presiding officer at all regular and special council meetings. The Mayor pro tempore shall service in this capacity in the Mayor's absence.

C. The Mayor may sign, veto, or take no action on an ordinance, amendment or resolution passed by the Council. If the Mayor vetoes a measure, the Mayor must explain the reason for such veto to the Council. The Council may repass a measure over the Mayor's veto by a two-thirds majority of the Council members, if said action is taken within thirty days of the veto.

D. The Mayor shall make appropriate provision that duties of any absentee officer be carried on during their absence.

E. The Mayor shall represent the City in all negotiations properly entered into in accordance with law or ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law or ordinance.

F. The Mayor shall, whenever authorized by Council, sign all contracts on behalf of the City.

G. The Mayor shall call special meetings of the City Council when the Mayor deems such meetings necessary in the interest of the City.

H. The Mayor shall make such oral or written reports to the City Council at the first meeting of every month as required. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for Council action.

I. Immediately after taking office, the Mayor shall designate one member of the City Council as Mayor pro tempore. The Mayor pro tempore shall be vice president of the Council. Except for the limitations otherwise provided herein, the Mayor pro tempore shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform their duties. In the exercise of the duties of the Mayor office the Mayor pro tempore shall not have power to employ or discharge from employment officers or employees that the Mayor has the power to appoint, employ, or discharge. The Mayor pro tempore shall have the right to vote as a member of the Council.

J. The Mayor shall sign all licenses and permits which have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.

K. Upon authorization of the Council, the Mayor shall revoke permits or licenses granted by the Council when their terms, the ordinances of the City, or the laws of the State are violated by holders of said permits or licenses. (Ord. 37A-77 Sec.1, 1977)

L. The Mayor shall order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. This order shall be in writing. The order to remove said nuisances shall be carried out by the police officers. (Added 1981 codification)

Chapter 2.08
City Council

Sections:

2.08.010 Powers and Duties

2.08.020 Meetings--Time and Place.

2.08.010 Powers and Duties. The City Council may contract for legal and engineering services on such basis as to them appears reasonable. (Ord. 37A-77 Sec.2, 1977)

2.08.020 Meetings--Time and Place. The Council shall meet for its regular meetings semi-monthly on the second and fourth Wednesday of each calendar month, at the hour of six o'clock p.m., in the Council Chambers, City Hall, Epworth, Iowa. Upon advance notice to the public, the Council or Mayor may temporarily change the date, time, or location of a regular meeting. (Ord. 2-15, Ord-31-2021)

Chapter 2.12 City Clerk

Sections:

- 2.12.010 Office Created--Appointment--Term
- 2.12.020 Powers and Duties--Administration of Oaths
- 2.12.030 Powers and Duties--Council Secretary
- 2.12.040 Powers and Duties--Accounting
- 2.12.050 Powers and Duties--Custody and Disposition of Funds
- 2.12.060 Powers and Duties--Registration of Outstanding Bonds--Recording of Payments
- 2.12.070 Powers and Duties--Recordkeeping--Copies
- 2.12.080 Powers and Duties--City Seal
- 2.12.090 Powers and Duties--Endorsement and Filing of Records and Communications
- 2.12.100 Powers and Duties--Issuance of Licenses and Permits
- 2.12.110 Powers and Duties--Notification of Appointees
- 2.12.120 Powers and Duties--City Council Authority
- 2.12.130 Compensation

2.12.010 Office Created--Appointment--Term. There is created the office of City Clerk to be appointed by the City Council at the first meeting in January following a regular city election for a two-year term commencing on that date. (Ord. 1-82 Sec.1, 1982)

2.12.020 Powers and Duties--Administration of Oaths. The City Clerk shall administer oaths of office to any City officer who is required to give an oath. (Ord. 1-82 Sec.1, 1982)

2.12.030 Powers and Duties--Council Secretary. The City Clerk shall attend all meetings of the Council, and upon request, its committees. The City Clerk shall record and preserve a correct record of the proceedings of such meetings and publish a summary of the Council proceedings immediately after each regular or special meeting, in the manner required by law. The City Clerk shall post all ordinances immediately after passage and approval by the Council, and keep an ordinance book, authenticating each ordinance and certifying as to the time and manner of publication if required by law. (Ord. 1-82 Sec.1, 1982, amended 1988)

2.12.040 Powers and Duties--Accounting. The City Clerk shall be the chief accounting officer of the City and as such shall have the following duties:

A. The City Clerk shall keep separate accounts for every appropriation, department, public improvement or undertaking, in the manner provided by law.

