

CHAPTER 35

FIRE DEPARTMENT

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35.01 ESTABLISHMENT AND PURPOSE. The Perry 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, Assistant Fire Chief and such other officers and personnel as may be authorized by the Council by resolution.

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

35.03 RULES AND REGULATIONS. The Fire Chief, after consultation with the City Administrator, shall formulate the rules and regulations of the department, which rules and regulations, when approved by the Council and recorded in its minutes, shall govern the department and its members.

35.04 REMOVAL OF MEMBERS. The Council or City Administrator, after the approval of the Council, has the power to remove any member or officer of the department at any time for dereliction of duty, disobedience, misconduct or failure to properly perform the duties of such member or officer.

35.05 SELECTION OF OTHER OFFICERS. The Fire Chief, with the approval of the Council, shall approve such officers in addition to a Chief and Assistant Chief as the Fire Chief sees fit and advisable for the proper and orderly administration of the department.

35.06 EMPLOYMENT AND APPOINTMENT OF CHIEFS. The Fire Chief shall be appointed by the Council upon the recommendation of the City Administrator. The Assistant Chief shall be appointed by the Council.

35.07 MEMBERSHIP APPLICATION AND APPROVAL. Any person desiring to become a volunteer member of the Fire Department shall submit an application to the Fire Chief, and if there is a vacancy in the membership, the Fire Chief shall submit such application to the Council, and upon approval by

the Council and the Fire Chief's recommendation, such person shall become a member. The members of the Fire Department shall, at all times, be subject to the direction of the Fire Chief.

35.08 FIRE CHIEF DUTIES. The Fire Chief, or in the absence of or inability to act as Fire Chief, the Assistant 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. Command. Have the sole and absolute charge of all members of the Fire Department at any fire.
2. Call for Aid. Call upon all persons to assist in extinguishing fires and the removal or saving of property.
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. Fire Inspector. May serve as the Fire Inspector of the City and as such inspect any building, structure, business place, place or thing charged to be in violation of the State or City fire laws and report the results of said investigations, together with his or her recommendations, to the City Administrator.

7. Records. Cause to be kept a true and correct roll of the members of the Fire Department, showing the dates of admission to membership and withdrawal or expulsion of each member thereof.

8. Suspend Members. Suspend any member of the department, except the Assistant Chief, for the violation of any rule or regulation of the department, or for disobedience to any superior officer while going to, at, or returning from any fire. Any suspended member may appeal from such suspension to the Council by serving notice thereof upon the Fire Chief and by filing such appeal with the City Administrator within forty-eight (48) hours and the Council after giving the Fire Chief and suspended person twenty-four (24) hours' notice of the time and place of hearing shall hear evidence upon the matter. The actions of the Council shall be final and no appeal shall lie therefrom.

9. Other. Perform such other duties as may be included in the job description of Fire Chief approved by the Council prior to the appointment of the Fire Chief.

10. Township Trustees Meetings and Contract Development. Annually meet with the Township Trustees (or their designee) of every rural township having a fire service agreement with the City and by December 31st of each calendar year provide the City Council with a written status report with respect to each township fire service agreement and make recommendations for the continuation, modification or cancellation of each of the said agreements. *(Ord. 791 – May 03 Supp.)*

35.09 FIRE CALLS OUTSIDE CORPORATE LIMITS. Fire protection may be extended outside the City as follows:

1. Petition. Any industry located without the corporate limits of the City which desires fire protection by the local department and its equipment may acquire the same by petitioning the Council for this protection.

2. Approval. After said petition has been presented to the Council and the Council has approved same, then by contract, fire protection will be furnished, and the terms will be specifically expressed therein for the furnishing of the services by the Fire Department. The terms will be designated by the Council for answering such fire calls.

3. Fire Protection Agreements. The City will provide fire protection within the surrounding fire district upon agreement with each individual township or parts of townships.

4. Outside City Limits. The department shall answer calls to fires and other emergencies outside the City limits if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the City limits.

35.10 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])

35.11 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)

35.12 LIABILITY FOR ASSISTANCE COSTS. Extraordinary costs incurred by the Fire Department of the City in connection with a call for aid authorized by Section 35.08(2) and any other call for assistance needed to suppress fire shall be borne by the owner of the property requiring said assistance. The final decision on the need for assistance is made by the Fire Department officer in charge at the fire scene. The City shall bill the individual responsible for the costs. If the bill for those services has not been paid within thirty (30) days, the City Attorney shall proceed to obtain payment by all legal means.

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