

POLICE, FIRE AND EMERGENCIES

TABLE OF CONTENTS

CHAPTER 30 - POLICE DEPARTMENT	145
CHAPTER 35 - FIRE DEPARTMENT	151
CHAPTER 36 - EMERGENCY AMBULANCE SERVICE.....	159

CHAPTER 30

POLICE DEPARTMENT

30.01 Department Established
30.02 Organization
30.03 Peace Officer Qualifications
30.04 Required Training
30.05 Compensation
30.06 Police Chief Appointed

30.07 Police Chief: Duties
30.08 Departmental Rules
30.09 Summoning Aid
30.10 Taking Weapons
30.11 Contract Law Enforcement

30.01 DEPARTMENT ESTABLISHED. The police department of the City is established to provide for the preservation of peace and enforcement of law and ordinances within the corporate limits of the City.

30.02 ORGANIZATION. The department consists of the Police Chief and such other law enforcement officers and personnel, whether full or part time, as may be authorized by the Council.

30.03 PEACE OFFICER QUALIFICATIONS. In no case shall any person be selected or appointed as a law enforcement officer unless such person meets the minimum qualification standards established by the Iowa Law Enforcement Academy.
(Code of Iowa, Sec. 80B.11)

30.04 REQUIRED TRAINING. All peace officers shall have received the minimum training required by law at an approved law enforcement training school within one year of employment. Peace officers shall also meet the minimum in-service training as required by law.

*(Code of Iowa, Sec. 80B.11[2])
(IAC, 501-3 and 501-8)*

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

30.06 POLICE CHIEF APPOINTED. The Mayor shall appoint and dismiss the Police Chief subject to the consent of a majority of the Council.
(Code of Iowa, Sec. 372.4)

30.07 POLICE CHIEF: DUTIES. The Police Chief has the following powers and duties subject to the approval of the Council.
(Code of Iowa, Sec. 372.13[4])

1. General. Perform all duties required of the Police Chief by law or ordinance.
2. Enforce Laws. Enforce all laws, ordinances, and regulations and bring all persons committing any offense before the proper court.
3. Writs. Execute and return all writs and other processes directed to the Police Chief.

4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.
(Code of Iowa, Sec. 321.266)
5. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.
6. Assist Officials. When requested, provide aid to other City officers, boards, and commissions in the execution of their official duties.
7. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.
8. Record of Arrests. Keep a record of all arrests made in the City by showing whether said arrests were made under provisions of State law or City ordinance, the offense charged, who made the arrest and the disposition of the charge.
9. Reports. Compile and submit to the Mayor and Council an annual report as well as such other reports as may be requested by the Mayor or Council.
10. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance, and use of all vehicles, equipment, and materials of the department.

30.08 DEPARTMENTAL RULES. The Police Chief shall establish such rules, not in conflict with the Code of Ordinances, and subject to the approval of the Council, as may be necessary for the operation of the department.

30.09 SUMMONING AID. Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.
(Code of Iowa, Sec. 804.17)

30.10 TAKING WEAPONS. Any person who makes an arrest may take from the person arrested all items that are capable of causing bodily harm which the arrested person may have within such person's control, to be disposed of according to law.
(Code of Iowa, Sec. 804.18)

30.11 CONTRACT LAW ENFORCEMENT. In lieu of the appointment of a police chief by the Mayor as provided by Section 30.06, the Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Police Chief as provided herein.
(Code of Iowa, Sec. 28E.30)

[The next page is 151]

CHAPTER 35

FIRE DEPARTMENT

- | | |
|---|-------------------------------------|
| 35.01 Establishment and Purpose | 35.09 Liability Insurance |
| 35.02 Fire Chief and Officers | 35.10 Fires Outside Fire District |
| 35.03 Compensation | 35.11 Mutual Aid |
| 35.04 Fire Chief's Duties | 35.12 Firefighters' Association |
| 35.05 Volunteer Firefighters | 35.13 Authority to Cite Violations |
| 35.06 Probationary Period and Removal | 35.14 Training Requirements |
| 35.07 Firefighter Duties | 35.15 Authority to Extinguish Fires |
| 35.08 Worker's Compensation and Hospitalization Insurance | |