B. The City Clerk shall keep an account of all cash, investments, accounts receivable and property received by, due to, or in the custody of the City and give a receipt immediately upon cash coming into their hands specifying the date, from whom, for what account, and record each transaction in the correct fund as required by law and Council direction where not specified by law.

C. The City Clerk shall keep accounts for cash disbursed, purchase and contract commitments, and property disposed of or sold by the City, specifying the date and to whom paid

and record each transaction in the correct funds as required by law, and Council direction where not specified by law.

D. The City Clerk shall prepare and publish all financial and budgetary reports required by law and the Council, and the list of claims in the manner specified by law. (Ord. 1-82 Sec.1, 1982)

2.12.050 Powers and Duties--Custody and Disposition of Funds.

A. Immediately upon receipt of moneys to be held in their custody and belonging to the municipality, the City Clerk shall deposit the same in the banks selected by the Council in amounts not exceeding the monetary limits authorized by the Council.

B. The City Clerk and officers authorized to invest public funds shall follow the investment guidelines of the City of Epworth Investment Policy as adopted September 1992 per Resolution #13-92 until amended. The Clerk shall invest all idle funds and other funds directed by Council in accordance with law.

C. The City Clerk shall reconcile with the books of the Deputy Clerk-Treasurer and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.

D. The City Clerk shall pay all claims against the City only upon Council order.
(Ord 1-82, 1982; amended 1994)

2.12.060 Powers and Duties--Registration of Outstanding Bonds--Recording of Payments.

A. The City Clerk shall sign all evidences of indebtedness, coupons, or certificates as required by law of a City Clerk.

B. The City Clerk shall keep a register of all bonds outstanding and record all payments made of interest and principal. (Ord.1-82, Sec.1, 1982)

2.12.070 Powers and Duties--Recordkeeping--Copies.

A. The City Clerk shall have custody and be responsible for the safekeeping of all records or documents in which the municipality is a party in interest unless otherwise specifically directed by law or ordinance. The City Clerk shall file and preserve all receipts, vouchers, and other documents kept, or that may be required to be kept, necessary to prove the validity of every transaction and the identity of every person having any beneficial relation thereto. The City Clerk shall, upon order of the Council, destroy all vouchers and minor records when over ten years old, except the permanent records specified for retention by law.

B. The City Clerk shall furnish upon request to any municipal officer a copy of any record, paper or public document under his or her control when it may be necessary to such officer in the discharge of his or her duty. The City Clerk shall furnish a copy to any citizen when requested upon payment of the allowable charge set by law or resolution of the Council. (Ord. 1-82 Sec.1, 1982)

2.12.080 Powers and Duties--City Seal. The City Clerk shall affix the seal of the corporation to those public documents or instruments which by law or ordinance are required to be attested by the affixing of the seal, or as directed by the Mayor or Council. (Ord. 1-82)

2.12.090 Powers and Duties--Endorsement and Filing of Records and Communications. The City Clerk shall keep and file by number and date all communications and petitions directed to the Council or to the City generally. The City Clerk shall endorse thereon the action of the Council taken on the matters presented in such communications and petitions. (Ord. 1-82 Sec.1, 1982)

2.12.100 Powers and Duties--Issuance of Licenses and Permits. The City Clerk shall issue all licenses and permits approved by the Council *and other officers*, and keep a record thereof which shall show the date, number, to whom issued, and for what purpose. (Ord. 1-82, amended 1994)

