

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 3-5, SECTION 3-73, SECTION 5-2 THROUGH SECTION 5-11, SECTION 5-21, SECTION 11-10 AND SECTION 16-80 TO MODIFY FIRE DEPARTMENT AND PUBLIC SAFETY CHIEF

BE IT ORDAINED by the City Council of the City of Oelwein, Iowa, as follows:

Section 1. That the General Ordinances of the City of Oelwein adopted July 1, 2012 be amended by replacing Section 3-5 with the following:

SECTION 3-5. POLICE DEPARTMENT – CIVIL SERVICE.

The provisions of Chapter 400 of the Code of Iowa, are adopted establishing civil service for the paid police department of the city.

Section 2. That the General Ordinances of the City of Oelwein adopted July 1, 2012 be amended by replacing Section 3-6 SAME - - EMPLOYEE QUALIFICATIONS (4) with the following:

4. The person has attempted a deception or fraud in connection with a civil service examination.

The person shall become a resident of the State of Iowa at the time employment begins and shall remain a resident of the State during employment.

The maximum age for a police officer qualifying under civil service, Chapter 400 of the code of Iowa, is 65 years of age. However, no person shall be appointed, promoted, discharged or demoted to or from a civil service position, or in any other way favored or discriminated against because of political or religious opinions or affiliations, race, national origin, sex or age.

Section 3. That the General Ordinances of the City of Oelwein adopted July 1, 2012 be amended by deleting Section 3-73 (8) and replace it with the following:

SECTION 3-73. DUTIES.

8. The city administrator is the chief administrative officer of the city and the duties shall be as follows:

The administrator shall have the power to fix the compensation to be paid all City employees, subject to the approval of the City Council. The administrator shall have the power to employ, reclassify, or discharge all department heads of the city (except police department head), subject to the approval of the city council. The chief of police shall be appointed and discharged by the Mayor, upon the recommendation of the city administrator and approval of the city council. The chief of the police shall be directly responsible to the city administrator for the effective administration of the department and all activities assigned thereto. In exercising the powers granted in this sub-section, the administrator shall be subject to the provisions of the Soldier's Preference Law and Civil Service Law.

Section 4. That the General Ordinances of the City of Oelwein adopted July 1, 2012 be amended by deleting Section 5-2 through Section 5-10 in their entirety and replacing them with the following:

SECTION 5-2. PUBLIC SAFETY CHIEF.

The police chief will serve as the Public Safety Chief. The Public Safety Chief will serve as the department head of the fire department. The Public Safety Chief, as it relates to the operations of the fire department, is responsible for administrative duties, fire protection, and emergency services. These duties may include technical, administrative, management, investigative, fire prevention, interacting with public, supervision of subordinate employees/volunteers and such other duties and responsibilities as necessary, required, or directed by the city administrator or his/her designee. The Public Safety Chief plans, organizes, directs, and manages overall operations of the police and fire departments. Additionally, this position adjusts departmental methods and service delivery protocols to address new situations and to improve existing operations and functionality.

SECTION 5-3. VOLUNTEER FIRE CHIEF.

The Volunteer Fire Chief shall be appointed by the city administrator, subject to the approval of the city council and after consideration of a recommendation from the volunteer fire personnel. The Volunteer Fire Chief, in consultation with the Public Safety Chief, will appoint a command staff consistent with the structure designated in the department policy and procedures manual.

SECTION 5-4. VOLUNTEER FIRE CHIEF'S DUTIES.

The fire chief shall supervise all operations of the department other than volunteer fire personnel foundation business and social meetings and be responsible for the care, maintenance and use of all vehicles and equipment for the department. The chief shall provide all fire personnel with a copy of the policy and procedures manual. The chief shall keep a record of the names, ages and residences of all fire personnel, and be responsible for their training and supervision. The chief or his/her designee shall maintain attendance records for drill meetings and fires. The chief will assist in the investigation as to the cause, origin, and circumstances of each fire by which property has been destroyed or damaged, or which results in the bodily injury to any person and report their findings to the state fire marshal in writing within thirty (30) days after the fire. If the chief believes that a fire was started by design, or if a death occurs as the result of a fire, the Chief or the Public Safety Chief shall notify the state fire marshal immediately. The Chief, Public Safety Chief, or designated officer has the authority to enter and inspect any buildings or premises in the performance of their duties and shall make written orders to correct any conditions that are likely to cause fire or endanger other buildings and property.

SECTION 5-5. VOLUNTEER FIRE PERSONNEL.

A volunteer fire personnel's organization of the Oelwein Fire Department is hereby established, and such organization may adopt such construction and bylaws for the further government of such organization as may be best calculated to properly regulate and govern it, but said constitution and

bylaws, or any amendments thereto, shall be submitted to the city council for approval, modification or rejection. A copy of said constitution and bylaws when adopted and approved as herein provided, shall be filed with the city clerk. Such constitution and bylaws shall not be inconsistent with this article, city and department policies, and state laws.

SECTION 5-6. FIRE PERSONNEL DUTIES.

