

TITLE II - COMMUNITY PROTECTION

DIVISION 1 - ADMINISTRATION

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## CHAPTER 25

# POLICE DEPARTMENT

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**25.01 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.

**25.02 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.

**25.03 PEACE OFFICER QUALIFICATIONS.** In no case shall any person be recruited, selected or appointed as a peace officer unless such person:

*(Code of Iowa, Sec. 80B.11)*  
*(IAC, 501-2.1; 501-2.2[1 and 2])*

1. Resident Citizen. Is a citizen of the United States and a resident of Iowa or intends to become a resident upon being employed.
2. Age. Has reached eighteenth birthday at the time of appointment.
3. Driver's License. Has a valid driver's or chauffeur's license issued by the State of Iowa.
4. Alcohol and Drugs. Is not addicted to drugs or alcohol.
5. Character. Is of good moral character as determined by a thorough investigation including a fingerprint search conducted of local, State and national fingerprint files and has not been convicted of a felony or a crime involving moral turpitude.
6. Physical Agility. Has successfully passed the physical agility test developed by the Iowa Law Enforcement Academy.

7. **Conscientious Objector.** Is not by reason of conscience or belief opposed to the use of force, when necessary to fulfill said person's duties.
8. **Education.** Is a high school graduate with a diploma, or possesses an equivalency certificate which meets the minimum score required by the State of Iowa as determined by the State Department of Education.
9. **Vision.** Has an uncorrected vision of not less than 20/100 in both eyes, corrected to 20/20 and normal color vision. Normal color vision, as determined by the American Optical Company, Pseudo-Isochromatic Plates test, requires correct identification of fourteen out of the eighteen plates.
10. **Hearing.** Has normal hearing in each ear. Hearing is considered normal when, tested by an audiometer, hearing sensitivity thresholds are within 25db measured at 1000Hz, 2000Hz and 3000Hz averaged together.
11. **Physical Exam.** Is examined by a licensed physician or surgeon and meets the physical requirements necessary to fulfill the responsibilities of a law enforcement officer.
12. **Written Exam.** Has performed satisfactorily in pre-employment cognitive or personality tests or both.

**25.04 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)*

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

**25.06 POLICE CHIEF APPOINTED.** The Mayor shall appoint and dismiss the Police Chief, subject to the consent of a majority of the Council.

*(Ord. 4-01 – Nov. 01 Supp.)  
(Code of Iowa, Sec. 372.4)*

25.07 POLICE CHIEF: DUTIES. The Police Chief shall have 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 or marshal 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 him.
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.

25.08 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 including rules governing the following:

1. Rules of Conduct. The conduct and activity of members of the department during regular and off-duty hours.
2. Uniform. The wear and care of uniforms.
3. Weapons. The care, use and practice of side arms and other police weapons.
4. Communication. The procedures, use and care of the police radio and other communication systems.
5. Training. The nature, time and attendance requirements for in-service training of members of the department.
6. Emergencies. Temporary rules for the protection and functioning of the department as may be necessary in the event of an emergency until such rules may be considered by the Council.
7. Other. Such other rules as may be deemed necessary and advisable in assuring efficient and proper performance of the duties of the department.
8. Penalties. The penalties which may be imposed for violation of established departmental rules by members.
9. Notice. The Police Chief shall give written notice to any member charged with a violation of departmental rules specifying the rule violated, the nature of the violation and the penalty to be imposed.
10. Appeal. A member of the department charged with a violation of rules may request a hearing before the Council by filing notice of appeal with the Clerk within ten (10) days of receipt of notice of violation. The Council, at its next meeting, shall review the facts and affirm, modify or revoke the action of the Police Chief.

25.09 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, 804.17)

25.10 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, 804.18)

25.11 CONTRACT LAW ENFORCEMENT. In lieu of the appointment of a police chief by the Mayor as provided by Section 25.06, the Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Police Chief as provided herein.

(Code of Iowa, Sec. 28E.30)

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TITLE II - COMMUNITY PROTECTION  
DIVISION 1 - ADMINISTRATION

CHAPTER 30  
FIRE DEPARTMENT

- 30.01 Establishment and Purpose
- 30.02 Organization
- 30.03 Approved by Council
- 30.04 Training
- 30.05 Compensation
- 30.06 Election of Officers
- 30.07 Fire Chief: Duties
- 30.08 Obedience to Fire Chief
- 30.09 Constitution
- 30.10 Accidental Injury Insurance
- 30.11 Liability Insurance
- 30.12 Calls Outside City
- 30.13 Mutual Aid
- 30.14 Authority to Cite Violations

30.01 ESTABLISHMENT AND PURPOSE. A volunteer 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)

30.02 ORGANIZATION. The department shall consist of the Fire Chief and such other officers and personnel as may be authorized by the Council.