2.12.110 Powers and Duties--Notification of Appointees. The City Clerk shall keep a record of all appointments, notify all persons appointed by the Mayor and Council to office of such appointments and the time of taking office. (Ord. 1-82 Sec.1, 1982)

2.12.120 Powers and Duties--City Council Authority. The City Clerk shall perform such other duties as specified by the Council by resolution or ordinance. (Ord. 1-82 Sec.1, 1982)

2.12.130 Compensation. The City Clerk shall be paid such compensation as specified by Council resolution. (Ord. 1-82 Sec.1, 1982)

Chapter 2.14 Deputy Clerk-Treasurer

Sections:

- 2.14.010 Office Created--Appointment--Term--Bond
- 2.14.020 Powers and Duties--Signatory
- 2.14.030 Powers and Duties--Render Bills
- 2.14.040 Powers and Duties--Monthly Treasurer's Report
- 2.14.050 Powers and Duties--Assistance to City Clerk
- 2.14.060 Powers and Duties--Treasurer to Boards
- 2.14.070 Compensation

2.14.010 Office Created--Appointment--Term--Bond. There is created the office of Deputy Clerk-Treasurer to be appointed by the City Council at the first meeting in January following a regular City election for a two-year term commencing on that date. They shall be bonded in the amount established through Council directive. (Ord. 2-82 Sec.1, 1982)

2.14.020 Powers and Duties--Signatory. The Deputy Clerk-Treasurer is hereby authorized to sign all evidences of indebtedness, coupons, certificates, or checks as required by law or mandated by the City Council of the Treasurer. They shall also have access to the City's deposit box. (Ord. 2-82 Sec.1, 1982)

2.14.030 Powers and Duties--Render Bills. It is hereby made the duty of the Deputy Clerk-Treasurer to render bills for utility services rendered by the municipality and all other charges in connection therewith and to collect all monies due therefrom. (Ord. 2-82 Sec.1, 1982)

2.14.040 Powers and Duties--Monthly Treasurer's report. On or before the first Council meeting of every month the Deputy Clerk-Treasurer shall submit to the City Council a Treasurer's report showing beginning balances, receipts and disbursements, ending balances, and investments made for each fund. The Deputy Clerk-Treasurer shall reconcile with the bank statement.
(Ord. 2-82 Sec.1, 1982)

2.14.050 Powers and Duties--Assistant to City Clerk. The Deputy Clerk-Treasurer shall assist the City Clerk in their duties upon request. In the absence of the City Clerk the Deputy Clerk-Treasurer will act in that capacity until the return of the City Clerk. The Deputy Clerk-Treasurer shall be independent of the City Clerk in reference to the treasurer duties. (Ord. 2-82 Sec.1, 1982)

2.14.060 Powers and Duties--Treasurer to Boards. The Deputy Clerk-Treasurer shall be treasurer of all boards and commissions. (Ord. 2-82 Sec.1, 1982)

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2.14.070 Compensation. The Deputy Clerk-Treasurer shall be paid such compensation as specified by Council resolution. (Ord. 2-82 Sec.1, 1982)

Chapter 2.16 City Attorney

Sections:

2.16.010 Powers and Duties.

2.16.020 Compensation

2.16.010 Powers and Duties. The duties of the City Attorney shall be as follows:

A. The attorney shall give their legal opinion on questions of law arising out of any ordinance, suit, claim or demand for or against the City, and give their opinion in writing when requested to do so by the Mayor or City Council, which opinion shall be filed and preserved among the records by the Clerk.

B. The attorney shall report to the City Council any defects that they may discover in any City ordinance and examine all ordinances, and shall draw such ordinances as they may be requested to do by the City Council.

C. The attorney shall act as legal advisor of all City officers so far as their official duties are concerned, when requested to do so by said officers.

D. The attorney shall, when requested to do so by the City Council, draw all contracts between the City and other parties, prosecute and defend all suits or other matters in which the City shall be a party, take appeals in such cases as the interest of the City requires, and prosecute or defend the City's interest in all courts of the State, and of the United States, all subject to the direction of the City Council.