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 FIRE CHIEF AND OFFICERS. The department shall, each year – or to fill a vacancy – propose to the Council one of the department's members for appointment as Chief. The Council shall act on the proposal, but if the proposed candidate is not approved by the Council or no candidate is proposed, then the Mayor shall appoint the Chief from the department's members, subject to the Council's approval. The Mayor may appoint a temporary chief to fill a vacancy until the next Council meeting, when an appointment shall be made. The term of the Chief shall be one year. Other officer positions may be established by department rules. The department may propose the appointment of other officers from its members, which shall be subject to Council approval. The appointment of other officers will be from the department's members by the Mayor, subject to Council approval, if the appointments proposed by the department are not approved or no appointments are proposed by the department. The Mayor, with Council review, may remove, suspend, or demote an officer, including Fire Chief, for neglect of duty, disobedience, misconduct, or failure to properly perform the duties of the officer, shall provide the reasons for removal, and shall, upon request in writing filed with the Clerk by the officer, hold a hearing on the proposed action. In case of absence of the Chief, the officer next in rank shall be in charge and have and exercise all the powers of the Chief.

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

35.04 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 to carry out the requirements of this chapter. The Chief shall provide every firefighter with a copy of these rules. The Chief shall furnish the Council the department's attendance records for drills, meetings, and fires, and the Council shall give due consideration to such records in approving the appointment of Fire Chief and officers. With the approval of the Council, the Chief shall appoint volunteer firefighters and fill vacancies among 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 drills, meetings and fires. The 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 \$200,000.00 has occurred as a result of fire, or if arson is suspected, he or she shall notify the State Fire Marshal's division immediately. The Chief shall report other fire incidents or emergency responses by the Fire Department within ten days following each month to the State Fire Marshal in accordance with law. The Chief has the authority to enter and inspect any building or premises in the performance of his or her duties and shall make written orders to correct any conditions that are likely to cause fire or endanger other buildings or property.

35.05 VOLUNTEER FIREFIGHTERS. Thirty residents of the Shell Rock Fire District, at least the age of eighteen (18) years, shall be appointed to serve as volunteer firefighters. Applicants shall complete and submit an application to the City Clerk, who shall provide a copy to the Chief. Prior to appointment as a volunteer firefighter, and every four years thereafter, the applicant must have a basic medical physical examination, the results of which shall be available to the Chief, Mayor, and Council before appointment. The medical physical examinations shall be staggered for existing volunteer firefighters so that approximately one-fourth of the members of the department shall have their physicals each year. In the event that the medical physical examination recommends any limitation on activities related to the duties of a volunteer firefighter, the volunteer firefighter shall abide by the limitations in the performance of the firefighter's duties and the Chief and officers of the department shall enforce the limitations, until they are lifted. The City shall arrange for all medical physical examinations. The basic medical physical examination for existing firefighter members shall be paid for by the City. The City shall pay for the basic medical physical examination for applicants. Any additional examination, testing, or procedures required by the examining health care professional beyond the basic physical examination shall be at the sole expense of the existing firefighter or applicant. Nothing in this section shall prevent the Mayor or acting Chief from appointing temporary volunteer firefighters on an emergency basis, subject to Council review.

35.06 PROBATIONARY PERIOD AND REMOVAL. Upon appointment by the Chief, a new firefighter shall complete a nine-month probationary period. During the probationary period, the probationary firefighter shall comply with all department rules and this chapter. Upon completion of the probationary period, the Chief shall submit the probationary firefighter's name to the Council with the recommendation of the department's officers as to whether full firefighter status should be granted. The Council will then determine whether to grant full status to the firefighter. Until full status is granted, the probationary firefighter has no voting rights under any department rules, and may be removed by the Council without cause. The Mayor, with Council review, and the Chief, with Council review, have the express power to suspend firefighters. The Mayor, with Council approval, and the Council have the express power to remove firefighters. Firefighters may be suspended or removed for neglect of duty, disobedience, misconduct, or failure to properly perform the duties of a firefighter.