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

30.03 APPROVED BY COUNCIL. No person having otherwise qualified shall be appointed to the department until such appointment is submitted to and approved by a majority of the Council members.

30.04 TRAINING. All members of the department shall attend and actively participate in regular or special training drills or programs as directed by the chief.

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

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

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

30.06 ELECTION OF OFFICERS. The department shall elect a chief and such other officers as their constitution and bylaws may provide, but the election of chief shall be subject to the approval of the Council. In case of absence of the chief the officer next in rank shall be in charge and have and exercise all the powers of chief.

30.07 FIRE CHIEF: DUTIES. The Fire Chief shall have the following powers and duties:

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

1. General. Perform all duties required of the Fire Chief by law or ordinance.

2. Enforce Laws. Enforce all ordinances and, where enabled, State laws regulating the following:

A. Fire prevention.

B. Maintenance and use of fire escapes.

C. The investigation of the cause, origin and circumstances of fires.

D. The means and adequacy of exit in case of fire from halls, theatres, churches, hospitals, asylums, lodging houses, schools, factories and all other buildings in which the public congregates for any purpose.

E. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.

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. 100B.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. 100B.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. 100B.3)

6. Command. Be charged with the duty of maintaining the efficiency, discipline 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.

7. Property. Exercise and have full control over the disposition of all fire apparatus, tools, equipment and other property used by or belonging to the fire department.

8. 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 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)

9. 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)

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

(Code of Iowa, Sec. 100.13)

11. 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)

12. Records. Cause to be kept records of the fire department personnel, fire fighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.

13. Reports. Compile and submit to the Mayor and Council an annual report of the status and activities of the department as well as such other reports as may be requested by the Mayor or Council.

30.08 OBEDIENCE TO FIRE CHIEF. No person shall willfully fail or refuse to comply with any lawful order or direction of the fire chief.

30.09 CONSTITUTION. The department shall adopt a constitution and bylaws as they deem calculated to accomplish the object contemplated, and such constitution and bylaws and any change or amendment to such constitution and bylaws before being effective, must be approved by the Council.

30.10 ACCIDENTAL INJURY 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 volunteer fire fighters injured in the performance of their duties as fire fighters whether within or outside the corporate limits of the City. All volunteer fire fighters shall be covered by the contract.  
(Code of Iowa, Sec. 85.2, 85.61 and Sec. 410.18)

30.11 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 within or outside the corporate limits of the City.  
(Code of Iowa, Sec. 613A.2 & 517A.1)

30.12 CALLS OUTSIDE CITY. 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.  
(Code of Iowa, Sec. 364.4 [2 & 3])

30.13 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])

30.14 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)

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TITLE II - COMMUNITY PROTECTION  
 DIVISION 1 - ADMINISTRATION

CHAPTER 35  
 HAZARDOUS SUBSTANCE SPILLS

35.01 Purpose	35.04 Liability for Cleanup Costs
35.02 Definitions	35.05 Notifications
35.03 Cleanup Required	35.06 Police Authority
	35.07 Liability

35.01 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.

35.02 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. 445B.381[6])

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[2])

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[1])

4. "Hazardous Waste" means a waste or combination of wastes that, because of its quantity, concentration, biological degradation, leaching from precipitation, or physical, chemical, or infectious characteristics, has either of the following effects:

A. Causes, or significantly contributes to an increase in mortality or an increase in serious irreversible or incapacitating reversible, illness.

B. Poses a substantial danger to human health or the environment. "Hazardous waste" may include but is not limited to wastes that are toxic, corrosive or inflammable or irritants, strong sensitizers or explosives.

5. "Hazardous waste" does not include:

A. Agricultural wastes, including manures and crop residues that are returned to the soil as fertilizers or soil conditioners.

B. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

(Code of Iowa, Sec. 455B.411[2])

6. "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 or hazardous waste when a hazardous condition occurs, whether the person owns the hazardous substance or waste or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance or waste.

(Code of Iowa, Sec. 445B.381[8])

7. "Treatment" means a method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize it or to render the substance nonhazardous, safer for transport, amenable for

recovery, amenable for storage, or to reduce it in volume. Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous substance to render it nonhazardous.

35.03 CLEANUP REQUIRED. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous waste or substance, so that the hazardous substance or waste or a constituent of the hazardous substance or waste 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.

35.04 LIABILITY FOR CLEANUP COSTS. The responsible person shall be strictly liable to the City 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.

35.05 NOTIFICATIONS.

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance or waste shall notify the State Department of Natural Resources and the Police 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 Police Chief shall immediately notify the Department of Natural Resources.

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

35.06 POLICE AUTHORITY. If the circumstances reasonably so require, the Police Chief or an authorized 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 the Police Chief or any other law enforcement officer issued under this section.

35.07 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 35.02.