

CHAPTER 36

FIRE DEPARTMENT

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36.01 ESTABLISHMENT AND PURPOSE. A Fire Department is hereby established to prevent and extinguish fires, 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 within the City.

(Code of Iowa, Sec. 364.16)

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

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

36.03 DEPARTMENT APPOINTMENTS.

1. Fire Chief. The City Manager shall appoint the Fire Chief, subject to Council approval, pursuant to Chapter 400 of the Code of Iowa.
2. Full-time Firefighters. All full-time firefighters shall be appointed by the Fire Chief pursuant to Chapter 400 of the Code of Iowa.
3. Volunteer Firefighters. All volunteer firefighters shall be appointed by the Fire Chief.

36.04 FIRE CHIEF DUTIES.

1. Command. Command all operations of the Fire Department and be responsible for the care, maintenance and use of all vehicles and equipment of the Fire Department. In the absence of the Fire Chief, the next ranking officer or senior firefighter on duty shall exercise all of the duties and responsibilities of the Fire Chief.
2. Rules. Have the power, in the exercise of duties, to prescribe, promulgate and enforce rules and regulations for the governance of the members and employees of the Fire Department, which shall, however, not be inconsistent with this Code of Ordinances or the laws of the State; and provide every firefighter of the Fire Department with a copy of these rules and regulations. (The rules and regulations shall be filed with the Clerk for distribution to the Council which shall have the authority to disapprove the rules and regulations in whole or part. The

Clerk shall advise the Marion Civil Service Commission of the filing of the rules and regulations.)

3. Control of Department. Be responsible for maintaining the efficiency, discipline, training 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.)

4. Records of Department. Be responsible for keeping and maintaining records of the Fire Department personnel, operating costs and efficiency of each element of fire-fighting equipment, depreciation and all equipment and apparatus, the number of responses to alarms and their cause and location, and an analysis of losses by value, type and location of buildings.

5. Reports. Make monthly written reports to the Mayor, City Manager and Council concerning the general status, efficiency of the Fire Department, number of alarms answered during the month, and additional information as may be requested by the Mayor, City Manager and Council; compile for the year a factual annual report based upon the records maintained by the Fire Department and summarizing the activities of the Fire Department. (This report shall be filed with the Mayor, City Manager and Council. This annual report shall also contain recommendations for the improvement of the Fire Department.)

6. Enforce Laws. Enforce ordinances and laws regulating fire prevention and the investigation of the cause, origin and circumstances of fires.

7. Technical Assistance. Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits and development of fire emergency plans.

8. 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)

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)

9. 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)

10. 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 other 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)

11. 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)

12. Recommendation. Make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

(Code of Iowa, Sec. 100.13)

13. 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)

36.05 CALLS OUTSIDE CITY LIMITS. The Fire Department may answer calls to fires and other emergencies within Linn County or adjacent counties but outside the corporate limits of the City. The Fire Department may answer such calls so long as the governmental unit where the emergency or fire exists has a reciprocity or Chapter 28E agreement with the City, either formal or informal, or a past history of providing

assistance to the Marion Fire Department on fires or emergencies within the corporate limits.

(Ord. 01-30 – Nov. 01 Supp.)

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

36.06 WORKER’S COMPENSATION AND LIABILITY INSURANCE. The Council shall contract to insure the City against liability for worker’s compensation coverage for volunteers injured in the performance of their duties as firefighters. All volunteers shall be covered by the contract.

36.07 LIABILITY INSURANCE. The Council shall contract to insure against liability of the City or members of the Fire Department, including volunteers, for injuries, death or property damage arising out of and resulting from the performance of departmental duties. However, the City will not insure or be responsible for actions of a volunteer going to or from the scene of a fire or other required or official activity in a private motor vehicle. This exception does not apply where a volunteer goes to or from the scene of a fire or other official departmental activity or function in a governmentally owned Fire Department vehicle.

36.08 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)

36.09 SUPPLEMENTAL PARAMEDICS. Up to three (3) employees of other City departments, who are certified paramedics with the State of Iowa and approved by the Fire Department Medical Division, may be appointed as supplemental paramedics. The Fire Chief, as provided in Section 36.03 of this chapter, shall make all appointments of supplemental paramedics. Supplemental paramedics will operate under Medical Control, procedures, guidelines and standing orders that are currently in place at the Fire Department.

36.10 FEES FOR SERVICES. The Fire Department shall charge such fees for services rendered as are approved by resolution of the City Council for response to: structure fires; field or open space fires; vehicle fires; LNG or LPG gas leaks; victim extraction; confined space or trench rescue; and for the clean up of hazardous materials. Whenever the responsible party is a minor, the payment of said fees shall be the responsibility of the minor’s parents or guardian.

(Ord. 09-02 – Feb. 09 Supp.)