

ORDINANCE NO. 487

AN ORDINANCE TO AMEND CHAPTER 35, EARLHAM FIRE DEPARTMENT, TO RENAME CHAPTER 35 AS EARLHAM FIRE & RESCUE DEPARTMENT UPON THE EFFECTIVE DATE

BE IT THEREFORE ORDAINED by the City Council of the City of Earlham:

Section 1: Chapter 35, Earlham Municipal Code, should be and the same is hereby repealed and enacted in lieu thereof is as follows:

CHAPTER 35 EARLHAM FIRE & RESCUE DEPARTMENT

35.01 ESTABLISHMENT AND PURPOSE.

A volunteer fire and rescue department is hereby established to protect life and property against fire; prevent and extinguish fires; promote fire prevention and fire safety; and provide rescue and other emergency-response services authorized by the Council for which no other established agency is responsible.

(Code of Iowa, Sec. 364.16)

35.02 ORGANIZATION.

The Fire and Rescue Department consists of the volunteer fire company and the volunteer rescue company. The volunteer fire company consists of not less than 16 or more than 27 members and the volunteer rescue company consists of not more than 20 members. A regular member must be at least eighteen (18) years of age.

The Council may authorize a junior or cadet participation program for persons under eighteen (18) years of age by separate resolution or policy. A junior or cadet participant is not a regular member of the Department and may participate only in training, education, and other activities expressly permitted by the Council's policy and applicable state and federal law. A junior or cadet participant shall not perform emergency operations, firefighting, rescue, driving, or other hazardous duties unless and to the extent specifically authorized by applicable law and the Council's policy.

(Code of Iowa, Sec. 364.16; 372.13[4])

35.03 APPOINTMENT OF MEMBERS.

Volunteer members of the Fire and Rescue Department shall be appointed by the Fire Chief and for Rescue the Rescue Captain in accordance with the Department's constitution, bylaws, and policies. The Council may require confirmation of any appointment by resolution or policy. Nothing in this section limits the Council's authority over City officers and employees under State law.

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

35.04 TRAINING.

All members of the Fire and Rescue Department shall meet the minimum training standards established by the State Fire Marshal that apply to the member's assigned duties and shall attend and actively participate in regular or special training drills or programs as directed by the Fire Chief or, for rescue training and operations, the Rescue Captain.

(Code of Iowa, Sec. 100B.2[4])

35.05 APPOINTMENT OF OFFICERS.

The Mayor shall appoint a Fire Chief and a Rescue Captain, each subject to approval by the Council. The respective companies may elect or appoint other officers as provided in the Department's constitution and bylaws, subject to any Council approval required by those constitution and bylaws.

(Code of Iowa, Sec. 372.13[4]; 372.14)

35.06 FIRE CHIEF: DUTIES.

The Fire Chief shall perform all duties required of the Fire Chief by law or ordinance, including but not limited to the following:

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

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

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

3.- **Authority at Fire Scenes.** 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)

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 and Rescue Department.

(Code of Iowa, Sec. 102.2)

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 a fire or emergency to prevent accidents or interference with the fire-fighting efforts of the Fire and Rescue 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)

6.- **Command.** Be charged with maintaining the efficiency, discipline, and control of the Fire and Rescue Department. Members shall at all times be subject to the direction of the Fire Chief. The Rescue Captain shall direct rescue operations and rescue training as delegated by the Fire Chief and consistent with the Department's constitution, bylaws, and policies.

7.- **Property.** Exercise and have control over the use and disposition of fire apparatus, tools, equipment, and other property used by or belonging to the City for fire operations, subject to the Council's authority over City property. The Rescue Captain shall be responsible for rescue equipment and property, subject to the Fire Chief's overall command and the Council's authority over City property.

8.- Notification and Reports. When death, serious bodily injury, or property damage in excess of \$200,000 has occurred as a result of a fire, or if arson is suspected, immediately notify the State Fire Marshal's Division. For all other fires causing estimated damage of \$50 or more, and for emergency responses by the Fire and Rescue Department, file reports with the State Fire Marshal's Division within ten (10) days following the end of the month, as required by law. (Code of Iowa, Sec. 100.2 and 100.3)

9.- Right of Entry. During reasonable hours, enter any building or premises within the Fire Chief's jurisdiction to make an investigation or inspection authorized by law or ordinance and reasonably necessary to protect public health, safety, and welfare. (Code of Iowa, Sec. 100.12)

10.- Recommendation. Make 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 the State Fire Marshal in the performance of duties by investigating, preventing, and reporting data pertaining to fires.

