

CHAPTER 45

FIRE DEPARTMENT

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45.01 ESTABLISHMENT AND PURPOSE. A volunteer fire department is established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.

(Code of Iowa, Sec. 364.16)

45.02 ORGANIZATION. The department consists of the Fire Chief and such other officers and personnel as may be authorized by the Council.

(Code of Iowa, Sec. 372.13 [4])

45.03 APPROVED BY COUNCIL. Any residents of the City, any persons regularly employed within the corporate limits of the City, and any persons residing within two miles of the corporate limits of the City, who are of sound mind and body, age eighteen (18) or older, are eligible to serve as volunteer fire fighters, subject to any restrictions established by the constitution and bylaws of the fire department, and if approved by a majority of the Council members.

45.04 TRAINING. All members of the department shall attend and actively participate in regular or special training drills or programs as directed by the Chief.

(Code of Iowa, sec. 372.13E43)

45.05 COMPENSATION. Members of the department shall be designated by rank and receive such compensation as shall be determined by resolution of the Council.

(Code of Iowa, Sec. 372.13 [4])

45.06 ELECTION OF OFFICERS. The members of the department shall elect a Fire Chief for or a term of three (3) years, subject to the approval of the Council, to succeed a prior Fire Chief or to fill a vacancy. The 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 future Fire Chiefs. The volunteer fire department, with approval of the Council, may remove the Fire Chief by written order, setting out the reasons for removal, which shall be filed with the Clerk.

45.07 FIRE CHIEF: DUTIES. The Fire Chief has the following powers and duties:
(Code of Iowa, Sec. 372.13 [4])

1. General. Command all operations of the department, and be responsible for the care, maintenance and use of all vehicles and equipment of the department.
2. Departmental Rules. Subject to Council approval, establish and maintain departmental rules to carry out the requirements of this chapter and provide every member of the department with a copy of such rules.
3. Appointment of Members. With the approval of the Council, appoint carefully selected volunteer fire fighters, fill vacancies among them and discharge them.
4. Personnel Records. Keep records of the names, ages and residences of the fire department personnel, and be responsible for their training and supervision; maintain attendance records for drill meetings and fires.
5. Investigations. 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.
6. Notification. Whenever death, serious bodily injury, or property damage in excess of two hundred thousand dollars (\$200,000) has occurred as a result of a fire, or if arson is suspected, notify the State Fire Marshal's Division immediately. For all fires causing an estimated damage of fifty dollars (\$50.00) or more or emergency responses by the fire department, file a report with the Fire Marshall's Division within one week after the fire. The report shall indicate all fire incidents occurring and state the name of the owners and occupants of the property at the time of the fire, the value of the property, the estimated total loss to the property, origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incidents.

(Code of Iowa, Sec. 100.2 & 100.3)

7. Right of Entry. Have the authority to enter and inspect any building or premises in the performance of his duties and shall make written orders to correct any conditions that are likely to cause fire or endanger other buildings and property.

8. Command. Be charged with the duty of maintaining the efficiency, discipline and control of the fire department. The members of the fire department shall, at all times, be subject to the direction of the Fire Chief.

9. Enforce Laws. Enforce all ordinances and, where enabled, State laws regulating the following:

- A. Fire prevention.
- B. Maintenance and use of fire escapes.
- C. The investigation of the cause, origin and circumstances of fires.
- D. The means and adequacy of exit in case of fire from halls, theatres, churches, hospitals, asylums, lodging houses, schools, factories and all other buildings in which the public congregates for any purpose.
- E. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.

10. Authority at Fires. When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department's duties.

(Code of Iowa, Sec. 102.2)

11. Control of Scenes. Prohibit an individual, vehicle or vessel from approaching a fire scene and remove from the scene any object, vehicle, vessel or individual that may impede or interfere with the operation of the fire department.

(Code of Iowa, Sec. 102.2)

12. Authority to Barricade. When in charge of a fire scene, place or erect ropes, guards, barricades or other obstructions across a street, alley, right-of-way, or private property near the location of the fire or emergency so as to prevent accidents or interference with the fire fighting efforts of the fire department, to control the scene until any required investigation is complete, or to preserve evidence related to the fire or other emergency.

(Code of Iowa, Sec. 102.3)

13. Recommendation. Make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

(Code of Iowa, Sec. 100.13)

14. Assist State Fire Marshal. At the request of the State Fire Marshal, and as provided by law, aid said marshal in the performance of duties by investigating, preventing and reporting data pertaining to fires.

(Code of Iowa, Sec. 100.4)

15. Reports. Compile and submit to the Mayor and Council an annual report of the status and activities of the department as well as such other reports as may be requested by the Mayor or Council.

45.08 DUTIES OF FIRE FIGHTERS. When called by the Chief, all fire fighters 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 fire fighters who have been appointed by the Chief to be in command temporarily. Fire fighters shall report to the Chief in advance if they expect to be absent from the City for twelve (12) hours or more.

45.09 OBEDIENCE TO FIRE CHIEF. No person shall willfully ail or refuse to comply with any lawful order or direction of the Fire Chief.

45.10 ACCIDENTAL INJURY 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 medical attention for volunteer fire fighters injured in the performance of their duties as fire fighters. All volunteer fire fighters shall be covered by the contract.

(Code of Iowa, Sec. 85.2, 85.61 and Sec. 410.18)

45.11 LIABILITY INSURANCE. The Council shall contract to insure against liability of the City or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties within or outside the corporate limits of the City.

(Code of Iowa, Sec. 670.2 & 517A.1)

45.12 REMOVAL. If any fire fighter refuses or neglects to attend any fire, without submitting a sufficient and satisfactory excuse to the Fire Chief, or shall neglect or refuse to do his or her duty as a fire fighter, or obey the orders of the Chief or proper commanding officer, or shall leave his or her post of duty at a fire without permission of the Chief or officer in charge, or violate or ignore any rule or regulation established by the Council, he or she shall be subject to expulsion from the Fire Department, either by action by the Chief or by the Council.

45.13 RULES BY COUNCIL. The Council may adopt such rules and regulations in regard to the fire department, not inconsistent with this Code of Ordinances or the laws of the State, as the Council deems advisable. The Council shall establish by resolution any compensation to be paid to members or officers of the volunteer fire department.

45.14 RULES BY DEPARTMENT. The fire department may adopt such constitution, bylaws, rules and regulations, not inconsistent with this Code of Ordinances or laws of the State as the members deem advisable, but such constitution, bylaws, rules and regulations, before being effective, shall be approved by the Council.

45.15 CALLS OUTSIDE CITY. The department shall answer calls to fires and other emergencies outside the City limits if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the City limits.

(Code of Iowa, Sec. 364.4 [2 & 3])

45.16 MUTUAL AID. Subject to approval by resolution of the Council, the department may enter into mutual aid agreements with other legally constituted fire departments. Copies of any such agreements shall be filed with the Clerk.

(Code of Iowa, Sec. 364.4 [2 & 3])

45.17 AUTHORITY TO CITE VIOLATIONS. Fire officials acting under the authority of Chapter 100 of the Code of Iowa may issue citations in accordance to Chapter 805 of the Code of Iowa, for violations of state and/or local fire safety regulations.

(Code of Iowa, Sec. 100.41)

45.18 FIRST RESPONDERS UNIT. The department is authorized to provide emergency rescue services and the accidental injury and liability insurance provided for herein shall include such operation.