35.07 FIREFIGHTER DUTIES. When called by the Chief, all firefighters shall report for duty immediately in the manner directed by the Chief. The firefighters shall be subject to call at any time. The firefighters shall obey strictly the commands of any other firefighter who has been appointed by the Chief to be in command temporarily. Firefighters shall report to the Chief in advance if they expect to be absent from the City for 24 hours or more. Firefighters shall report for training as ordered by the Chief. Any firefighter resigning from the

department shall not be eligible to return to the department, unless, by a majority vote, the Council determines that special circumstances exist to justify a return. A firefighter may obtain a leave of absence with approval of the Chief and the Council.

35.08 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 medical attention for volunteer firefighters injured in the performance of their duties as firefighters. All volunteer firefighters shall be covered by the contract.

35.09 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.

35.10 FIRES OUTSIDE FIRE DISTRICT. The department shall answer calls to fires and other emergencies outside the Fire District if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the Fire District.

35.11 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 such agreements shall be filed with the Clerk.

35.12 FIREFIGHTERS' ASSOCIATION. Volunteer firefighters may form an association to promote the welfare of firefighters and firefighting capabilities and adopt a constitution and bylaws for the association.

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.

35.14 TRAINING REQUIREMENTS. All firefighters and officers of the department must participate in at least 50 percent of all department training, including a minimum of two joint fire-ambulance training sessions per year as determined jointly by the Chief and the Ambulance Chief. Firefighters must be CPR certified and renew this certification annually.

35.15 AUTHORITY TO EXTINGUISH FIRES. The department shall extinguish all structure fires within the City, unless the fire is a controlled burn authorized by the Council. The department shall extinguish any open burning with the City during any duly authorized burn ban. The department has the authority to extinguish any illegal fire within the City, including any open burning prohibited by Section 105.05.

[The next page is 159]

CHAPTER 36

EMERGENCY FIRST RESPONDER SERVICE

36.01 Purpose	36.11 Review Board
36.02 Establishment	36.12 Crew Member Duties
36.03 Crew Chief and Officers	36.13 Employment Status
36.04 Compensation	36.14 Worker's Compensation and Liability Insurance
36.05 Crew Chief's Duties	36.15 Providing Service Outside Corporate Limits
36.06 Powers and Duties of First Responder Service	36.16 Ambulance Association
36.07 Crew Membership	36.17 Fees Established
36.08 Training Requirements	36.18 Payment of Fees
36.09 Physicals	36.19 Medical Director
36.10 Probationary Period and Removal	

36.01 PURPOSE. The purpose of this chapter is to provide for emergency first responder service to preserve and protect the health, safety, and welfare of the general public, and to promote first aid training, CPR training, and the knowledge of procedures in emergency situations.

36.02 ESTABLISHMENT. There is hereby established an emergency first responder service owned and operated by the City. The service shall operate as a first responder service. The City holds title to, insures, houses, and licenses the ambulance vehicle and equipment. The City shall also provide medical malpractice insurance for crew members when acting in their capacity as crew members with the Shell Rock First Responder Service.

36.03 CREW CHIEF AND OFFICERS. The department shall, every other year – or to fill a vacancy – propose to the Council one of the department's members for appointment as Chief. The Council shall act on the proposal, but if the proposed candidate is not approved by the Council or no candidate is proposed, then the Mayor shall appoint the Chief from the department's members, subject to the Council's approval. The Mayor may appoint a temporary chief to fill a vacancy until the next Council meeting, when an appointment shall be made. The term of the Chief shall be two years, beginning the third Tuesday of the year and ending the third Tuesday of the third year. Other officer positions may be established by department rules. The department may propose the appointment of other officers from its members according to department rules, which appointments shall be subject to Council approval. The appointment of other officers will be from the department's members by the Mayor, subject to Council approval, if the appointments proposed by the department are not approved or no appointments are proposed by the department. The Mayor, with Council review, may remove, suspend, or demote an officer, including Crew Chief, for neglect of duty, disobedience, misconduct, or failure to properly perform the duties of the officer, providing the reasons for removal, and shall, upon request in writing filed with the Clerk by the officer, hold a hearing on the proposed action. In case of absence of the Chief, the officer next in rank shall be in charge and have and exercise all the powers of the Chief.

