

TITLE III: ADMINISTRATION

Chapter

- 30. MAYOR AND CITY COUNCIL**
- 31. EMPLOYEES, OFFICERS, AND ORGANIZATIONS**
- 32. FIRE DEPARTMENT**
- 33. FINANCE AND REVENUE; FUNDS**

CHAPTER 30: MAYOR AND CITY COUNCIL

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§ 30.01 ELECTION AND DUTIES.

The city shall be governed by a Mayor and City Council who shall be elected and perform such duties as are prescribed by the laws of the state.
(Prior Code, § 1-3-1)

§ 30.02 REGULAR MEETINGS.

(A) The regular meeting of the governing body of the city shall be held on the first Monday of each month at the city building, 1113 Summit Street, or at such place as the governing body may select within the said city except when such Monday is a legal holiday, and then the meeting shall be held on the next day that is not a legal holiday.

(B) Hours of said meeting will be at 7:30 p.m. during the months of April, May, June, July, August, September, and October; and at 6:30 p.m. during the months of November, December, January, February, and March.

(C) Any meeting may be adjourned from day to day and shall be open to the general public.
(Prior Code, § 1-3-2) (Ord. 2021-339-376, passed 12-29-2021)

§ 30.03 SPECIAL MEETINGS.

(A) Special meetings of the City Council may be called at any time unless members of the Council are absent from the city and a quorum cannot be obtained by the Mayor. The Mayor or any two members may call a special meeting to consider any such matters as shall be mentioned in the notice for such meeting.

(B) Written notices stating the place and time of holding the special meeting and the matters to be considered shall be issued by the Finance Officer.

(1) The notices shall be served either verbally or in writing by the Finance Officer upon each member of the City Council who can be located at least 24 hours before the time specified for such meeting.

(2) In the alternative, a waiver of notice signed by all Council members present reflecting a quorum at the special meeting shall be filed with the Finance Officer.
(Prior Code, § 1-3-3)

§ 30.04 PRESIDENT AND VICE PRESIDENT.

At the first meeting of the City Council in December of each year and after the qualification of the newly elected members, the Council shall elect from among its own members a President and Vice President of the Council, whose duties are prescribed by the laws of the state.
(Prior Code, § 1-3-4)

§ 30.05 COUNCIL PROCEDURE.

"Robert's Rules of Order" as revised from time-to-time shall be the standard floor procedure by which all meetings of the City Council are governed. The Council may adopt procedures differing from "Robert's Rules of Order" by a majority vote of its membership.
(Prior Code, § 1-3-5)

§ 30.06 DEPARTMENTS AND SUPERVISION.

The following committees are hereby established under the executive office of the Mayor:

(A) Alleys and Streets;

- (B) Cemetery;
 - (C) Golf Course;
 - (D) Law Enforcement;
 - (E) Library;
 - (F) Liquor;
 - (G) Parks;
 - (H) Sanitary; and
 - (I) Sewer and Water.
- (Prior Code, § 1-3-6)

§ 30.07 SUPERVISOR DUTIES.

Each Council member or Mayor, in fulfillment of the provisions of § 30.06, shall:

- (A) Act in a supervisory capacity for each department listed;
 - (B) Keep a careful and constant watch over the performance of all duties of all employees and officials and over all equipment and all activities of his or her respective departments; and
 - (C) Perform all other duties as may be specifically provided in this section, by the Mayor, or by the Council.
- (Prior Code, § 1-3-7)

§ 30.08 DUTIES AND TERM OF OFFICE.

The duties and terms of office of the governing body and its members shall be in accordance with the statutes of the state and as prescribed by the ordinances of the city.

(Prior Code, § 1-2-4)

§ 30.09 OATH OF OFFICE.

Any person elected as a member of the governing body at an annual or special city election shall:

(A) Be duly sworn in by an official of the city government before assuming his or her official duties as a member of the governing body; and

(B) Be required to subscribe and take an affirmation of office or oath of loyalty as required by the statutes of the state.

(Prior Code, § 1-2-5)

CHAPTER 31: EMPLOYEES, OFFICERS, AND ORGANIZATIONS

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GENERAL PROVISIONS

§ 31.01 OATHS AND BONDS.

All appointed officers shall take and subscribe an oath or affirmation in the form required by the constitution of the state before entering upon the discharge of their duties and shall file a bond as may be required by law. The premium of any such bond shall be paid for by the city.
(Prior Code, § 1-4-7)

§ 31.02 SALARIES.

