

Title IV

Culture and Recreation

CHAPTER 115

LIBRARY

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115.01 PURPOSE. The purpose of this chapter is to provide for the appointment of a City Library Board of Trustees, and to specify that Board's powers and duties.

115.02 PUBLIC LIBRARY. The public library for the City is known as the Carroll Public Library. It is referred to in this chapter as the Library.

115.03 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of eight resident members and one non-resident member. All resident members are to be appointed by the Mayor with the approval of the Council. The non-resident member is to be appointed by the Mayor with the approval of the County Board of Supervisors.

115.04 QUALIFICATIONS OF TRUSTEES. All resident members of the Board shall be bona fide citizens and residents of the City. The non-resident member of the Board shall be a bona fide citizen and resident of the unincorporated County. Members shall be over the age of eighteen (18) years.

115.05 ORGANIZATION OF THE BOARD. The organization of the Board shall be as follows:

1. Term of Office. All appointments to the Board shall be for six (6) years, except to fill vacancies. Each term shall commence after City Council approval of the appointment at the first meeting of the new Council in January following the regular municipal election, or at such other times as may be required. Appointments shall be made every two (2) years of one-third (1/3) the total number or as near as possible, to stagger the terms. *(Ord. 0706 – Jan. 08 Supp.)*
2. Vacancies. The position of any resident Trustee shall be vacated if such member moves permanently from the City. The position of a

non-resident Trustee shall be vacated if such member moves permanently from the County or into the City. The position of any Trustee shall be deemed vacated if such member is absent from six (6) consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City or County. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.

3. Compensation. Trustees shall receive no compensation for their services.

115.06 POWERS AND DUTIES. The Board shall have and exercise the following powers and duties:

1. Officers. 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. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.

3. Charge of Affairs. To direct and control all affairs of the Library.

4. Hiring of Personnel. 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. Removal of Personnel. To remove the librarian, by a two-thirds (2/3) vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetency or inattention to duty, subject however, to the provisions of Chapter 70 of the Code of Iowa.

6. Purchases. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other library materials, furniture, fixtures, stationery and supplies for the Library within budgetary limits set by the Board.

7. Use by Non-Residents. To authorize the use of the Library by non-residents and to fix charges therefor unless a contract for free service exists.

8. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with this Code of 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. Expenditures. 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. Gifts. 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 bill 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. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the City by action against the Council.

(Code of Iowa, Ch. 661)

12. Record of Proceedings. To keep a record of its proceedings.

13. County Historical Association. To have authority to make agreements with the local County historical association 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 judgment of a historical and educational nature and pay for the same out of funds allocated for Library purposes.

115.07 CONTRACTING WITH OTHER LIBRARIES. The Board shall have power to contract with other libraries in accordance with the following:

1. Contracting. The Board may contract with any other boards of trustees of free public libraries, any other city, school corporation, private or semi-private 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.

(Code of Iowa, Sec. 392.5 & Ch. 28E)

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 (5) percent in number of the electors who voted for governor in the territory of the contracting party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party seeking to terminate the contract.

115.08 NON-RESIDENT USE. The Board may authorize the use of the Library by persons not residents of the City or County in any one or more of the following ways:

1. Lending. By lending the books or other materials of the Library to non-residents on the same terms and conditions as to residents of the City, or County, or upon payment of a special non-resident Library fee.

2. Depository. By establishing depositories of Library books or other materials to be loaned to non-residents.

3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to non-residents.

4. Branch Library. By establishing branch libraries for lending books or other Library materials to non-residents.

115.09 EXPENDITURES. All money appropriated by the Council 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.

(Code of Iowa, Sec. 384.2 & 392.5)

115.10 ANNUAL REPORT. The Board shall make a report to the Council immediately after the close of the fiscal year. This report shall contain statements as to the condition of the Library, the number of books added, 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 as may be required by the Council.

115.11 INJURY TO BOOKS OR PROPERTY. It shall be unlawful for a person willfully, maliciously or wantonly to tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to the Library or reading room.

(Code of Iowa, Sec. 716.1)

115.12 THEFT. No person shall take possession or control of property of the library with the intent to deprive the Library thereof.

(Code of Iowa, Sec. 714.1)

115.13 NOTICE POSTED. There shall be posted in clear public view within the Library a notice stating:

1. Failure To Return. Failure to return Library materials for two (2) months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one (1) month or more after the date the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

(Code of Iowa, Sec. 714.5)

2. Detention and Search. Persons concealing Library materials may be detained and searched pursuant to law.

(Code of Iowa, Sec. 808.12)

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TITLE IV - CULTURE AND RECREATION

CHAPTER 116
PARK REGULATIONS

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| 116.01 Purpose | 116.04 Littering |
| 116.02 Use of Drives Required | 116.05 Parks Closed |
| 116.03 Fires | 116.06 Camping Areas |
| | 116.07 Golf Activity Restriction |

116.01 PURPOSE. The purpose of this chapter is to facilitate the enjoyment of park facilities by the general public by establishing rules and regulations governing the use of park facilities.

