

ORDINANCE NO. 16

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A VOLUNTEER FIRE DEPARTMENT AND MAKING RULES AND REGULATIONS FOR THE GOVERNMENT THEREOF

THE CITY COUNCIL OF NEVIS, MINNESOTA ORDAINS:

Section 1. FIRE DEPARTMENT ESTABLISHED. There is hereby established in the city a volunteer fire department consisting of a chief, two assistant chiefs, and not less than ten (10) nor more than thirty (30) firemen.

Section 2. APPOINTMENT OF FIRE CHIEF. The chief of the fire department and the assistant chiefs shall be elected every two years by the members of the department. The chief shall be confirmed by the council, and the two assistant chiefs shall be confirmed by the chief. Each shall hold office for two years and until his successor has been duly elected, except that he may be removed by the council for cause after a public hearing, or he may be removed by the members pursuant to the by-laws of the department.

Section 3. DUTIES OF THE FIRE CHIEF. The fire chief shall be the administrative head of the fire department. In such position, it shall be his duty to:

- A. Establish Management Organization. Recommend the management organization of the department, including, but not limited to, such matters as distinguishing first and second assistant chiefs, determining how the department shall be organized into companies, and naming officers for the various companies.
- B. Control Apparatus. Have control of all firefighting apparatus and equipment and be solely responsible for its care and condition.
- C. Prepare Budget. Prepare and submit to the council at its asking the annual preliminary budget for the fire department program.
- D. Prepare Long-Range Plans. Prepare projections describing what the fire department should accomplish during periods of 1, 5, 10, and 20 years. These reports shall be adjusted as frequently as changing conditions dictate, and shall include predicted annual budget requests for men and equipment as well as capital expenditures.
- E. Reports. Make reports to the council and to the public as directed by the council.
- F. Control Assignments. Control work assignments so as to properly utilize the working forces of the department.
- G. Training. Insure the proper training of the members of the fire department. At least one (1) meeting of the fire department members and at least one (1) drill per month shall be held. Such meetings and

drills may be held on the same night if sufficient time is allocated for each. Records shall be kept of the names and the number of firemen present at each meeting or drill, what each drill consists of, and any other pertinent information deemed necessary by the councilor the State Fire Marshall.

H. Ancillary Functions. To perform such other functions as are necessary to properly administer the fire department.

Section 4. ASSISTANT CHIEFS. In the absence or disability of the fire chief, an assistant chief shall perform all the functions and exercise all the authority of the chief.

Section 5. PERSONNEL.

A. Appointment and Promotion. All appointments and promotions within the fire department shall be made on the basis of merit and ability, and all members of the fire department shall be qualified to perform their administrative and firefighting duties. The fire chief shall prepare the department regulations on personnel standards and procedures, if such are necessary, to accomplish these objectives. The fire chief shall recommend appointment, promotion, suspension or removal of the members of the fire department, subject to the confirmation or approval of the department's by-laws.

B. Qualifications. The firemen shall be able-bodied and not less than eighteen (18) nor more than forty-five (45) years of age. Personnel becoming members under these age qualifications may remain active members until reaching sixty-five (65) years of age and then will be transferred to auxiliary status. After reaching the age of sixty (60) years of age, every fireman will be required to have a yearly physical examination.

C. Physical Examination. Each candidate, before he may become a probationary fireman, must undergo a thorough physical examination by a licensed doctor of medicine and submit such doctor's written report thereof with his application for membership in the department. Such report shall contain a statement whether or not, in such doctor's opinion, there is any evidence of myocarditis, coronary sclerosis, or pneumonia or its sequel in the candidate at the time of his examination. Such report shall be retained and permanently kept in the files of the fire department.

D. Probationary Period. Each candidate shall serve a probationary period of six (6) months before receiving a fireman's rating.

E. Present Members. Persons who are members of the fire department at the time of the adoption of this ordinance shall not be required to serve a probationary period before receiving a firemen's rating; however, such members shall be required to submit the report or a physical examination as set forth in clause C of this section.

F. Compensation. The members and officers of the fire department shall receive the compensation as set by the Nevis City Council. Every firemen attending a fire will receive a minimum compensation of

one hour's rate of pay. The chief shall certify and submit a monthly report showing in detail the hours served by each member of the department, and the compensation to which he is entitled therefor, during the month. No payment of compensation shall be paid to any fireman or officer until such report is filed.

