

CHAPTER 36

FIRE-RESCUE DEPARTMENT

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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-five (35) regular members, and up to ten (10) reserves, who are persons of good moral character and good, strong physical condition, and not less than eighteen (18) years of age or more than sixty-five (65) years and three hundred sixty-four (364) days of age. All command officers and full-time employees of the Fire-Rescue Department must be residents of the City (or live within two miles of the City limits). Upon reaching the age of sixty-five (65) years and three hundred sixty-four (364) days, 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.

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, Captain(s), Lieutenant(s), 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).

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 act as the Emergency Management Coordinator for the City under the Fire Chief.

3. Captain(s). It is the duty of the Captain(s) 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 Captain(s) shall assume the duties of the Chief. The Captain(s) 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. Lieutenant(s). It is the duty of the Lieutenant(s) 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. Lieutenant(s) 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.

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

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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)