36.04 COMPENSATION. Members of the department shall be compensated under the terms of a schedule of compensation to be adopted by resolution of the Council upon receipt of recommendations of the service's officers. In addition, officers of the first responder service and crew members shall be reimbursed for actual expenses incurred by them in the performance of their duties, upon presentation of proper claims to the Council.

36.05 CREW CHIEF'S DUTIES. The Crew Chief shall command all operations of the department on calls and drills, 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 to carry out the requirements of this chapter. The Chief shall provide every crew member with a copy of these rules. The Chief shall preside at all regular and special meetings of the members of the service, and conduct all meetings in accordance with this chapter and the department rules. The Chief shall maintain the department's attendance records for drills, meetings, and calls. These records shall be available to the Council on request, and the Council shall give due consideration to such records in approving the appointment of the Crew Chief and officers. With the approval of the Council, the Chief shall appoint crew members and fill vacancies among them. The Chief shall keep a record of the names, ages, and residences of the crew members and be responsible for their training and supervision, and shall maintain attendance records for drills, meetings, and calls.

36.06 POWERS AND DUTIES OF FIRST RESPONDER SERVICE. The Chief, with the assistance of the other officers of the service, shall have the power and authority to conduct and supervise the operation of the first responder service. The power and authority of the first responder service officers shall include:

1. Personnel. Supervising, reviewing, training and evaluating personnel, including recommending to the Council whether full membership status should be granted.
2. Training. Designating personnel, with Council approval, to attend schools and courses concerned with first responder service and reasonably related subjects.
3. Purchase of Equipment. Recommending to the Council the purchase of such equipment as the officers deem necessary for the proper operation of the service.
4. Maintenance. Maintaining the vehicles and equipment.
5. Expenditures. Incurring expenses within the allowed budget of the service, subject to claim approval by the Council, and assisting in preparation of the annual departmental budget.
6. Annual Report. Submitting to the Mayor and Council a comprehensive report of operation of the service and the status of the equipment, including a complete equipment inventory, in July of each year.
7. Other. Performing all other acts that are reasonably necessary to the operation of the first responder service and the maintenance of the equipment.

36.07 CREW MEMBERSHIP. Residents of Shell Rock, and persons living within a reasonable distance of the City limits, with the prior written consent of the Chief, at least eighteen years of age, and of sound mind and body, are eligible to apply to serve as crew members. Applicants must have a valid Iowa driver's license, have a current CPR card, and must be in good repute in the community. Applicants shall complete and submit an application to the Clerk, who shall provide a copy to the Chief. Nothing in this section shall prevent the Mayor or Chief or acting Chief from appointing temporary crew members on an emergency basis, subject to Council review; provided, however, all crew members, including temporary members, shall comply with this chapter and all department rules on all matters including patient care.

36.08 TRAINING REQUIREMENTS. Before being considered for membership, an applicant must demonstrate willingness and availability to receive proper training. The fees for the First Responder course shall be paid for by the City; provided, however, persons not completing the classes shall reimburse the City for expenditures for the classes, as provided by written agreement with the City signed by the trainee at the time of enrolling for the class. Crew members must be CPR certified and renew this certification annually.

36.09 PHYSICALS. Prior to appointment as a crew member, and every four years thereafter, a crew member must have a medical physical examination, the results of which shall be available to the Chief, Mayor, and Council before appointment. The medical physical examinations shall be staggered for existing crew members so that approximately one-fourth of the members of the department shall have their physicals each year. In the event that the medical physical examination recommends any limitation on activities related to the duties of a crew member, the crew member shall abide by the limitations in the performance of the crew member's duties and the Chief and officers of the department shall enforce the limitations, until they are lifted. All medical physical examinations shall be arranged for by the City. The medical physical examination for existing crew members shall be paid for by the City. The medical physical examination for applicants shall be paid for by the applicant, and the applicant shall be reimbursed for the cost of the examination by the City upon the applicant's successful completion of his or her probationary period.

