

## CHAPTER 30

# POLICE DEPARTMENT

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**30.01 DEPARTMENT ESTABLISHED.** The police department of the City is established to provide for the preservation of peace and enforcement of law and ordinances within the corporate limits of the City.

**30.02 ORGANIZATION.** The department consists of the Police Chief and such other law enforcement officers and personnel, whether full or part time, as may be authorized by the Council.

**30.03 PEACE OFFICER QUALIFICATIONS.** In no case shall any person be selected or appointed as a law enforcement officer unless such person meets the minimum qualification standards established by the Iowa Law Enforcement Academy.  
*(Code of Iowa, Sec. 80B.11)*

**30.04 REQUIRED TRAINING.** All peace officers shall have received the minimum training required by law at an approved law enforcement training school within one year of employment. Peace officers shall also meet the minimum in-service training as required by law.

*(Code of Iowa, Sec. 80B.11 [2])  
(IAC, 501-3 and 501-8)*

**30.05 COMPENSATION.** Members of the department are designated by rank and receive such compensation as shall be determined by resolution of the Council.

**30.06 POLICE CHIEF APPOINTED.** The Mayor shall appoint and dismiss the Police Chief subject to the consent of a majority of the Council.  
*(Code of Iowa, Sec. 372.4)*

**30.07 POLICE CHIEF: DUTIES.** The day-to-day supervision of the Police Chief is the responsibility of the Mayor. The Police Chief has the following powers and duties subject to the approval of the Council.

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

1. General. Perform all duties required of the Police Chief by law or ordinance.
2. Enforce Laws. Enforce all laws, ordinances and regulations and bring all persons committing any offense before the proper court.

3. Writs. Execute and return all writs and other processes directed to the Police Chief.
4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.  
*(Code of Iowa, Sec. 321.266)*
5. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.
6. Assist Officials. When requested, provide aid to other City officers, boards and commissions in the execution of their official duties.
7. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.
8. Record of Arrests. Keep a record of all arrests made in the City by showing whether said arrests were made under provisions of State law or City ordinance, the offense charged, who made the arrest and the disposition of the charge.
9. Reports. Compile and submit to the Mayor and Council an annual report as well as such other reports as may be requested by the Mayor or Council.
10. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles, equipment and materials of the department.

**30.08 DEPARTMENTAL RULES.** The Police Chief shall establish such rules, not in conflict with the Code of Ordinances, and subject to the approval of the Council, as may be necessary for the operation of the department.

**30.09 SUMMONING AID.** Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.

*(Code of Iowa, Sec. 804.17)*

**30.10 TAKING WEAPONS.** Any person who makes an arrest may take from the person arrested all items which are capable of causing bodily harm

which the arrested person may have within such person's control to be disposed of according to law.

*(Code of Iowa, Sec. 804.18)*

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## CHAPTER 35

# FIRE AND RESCUE DEPARTMENT

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**35.01 VOLUNTEER FIRE DEPARTMENT ESTABLISHED.** A volunteer fire department is established and shall be known as the Huxley Fire and Rescue Department, and is referred to in this chapter as “the department.”

*(Code of Iowa, Sec. 364.16)*

**35.02 PURPOSE.** The purpose of the department is to prevent and extinguish fires, to protect lives and property against fires, to promote fire prevention and fire safety, and to respond to requests for emergency rescue and medical care or assistance when no other agency is immediately available to do so.

**35.03 ORGANIZATION.** The principal officer of the department shall have the title of Fire Chief. The Fire Chief shall have two deputies who shall each have the title of Deputy Chief. The department shall be divided into the fire division and the EMS division. The Fire Chief shall have charge, control and management of the entire department. Each division shall be headed by a Deputy Chief. Members of the department shall be assigned to one or both divisions. The department shall have no more than fifty members at any one time and no more than thirty-five members shall be assigned to either division of the department.

**35.04 FIRE DIVISION.** It is the duty of the fire division to perform the following responsibilities of the department: to prevent and extinguish fires, to protect lives and property, and to promote fire prevention and fire safety.

**35.05 EMS DIVISION.** It is the duty of the EMS division to respond to requests for emergency rescue and medical care or assistance.

**35.06 ELECTION OF OFFICERS.** During the month of January of each year, a Fire Chief and two Deputy Chiefs shall be elected officers of the department. Each officer shall serve a term of one year, which shall commence on February 1 following such election and end on the last day of January in the next year. The Fire Chief shall be elected by a majority vote of all voting members of the department, subject to the approval of the Council. The Deputy Chief of the fire division shall be elected by a majority of all voting members of the department assigned to the fire division, subject

to approval of the Council. The Deputy Chief of the EMS division shall be elected by a majority of all voting members of the department assigned to the EMS division, subject to the approval of the Council. A vacancy in the office of Fire Chief or Deputy Chiefs, for whatever reason, shall be filled by election in the same manner provided in this section within thirty days after the occurrence of such vacancy for the remaining unexpired term.

