

ORDINANCE NO. 16 (Repealed)

THE CITY COUNCIL OF NEVIS, MINNESOTA ORDAINS, that Ordinance No. 16, as previously adopted on October 11, 1977, and thereafter amended on December 10, 1991 and January 14, 1992, is hereby repealed in its entirety and replaced with the following:

ORDINANCE NO. 59

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PAID ON-CALL FIRE DEPARTMENT AND
MAKING RULES AND REGULATIONS FOR THE GOVERNMENT THEREOF:

Section 1. Fire Department Established.

There is hereby established in the city, a paid on-call fire department consisting of a chief, two assistant chiefs, and not less than ten (10) nor more than thirty (30) firepersons that will serve under the direction of the city council and in accordance with city policy.

Section 2. Appointment of Fire Chief.

The chief of the fire department shall be elected every two years by the city council. Persons applying for the chief position will be recommended by the fire department members. The chief shall appoint two assistant chiefs. Each chief shall hold office for two years and until his/her successor has been duly elected, except that he/she may be removed by the council for cause.

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/her 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 members and equipment as well as capital expenditures.
- E. Reports. Make reports to the Fire Commissioner 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 personnel present at each meeting or drill, what each drill consists of, and any other pertinent information deemed necessary by the council and 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. Although the two assistant chiefs are appointed by the chief, the assistant chief that will perform the functions of the chief, in the chief's absence or disability, shall be selected by the council.

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, which shall be subject to council approval. 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 city council.
- B. Qualifications: At hire, the fireperson 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 (55) years of age, every fireperson will be required to have a yearly physical examination.
- C. Physical Examination: Each candidate, before they may become a probationary fireperson, must undergo a thorough physical examination by a licensed doctor of medicine and submit such doctor's written report with his/her application for membership in the department. Such report shall contain a statement whether or not, in such doctor's opinion, the candidate is fit for the department. Such report shall be retained and permanently kept in the employees Human Resource files at the Administration Office.
- D. Probationary Period: Each candidate shall serve a probationary period, a minimum of six (6) months, along with achieving Fire Fighter 1, Fire Fighter II and Hazmat Training before receiving a fireman's rating.
- E. Compensation: The members and officers of the fire department shall receive compensation as set by the city council. Every fireperson attending a fire will receive minimum compensation of two hour's rate of pay, and medical calls will receive a minimum compensation of one hour's rate of pay. The chief shall certify and submit a quarterly report showing in detail the hours served by each

member of the department, and the compensation to which he/she is entitled therefore.

F. Loss of Membership: To be in and remain in good standing in the fire department, each officer, member, or probationary member shall attend at 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 scheduled monthly drills, 70% of scheduled trainings, and 25% of callouts, 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. Firepersons shall continue as members of the fire department during period of good behavior and may be removed for cause by council action; however, the fire chief shall have authority to suspend a member pending such action. A member shall receive no pay while suspended.

Section 6. FIRE MARSHALL

The responsibilities of this office shall rest with the fire chief. He/She may perform the following duties himself/herself or delegate them to a subordinate. It shall be his/her duty to:

- A. Enforce Ordinances: Enforce ordinances or other laws directed toward fire prevention.
- B. Inspect Fire 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/she shall have the authority to obtain search warrants if such are necessary to accomplish the inspection, provided, that 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 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/she shall specially make investigations as to whether the fire was the result of carelessness, accident, or design. To the extent practicable, 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 fireperson's relief association in accordance with Minnesota 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 one thousand dollars (\$1,000.00) or by

imprisonment for a period not exceeding ninety (90) days or both, plus the cost of prosecution in any case.

Ordinance No 16 is Repleaded, Ordinance No.59 is adopted by the Nevis City Council this 12 day of September, 2022.

Nevis City Mayor, Jeanne Thompson

ATTEST:

Dawn M. Veit, City Administrator

SEAL