The salaries of all municipal employees and officers shall be fixed by a resolution of the City Council. The list of all salaries shall be on file with the Finance Officer and open to public inspection.
(Prior Code, § 1-4-8)

§ 31.03 TERMINATION OF EMPLOYMENT.

All full-time employees who have worked continuously for the city for one full year or more may not be discharged from employment without having been given at least two weeks' notice before pay is terminated. However, this section shall not apply to any employee discharged for cause, malfeasance, or misfeasance.

(Prior Code, § 1-4-9)

CITY OFFICERS**§ 31.15 OFFICERS.**

The Mayor may appoint a Building Inspector, Finance Officer, Deputy Finance Officer, Chief of Police, City Engineer, Sewer and Water Superintendent, City Attorney, and such other committees and offices as may be provided by ordinance or state statute, including members of the Ambulance and Fire Departments; and all of which shall be ratified by the City Council on the first Monday of December of each year, and all of whom shall hold office until the first Monday in December of the year following their appointment and until their successors shall be appointed and qualified unless their terms are otherwise terminated by the Mayor with the consent of a majority of the City Council.

(Prior Code, § 1-4-1)

§ 31.16 DUTIES.

Each appointed officer shall perform such duties as are prescribed by this code and state statutes plus such other duties as may from time-to-time be prescribed by the City Council and the Mayor.

(Prior Code, § 1-4-2)

§ 31.17 BUILDING INSPECTOR.

(A) The Building Inspector shall be responsible for the following:

(1) To enforce all ordinances of the city relating to the condition, construction, equipment, and management of all structures within the city;

(2) To maintain records on all matters pertaining to the enforcement and regulation of all ordinances, and which records shall be at all times available for inspection by the City Council; and

(3) To regulate and supervise all alteration, demolition, erection, moving, and repair of buildings within the city.

(B) In the event differences should arise between the Building Inspector and the owner of any building or any person engaged in any alteration, construction, demolition, moving, or repair of any buildings regarding the interpretation of any ordinances or the enforcement of ordinances, then an appeal may be made to the City Council.

(Prior Code, § 1-4-3)

§ 31.18 CITY ATTORNEY.

The City Attorney shall have the special duty to make (or cause to be made) proper designations of any ordinance or amendment thereto and shall see that the organization and numbering of all ordinances is kept as uniform as is possible and in keeping with the organization of this code, together with those duties prescribed by state statute. Furthermore, in order to carry out his or her duties, the City Attorney shall have the power to change any of the numbering designations of any of the city's ordinances without having to pass an ordinance amending the prior ordinance, provided that the substance of any ordinance shall not be changed thereby.

(Prior Code, § 1-4-4)

§ 31.19 FINANCE OFFICER.

(A) The Finance Officer shall be responsible for the following:

- (1) Shall have the custody of all official documents and records;
- (2) Shall attend all meetings of the City Council and keep a record of all official proceedings;
- (3) Shall keep an accurate account of the city's indebtedness and also an accurate record of all receipts and disbursements;
- (4) Shall audit and adjust all accounts presented to the City Council;
- (5) Shall prepare and certify all delinquent special-assessment payments to the County Auditor annually and keep an accurate record of all special-assessment payments;
- (6) Shall prepare a proposed budget and appropriation ordinance for the next fiscal year to be submitted to the City Council;

(7) Shall supervise the accounting system or records for all departments and officers in accordance with the recommendations of the State Department of the Auditor General;

(8) Shall prepare a report showing the financial condition of the city on January 1 each year;

(9) Shall conduct and supervise all the city's annual and special elections;

(10) Shall also keep the ordinance books current;

(11) Shall issue all city licenses and permits as prescribed by city ordinances;

(12) Shall keep the official seal of the city and perform as secretary for the various boards and commissions appointed by the Mayor;

(13) Shall also prepare all official documents including notice of all public hearings, election notices and proceedings, ordinances and resolutions, and minutes of meetings; and

(14) Shall perform such other administrative duties of the office as is prescribed by ordinance or by the direction of the City Council.

(B) The Finance Officer is authorized at his or her discretion to destroy canceled and paid warrants, duplicate receipts, duplicate special-assessment tax receipts, duplicate water bills, paid claim vouchers, poll books, voter registration lists, and miscellaneous petitions not pertaining to public improvements when any of these items are over 20 years old. Additionally, obsolete insurance policies, licenses and permit bonds, reports, requests, and miscellaneous items not required for permanent record purposes by the city may be destroyed within a reasonable time after having served their intent and purpose. (Prior Code, § 1-4-5)

§ 31.20 CITY PLANNING AND DEVELOPMENT OFFICER.