E. The attorney shall sign the name of the City to all appeal bonds and to all other bonds or papers of any other kind that may be essential to the prosecution of any cause in court, and when so signed the City shall be bounded upon the same. Other counsel may be employed in any case by the City Council.

F. The attorney shall transmit to their successor a docket of all cases wherein the City is a party then pending, and all books, papers and documents in their possession belonging to the City.

G. The attorney may appoint with the approval of the Council such assistants as shall be deemed advisable. (Ord. 38A-77 Sec.1 (part), 1977)

2.16.020 Compensation. The City Attorney shall receive as his compensation for legal services rendered the City such sums as may be determined by the City Council by appropriate resolution. (Ord. 38A-77 Sec.1 (part), 1977)

Chapter 2.20
City Engineer

Sections:

- 2.20.010 Powers and Duties--Generally
- 2.20.020 Powers and Duties--Traffic Improvements
- 2.20.030 Compensation

2.20.010 Powers and Duties--Generally. The City Engineer shall report a grade of all streets and alleys at the time, and in the order, required by the City Council and, when required to report the changes and grade of a street, they shall also report plans and estimates for grading and changing the grade thereof, as the case may be, and shall make suitable plan or profile of all such surveys or grades to be filed in their office for reference. The engineer shall establish landmarks, either for survey or grading the street, by placing stones or other monuments, from which such grade or survey may be ascertained, and perform such other duties as may from time to time be ordered by the City Council. (Ord. 39A-77 Sec.1, 1977)

2.20.020 Powers and Duties--Traffic Improvement. In addition to the duties otherwise prescribed by ordinance, this chapter, and by state law, the duly appointed City Engineer shall also serve as City traffic engineer. The engineer shall perform traffic related engineering tasks as instructed by the City Council. (Ord. 39A-77 Sec.2, 1977, amended 1988 codification)

2.20.030 Compensation. The City Engineer shall receive as compensation for work done for the City such sums as may be determined by the City Council. (Ord. 39A Sec.3, 1977, amended 1988 codification)

Chapter 2.22 Police Officers

Sections:

2.22.010 Powers and Duties of the Police Officers

2.22.010 Powers and duties of the Police Officers. The duties of the Police Officers shall be as follows:

1. They shall wear upon their outer garment and in plain view a metal badge engraved with the name of their office, and such uniform as may be specified by the Council.
2. They shall assist the City Attorney in prosecuting any persons for the violation of an ordinance by gathering all the facts and circumstances surrounding the case.
3. They shall be sergeant-at-arms of the Council Chamber when requested by the Council.
4. They shall report to the Council upon their activities as police officers when requested.
5. They shall protect the rights of persons and property, preserve order at all public gatherings, prevent and abate nuisances, and protect persons against every manner of unlawful disorder and offense.
6. They shall make arrangement to convey any persons requiring detention to the County jail as provided by law and agreements with the County.
7. They shall, whenever any person is bound over to the district court, convey the prisoner to the County jail.
8. They shall execute all lawful orders of any board or commission established by the City Council.
9. They shall be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles and equipment for the department.
10. The Police Chief shall make such rules, not in conflict with the provisions of this ordinance, as needed for the detailed operation of the police department, subject to the approval of the Council. Such rules shall cover off-duty and on-duty conduct and activity of members, the wearing and care of the uniform, the use of police radio and other communications, attendance at training meetings and such other matters as the Police Chief determines to be necessary for the operation of the police department. The Police Chief shall see that the discipline and conduct of the department conforms to rules of the department. In the event of an emergency they may make temporary rules for the protection of the system until due consideration by the Council may be had.
11. They shall, when requested, aid other municipal officers in the execution of their official duties.
12. They shall restrain and prevent sheep, swine, horses, cattle, fowl, dogs, and other animals from running at large within the limits of the corporation.
13. They shall report all motor vehicle accidents they investigate in the regular course of duty to the Iowa Department of Public Safety as provided by law.