G. Loss of Membership. To be in and remain in good standing in the fire department, each officer, member, or probationary member shall attend as least fifty (50) percent of the monthly drills held in any one year. In addition, any officer, member or probationary member shall not be absent from more than three (3) consecutive monthly drills or meetings, unless such absence is excused by the chief. The failure to so attend shall be deemed sufficient cause for removal of the member from the fire department. Firemen shall continue as members of the fire department during period of good behavior and may be removed subject to the department's by-laws for cause after a public hearing; however, the fire chief shall have authority to suspend a member pending such public hearing. A member shall receive no pay while suspended.

Section 6. FIRE MARSHALL. The responsibilities of this office shall rest with the fire chief. He may perform the following duties himself or delegate them to a subordinate. It shall be his duty to:

A. Enforce Ordinances. Enforce ordinances or other laws directed toward fire prevention.

B. Inspect Premises. Inspect premises, or cause to be inspected, all premises and cause the abatement or removal of all fire hazards. Pursuant to such duty to cause to be inspected all premises he shall have the authority to obtain search warrants if such are necessary to accomplish the inspection, provided, that the applicable Constitutional requirements relating to the procurement of such search warrants in effect at the time of the inspections are met.

C. Investigate Fires. Investigate, or cause to be investigated the cause, origin, and circumstances of each fire occurring within the city (town) by which property has been destroyed or damaged when such destruction or damage exceeds one hundred dollars (\$100.00) except that all fires of unknown origin shall be investigated; and he shall especially make investigation as to whether the fire was the result of carelessness, accident, or design. All investigations shall begin within at least two (2) days of the occurrence of the fire.

D. Make Reports. Make such reports as may, from time to time, be required by the State Fire Marshall or the council.

Section 7. RELIEF ASSOCIATION. The members and officers of the fire department may organize themselves into a firemen's relief association in accordance with the law.

Section 8. INTERFERENCE WITH THE DEPARTMENT. It shall be unlawful for any person to give or make, or cause to be given or made, an alarm of a fire without probable cause, or to neglect or refuse to obey any reasonable order of the chief at a fire, or to interfere with the

department in the discharge of its duties; and any person guilty of violating this section shall be punished by a fine not exceeding three hundred dollars (\$300.00) or by imprisonment for a period not exceeding ninety (90) days or both, plus the cost of prosecution in any case.

Section 9. REPEAL. This ordinance repeals any ordinance that was enacted pertaining to the establishment of a volunteer fire department.

Passed by the City Council the 11th day of October, 1977 and amended by the City Council the 10th day of December, 1991 and the 14th day of January, 1992.

James H. Hukki, Mayor

Attest:

Maureen K. Cirks, City Clerk-Treasurer

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The above Ordinance No. 16 is amended as follows:

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F. Compensation. The members and officers of the fire department shall receive the compensation as set by the Nevis City Council. Every firemen attending a fire will receive a minimum compensation of one hour's rate of pay. The chief shall certify and submit a monthly report showing in detail the hours served by each member of the department, and the compensation to which he is entitled therefor, during the month. No payment of compensation shall be paid to any fireman or officer until such report is filed.

DUTIES, RULES and REGULATIONS of NEVIS FIRE DEPARTMENT PERSONNEL

1. The Fire Department Elective Officers shall consist of 1 (one) Chief and 2 (two) Assistant Chiefs, by First Assistant and Second Assistant classifications.

2. The Elective Officers shall be elected every 2 years on the first Monday in October. Officers are to take their offices as of the first of January of the next year.

3. Duties of Chief are to be present at all fires, if possible, and To be in charge of the entire Department during operations at fires, Drills, schools of instruction, etc. It shall be the duty of the Chief to make and enforce such disciplinary rules as are necessary for the proper functioning of the Department while on duty. It shall be the duty of the Chief to carefully check and verify fire payrolls.

4. It shall be the duties of the First Assistant Chief, in the absence of the Chief, act as Chief.

5. It shall be the duties of the Second Assistant Chief, in the absence of the Chief and First Assistant Chief, to perform their duties. It will also be the duties of the Second Assistant Chief to see that the mechanism and running gear of all trucks and trailers are in operating condition and ready for any emergency. He/she shall see that the trucks are filled with fuel, oil, and water at all times. He/she shall receive his/her orders for going into action, for shutting down and for picking up from the Chief or Commanding Officer. It shall be his/her duty to see that all hoses are properly dried and replaced in the hose bodies of the trucks immediately after every use. He/she shall further carry out all orders given him/her by, the; Chief or Commanding Officer to the best of his/her ability.