In the event such is desired, a City Planning and Development Officer may be employed by the City Council, and such Officer shall assist, coordinate, encourage, and promote the city's economic and planning developments and projects, plus assume such other duties as is directed by the City Council. (Prior Code, § 1-4-6)

CHAPTER 32: FIRE DEPARTMENT

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- 32.03 Board of Fire Officers
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- 32.05 Authorizing/adopting regulations
- 32.06 Inspection
- 32.07 Records
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- 32.09 Responding to fires
- 32.10 Chief responsibilities
- 32.11 Chain of command
- 32.12 Annual report
- 32.13 Officer authority
- 32.14 Hoses
- 32.15 Maintaining Fire Hall, equipment, and hydrants
- 32.16 Repairs and supplies
- 32.17 Drills
- 32.18 Prohibited conduct
- 32.19 Expulsion; suspension
- 32.20 Appeal
- 32.21 Department member powers; authority
- 32.22 Law enforcement

§ 32.01 OFFICERS.

The Fire Department shall consist of a Chief, one Assistant, and as many firefighters of the age of 18 years at the time of their membership and subsequent approval by the Council of the city.
(Prior Code, § 10-1-1)

§ 32.02 MEMBERS.

(A) (1) The names of all persons nominated for the appointment to membership shall be presented to the Board of Fire Officers in writing.

(2) The Board of Fire Officers shall either confirm or deny the nominated person.

(B) All resignations from the Department shall be delivered to and accepted by the Board of Fire Officers.

(C) The Fire Chief or Assistant Chief may suspend any member until the Board of Fire Officers' next meeting, where the Board of Fire Officers will decide to either dismiss the member, suspend the member for a period of time, or reinstate the member.

(D) The Board of Fire Officers will give the Council of the city a list of names of the active members yearly.

(Prior Code, § 10-1-2) (Ord. 2017-363, passed 5-1-2017)

§ 32.03 BOARD OF FIRE OFFICERS.

The Chief and First Chief, Second Chief, Treasurer, Secretary, Training Officer, and Fire Reporter shall constitute a Board of Officers who shall meet monthly or more frequently for the transaction of all business of the Department, and which Board shall have absolute and entire control over and management of the Department and its government when such Department is not upon active duty, subject to the approval of the membership and the Council of the city.

(Prior Code, § 10-1-3)

§ 32.04 RETIREMENT.

Any member of the Department who has arrived at the age of 50 years may be retired from service by the Board of Fire Officers by and with the consent of the Council of the city and, in like manner, any members who shall become physically unfit for active service.

(Prior Code, § 10-1-4)

§ 32.05 AUTHORIZING/ADOPTING REGULATIONS.

The Board of Fire Officers is hereby authorized, empowered, and required from time-to-time to adopt a code of bylaws and rules for the control, government, and management of the Department and

for regulating the business and proceedings of said Board, which code or codes of bylaws and rules after adoption by such Board shall not become effective and operative until presented to and approved by the membership of the Department and the Council of the city.

(Prior Code, § 10-1-5)

§ 32.06 INSPECTION.

(A) The Board of Fire Officers is hereby authorized, empowered, and required to periodically inspect all buildings and premises where accumulations of combustible materials or other hazardous conditions are liable to exist and to order such changes or removals as, in its opinion, are necessary to safety from fire.

(B) For purposes of inspection, said Board is hereby empowered to enter any and all buildings and premises at any reasonable hour.

(Prior Code, § 10-1-6)

§ 32.07 RECORDS.

The Board of Fire Officers is required to devise forms or methods of keeping records and shall maintain records of all alarms of fire, fire losses, hoses of extinguishment, minor equipment, and the condition of hydrants.

(Prior Code, § 10-1-7)

§ 32.08 ELECTION.

(A) The Chief and Assistant Chief shall be elected from and by the membership of the Department for each year. They shall be removable only for cause after a hearing before the membership and City Council. No member of the Department shall be eligible for the appointment or election to Chief or First Chief or Second Chief who has not been a member of the Department for at least two years.