36.10 PROBATIONARY PERIOD AND REMOVAL. Upon appointment by the Chief, a new crew member shall complete a six-month probationary period. During the probationary period, the probationary crew member shall comply with all department rules and this chapter. Upon completion of the probationary period, the Chief shall submit the probationary crew member's name to the Council with the recommendation of the department's officers as to whether full crew member status should be granted, the probationary period extended, or no further service should be allowed. The Council will then determine whether to grant full status to the crew member or extend the probationary period. Until full status is granted, the probationary crew member has no voting rights under any department rules, and may be removed by the Council without cause. The Mayor with Council review, and the Chief with Council review, have the express power to suspend crew members. The Mayor with Council approval, and the Council have the express power to remove crew members. Crew members may be suspended or removed for neglect of duty, disobedience, misconduct, or failure to properly perform the duties of a crew member.

36.11 REVIEW BOARD. Disciplinary action against a crew member may be taken by a Review Board appointed by the Medical Director. The Review Board has the power to suspend members. The Review Board has the power to recommend removal of members to the Council.

36.12 CREW MEMBER DUTIES. Crew members shall obey strictly the commands of the Crew Chief or of any other crew member who by the department rules is in command temporarily. Crew members shall follow all departmental rules. Crew members shall report for training as ordered by the Chief. Any crew member resigning from the department shall not be eligible to return to the department, unless by a majority vote the Council determines that special circumstances exist to justify a return. A crew member may obtain a leave of absence with approval of the Chief and the Council.

36.13 EMPLOYMENT STATUS. Members of the service providing first responder service shall be considered to be employees of the City while in the performance of duties and

36.13 EMPLOYMENT STATUS. Members of the service providing first responder service shall be considered to be employees of the City while in the performance of duties and services reasonably connected with the operation of the first responder service, for the purpose of the application of Worker's Compensation laws and for the purpose of application of liability insurance coverage.

36.14 WORKER'S COMPENSATION AND LIABILITY INSURANCE. The City shall purchase sufficient insurance to cover the members of the service under the Worker's Compensation statutes of the State and shall purchase sufficient insurance to protect the City against loss from damages or public liability resulting from the operation of the first responder service. The amount of such insurance shall be determined by the Council.

36.15 PROVIDING SERVICE OUTSIDE CORPORATE LIMITS. The first responder service is authorized to respond to calls outside the corporate limits of the City within the ambulance district. The first responder service is authorized to transport patients to such locations as may be necessary in each individual circumstance. Officers of the first responder service shall establish rules, subject to Council approval, for response to calls outside the corporate limits.

36.16 AMBULANCE ASSOCIATION. Crew members may form an association to promote the welfare of crew members and the first responder service capabilities and adopt a constitution and bylaws for the association.

36.17 FEES ESTABLISHED. The fees for first responder service and reasonably related emergency services furnished within or without the City shall be established by resolution of the Council. The billing function shall be the responsibility of the City based upon information provided by the crew members.

36.18 PAYMENT OF FEES. All ambulance fees and fees and charges for reasonably related emergency services shall be due and payable upon presentation of a statement for said fees and charges to the user and/or recipient of the service, and shall be paid to the Clerk. Actions for collections of fees shall be brought in the name of the City, after authorization of commencement of action by the Council, in the same manner as other actions of law.

36.19 MEDICAL DIRECTOR. The Council shall appoint a Medical Director for the service, who shall be licensed to practice medicine in the State of Iowa. The Council may remove the Medical Director. The Medical Director shall have the duties and responsibilities imposed by this chapter and State law and regulations. The Council shall by resolution determine the compensation of the Medical Director.

[The next page is 185]