

ORDINANCE

- 7 -

AN ORDINANCE CREATING A VOLUNTEER FIRE DEPARTMENT AND ESTABLISHING RULES AND REGULATIONS THEREFORE

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BE IT ORDAINED by the City Council of Farmington, Iowa:

SECTION 1 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*)

SECTION 2 Organization - The Department consists of the Fire Chief, Assistant Chief, Safety Officer, Training Officer, and such other officers and personnel as may be authorized by the Council. (*Code of Iowa, Sec 372.13[4]*) Residents of the community, between the ages of (18) and sixty-five (65) shall be appointed to serve as a Volunteer Firefighter. Prior to appointment as a Volunteer Firefighter and every four (4) years thereafter a Volunteer Firefighter must pass a medical physical examination.

SECTION 3 Approved by Council – Any residents of the City and any persons residing within the Fire District, who are of sound mind and body, age eighteen (18) or older, are eligible to serve as Volunteer Firefighters, subject to any restriction established by the Constitution and Bylaws of the Fire Department, and if approved by a majority of the City Council Members.

SECTION 4 Election of Officers – The members of the Department shall elect a Fire Chief for a term of two (2) years, subject to the approval of the City Council, to succeed a prior Fire Chief or to fill a vacancy. The Council shall be furnished the Department’s attendance records for

drills, meetings and fires, and shall give due consideration to such records in approving the appointment of future Fire Chiefs. The Volunteer Fire Department, with approval of the Council, may remove the Fire Chief by written order, setting out the reasons for removal, which shall be filed with the Clerk. The Fire Chief shall have at least five (5) years experience on a Fire Department or shall be certified at the Fire Fighter One level, or must certify at the Fire Fighter One level within two (2) years of appointment as Fire Chief.

SECTION 5 Training – All members of the Department shall attend and actively participate in regular or special training drills or programs as directed by the Chief, Department Bylaws or the State of Iowa.

SECTION 6 Rules by Council – The Council may adopt such rules and regulations in regard to the Fire Department, not inconsistent with this Code of Ordinances or the laws of the State, as the Council deems advisable. The Council shall establish by Resolution any compensation to be paid to members or officers of the Volunteer Fire Department.

SECTION 7 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 (\$200,000.00) 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, and 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 a proposed budget, 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.

SECTION 8 Duties of Fire Fighters - When called by the Chief, all fire fighters shall report for duty immediately, in the manner directed by the Chief. They shall be subject to call at any time. They shall obey strictly the commands of any other fire fighters who have been appointed by the Chief to be in command temporarily. Fire fighters shall report to the Chief in advance if they expect to be absent from the City for forty-eight (48) hours or more.

SECTION 9 Obedience to Fire Chief - No person shall willfully fail or refuse to comply with any lawful order or direction of the Fire Chief.

SECTION 10 Removal - If any fire fighter refuses or neglects to attend any fire, without submitting a sufficient and satisfactory excuse to the Fire Chief, or shall neglect or refuse to do his or her duty as fire fighter, or obey the order of the Chief or proper commanding officer, or shall leave his or her post of duty at a fire without permission of the Chief or officer in charge, or violate or ignore any rule or regulation established by the Council, he or she shall be subject to expulsion from the Fire Department, either by action by the Chief or by the Council.

SECTION 11 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.

SECTION 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*)

SECTION 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*)

SECTION 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]*)

SECTION 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]*)

SECTION 16 Authority to City 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*)

SECTION 17 Rescue Service - The department is authorized to provide rescue services.

SECTION 18 Repealer - All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 19 Severability - If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 20 Effective Date - This Ordinance will become effective immediately following the third reading and approval in Public Hearing, City Hall, Farmington, Iowa.

Passed and Approved: June 13, 2005

John R. Armstrong, Mayor
Mary Jo Smith, City Clerk

***NOTE – The above is REPLACEMENT ORDINANCE NO.7**
Elmer Huff introduced this REPLACEMENT ORDINANCE NO. 7 - AN ORDINANCE CREATING A VOLUNTEER FIRE DEPARTMENT AND ESTABLISHING RULES

AND REGULATIONS THEREFORE. He then placed it on its first reading. William Cline seconded the motion, and on ROLL CALL vote Ordinance #7 was read and approved 5-0.

David Ludwig moved to waive the requirement that Ordinances be read at three (3) separate meetings and that Replacement Ordinance #7 be placed upon its final reading for passage and approval. Gary Cahill seconded and on ROLL CALL vote Motion Carried 5-0.

William Cline made the motion to have the third reading of Replacement Ordinance # 7 - AN ORDINANCE CREATING A VOLUNTEER FIRE DEPARTMENT AND ESTABLISHING RULES AND REGULATIONS THEREFORE and adopt. Tim Hattan seconded and on ROLL CALL vote, motion carried 5-0.

Replacement Ordinance # 7 was declared passed.

Public Hearing notice published in Leader-Record 6/2/2005

Public Hearing held at City Hall, 7:00 P.M. 6/13/2005

Replacement Ordinance #7 published 6/23/2005