(Prior Code, § 10-1-8)

(B) The members of the Department may choose from their number a Fire Chief in such manner and at such time or times as the Board of Fire Officers may provide in its code, bylaws, or rules to govern the Department.

(Prior Code, § 10-1-9)

§ 32.09 RESPONDING TO FIRES.

It shall be the duty of the members so often as any fire shall break out to report immediately upon the alarm thereof to the Fire House and to convey their apparatuses to the place where the fire shall happen unless otherwise directed by the Fire Chief or other officer who may be in charge and, upon such direction, they shall return their apparatuses well washed and cleaned to the Fire Hall.
(Prior Code, § 10-1-9)

§ 32.10 CHIEF RESPONSIBILITIES.

The Chief shall have the general supervision of the Department, which supervision shall be subject to and not in conflict with such code, bylaws, or rules to govern and manage the Department as may from time-to-time be adopted by the Board of Fire Officers.
(Prior Code, § 10-2-1)

§ 32.11 CHAIN OF COMMAND.

(A) In all cases of fire, the Chief (or in his or her absence, the First Chief or Second Chief) shall have absolute control, command, and full power and thereby cause the several pieces of apparatus to work in the most advantageous manner.
(Prior Code, § 10-2-2)

(B) Should the Chief and the First Chief and Second Chief be absent from a fire, then the person having charge of the apparatuses first arriving at the fire shall assume the duties of the Chief until the arrival of a superior officer.
(Prior Code, § 10-2-3)

§ 32.12 ANNUAL REPORT.

It shall be the duty of the Chief to report annually to the Council of the city the following:

(A) The condition of the various pieces of apparatuses and appurtenances plus the number of hydrants and the condition of the same;

(B) The number of fires during the month, their locations and causes, and the dates of the same and the loss occasioned thereby; and

(C) The total number of active members in the Department and any expulsions and resignations passed upon by the Board of Fire Officers.
(Prior Code, § 10-2-4)

§ 32.13 OFFICER AUTHORITY.

The Chief and the Assistant or officers in command at any fire are:

(A) Vested with full and complete police authority and are hereby authorized and directed to require and secure the removal of any and all obstructions from in front of and around fire hydrants; and

(B) For such purposes in division (A) above, are hereby authorized to call upon the head of any of the municipal departments for aid and assistance in securing such removal of obstructions.
(Prior Code, § 10-2-5)

§ 32.14 HOSES.

(A) It shall be the duty of the Chief to see that officers have all hoses thoroughly washed and dried after use at drills and fires so that no dirty or wet hose is placed upon the apparatus.

(B) It shall also be the duty of the Chief to see that officers have all hoses on an apparatus changed every 30 days if not otherwise used and have water run through it every 60 days.

(C) It shall be the duty of the Chief to see that all new hoses are subjected to a test of 200 pounds of hydrostatic pressure and that all hoses are tested annually at a hydrostatic pressure of 150 pounds.
(Prior Code, § 10-2-6)

§ 32.15 MAINTAINING FIRE HALL, EQUIPMENT, AND HYDRANTS.

(A) It shall be the duty of the Chief to see that the officers have the Fire Hall heated during the winter season.

(B) Also, it shall be the duty of the officer in charge of a drill or fire to report to the Chief all fire hydrants that are found frozen, leaky, out of order, or that are set in such a manner as to make it difficult to connect thereto.

(C) Furthermore, it shall be the duty of the Chief to make a permanent record of all reports of defective, inoperative, or improperly set fire hydrants, and an annual report shall be submitted to the

Mayor and Council giving the location of the hydrant and a name of the maker with a specification of the problems.

(Prior Code, § 10-2-7)

§ 32.16 REPAIRS AND SUPPLIES.

(A) No member of the Department shall be permitted to tamper with, fix, or repair any of the apparatuses unless so directed by the Chief, or in his or her absence, the First Chief or Second Chief.

(Prior Code, § 10-2-8)

(B) All requests for repairs or supplies shall be presented to the Board of Fire Officers for the approval or recommendation of said Board, but in case any apparatus shall become so disabled that immediate repair is necessary, then the same shall be immediately reported to the Chief who is hereby empowered to have the same repaired at once.

(Prior Code, § 10-2-9)

Penalty, see § 10.99

§ 32.17 DRILLS.

It shall be the duty of the Training Officer to arrange the drills and training so that they will include the efficient and proper use of all apparatuses and appliances and the quick handling, laying, and raising of hoses, handling of streams, use of shut-off nozzles, forcible-entry tools, salvage work, ladder work, lifesaving, and modern methods of extinguishment.