When called by the Chief or Public Safety Chief, all fire personnel shall report for duty immediately in the manner directed by the Chief or Public Safety Chief. They shall be subject to call at any time. They shall obey strictly the commands of the fire chief, the Public Safety Chief, and of any other fire personnel who has been appointed by the chief to be in command temporarily. Fire personnel shall report to the chief in advance if they expect to be absent from the city for twelve (12) hours or more. Fire personnel shall report for training as ordered by the chief. Prior to appointment and at the direction of the fire chief, a fire personnel shall take a physical examination and supply a report thereof to the designated officer by policy, who shall promptly file the same with the city clerk.

SECTION 5-7. WORKMEN'S COMPENSATION AND HOSPITALIZATION INSURANCE.

The council shall contract to insure the city against liability for workmen's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer fire personnel injured in the performance of their duties as fire personnel. All volunteer fire personnel shall be covered by the contract.

SECTION 5-8. 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.

SECTION 5-9. FIRES OUTSIDE CITY LIMIT.

The department shall answer calls to fire and other emergencies outside the city limits, according to fire protection contracts and mutual aid agreements, if the fire chief determines that such an emergency exists and that such action will not endanger persons or property within the city limits.

SECTION 5-10. DESTRUCTION OF BUILDINGS.

The Public Safety Chief, Mayor, and fire chief, or the mayor, or the mayor pro tem in the absence of the mayor, and person in charge in the absence of the chief, may direct the fire personnel to take down and remove any building, erection or other obstacles for the purpose of checking the progress of any fire, and the fire personnel, with the advice and concurrence of the mayor and chief or the mayor and other person in charge in the absence of the chief, shall have the power and authority to blow up or cause to be blown up with an explosive any building, erection or other obstacle during any fire for the purpose of checking the progress of said fire and when so ordered and approved they shall incur no liability therefore.

SECTION 5-11. OBEDIENCE TO OR INTERFERENCE WITH FIRE PERSONNEL; DAMAGING APPARATUS.

Any person present at any fire shall be subject to the orders of the Public Safety Chief, Fire Chief, Assistant Chief or other person in charge. Any person who shall willfully hinder or interfere with any fire personnel or the fire apparatus during the time of fire or any fire drill, either while the fire personnel are going to or returning from any fire or drill, or while said fire personnel are tending to their duty as members of the fire department, or any person who shall willfully or negligently drive any vehicle of any kind, across, along or upon any of the fire apparatus, or any person who shall willfully or negligently cut, mar or deface in any manner any of the fire apparatus, whether while at a fire or fire drill or otherwise, shall be guilty of a misdemeanor, and shall be punished accordingly, and in addition thereto shall be personally liable for all damages to said apparatus.

Section 5. That the General Ordinances of the City of Oelwein adopted July 1, 2012 be amended by replacing Article II Fire Prevention Code Section 5-21 with the following:

SECTION 5-21. ENFORCING OFFICER.

The fire prevention code shall be enforced by the Community Development Department or designee.

Section 6. That the General Ordinances of the City of Oelwein adopted July 1, 2012 be amended by replacing Chapter 11, Section 11-10 Investigation of Applicant with the following:

SECTION 11-10. INVESTIGATION OF APPLICANT.

Upon receipt of an original application for a liquor license or beer permit by the city council, it shall be forwarded to the chief of police, who shall conduct an investigation and shall submit a written report on the applicant as to the truth of the facts averred in the application and a recommendation to the city council as to the approval of the license or permit. It shall be the duty of the health inspector the Code Enforcement Officer or his/her designee to inspect the premises to determine if they conform to the requirements of the city, and no license or permit shall be approved until or unless an approving report has been filed with the city council by such officers.

Section 7. That the General Ordinances of the City of Oelwein adopted July 1, 2012 be amended by replacing Article VI Open Burning Section 16-80 Open Burning Restrictions (2) B and E with the following:

B. Time Restriction: Burning shall be allowed only on specific days, between 8:00 A.M. and 9:00 P.M., and under favorable atmospheric conditions or local circumstances designated by the Public Safety Chief or the Fire Chief and said fire does not create a nuisance, health or safety hazard.

E. Ordered Discontinuance: The Public Safety Chief, the Fire Chief, or his/her designee, is authorized to order the cessation of the burning if smoke emissions create a nuisance or safety hazard.

Section 8. That all Ordinances or parts thereof in conflict herewith be and the same are hereby repealed. This ordinance shall become effective upon its passage.

First Reading December 13, 2021
Second Reading
Third Reading

Passed and adopted by the City Council of the City of Oelwein, Iowa this _____ day of _____.

Brett DeVore, Mayor

Attest:

Dylan Mulfinger, City Administrator

Recorded _____.

Dylan Mulfinger, City Administrator

First Reading on _____:
It was moved by _____ and seconded by _____ that the Ordinance as read be adopted, and upon roll call there were:

AYES NAYS ABSENT ABSTAIN

M Weber
Cantrell
Fisk
Stewart
Seeders
Payne

Second Reading on _____ It was moved by _____ and seconded by _____ that the Ordinance as read be adopted (or to suspend the rules), and upon roll call there were:

AYES NAYS ABSENT ABSTAIN

M Weber
Cantrell
Fisk
Stewart
Seeders
Payne

Third Reading on _____ It was moved by _____ and seconded by _____ that the Ordinance as read be adopted (or to suspend the rules) and upon roll call there were:

AYES NAYS ABSENT ABSTAIN

M Weber
Cantrell
Fisk
Stewart
Seeders
Payne