

CHAPTER 35

VOLUNTEER FIRE AND RESCUE DEPARTMENT

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35.01 ESTABLISHMENT. A volunteer fire and rescue department is hereby established, which shall be called Oakland Volunteer Fire and Rescue Department.

35.02 PURPOSE. The Fire and Rescue Department is established for the following purposes:

1. To prevent and extinguish fires;
2. To protect lives and property against fires and assist in rescue of persons involved in accidents or fires;
3. To provide emergency medical services within the scope of their authorization by the Iowa Department of Public Health;
4. To provide other assistance in time of fire, disaster or accidents requiring rescue services and answer all emergency calls for which there is no other established agency; and
5. To promote fire prevention, fire safety and training in the area of emergency medical care.

35.03 ORGANIZATION. The department consists of the Fire Chief and such other officers and personnel as may be authorized by the Council and reviewed annually.

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

35.04 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])

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

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

35.06 ELECTION OF OFFICERS. The Fire Chief shall be appointed from the department membership, for a two-year term by the Mayor and approved by a majority of the Council Members. Procedures for the appointment are outlined in the Fire Chief Appointment Policy. The appointment and confirmation will be made in December, and will take effect January 1st. Other officers may be elected as the department constitution and bylaws provide. The Fire Chief

shall have the authority to determine the number of officer positions needed, number of each officer rank, and may add or eliminate any position, at any time, at their discretion. The Fire Chief shall have the authority to veto any election of officers that they deem would be detrimental to the efficient operation of the department, and call for another election. Upon the death or resignation of the Fire Chief it shall be the duty of the Assistant Fire Chief to notify the Mayor and Council and serve as Acting Fire Chief until a new appointment is made and confirmed. This appointment shall only be as long in duration as the remaining term of the previous Fire Chief. In the absence of the Fire Chief it shall be the duty of the highest-ranking officer to assume control of the department and act as Fire Chief with all the powers and authority delegated by state law or ordinance.

35.07 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 firefighting 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.

12. **Records.** Cause to be kept records of the fire department personnel, firefighting 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.

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

35.09 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.

35.10 MEMBERSHIP. The department shall consist of volunteer persons who are in good health and at least 18 years of age. All applicants are subject to a background check, required to complete a physical and have a valid driver's license to be added as a member of the department

35.11 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 firefighters injured in the performance of their duties as firefighters whether within or outside the corporate limits of the City. All volunteer firefighters shall be covered by the contract.

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

35.12 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)

35.13 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])

35.14 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])

35.15 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)

35.16 FEES ESTABLISHED. The fees for the department's service within or without the City shall be established by the department and approved by resolution of the Council.

35.17 CALCULATION OF FEES. The department shall calculate and render bills for ambulance service and all reasonably related services rendered pursuant to the schedule of fees fixed by the Council.

35.18 PAYMENT OF FEES. All ambulance service 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 Oakland Fire and Rescue Department.

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