6. It shall be the duties of the last ex-chief to perform the duties of the Chief if there is an absence of the current Chief and his/her Assistants.

7. Any officer of the Department who misuses his/her authority or shows misconduct in his/her office may be impeached and removed from office by a two-thirds (2/3) of legal quorum. The charge against him/her shall be made in writing and filed with the Secretary at least one month before any vote shall be taken upon it, and a copy of said charge shall be served upon him/her at least two (2) weeks before such vote shall be taken.

8. Procedures for disciplinary action.

A. Any two (2) Officers or five (5) members may file written charges (in sealed envelope marked "CHARGES") against any member or officer with the Nevis Fire Chief.

B. After Chief receives written charges he/she shall call a special meeting of the department within ten (10) calendar days for the purpose of establishing a Disciplinary Board of Review

C. Disciplinary Board of Review shall consist of three (3) members with five (5) alternates, to be selected by drawing of names from active duty roster. Drawing shall be supervised by Nevis Fire Chief.

D. First three (3) names drawn shall constitute the Review Board, and shall receive the Sealed envelope marked "CHARGES". Upon opening the envelope, if the name of any Review Board member appears as person being charged or making charges, he/she shall be replaced with an alternate from top of list.

E. The Review Board, upon opening the envelope marked "CHARGES", shall give name of person being charged to Nevis Fire Chief for the purpose of placing such person being charged on automatic suspension from all Fire Department activities, except meetings, drills and any ongoing classes until an investigation of charges has been conducted by The Review Board.

F. It shall be the duties of the Review Board to conduct separate interviews with all parties involved with the charges and keep a complete classified record of such interviews.

G. If the Review Board determines that charges warrant further action, charges shall be placed before the full membership (excluding him/her charged) for a vote, or all charges shall be dropped and suspension removed. If a vote is needed, no vote shall be taken before thirty (30) calendar days, but not later than forty-five (45) calendar days, after written charges have been served upon said officer/member.

H. The members voting shall either vote for permanent suspension of the person charged, or for a continued temporary suspension of the person charged pending remedial action to correct the problem which caused charges to be filed. The Board of Review shall determine when the problem has been corrected and shall lift suspension.

10. Any firefighting member or non-firefighting member, wishing a leave of absence, not to exceed ninety (90) days at a time shall make an application in writing to the Department; same to be voted upon by the membership.

11. Certain persons may be designated as special members. Special members are non-firefighting personnel, but are subject to all Rules and Regulations and By-Laws.

12. A fine of one dollar (\$1.00) shall be imposed on any member for non-attendance of meeting or drills of the Department, unless properly excused there from by an Officer of the Department for sickness, personal reasons or business purposes

13. Any member missing three (3) drills in succession without excuse or any member missing 50% of all meetings in any twelve (12) consecutive months shall be subject to disciplinary action as outlined in section eight (8) of these Articles. -"

14. All Firefighting members of the Department shall become familiar with the handling and working of all firefighting equipment. All Rescue personnel shall become familiar with all rescue equipment.

15. It shall be the duties of all members to familiarize themselves with the rules set forth in By-Laws and Rules and Regulations of this Department and conduct themselves accordingly.

16. Any Officer shall take proper precautions before sending Firefighters or Rescue personnel into dangerous situations.

17. It shall be the duty of the Chief, First Assistant Chief, and the Second Assistant Chief to see that all members of the Department are properly instructed in the use of all equipment on each and every truck.

18. It shall be the first duty of all members of this Department to obey all reasonable commands of their officers while on duty.

19. It shall be the duty of the Firefighting members to be present at every alarm of fire and to assemble at the Engine House without delay, and to assist in getting the apparatus to the fire and ready for operation as soon as possible. It shall be the duty of Rescue personnel to do the same with the Rescue Vehicle for any fire or medical calls.

20. No member shall appear at any meetings or drills of the Department or Association, or be on duty under the influence of liquor or drugs. Any member violating this rule shall be subject to disciplinary action as outlined in section eight (8) of these Articles.

Effective date: October 1 1990