

SECTION 3-5. POLICE ~~AND FIRE~~ DEPARTMENTS - - CIVIL SERVICE.

The provisions of chapter 400 of the Code of Iowa, are adopted establishing civil service for ~~the paid fire department and~~ paid police department of the city. (Ord. No. 393, Section 1, 1-14-63.)

SECTION 3-6. SAME - - EMPLOYEE QUALIFICATIONS.

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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 ~~or fire fighter~~ 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.

(Ord. No. 998, 09-24-2001.)

SECTION 3-73. DUTIES.

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

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8. The administrator shall have 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 and fire department heads), subject to the approval of the city council. The chiefs of police and fire departments shall be appointed and discharged by the Mayor, upon the recommendation of the city administrator and approval of the city council. The chiefs of the police and fire departments shall be directly responsible to the city administrator for the effective administration of the respective departments and all activities assigned thereto. In exercising the powers granted in this sub-section, the city administrator shall be subject to the provisions of the Soldier's Preference Law and Civil Service Law. (Ord. No. 931, 01-13-1997.)

ARTICLE I
FIRE DEPARTMENT

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 5-2~~ *Renumbered SECTION 5-3. VOLUNTEER FIRE CHIEF.

The city administrator, will appoint mayor, upon recommendation of the city administrator and approval of the city council, shall appoint the fire chief in accordance with law and civil service rules

and regulations. The fire chief shall be immediately responsible to the City Administrator. The city administrator with the approval of the council may remove the fire chief by written order setting out the reasons for removal which shall be filed with the city clerk, all in accordance with the law and civil service rules and regulations. The council shall have the power to provide by resolution for other positions in the fire department which shall be filled in accordance with civil service rules and regulations. The chief shall have power to establish such other positions as deemed necessary, to be filled by volunteer firemen. The assistant chief shall be elected by the volunteers. (Ord. No. 534, Section 2, 1-26-76.)

State law reference - - Authority, Section 400.15, Code of Iowa.

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.

~~The mayor, upon recommendation of the city administrator and approval of the city council, shall appoint the fire chief in accordance with law and civil service rules and regulations. The fire chief shall be immediately responsible to the City Administrator. The city administrator with the approval of the council may remove the fire chief by written order setting out the reasons for removal which shall be filed with the city clerk, all in accordance with the law and civil service rules and regulations. The council shall have the power to provide by resolution for other positions in the fire department which shall be filled in accordance with civil service rules and regulations. The chief shall have power to establish such other positions as deemed necessary, to be filled by volunteer firemen. The assistant chief shall be elected by the volunteers. (Ord. No. 534, Section 2, 1-26-76.)~~

~~SECTION 5-3. *Renumbered SECTION 5-4 VOLUNTEER FIRE CHIEF'S DUTIES.~~

The fire chief shall ~~command~~ supervise all operations of the department other than volunteer firemen foundation business and social meetings and be responsible for the care, maintenance and use of all vehicles and equipment for the department. ~~Subject to council approval, the chief shall establish and maintain departmental rules to carry out the requirements of this article.~~ The chief shall provide every fireman with a copy of these rules the policy and procedures manual. The chief shall keep a record of the names, ages and residences of the firemen, 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 ~~shall investigate~~ 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 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. (Ord. No. 534, Section 3, 1-26-76.)

~~SECTION 5-4. *Renumbered SECTION 5-5. VOLUNTEER FIREMEN.~~

A volunteer firemen's organization of the Oelwein Fire Department is hereby established, and such organization may adopt such constitution 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. (Ord. No. 534, Section 4, 1-26-76.)

~~SECTION 5-5. *Renumbered SECTION 5-6 FIREMEN'S DUTIES.~~

When called by the Chief or Public Safety Chief, all firemen 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 fireman who has been appointed by the chief to be in command temporarily. Firemen shall report to the chief in advance if they expect to be absent from the city for twelve (12) hours or more. Firemen shall report for training as ordered by the chief. Prior to appointment and at the direction of the fire chief, a fireman shall take a physical examination and supply a report thereof to the ~~fire chief~~ designated officer by policy, who shall promptly file the same with the city clerk. (Ord. No. 534, Section 5, 1-26-76.)

~~SECTION 5-6.~~ *Renumbered 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 firemen injured in the performance of their duties as firemen. All volunteer firemen shall be covered by the contract. (Ord. No. 534, Section 6, 1-26-76.)

~~SECTION 5-7.~~ *Renumbered 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. (Ord. No. 534, Section 7, 1-26-76.)

~~SECTION 5-8.~~ *Renumbered 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 emergency exists and that such action will not endanger persons or property within the city limits. (Ord. No. 534, Section 8, 1-26-76.)

~~SECTION 5-9.~~ *Renumbered 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 firemen to take down and remove any building, erection or other obstacles for the purpose of checking the progress of any fire, and the firemen, 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. (Ord. No. 534, Section 9, 1-26-76; Ord. No. 909, 1-23-95.)

~~SECTION 5-10.~~ *Renumbered SECTION 5-11. OBEDIENCE TO OR INTERFERENCE WITH FIREMEN; 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 fireman or the fire apparatus during the time of fire or any fire drill, either while the firemen are going to or returning from any fire or drill, or while said firemen 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. (Ord. No. 534, Section 10, 1-26-76.)

SECTIONS 5-12 - - 5-19. Reserved.

ARTICLE II
FIRE PREVENTION CODE*

*Cross Reference – Storage of junk as a nuisance, Section 17-32.

SECTION 5-21. ENFORCING OFFICER.

The fire prevention code shall be enforced by the ~~chief of the fire department~~ Community Development Department or designee. (Ord. No. 431, Section 2, 7-24-67; Ord. No. 1120, 6-26-2012.)

CHAPTER 11
ALCOHOL AND LIQUOR CONTROL

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 149

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 ~~and the Code Enforcement Officer~~ or his/her designee ~~and the fire chief~~ 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.

ARTICLE VI
OPEN BURNING

SECTION 16-80 OPEN BURNING RESTRICTIONS

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2. Landscape waste: The disposal by open burning of landscape waste originating on the premises during the designated burning seasons each year, provided such burning is conducted in accordance with the following:

A. "Landscape waste" is defined as any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

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. (Ord. No. 1072, 10/09/2006)

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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.