(Code of Iowa, Sec. 364.1)

116.02 USE OF DRIVES REQUIRED. No person shall drive any car, cycle or other vehicle, or ride or drive any horse, in any portion of a park except upon the established drives or roadways therein or such other places as may be officially designated by the City.

116.03 FIRES. No fires shall be built, except in a place provided therefor, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.

116.04 LITTERING. No person shall place, deposit, or throw any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose.

116.05 PARKS CLOSED. No person shall enter or remain within any park between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) a.m., except by special permission of the Council.

116.06 CAMPING AREAS. No person shall camp in any portion of a park except in portions prescribed or designated by the Council.

116.07 GOLF ACTIVITY RESTRICTION. No person shall engage in any golf activity at, on, or within any park facility or any other City owned or leased property except the Carroll Municipal Golf Course which is expressly designed for golf activities. (Added by Ordinance No. 9412)

Supp. Aug-94

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TITLE IV - CULTURE AND RECREATION

CHAPTER 117
RECREATION CENTER PETTY CASH AND CHANGE FUNDS

117.01 Petty Cash Fund

117.02 Change Fund

117.01 PETTY CASH FUND. The Recreation Center Director shall be custodian of a petty cash fund not to exceed fifty dollars (\$50.00) for the payment of small claims for minor purchases, collect-on-delivery transportation charges and small fees customarily paid at the time of rendering a service, for which payment the Recreation Center Director shall obtain some form of receipt or bill acknowledged as paid by the Vendor or his agent. At such time as the petty cash fund is approaching depletion the Recreation Center Director shall draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the Council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments of other personal services or personal expenses.

117.02 CHANGE FUND. The Recreation Center Director is authorized to draw a check on the General Fund for establishing a change fund in the amount of six hundred dollars (\$600.00) for the purpose of making change without co-mingling other funds to meet the requirements of the Recreation Center. Said change fund shall be in the custody of the Recreation Center Director, who shall maintain the integrity of the fund. (Amended by Ordinance No. 9420)

Supp. Feb-95

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TITLE IV - CULTURE AND RECREATION

CHAPTER 118
HISTORIC PRESERVATION COMMISSION118.01 Purpose and Intent
118.02 Definitions118.03 Historic Preservation Commission
118.04 Powers of the Commission

118.01 PURPOSE AND INTENT. 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 historic 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 attractions to tourists and visitors and the support and stimulus to business thereby provided;
6. Strengthen the economy of the City; and
7. Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure and welfare of the people of the City.

118.02 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Commission" means the Carroll, Iowa, Historic Preservation Commission, as established by this chapter.
2. "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, feel and association; and

A. 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 value, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

B. Is associated with events that have made significant contributions to the broad patterns of our local, State or national history; or

C. 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; or

D. Is associated with the lives of persons significant in our past; or

E. Has yielded, or may be likely to yield, information important to prehistory or history.

2. "Historic Site" means a structure or building which:

A. Is associated with events that have made a significant contribution to the broad patterns of our history; or

B. Is associated with the lives of persons significant in our past; or

C. 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 value, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

D. Has yielded, or may be likely to yield, information important to prehistory or history.

118.03 HISTORIC PRESERVATION COMMISSION.

1. The Commission shall initially consist of five (5) members and one (1) alternate who shall be residents of the City. The alternate shall vote when a regular member is absent. The alternate shall be appointed for three (3) years. (Amended by Ordinance 9015)
2. Members of the Commission shall be appointed by the Mayor with the advice and consent of the Council. Members shall demonstrate a positive interest in historic preservation possessing interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general or real estate.
3. The original appointment of the members of the Commission shall be three for two years and two for three years, from January 1 following the year of such appointment or until successors are appointed to serve for the term of three years.
4. Vacancies occurring in the Commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced.
5. Members may serve for more than one term and each member shall serve until the appointment of a successor.
6. Vacancies shall be filled by the City according to the original selection as aforesaid.
7. Members shall serve without compensation.
8. A simple majority of the Commission shall constitute a quorum for the transaction of business.
9. The Commission shall elect a chairperson who shall preside over all Commission meetings and elect a secretary who shall be responsible for maintaining written records of the Commission's proceedings.
10. The Commission shall meet at least three (3) times a year.

118.04 POWERS OF THE COMMISSION.

1. 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.

2. The Commission may make a recommendation to the Council, which, with the Council's recommendation, may then be submitted to the State Bureau of Historic Preservation for the listing of an historic district or site in the National Register of Historic Places and may conduct a public hearing thereon. (Amended by Ordinance No. 9015)

3. The Commission may investigate and recommend to the Council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein.

4. In addition to those duties and powers specified above, the Commission may, with Council approval:

A. Appoint three (3) of its members to a local design review committee, which committee shall have the power to review applications for the 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. (Added by Ordinance No. 9015)

B. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation;

C. Acquire by purchase, bequest, or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties;

D. Preserve, restore, maintain and operate historic properties under the ownership or control of the Commission;

E. 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;

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F. Contract, with the approval of the government body, with the State or Federal government or other organizations;

G. Cooperate with the Federal, State and local governments in the pursuance of the objectives of historic preservation;

H. Provide information for the purpose of historic preservation to the governing body;

I. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.

(Chapter 118 added by Ordinance No. 9011)

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