

## CHAPTER 35

# FIRE DEPARTMENT

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**35.01 ESTABLISHMENT AND PURPOSE.** A volunteer fire 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 answer all emergency calls for which there is no other established agency.

*(Code of Iowa, Sec. 364.16)*

**35.02 ORGANIZATION.** The department consists of the Fire Chief and such other officers and personnel as may be authorized by the Council. The authorized number of personnel in the Fire Department shall not exceed 35 fire fighters, exclusive of the Fire Chief.

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

**35.03 TRAINING.** All members of the department shall meet the minimum training standards established by the State Fire Marshal and attend and actively participate in regular or special training drills or programs as directed by the Fire Chief.

*(Code of Iowa, Sec. 100B.2[4])*

**35.04 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])*

**35.05 FIRE CHIEF APPOINTED.** The Fire Chief shall be appointed annually by the Council. Upon a permanent vacancy in the office of Fire Chief, a notice of vacancy shall be posted within the membership of the Fire Department, for a period of thirty days. Any member of the Fire Department interested in said opening shall submit a letter of interest and application to the City Manager. The Mayor shall appoint and chair a search committee consisting of the Mayor, City Manager, one member of the Council, two members of the Fire Department and two citizens at large, to review and consider submitted letters and applications. The search committee shall make a recommendation to the Council within sixty days after the vacancy. The search committee shall consider the following criteria during its search process:

1. Educational qualifications;
2. Attitude, skills, abilities and past performance;
3. Efficiency;
4. Disciplinary records; and
5. Length of service with the Fire Department.

**35.06 FIRE CHIEF: DUTIES.** The Fire Chief shall perform all duties required of the Fire Chief by law or ordinance, including but not limited to the following:

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

1. **Enforce Laws.** Enforce ordinances and laws regulating fire prevention and the investigation of the cause, origin and circumstances of fires.

2. **Technical Assistance.** Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits and development of fire emergency plans.

3. **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)*

4. **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)*

5. **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)*

6. **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.

7. **Property.** Exercise and have full control over the disposition of all fire apparatus, tools, equipment and other property used by or belonging to the fire department.

8. **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 other 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 Marshal's Division within ten (10) days following the end of the month. 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)*

9. **Right of Entry.** Have the right, during reasonable hours, to enter any building or premises within the Fire Chief's jurisdiction for the purpose of making such

investigation or inspection which under law or ordinance may be necessary to be made and is reasonably necessary to protect the public health, safety and welfare.

*(Code of Iowa, Sec. 100.12)*

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

*(Code of Iowa, Sec. 100.13)*

11. 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)*

12. Records. Cause to be kept records of the fire department personnel, fire fighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.

13. 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.

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

**35.08 CONSTITUTION.** The department shall adopt a constitution and bylaws as they deem calculated to accomplish the object contemplated, and such constitution and bylaws and any change or amendment to such constitution and bylaws before being effective, must be approved by the Council.

**35.09 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 whether within or outside the corporate limits of the City. All volunteer fire fighters shall be covered by the contract.

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

**35.10 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)*

**35.11 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])*

**35.12 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])*

**35.13 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)*

**35.14 CHARGES FOR FIRE PROTECTION.** The following charges shall be assessed pursuant to the provisions of an agreement for mutual aid fire protection executed by the City, pursuant to a 28E Agreement with other governmental subdivisions in Hardin County, Iowa:

1. Grass fires – maximum charge: \$300.00
2. Car fires – minimum charge: \$150.00; maximum charge: \$500.00
3. Commercial fires – minimum charge: \$500.00; maximum charge: \$1,000.00
4. Residential fires – minimum charge: \$300.00; maximum charge: \$500.00

The foregoing charges will be assessed only on working fire calls with all funds to be received for fires to be returned to the Fire Department's equipment budget.

**35.15 FEES FOR FIRE SUPPRESSION AND RESCUE.** The following fees and costs shall be assessed whenever the Iowa Falls Fire or Rescue Departments are called to respond to vehicle accidents for fire suppression or rescue services:

1. Response and hazard control at the scene of any vehicle accident within or without the City limits of the City: \$350.00 plus the actual replacement costs of any materials actually consumed in the effort plus \$175.00 per hour after the first hour on the scene.
2. Response and extrication of any person in a vehicle which requires the extrication tool at the scene of an auto accident within or without the City limits of the City: \$500.00 per vehicle wherein the extrication equipment is required plus the actual replacement costs of any material utilized together with the sum of \$250.00 per hour when the crew is at the scene thereafter.
3. Response at the scene of any motor vehicle accident with or without the City limits of the City where services are rendered for an individual charged with operating a motor vehicle while intoxicated: The sum of \$500.00 plus the actual replacement cost of materials consumed together with a charge of \$250.00 per hour after the first hour at the accident scene.

**35.16 FEES FOR ASSISTANCE WITH HAZARDOUS SUBSTANCES.** The following fees are hereby established which shall apply in the use of equipment and manpower furnished by the City of Iowa Falls, Iowa, Fire Department pursuant to the mutual assistance contract—hazardous substances:

1. All apparatus will be billed at the rate of \$100.00 per hour or any part thereof with a one-hour minimum.
2. Man hours for personnel assigned to render assistance pursuant to the mutual assistance contract—hazardous substances shall be billed at the rate of \$30.00 per hour per man for each hour or part thereof.
3. The expense of all materials and equipment consumed in any activity will be assessed at replacement cost.

4. All revenue from the aforesaid charges will be returned to the equipment or hazard materials budget of the Fire Department.