

CHAPTER 35

POLICE DEPARTMENT

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35.01 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.

35.02 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.

35.03 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)

35.04 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)*

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

35.06 POLICE CHIEF APPOINTED. The Council shall appoint and dismiss the Police Chief.
(Code of Iowa, Sec. 400.13)

35.07 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. Assist Officials. When requested, provide aid to other City officers, boards and commissions in the execution of their official duties.

6. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.

7. 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.

8. 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.

9. 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.

35.08 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.

35.09 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)

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

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

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CHAPTER 36

FIRE-RESCUE DEPARTMENT

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36.08 Duties of Members Generally	36.16 Authority to Cite Violations

36.01 ESTABLISHMENT AND PURPOSE. The Fire-Rescue Department of the City, to be known as “The Le Mars Fire-Rescue 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)

36.02 ORGANIZATION. The Fire-Rescue Department consists of one company of not more than thirty (30) regular members, and up to ten (10) reserves, who are persons of good moral character and good, strong physical condition, residents of the City (or living within two miles of the City limits) and not less than sixteen (16) years of age or more than sixty-four (64) years of age. All officers of the Fire-Rescue Department must be residents of the City (or live within two miles of the City limits). The Fire Chief, in his sole discretion, may consider for membership in the Fire-Rescue Department qualified individuals living from two miles to fifteen miles of the City limits, should those qualified individuals work in the City and meet all other criteria. Upon reaching the age of sixty-five (65) years, members shall be automatically placed upon the honorable retired roster in recognition of their faithful service and may attend meetings and proceedings of said organization, but shall not take an active part in answering calls or fighting fires. Vacancies in the company, from whatever cause, shall be filled by persons who can satisfactorily pass the entry qualifications and other job requirements.

(Ord. 887 – Aug. 11 Supp.)

36.03 APPOINTMENT; TERM OF OFFICERS. The Council shall appoint a Fire Chief to serve at the pleasure of the Council. The Fire Chief and City Administrator shall appoint the Assistant Fire Chief to serve at their pleasure. The Fire Chief shall appoint, from the members of the Fire-Rescue Department, two (2) Captains, three (3) Lieutenants, a Secretary, and a Treasurer, every even-numbered year, by the first Tuesday of February. These officers shall hold office commencing April 1 of the year the appointment is made. All appointed will continue until their successors are appointed by the Fire Chief and qualified for said office. The Fire Chief may remove any person from their officer duties (including the Assistant Fire Chief).

(Ord. 887 – Aug. 11 Supp.)

36.04 APPROVED BY COUNCIL. The Council may at any time remove any person from membership in the Fire-Rescue Department or any officer thereof from such official position.

36.05 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])

36.06 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])

36.07 DUTIES OF OFFICERS.

1. Chief. During the time of a fire, the Chief shall be in command of the department and shall direct the efforts of the individual members of the department in the use of all apparatus and equipment in such manner as shall seem to such officer most efficient. The Chief shall also be responsible for holding training sessions as needed, for the supervision and control over the department's apparatus and equipment, and for reporting to the Council, as frequently as deemed necessary by the Council, all matters pertaining to the department or its activities.

2. Assistant Chief. The Assistant Chief shall assist the Chief, and in all matters connected with the department, obey the Chief's orders, and in the absence of the Chief shall be vested with all powers and shall perform all duties of the Chief. The Assistant Chief's first responsibility is to the Le Mars Fire-Rescue Department. The Assistant Chief's second responsibility is to assist the Le Mars Code Enforcement Officer at his or her direction by performing building inspections and other code issues as assigned.

3. Captains. It is the duty of the Captains to report to the Chief or Assistant Chief at fires or drills and assist them in their duties. In the absence of the Chief and Assistant Chief, the Captains shall assume the duties of the Chief. The Captains also act as department librarian, and will be responsible for all manuals, books and training materials belonging to the department as directed or required by the Chief. Captains shall assist the Chief with other duties as assigned.

4. Lieutenants. It is the duty of the Lieutenants to report to the Chief, Assistant Chief or Captains at all fires and drills and assist them in their duties. In the absence of the Chief, Assistant Chief or Captains, the Lieutenants shall assume the duties of Chief. Lieutenants shall assist the Chief with other duties as assigned.

5. Secretary. The Secretary shall keep a true and accurate account of the proceedings of every meeting of the Fire-Rescue Department in a book provided by the Fire-Rescue Department for that purpose, and said book shall be a public document available for inspection. The Secretary shall also assist in the examination and auditing of all books and accounts belonging to the Fire-Rescue Department. This position may be an officer position in the command staff or filled by a current officer.

6. Treasurer. It is the duty of the Treasurer to keep a book containing a correct accounting of all donated moneys received and expended by the Fire-Rescue Department and the Treasurer shall pay the bills of the Fire-Rescue Department as have been approved by the Fire-Rescue Department or its finance committee. In addition, the Treasurer shall assist the Chief in the preparation of the annual report of the Fire-Rescue Department. The Treasurer may be assigned other duties by the Chief

and/or this position may be a position in the command staff or filled by a current officer.

(Section 36.07 - Ord. 887 – Aug. 11 Supp.)

36.08 DUTIES OF MEMBERS GENERALLY. It is the duty of all members of the company to immediately answer all alarms of fire and rescue and shall further their best efforts of extinguishing fires under order and direction of the Chief, the Assistant Chief, Captain or Lieutenants.