12.- Records. Cause records to be kept of Fire and Rescue Department personnel; firefighting and rescue equipment; depreciation of equipment and apparatus; responses to alarms; their cause and location; and an analysis of losses by value, type, and location of buildings. The Rescue Captain shall maintain rescue-related records and make rescue-operation reports required by the Council or the Fire Chief.

13.- Reports. Compile and submit to the Mayor and Council an annual report of the status and activities of the Fire and Rescue Department and other reports requested by the Mayor or Council.

35.07 OBEDIENCE TO FIRE CHIEF.

No person shall willfully fail or refuse to comply with a lawful order or direction of the Fire Chief or another authorized officer in charge of a fire scene. (Code of Iowa, Sec. 102.2)

35.08 CONSTITUTION AND BYLAWS.

The respective companies in the Fire and Rescue Department shall adopt a constitution and bylaws as necessary to accomplish the Department's purposes. The constitution and bylaws, and any amendment to them, must be approved by the Council before taking effect.

35.09 ACCIDENTAL INJURY INSURANCE.

The Council shall provide insurance or other coverage required by law for workers' compensation and for statutory liability for the costs of hospitalization, nursing, and medical attention for Department members injured while performing their duties within or outside the corporate limits of the City. All Department members shall be covered as required by law. (Code of Iowa, Sec. 85.2, 85.61, and 410.18)

35.10 LIABILITY INSURANCE.

The Council shall provide insurance or other coverage as authorized by law for liability of the City or Department members for injuries, death, or property damage arising from performance of Department duties within or outside the corporate limits of the City.

(Code of Iowa, Sec. 670.2, 670.7, and 517A.1)

35.11 CALLS OUTSIDE FIRE DISTRICT.

The Fire and Rescue Department may answer calls to fires and other emergencies outside the Fire District if the Fire Chief determines that an emergency exists and that the response will not endanger persons or property within the City or otherwise impair the Department's ability to provide fire protection to the City. Responses outside the City are subject to any conditions established by the Council and any applicable agreement.

(Code of Iowa, Sec. 364.16)

35.12 MUTUAL AID.

Subject to approval by resolution of the Council, the Fire and Rescue Department may enter into mutual-aid agreements with other legally constituted fire departments or emergency-response agencies. Copies of those agreements shall be filed with the City Clerk.

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

35.13 AUTHORITY TO CITE VIOLATIONS.

Fire officials acting under the authority of Chapter 10A, Subchapter V, Part 2 of the Code of Iowa may issue citations in accordance with Chapter 805 of the Code of Iowa for violations of Chapter 10A, Subchapter V, Part 2 of the Code of Iowa or a local fire safety code.

(Code of Iowa, Sec. 100.41)

(Ord. 460 — Mar. 25 Supp.)

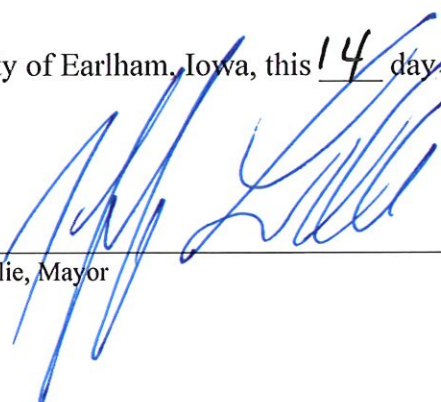
Section 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provisions or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This ordinance shall be in full force and effect after its final passage, approval, and publication as provided by law.

Passed and approved by the City Council of the City of Earlham, Iowa, this 14 day of

September, 2026

ATTEST: 
Jessica L. Visser, City Clerk/Treasurer



Jeff Lillie, Mayor

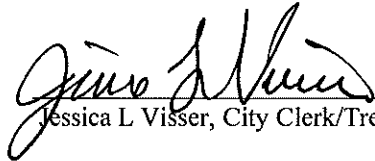
Passed First Reading:

9-14-26

Passed Second Reading: waived 9-14-26
Waived Third Reading waived 9-14-26

<u>Member</u>	<u>1st Reading</u>	<u>2nd Reading</u>	<u>3rd Reading</u>
Fredericksen			
Miller	✓	✓	✓
Mudge	✓	✓	✓
Nelsen	✓	✓	✓
Visser	✓	✓	✓

I certify that the foregoing Ordinance was published as Ordinance No.486 on the 14 day of September, 2026.



Jessica L Visser, City Clerk/Treasurer