

# **POLICE, FIRE AND EMERGENCIES**

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## CHAPTER 30

### CONTRACT LAW ENFORCEMENT

**30.01 CONTRACT LAW ENFORCEMENT.** The Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City, and the Sheriff or such other entity shall have and exercise the powers and duties as provided in said contract and as required by law or ordinance.

*(Code of Iowa, 28E.30)*

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## CHAPTER 35

### FIRE DEPARTMENT

35.01 Establishment and Purpose  
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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.

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

**35.03 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. 372.13[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 ELECTION OF OFFICERS.** The department shall elect a Fire Chief and such other officers as its constitution and bylaws may provide, but the election of Fire Chief shall be subject to the approval of the Council. In case of absence of the Fire Chief, the officer next in rank shall be in charge and have and exercise all the powers of Fire Chief.

**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 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 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.

*(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)*

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## CHAPTER 36

# HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose  
36.02 Definitions

36.03 Cleanup Required  
36.04 Notification

**36.01 PURPOSE.** In order to reduce the danger to the public health, safety and welfare from spills of hazardous substances, these regulations are promulgated to establish responsibility for the treatment, removal and cleanup of spills within the City limits.

**36.02 DEFINITIONS.** For purposes of this chapter the following terms are defined:

1. “Cleanup” means the same as set out in Section 455B.381, subsection 1, of the Code of Iowa.
2. “Hazardous condition” means the same as set out in Section 455B.381, subsection 4, of the Code of Iowa.
3. “Hazardous substance” means any substance as defined in Section 455B.381, subsection 5, of the Code of Iowa.
4. “Hazardous waste” means any substance as defined in Section 455B.411, subsection 3, paragraph “a”, Code of Iowa, and the rules of the Iowa Department of Natural Resources.
5. “Person having control over a hazardous substance” means the same as set out in Section 455B.381, subsection 7, of the Code of Iowa.
6. “Treatment” means a method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize it or to render the substance nonhazardous, safe for transport, amenable for recovery, amenable for storage, or to reduce it in volume. Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous substance to render it nonhazardous.

**36.03 CLEANUP REQUIRED.** Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of hazardous waste or substance, so that the hazardous substance or waste or a constituent of the hazardous waste or substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the responsible

person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of cleanup shall be borne by the person having control over a hazardous substance. If the person having control of a hazardous substance does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may proceed to procure cleanup services and bill the responsible person. If the bill for those services is not paid within thirty (30) days, the City Attorney shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the City to finance it, the authorized officer shall report to the Council and immediately seek any State or Federal funds available for said cleanup.

**36.04 NOTIFICATION.** The first law enforcement officer or City employee who arrives at the scene of an incident involving hazardous substances, if not a peace officer, shall notify the Story County Sheriff's Office which shall notify the proper State office in a manner established by the State.

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## CHAPTER 37

### EMERGENCY MEDICAL SERVICES DEPARTMENT

37.01 Establishment and Purpose  
37.02 President's Duties  
37.03 Emergency Responders  
37.04 Emergency Responder Duties

37.05 Worker's Compensation and Hospitalization Insurance  
37.06 Liability Insurance  
37.07 Medical and Other Emergencies Outside City Limits  
37.08 Emergency Response Personnel Association

**37.01 ESTABLISHMENT AND PURPOSE.** An emergency response department is hereby established to respond to medical emergencies and to other emergencies as enumerated in the department's standard operating procedures or a resolution adopted by the Council enumerating services.

**37.02 PRESIDENT'S DUTIES.** The Zearing Emergency Medical Service Department may elect the department President subject to the approval of the Council and Mayor. The President shall manage the emergency services department. The President shall command all operations of the department, ensure training and be responsible for the care, maintenance and use of all vehicles and equipment of the department. Subject to Council approval, the President shall establish and maintain departmental rules and standard operating procedures to carry out the requirements of this chapter. The President shall provide all personnel with a written copy of these rules and procedures. With the approval of the Council, the President shall appoint personnel, fill vacancies among them, and may discharge them. The President shall keep a record of the names, ages and residences of personnel and be responsible for their training and supervision, and shall maintain attendance records for activities.

**37.03 EMERGENCY RESPONDERS.** The President shall appoint personnel per established criteria. Prior to appointment and every year thereafter personnel must pass a medical physical examination.

**37.04 EMERGENCY RESPONDER DUTIES.** When called by the President, personnel shall report for duty immediately in the manner directed by the President. They shall be subject to call at any time. Personnel shall report to the President in advance if they expect to be absent from the City for twelve (12) hours or more. Personnel shall report for training as ordered by the President.

**37.05 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 Zearing Emergency Medical

Service Department injured in the performance of their duties as responders. All department personnel shall be covered by the contract.

**37.06 LIABILITY INSURANCE.** The Council shall contract to insure against liability of the personnel of the department for injuries, death, or property damage arising out of and resulting from the performance of departmental duties.

**37.07 MEDICAL AND OTHER EMERGENCIES OUTSIDE CITY LIMITS.** The department shall answer calls to medical emergencies and other emergencies outside the City limits per the department's standard operating procedures, contracts, mutual aid and other agreements.

**37.08 EMERGENCY RESPONSE PERSONNEL ASSOCIATION.** Emergency response personnel may form an association and non-profit corporation to promote the welfare of emergency responders, emergency response capabilities and other civic and social duties as specified in association and corporation articles of incorporation.

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