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

36.10 BYLAWS. The department may adopt such bylaws as it may desire which are not in conflict with any provisions of law and subject to the approval of the Council.

36.11 FIRE SERVICE FEES. The Council shall annually set fees by resolution for fire protection services provided to citizens of the City and surrounding townships. Said fees shall be based upon such factors and in such amounts as recommended by the Fire Chief.

36.12 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)

36.13 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)

36.14 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])

36.15 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])

36.16 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 37

AMBULANCE SERVICE

37.01 Ambulance Service Established

37.02 Composition

37.03 Directors; Officers

37.04 Compensation of Officers and Members

37.05 Removal of Officers and Members

37.06 Bylaws

37.07 Statutory Privileges of Members

37.01 AMBULANCE SERVICE ESTABLISHED. There is hereby established an ambulance service for the City, for the purpose of providing emergency medical services and other related services to City residents on a 24-hour per day basis, said ambulance service to be known as the Le Mars Ambulance Service.

37.02 COMPOSITION. The Ambulance Service shall consist of qualified ambulance personnel, in such numbers as may from time to time be determined by the bylaws.

37.03 DIRECTORS; OFFICERS. The Ambulance Service shall be supervised by a Director, who shall be a member of the Service and appointed by the Council to serve at the pleasure of the Council. The Director shall appoint from the members of the Service two officers, one a compliance officer who shall be directly responsible for compliance matters, and one a training officer who shall be directly responsible for training matters. Both officers shall assist the Director and be directly responsible to the Director. The Director, the officers, and all members of the Service shall meet all qualifications set out in the Service bylaws, the Iowa Administrative Code, the *Code of Iowa*, and industry standards.

37.04 COMPENSATION OF OFFICERS AND MEMBERS. The compensation of the officers and members of the Ambulance Service shall be as determined and provided by the Council.

37.05 REMOVAL OF OFFICERS AND MEMBERS. The Council may at any time remove any person from membership in the Ambulance Service or any officer thereof from such position.

37.06 BYLAWS. The Director of the Ambulance Service shall be responsible for drafting bylaws which are not in conflict with any provision of law, subject to the prior approval of the City Administrator. Said bylaws shall contain at a minimum the following:

1. Qualifications for membership and number of members.
2. Duties and responsibilities of officers and members.
3. Composition of duty shifts to ensure compliance with the Service's level of care.

37.07 STATUTORY PRIVILEGES OF MEMBERS. The members of the Ambulance Service shall be entitled to all privileges and exemptions provided for members of ambulance services by law.

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CHAPTER 38

HAZARDOUS SUBSTANCE SPILLS

38.01 Purpose

38.02 Definitions

38.03 Cleanup Required

38.04 Liability for Cleanup Costs

38.05 Notifications

38.06 Police Authority

38.07 Liability

38.08 Authority to Cite Violations

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

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

1. “Cleanup” means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove or dispose of a hazardous substance.

(Code of Iowa, Sec. 455B.381[1])

2. “Hazardous condition” means any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the State or into the atmosphere which creates an immediate or potential danger to the public health or safety or to the environment.

(Code of Iowa, Sec. 455B.381[4])

3. “Hazardous substance” means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. “Hazardous substance” may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

(Code of Iowa, Sec. 455B.381[5])

4. “Responsible person” means a person who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous substance when a hazardous condition occurs, whether the person owns the hazardous substance or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance.

(Code of Iowa, Sec. 455B.381[7])

38.03 CLEANUP REQUIRED. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous substance, so that the hazardous substance or a constituent of the hazardous 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 responsible person. If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may, by an authorized officer, give reasonable notice, based on the character of the hazardous condition, said notice setting a deadline for accomplishing the cleanup and stating that the City will proceed to procure cleanup services and bill the responsible person for all costs associated with the cleanup if the cleanup is not accomplished within the deadline. In the event that it is determined that immediate cleanup is necessary as a result of the present danger to the public health, safety and welfare, then no notice shall be required and the City may proceed to procure the cleanup and bill the responsible person for all costs associated with the cleanup. 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.

38.04 LIABILITY FOR CLEANUP COSTS. The responsible person shall be strictly liable for all of the following:

1. The reasonable cleanup costs incurred by the City as a result of the failure of the responsible person to clean up a hazardous substance involved in a hazardous condition.
2. The reasonable costs incurred by the City to evacuate people from the area threatened by a hazardous condition caused by the person.
3. The reasonable damages to the City for the injury to, destruction of, or loss of City property, including parks and roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction or loss.

38.05 NOTIFICATIONS.

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the Fire/Police Department of the occurrence of a hazardous condition as soon as possible but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The Fire Department shall immediately notify the Department of Natural Resources.
2. Any other person who discovers a hazardous condition shall notify the Fire/Police Department, which shall then notify the Department of Natural Resources.

38.06 POLICE AUTHORITY. If the circumstances reasonably so require, the law enforcement officer or an authorized representative may:

1. Evacuate persons from their homes to areas away from the site of a hazardous condition, and
2. Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to cleanup personnel.

No person shall disobey an order of any law enforcement officer issued under this section.

38.07 LIABILITY. The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, unless the City is the responsible person as defined in Section 38.02[4].

38.08 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)