14. They shall keep a record of all arrests made in the City by police officers. They shall record whether said arrest was made under provisions of the laws of the State of Iowa or ordinances of the City. The record shall show the offense for which arrest was made, who made the arrest, and the disposition made of the charge. (added 1981, amended 1988, 1999 codification)

Chapter 2.24
(deleted)

Chapter 2.28
Officers' Salaries *

Sections:

- 2.28.010 Mayor--Compensation
- 2.28.020 Council--Compensation
- 2.28.030 Other Officers

2.28.010 Mayor--Compensation. The Mayor shall receive a salary of three thousand six hundred dollars per year. (Ord. 48-11)

2.28.020 Council--Compensation. Each member of the City Council shall receive a salary of thirty dollars for each regular, special or adjourned session of the Council actually attended. (Ord. 37A-77 Sec.4, 1977, 1988 codification, Ord. 19-09, Ord-25-2021)

2.28.030 Other Officers. The compensation of all other officers and employees shall be set by resolution of Council. (added 1988 codification)

Chapter 2.30
(deleted)

Chapter 2.32 Park and Recreation Board

Sections:

- 2.32.010 Created--Purpose
- 2.32.020 Organization--Compensation
- 2.32.030 Powers and Duties--Generally
- 2.32.040 Powers and Duties--Written Reports
- 2.32.050 Powers and Duties--Formation of Park Facilities Use Rules and Regulations.
- 2.32.060 Violation--Penalty--Prosecution

* For statutory provisions authorizing the City Council to prescribe the compensation of City officers, see Code of Iowa Sec.372.13 (4) and (8).

2.32.010 Created--Purpose. A Park and Recreation Board is created to advise the Council on the needed facilities to provide open space such as parks, playgrounds, and community facilities for other forms of recreation. It shall also plan and oversee City programs, and encourage other programs, for the leisure time of the City's residents of all ages. (Ord. 352 Sec.1, 1973)

2.32.020 Organization--Compensation. The Board shall consist of five members appointed by the Mayor, with the approval of the Council, for non-overlapping two-year terms. The Mayor shall designate the first chair and vice-chair and the Board shall choose its chair and vice-chair every two (2) years thereafter. Members shall serve without compensation, but may receive their actual expenses. Vacancies shall be filled in the same manner as original appointments. (Ord. 13-82 Sec.1, 1982, amended 1988 codification)

2.32.030 Powers and Duties--Generally. In addition to its duty to make a plan for recreation and for the facilities for recreation, and to update and revise these plans from time to time, the Board shall have oversight of properties and personnel devoted to parks and recreation, subject to the limitation of expenditures for salaries and supplies, contracts, and capital outlays set forth in the annual budget provided by the Council for park and recreation operations; and it shall cooperate with the Mayor in the allotment of time of City employees for park and recreation purposes. The Chair shall order supplies by the procedures established by Council for all departments of the City, and payments will be made by warrant-check written by the City Clerk for invoices submitted and approved by the Board. (Ord. 352 Sec.3, 1973)

2.32.040 Powers and Duties--Written Reports. The Board shall make written reports to the 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 to each member and in the Clerk's report to Council. (Ord. 352 Sec.4, 1973)

2.32.050 Powers and Duties--Formation of Park Facilities Use Rules and Regulations.

The Board shall have power to make rules and regulations for the use of the park or other recreational facilities or for the conduct of recreation programs, subject to the approval of the rules by the Council. (Ord. 352 Sec.5, 1973)

2.32.060 Violation--Penalty--Prosecution.

Violation of a Board rule which has been approved by Council and either posted or publicized may be cause for denial of use of a facility or participation in a program, but such denial which extends more than one day may be appealed to the Board or to the Council for a hearing. (Ord. 352 Sec.6, 1973, amended 1999)

Chapter 2.36
Public Notices *

Sections:

2.36.010 Purpose

2.36.020 Posting Places Designated--City Clerk Responsibility--Time Limit.

2.36.030 Removal Prohibited--Exception

* For statutory provisions on publication of notices, see Code of Iowa Sec.362.3.