(Prior Code, § 10-3-3)

§ 32.18 PROHIBITED CONDUCT.

(A) Any officer or member of the Department who shall refuse or voluntarily neglect to obey or execute any orders from the officer in charge of any fire, or who shall violate or willfully neglect or refuse to be controlled, governed, or managed by any of the bylaws and rules of the Board of Fire Officers that may be adopted from time-to-time as herein provided, shall be subject to expulsion or suspension from the Department by the Board of Fire Officers in such manner and upon such hearing trial as may be provided by the bylaws and rules of the Board of Fire Officers.

(B) Additionally, no person shall be allowed to enter any Fire Hall or handle any apparatuses or implements belonging to the Department unless accompanied by an active member of the Department.

(C) Also, no fire apparatus during any fire or the report of any fire shall be moved or taken out of its encasement unless the Captain or at least one member of the Department shall be present and assent thereto.

(D) Furthermore, no apparatus shall be let out for hire or let out in any case except upon consent of the Chief, and then only in the case of a fire in an adjacent or neighboring municipality or other emergency.

(Prior Code, § 10-3-1) Penalty, see § 10.99

§ 32.19 EXPULSION; SUSPENSION.

(A) If the Department shall vote for the expulsion or suspension of any of its members, then the result of such vote shall be reported to the Board of Fire Officers at its next meeting.

(B) The expelled or suspended member shall have the right to appear before the said Board of Fire Officers and membership and state cause (if any) why such penalty should not be confirmed, and in the case of nonappearance or in case an appeal is not sustained, then the Chief shall report the member's name to the Council of the city as expelled or suspended.

(Prior Code, § 10-3-2)

§ 32.20 APPEAL.

(A) All charges for offenses or neglect of duty or insubordination while on duty at a fire that may be made against any member or officer of the Department shall be determined by the Board of Fire Officers, subject however to an appeal from such decision to the Council of the city, who shall either confirm the action of the Board of Fire Officers or refer the same back to the Board for reconsideration.

(B) In the event of a second hearing for reconsideration, the decision arrived at by the Board of Fire Officers at such retrial shall be final, conclusive, and not subject to appeal.

(Prior Code, § 10-3-4)

§ 32.21 DEPARTMENT MEMBER POWERS; AUTHORITY.

All regularly appointed members of the Department are hereby given the necessary special police powers for the purpose of enforcing the provisions of this chapter.

(Prior Code, § 10-4-4)

§ 32.22 LAW ENFORCEMENT.

It is hereby made the special duty of the Fire Chief or law enforcement officers as are on duty at the time to respond to all fire alarms and assist the Fire Department in the protection of life and property of the citizens and property of the Fire Department, and in controlling and regulating traffic and maintaining order.

(Prior Code, § 10-4-5)

CHAPTER 33: FINANCE AND REVENUE; FUNDS

Section

- 33.01 Annual reports by boards
- 33.02 Council member/officer contracts
- 33.03 Sale of municipal property
- 33.04 Claims
- 33.05 Supplies

§ 33.01 ANNUAL REPORTS BY BOARDS.

Each of the boards appointed and acting for the city in the administration of the city, including the Ambulance and Fire Departments, shall make an annual report of their activities, disbursements, and receipts to the Council as soon as practicable after the close of the fiscal year and file it with the City Finance Officer.

(Prior Code, § 1-5-1)

§ 33.02 COUNCIL MEMBER/OFFICER CONTRACTS.

No officer or member of the Council shall enter into any contract, make any purchase, or create any indebtedness against the city unless otherwise provided by state law.

(Prior Code, § 1-5-2) Penalty, see § 10.99

§ 33.03 SALE OF MUNICIPAL PROPERTY.

Whenever the Council deems it in the best interest of the city that property belonging to the city be sold, the property shall be sold in accordance with state statute.

(Prior Code, § 1-5-3)

§ 33.04 CLAIMS.

All claims against the city shall be in writing and upon forms provided by the City Finance Officer and in such form as required by state statute. All claims shall bear the approval of the Council member or person in charge of the department for which such services or supplies are furnished, prior to their approval or passage by the Council.

(Prior Code, § 1-5-4)

§ 33.05 SUPPLIES

Department heads shall have the authority to purchase supplies subsequent to the final approval of the City Council.

(Prior Code, § 1-5-5)