**35.07 MEMBERSHIP QUALIFICATIONS.** Any person who is eighteen (18) years of age or older, who permanently resides within the corporate limits of the City or who resides within three miles of the corporate limits of the City or who is regularly employed within the corporate limits of the City, and who is mentally competent and physically able to perform the duties of a firefighter or first responder and who submits in writing to the Fire Chief an application for appointment as a member of the department in the position of firefighter or first responder shall qualify for appointment to the position designated in the written application upon approval of the Fire Chief, the Deputy Chief of the designated division, and the Council. An applicant who qualifies and requests to be appointed to both the position of firefighter and first responder may be appointed to serve in both positions at the same time. All approvals required for appointment as a member of the department shall be endorsed on the appointee's application form.

**35.08 PHYSICAL EXAMINATION.** Each person newly appointed to membership in the department, prior to performing any duties as a member of the department, and each existing member, prior to March 1 of each year, shall furnish to the Fire Chief the written report of a licensed physician certifying that a physical examination of the member discloses that the member is in good physical health and suffers from no physical disability which would interfere with the performance of the member's duties as either a firefighter or first responder, whichever is applicable. The cost of such physical examination shall be paid by the City for each newly appointed member, provided, however, a newly appointed member who fails to complete one full year of service as a member shall reimburse the City for the costs of such physical examination. Thereafter, the costs of such physical examination shall be the responsibility of the member.

**35.09 RESIGNATION.** A member of the department may voluntarily resign as a member of the department by submitting to the Fire Chief a written statement of such resignation and the same shall take effect immediately unless a subsequent effective date is stated therein.

**35.10 REMOVALS.** A member of the department may be involuntarily removed as a member of the department by written order of the Fire Chief. The Council may remove the Fire Chief as a member of the department by written order. The order shall give the reasons for the removal, be filed in the office of the Clerk, and a copy shall be sent by certified mail to the person removed who, upon request filed with the Clerk within 30 days of the date of mailing the copy, shall be granted a public hearing before the Council on all issues connected with the removal. The hearing shall be held

within 30 days of the date the request is filed, unless the person removed requests a later date.

**35.11 DUTIES OF FIRE CHIEF.** The Fire Chief shall perform all duties required of the Fire Chief by law or ordinance, including but not limited to the following:

1. Command all operations of the department and be responsible for the care, maintenance and use of all vehicles and equipment of the department. The Fire Chief may cause repairs to be made to the vehicles and equipment of the department without prior order of the Council.
2. Subject to the approval of the Council, establish and maintain departmental rules to carry out the requirements of this chapter.
3. Keep a record of the names, ages and residences of all members of the department and be responsible for their training and supervision.
4. Maintain attendance records for drill meetings and fires.
5. Investigate 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.
6. Annually, during the month of January, furnish to the Council a written report identifying all members of the department and their record of attendance at drills, meetings, fires and incidents where emergency assistance was provided.

**35.12 DUTIES OF DEPUTY CHIEFS.** Each Deputy Chief, subject to the direction of the Fire Chief, shall command the division for which such officer is responsible. In the absence of the Fire Chief, the Deputy Chief of the fire division shall assume the responsibilities of the Fire Chief.

**35.13 DUTIES OF MEMBERS.** All members, when called by the Fire Chief or the Deputy Chief of their respective divisions, shall report for duty immediately in the manner directed. Members shall be subject to call at any time. Members shall obey the commands of any other member who has been appointed by the Fire Chief or their division Deputy Chief to be in command temporarily. Members shall report to the Fire Chief or their division Deputy Chief if they expect to be absent from the City for forty-eight (48) hours or more. All members shall report for training as ordered by the Fire Chief or Deputy Chief of their division.

**35.14 COMPENSATION AND EXPENSES.** The department shall be staffed exclusively by unpaid volunteer members who shall be paid only nominal compensation as follows:

1. Within City. Each department member who is present and reports to the Fire Chief or incident commander at any fire or medical call within the City or at a meeting called by the Fire Chief shall receive nominal compensation as set by resolution of the Council.

2. Other Services. Each department member who is present and reports to the Fire Chief or incident commander at any fire or medical call outside the City may receive nominal compensation as set by resolution of the Council. The Council may also, in its sole discretion, authorize the payment of additional nominal compensation to firefighters in the cases of extraordinary fire-fighting or medical services.

3. Expenses. The Council may, upon application of a member, reimburse the member for ordinary and necessary expenses incurred in pursuance of duties as a member of the department. The annual dues of the Iowa Firemen's Association shall be paid by the City for each member of the department who is a firefighter. The City shall continue to pay said annual dues and mutual aid calls for the lifetime of any member who has retired from membership in the department after completing 25 years of services as a firefighter.

