

ORDINANCE No. _____

AN ORDINANCE FOR THE REMOVAL OF THE
OFFICE OF DEPARTMENT OF PUBLIC SAFETY

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF VAN METER,
IOWA:**

SECTION 1: Purpose. The purpose of this Ordinance is to remove the Public Safety Department, clarify the duties of the Fire and Police Departments, and amend the appointment and duties of the offices of Mayor, City Administrator, City Fire Chief, and Police Chief.

SECTION 2: Repealed. Chapter 31 [RESERVED]

~~Chapter 31 PUBLIC SAFETY DEPARTMENT~~

~~31.01 PUBLIC SAFETY DEPARTMENT ESTABLISHED.~~

~~A Public Safety Department is hereby established which shall consist of the Police, Emergency Medical, and Fire Departments under the supervision of the Public Safety Director.~~

~~31.02 ORGANIZATION.~~

~~The Police and Fire Departments shall operate as separate subdivisions of the Public Safety Department. Each department shall have a chief who is appointed by the Mayor and Council upon the recommendation of the Public Safety Director and City Administrator. The Public Safety Director shall report and be responsible to the City Administrator. The Public Safety Director may delegate duties and create organizational structure so as to best facilitate public safety services in the City.~~

~~31.03 PUBLIC SAFETY DIRECTOR.~~

~~The Public Safety Director shall be appointed by the City Administrator and confirmed by the Council. The Public Safety Department shall be under the supervision of the Public Safety Director. The Public Safety Director shall have duties and responsibilities as established by the Council and as set forth in the job description adopted by the Council.~~

~~31.04 COMPENSATION.~~

~~The Public Safety Director shall receive compensation as established by the Council and set forth in a written contract approved by the Council by resolution.~~

~~31.05 TRAINING.~~

~~The Public Safety Director shall have knowledge of both law enforcement and fire protection and shall be versed in both disciplines to the extent that the Director is capable of managing both departments and have a good working knowledge of both departments' functions.~~

~~31.06 DELEGATION OF DUTIES.~~

~~The Public Safety Director may delegate duties to the chiefs of both the Police and Fire Departments as said official determines necessary to carry out the respective responsibilities of each department.~~

SECTION 3: Amendment. Section 15.03, Section 21.01, Section 21.02, Section 21.04, Section 30.06, Section 35.06, Section 35.11, Section 35.12, Section 35.13, Section 35.15

15.03 APPOINTMENTS.

The Mayor shall appoint the following officials:

1. Mayor Pro Tem
2. Library Board of Trustees
3. Parks and Recreation Board
4. Police Chief, subject to the consent of a majority of the City Council
5. Fire Chief, subject to the consent of a majority of the City Council

21.01 APPOINTMENT AND COMPENSATION.

The City Administrator shall be a person competent by education and/or experience, as determined by the Mayor and City Council, to perform the duties imposed upon such person by this chapter. The City Administrator shall be hired pursuant to the terms and conditions of an employment agreement approved by a resolution of the City Council. The City Administrator shall receive a salary and benefit package as set forth in the employment agreement.

21.02 ADMINISTRATIVE RESPONSIBILITY.

The City Administrator is directly responsible to the Mayor and the City Council for the administration of municipal affairs as directed by that body. All departments of the City, except the City Attorney and Police Chief, shall report and be responsible to the City Administrator. The Police Chief shall report to the Mayor, and the City Administrator shall supervise and direct the daily operations of the Police Department as delegated by the Mayor. All departmental activity requiring the attention of the Council shall be brought before the Council by the City Administrator and all Council policy concerning administration shall be coordinated through the City Administrator.

~~21.04 APPOINTMENTS.—[RESERVED]~~

~~The City Administrator shall appoint the following officials with the confirmation by the Council.~~

~~1. Public Safety Director~~

30.06 POLICE CHIEF.

~~The Police Chief shall be the Public Safety Director, appointed by recommendation of the City Administrator and confirmation by the City Council.~~ The Mayor shall appoint and dismiss the Police Chief subject to the consent of a majority of the City Council.

35.06 APPOINTMENT OF OFFICERS.

~~The Public Safety Director and the City Administrator~~ Mayor shall appoint a Fire Chief for a two-year term subject to the approval of the ~~Mayor and City Council~~. The Fire Chief shall appoint such other officers as she or he believes necessary, subject to the approval of the ~~Public Safety Director~~ Mayor and City Council. In the case of the absence of the Fire Chief, the

officer next in rank shall be in charge and have and exercise all the powers of Fire Chief.