2.36.010 Purpose. Whereas there is no newspaper published within the corporate limits of this City and publication of ordinances and certain other matters are permitted by law to be posted in three public places, the Council desires to permanently designate these three public places so that citizens of the City may readily ascertain the acts of Council which affect them without doubt as to place of notice. (Ord. 375 Sec.1, 1975)

2.36.020 Posting Places Designated--City Clerk Responsibility--Time Limit. A. The three public places where public notice of ordinances and other matters permitted to be posted are to be displayed are:

Epworth City Hall;
Epworth Post Office;
Silker Store;

B. The City Clerk is directed to promptly post such ordinances and notices, and to leave them so posted for not less than 10 days after the first date of posting and he or she shall note the first date of posting on the official copy of the ordinance and in the official ordinance book immediately following the ordinance. (Ord. 375 Sec.2, 1975; Ord. 29-03, 2003)

2.36.030 Removal Prohibited--Exception. Removal of a public notice by persons other than the City Clerk shall be a misdemeanor. Such removal before the ten days have expired, however, shall not effect the validity of the ordinance. (Ord. 375 Sec.3, 1975)

Chapter 2.40
Civil Defense *

Sections:

- 2.40.010 Definitions
- 2.40.020 Declaration of Emergency
- 2.40.030 Curfew Permitted When--Mayor Authority
- 2.40.040 Issuance of Special Regulations
- 2.40.050 Duration of Proclamation
- 2.40.060 Issuance of Proclamation--Posting required--Notification of News Media

* For statutory provisions authorizing joint county-municipal administration of civil defense, see Code of Iowa Sec.29C.7. For provisions on the Mayor's power in a time of emergency, see Code of Iowa Sec.372.14.

2.40.010 Definitions.

A. A "civil emergency" is defined as:

1. A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law; or
2. Any natural disaster or man-made calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the City, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

B. "Curfew" means a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the City, excepting officials of any governmental unit and persons officially designated to duty with reference to said civil emergency. (Ord. 290, Sec.1, 1968)

2.40.020 Declaration of Emergency. Whenever an emergency as defined in Section 2.40.010 exists, the Mayor shall declare the existence by means of a written declaration setting forth the facts which constitute the emergency. (Ord. 290 Sec.2, 1968)

2.40.030 Curfew Permitted When--Mayor Authority. After proclamation of civil emergency by the Mayor, they may order a general curfew applicable to such geographical areas of the City or to the City as a whole, as they deem advisable, and applicable during such hours of the day or night as they deem necessary in the interests of the public safety and welfare. (Ord. 290 Sec.3, 1968)

2.40.040 Issuance of Special Regulations. After the proclamation of a civil emergency, the Mayor may also in the interest of the public safety and welfare make any or all of the following orders:

A. The Mayor may order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.

B. The Mayor may order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.

C. He or she may order the discontinuance of selling, distributing, or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

D. He or she may order the discontinuance of selling, distributing, dispensing, or giving away of any firearms or ammunition of any character whatsoever.

E. He or she may issue such other orders as are imminently necessary for the protection of life and property. (Ord. 290 Sec.4, 1977)

2.40.050 Duration of Proclamation. The proclamation authorized in this chapter shall be effective for a period of forty-eight hours unless sooner terminated by a proclamation of the Mayor indicating that the civil emergency no longer exists. The Mayor shall have the power to reproclaim the existence of a civil emergency at the end of each forty-eight hour period during the time the said civil emergency exists. (Ord. 290 Sec.5, 1977)

2.40.060 Issuance of Proclamation--Posting Required--Notification of News Media. Upon issuing the proclamation authorized by this chapter, the police officer shall notify the news media situated within the City and adjacent cities thereto situated in Dubuque County, and shall cause three copies of the proclamation declaring the existence of the emergency to be posted at the following places within the City: The City Hall, the Public works & services Municipal Center (212 N. Center Avenue), and the Post Office. (Ord. 40-14)

Fire Department

Sections:

- 2.44.010 Establishment and purpose
- 2.44.020 Appointment of the Fire Chief
- 2.44.030 Duties of the Fire Chief
- 2.44.040 Volunteer firefighters
- 2.44.050 Firefighter duties
- 2.44.060 Worker's compensation and hospitalization insurance
- 2.44.070 Liability insurance
- 2.44.080 Fires outside city limits
- 2.44.090 Firefighters association

2.44.010 Establishment and purpose. A volunteer emergency response department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to respond to emergency medical service calls and other emergencies as listed in the department's standard operating guidelines.