4. The Council shall appropriate funds on an annual basis for the compensation of firefighters and first responders for training purposes. The Fire Chief shall determine the amount to be paid to each member.

**35.15 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 members of the department injured in the performance of their duties as firefighters or first responders. All members of the department shall be covered by the contract.

**35.16 LIABILITY INSURANCE.** The Council shall contract to insure against liability of the City or members of the department for personal injuries, death or property damage arising out of and resulting from the performance of departmental duties.

**35.17 DEMOLITION OF BUILDINGS.** The Mayor, with the advice of the Council members present at any fire, or in the absence of the Mayor and any Council members, the Fire Chief may order the demolition of any building or other structure whenever it is deemed necessary to arrest the progress of a fire.

**35.18 DUTIES OF PRIVATE CITIZENS.** Every person at a fire who is not a member of the department shall be subject and obedient to the orders of the Fire Chief, the Deputy Chiefs, the Mayor, Council members and the Police Chief, provided such members first make their status known, in the extinguishing of the fire and the removal and protection of property.

**35.19 FALSE ALARMS.** The department is authorized to assess a service charge fee to any alarm system user that generates an unnecessary number of false alarm responses during a calendar year. The Council, by resolution, will determine the number of false alarms allowed per user per year that will not be assessed a service charge fee and will also determine the amount of the service charge fee.

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## CHAPTER 36

## HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose

36.02 Definitions

36.03 Cleanup Required

36.04 Liability for Cleanup Costs

36.05 Notifications

36.06 Police Authority

36.07 Liability

**36.01 PURPOSE.** In order to reduce the danger to the public health, safety and welfare from the leaks and spills of hazardous substances, these regulations are promulgated to establish responsibility for the treatment, removal and cleanup of hazardous substance spills within the City limits.

**36.02 DEFINITIONS.** For purposes of this chapter the following terms are defined:

1. “Cleanup” means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove or dispose of a hazardous substance.

*(Code of Iowa, Sec. 455B.381[1])*

2. “Hazardous condition” means any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the State or into the atmosphere which creates an immediate or potential danger to the public health or safety or to the environment.

*(Code of Iowa, Sec. 455B.381[4])*

3. “Hazardous substance” means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. “Hazardous substance” may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

*(Code of Iowa, Sec. 455B.381[5])*

4. “Responsible person” means a person who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous substance when a hazardous condition occurs, whether the person owns the hazardous substance or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance.

*(Code of Iowa, Sec. 455B.381[7])*

**36.03 CLEANUP REQUIRED.** Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous substance, so that the hazardous substance or a constituent of the hazardous substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of cleanup shall be borne by the responsible person. If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may, by an authorized officer, give reasonable notice, based on the character of the hazardous condition, said notice setting a deadline for accomplishing the cleanup and stating that the City will proceed to procure cleanup services and bill the responsible person for all costs associated with the cleanup if the cleanup is not accomplished within the deadline. In the event that it is determined that immediate cleanup is necessary as a result of the present danger to the public health, safety and welfare, then no notice shall be required and the City may proceed to procure the cleanup and bill the responsible person for all costs associated with the cleanup. If the bill for those services is not paid within thirty (30) days, the City Attorney shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the City to finance it, the authorized officer shall report to the Council and immediately seek any State or Federal funds available for said cleanup.

**36.04 LIABILITY FOR CLEANUP COSTS.** The responsible person shall be strictly liable for all of the following:

1. The reasonable cleanup costs incurred by the City as a result of the failure of the responsible person to clean up a hazardous substance involved in a hazardous condition.
2. The reasonable costs incurred by the City to evacuate people from the area threatened by a hazardous condition caused by the person.

3. The reasonable damages to the City for the injury to, destruction of, or loss of City property, including parks and roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction or loss.

**36.05 NOTIFICATIONS.**

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the Fire and Rescue Department of the occurrence of a hazardous condition as soon as possible but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The Fire Chief or commanding officer shall immediately notify the Department of Natural Resources and the local emergency manager.

2. Any other person who discovers a hazardous condition shall notify the Fire and Rescue Department, which shall then notify the Department of Natural Resources.

**36.06 POLICE AUTHORITY.** If the circumstances reasonably so require, a law enforcement officer or an authorized Fire and Rescue Department representative may:

1. Evacuate persons from their homes to areas away from the site of a hazardous condition, and
2. Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to cleanup personnel.

No person shall disobey an order of any law enforcement officer or Fire and Rescue Department officer issued under this section.

**36.07 LIABILITY.** The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, unless the City is the responsible person as defined in Section 36.02[4].