35.11 CALLS OUTSIDE CITY.

The department shall answer calls to fires and other emergencies outside the City limits if the Fire Chief ~~Director of Public Safety or their designee~~ determines that such emergency exists and that such action will not endanger persons and property within the City limits.

35.12 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.~~ The City Council shall be the sole body with authority to enter into mutual aid agreements and/or contracts with neighboring municipalities and townships for the furnishing of fire related services during emergencies or otherwise. The Council shall also establish rules governing aid to areas not covered by such agreements. The Fire Department shall be bound by such agreements and rules.

35.13 AUTHORITY TO CITE VIOLATIONS.

~~Public safety~~ Fire Department officials acting under the authority of Chapter 100 of the Code of Iowa or Chapter 35 of the Code of the City of Van Meter, Iowa may issue citations in accordance to Chapter 805 of the Code of Iowa and Chapter 35 of the Code of the City of Van Meter, Iowa, for violations of State and/or local fire safety regulations and violations of municipal code herein enumerated.

35.15 FEE SCHEDULE.

1. ~~The Director of Public Safety or their designee~~ Fire Chief shall present recommended ~~Department of Public Safety~~ Fire Department fees and fines, and policies and regulations governing

the collection of those fees and fines to the City Council for approval. The fees shall be in the area of operations, life and safety, special events, negligent or irresponsible actions. The ~~Director of Public Safety~~ Fire Chief or their designee shall provide the City Council with recommended changes to the fee and fines schedule and policies and regulations on an as needed basis. These fees, policies and regulations shall be approved by resolution of the Council.

2. The purpose of this ordinance is to provide for the collecting of fees and setting of fines for services rendered or prohibited acts listed below. After every service call, the ~~Director of Public Safety~~ Fire Chief shall prepare and deliver a statement for services rendered by the Van Meter Fire Department ~~of Public Safety~~. These services and fees are enumerated by Council resolution and shall include but are not limited to fees for emergency response of apparatus used in response, standby of support vehicles, manpower needed and used in the response, specialized equipment or services not locally available, uninsured portion of equipment damaged, disposables, other costs of response, responder sustenance, extrication services, special events services, alarm responses, deliberate risk taking and misadventure and any other services enumerated in the resolution setting fees.

3. Special events sponsors shall be charged for any and all services required by the Fire Department ~~of Public Safety~~, as determined by the Fire Department ~~of Public Safety~~ in its sole discretion, working in conjunction with the City's special events personnel, including, but not limited to standby police vehicles and personnel, fire apparatus and its personnel, and/or fire/medical crews and vehicles. Such special events fees shall be due and payable with the special events permit application for noise, street closure etc., and shall be in addition to any fees incurred for other public safety services rendered.

4. The Fire Department ~~of Public Safety~~ is authorized to collect fees for services provided inside the City limits as well as those provided outside the City limits pursuant to all applicable rules, regulations, and State law.

5. Fees and fines or additional costs that are the result of any actions listed in this ordinance are the responsibility of the property owner or occupant and are due and payable immediately upon receipt of an invoice from the Fire Department or its authorized agent.

6. The Fire Department is authorized to obtain the requisite incident information to collect fees through internal and/or contractual services.

7. The Fire Department shall coordinate with a designated a third-party vendor for applicable fee collection along with utilizing fire records management for the collection of any additional fees not collected.

8. The Fire Department ~~of Public Safety~~ fines and fees collected pursuant to this chapter shall be in a special revenue account and reserved for the purpose of funding equipment, special departmental needs, fire prevention and fire prevention education.

9. If emergency rescue services are necessitated by deliberate risk taking or misadventure, the ~~Director of Public Safety or their designee~~ Fire Chief may assess an administrative penalty against the party or parties responsible for necessitating such emergency rescue services.

10. For purposes of this section "deliberate risk taking or misadventure" shall mean taking any action where the person willfully or wantonly disregards the safety of persons or property.

11. In the event a person assessed an administrative penalty under this section refuses to or otherwise fails to pay such administrative penalty, then the ~~Director of Public Safety or her or his designee~~ Fire Chief may seek enforcement of the violation by misdemeanor or municipal infraction prosecution pursuant to Chapter 3 of this Code.