2.44.020 Appointment of Fire Chief. The fire department may elect the fire chief, subject to approval of the city council and mayor. The City Council shall be furnished the department's attendance records for drills, meetings and fires, and shall give due consideration to such records in approving the appointment of the fire chief. The mayor may remove, suspend or demote the fire chief for neglect of duty, disobedience, misconduct, or failure to properly perform the duties of chief by written order setting out the reason for removal which shall be filed with the city clerk, and shall upon request in writing filed with the clerk by the chief, hold a public hearing on the proposed action.

2.44.030 Fire Chief's duties. The fire chief shall command all operations of the department and be responsible for the care, maintenance and use of all vehicles and equipment of the department. Subject to council approval, the chief shall establish and maintain departmental rules and standard operating guidelines to carry out the requirements of this ordinance. The chief shall provide every firefighter with a written copy of these rules and procedures. With the approval of the council, the chief shall appoint carefully selected volunteer firefighters, fill vacancies among them and may discharge them. The chief shall keep a record of the names, ages, and residences of the firefighters and be responsible for their training and supervision, and shall maintain attendance records for training sessions, meetings and emergency calls. The fire chief shall investigate the cause, origin and circumstances of each fire by which property has been destroyed or damaged or which results in bodily injury to any person. Whenever death, serious bodily injury or property damage in excess of two hundred thousand dollars (\$200,000.00) has occurred as a result of fire, or if arson is suspected, the fire chief shall notify the state fire marshal's division immediately. The fire chief shall report all other fire incidents within ten (10) days following each quarter to the state fire marshal in accordance with law. The fire chief has the authority to enter and inspect any building or premises in the performance of his

duties and shall make written orders to correct conditions that are likely to cause fire or endanger other buildings or property.

2.44.040 Volunteer firefighters. The chief shall appoint volunteer firefighters per established criteria to serve as a volunteer firefighter or emergency medical services provider. Prior to appointment as a volunteer firefighter and every four (4) years thereafter a volunteer firefighter must pass a medical physical examination.

2.44.050 Firefighter duties. When called by the chief, all firefighters shall report for duty immediately in the manner directed by the chief. They shall be subject to call at any time. They shall obey strictly the commands of any other firefighter or officer who has been appointed by the chief to be in command temporarily. Fire firefighters shall report to the chief in advance if they expect to be absent from the city for twenty four (24) hours or more. Firefighters shall report for training as ordered by the chief. It is the responsibility of the firefighters to adhere to the rules and regulations as described in the departmental standard operating guidelines.

2.44.060 Worker's compensation and hospitalization insurance. The Council shall contract to insure the city against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medial attention for volunteer firefighters injured in the performance of their duties as firefighters. All volunteer firefighters shall be covered by the contract.

2.44.070 Liability insurance. The Council shall contract to insure against liability of the members of the department for injuries, death, or property damage arising out of and resulting from the performance of departmental duties.

2.44.080 Emergencies outside city limits. The department shall answer calls to fires and other emergencies outside the city limits and within the established districts as determined by 28E agreements or by mutual aid agreements if such action will not endanger persons or property within city limits. Any equipment used within the city limits can be used to answer calls outside the city limits.

2.44.090 Firefighter associations. Prior to the adoption of this Chapter, the volunteer firefighters have formed an association to promote the welfare of firefighters and the fire fighting capabilities and adopt a constitution and by-laws for the association subject to their approval by council. This corporation shall be known as the Epworth Community Volunteer Firemen.

(chapter 2.44 adopted 7-11-00, Ord #10-00)

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