12. The ~~Director of Public Safety~~ Fire Chief is authorized to issue a notice of municipal infraction or administrative penalty upon police or fire alarm users who have three or more false alarms per calendar year. The administrative penalty for each false police or fire alarm shall be as provided in the schedule of administrative penalties adopted by the City Council by resolution. Notice of violation, with the applicable penalty for such violation noted thereon, shall be issued by the ~~Director of Public Safety or their designee~~ Fire Chief to the violator.

13. All fees and penalties assessed in this chapter not related to misdemeanor or municipal prosecution shall be paid in full within 30 days of the issuance of the notice.

14. In the event an alarm user fails to pay the administrative penalty issued pursuant to Section 12, then the

~~Director of Public Safety or her or his designee~~ Fire Chief may seek enforcement of the violation by misdemeanor or municipal infraction prosecution pursuant to Chapter 3 of this Code.

15. The following definitions apply to this section unless otherwise indicated:

A. Alarm device means any part of an alarm system.

B. Alarm system means an assembly of equipment or devices arranged to send a signal to a remote receiving station to make known the occurrence of a robbery or attempted robbery or an unauthorized intrusion requiring urgent attention and to which the police are expected to respond and includes both automatic and manually operated systems. The term "alarm system" shall include the terms "automatic holdup alarm system," "burglar alarm system," "holdup system," and "manual holdup alarm system." Alarm system also means an assembly of equipment or devices or a single device designed or intended for use to detect fires by monitoring temperature, humidity or other conditions, including the monitoring of automatic sprinkler systems and all equipment or devices commonly known as fire alarms. A group of buildings with a single ownership, either attached or on a common campus not connected to the Fire Department communications center, shall be considered a single fire alarm system for the purpose of this division. Any building, group of buildings, or building situated on a common campus subject to a condominium regime shall be, as to common areas for the purposes of this division, considered a single system; if the entire premises subject to the condominium regime, including individual units, is connected to or part of a single integrated alarm system, the entire premises shall be considered to have a single fire alarm system held in common, but if the premises is not so connected, individual units shall be treated as other premises. All other premises not specifically mentioned shall, as to each separate ownership, lease or other interest owning, maintaining or using a fire alarm system, be considered for the purposes of this division to have a separate fire alarm system.

C. Alarm user means the person who or organization of any kind which uses an alarm system to protect the person's or organization's premises, regardless of whether the person or organization owns or leases the system and any person on which premises an alarm system is maintained with the City except for alarm systems on motor vehicles. If, however, an alarm system on a motor vehicle is connected with an alarm system at a premises, the person using such system is an alarm user. Also excluded from

this definition and from the coverage of this division are persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt; provided, however, if such a system employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, such system shall be within the definition of an alarm system and shall be subject to this division.

D. False alarm means the activation of an alarm system through technical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his or her employees or agents. False alarm under this division does not include alarm system failures caused by transmission lines not under control of an alarm user or alarm agent; the willful act of any person other than the alarm user or an agent, servant or employee of the alarm user or alarm agent; and does not include failures due to conditions clearly beyond the control of the alarm user or alarm agent. False alarm includes the willful use of an alarm system for purposes other than warning or notification of an unauthorized intrusion or a robbery or attempted robbery or a fire. A false alarm does not include any activation of an alarm which is caused by storms, tornadoes or other violent weather conditions.

E. Local alarm system means a signaling system which when activated causes an audible or visual signaling device or both to be activated in or on the premises within which the system is installed. A local alarm system is an alarm system.

F. Monitoring station means an office to which alarm systems are connected where human operators supervise either the alarm circuits or answer incoming telephone alarm signals and where human operators then notify the Police Department or a private detective agency to investigate the alarm system.

G. Police alarm communication center means the central communication and dispatch center of the Police Department.

H. Remote signaling system means an alarm signaling system which when activated by an alarm device transmits a signal from an alarm system to a monitoring station where appropriate action is taken to investigate and respond to the signal.

SECTION 3: Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4: 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, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5: Effective Date. This ordinance shall be in effect after its publication, final passage, and approval as provided by law.

Passed by the City Council of the City of Van Meter, Iowa, on this ____ day of _____, 2022, and approved this ____ day of _____, 2022.

Allan Adams, Mayor

ATTEST:

Elizabeth Faust, CITY CLERK