

CHAPTER 30

POLICE DEPARTMENT

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30.01 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.

30.02 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.

30.03 PEACE OFFICER QUALIFICATIONS. In no case shall any person be selected or appointed as a law enforcement officer unless such person meets the minimum qualification standards established by the Iowa Law Enforcement Academy.

(Code of Iowa, Sec. 80B.11)

30.04 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)

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

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

(Code of Iowa, Sec. 372.4)

30.07 POLICE CHIEF: DUTIES. The Police Chief has 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 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 the Police Chief.
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.

30.08 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.

30.09 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, Sec. 804.17)

30.10 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, Sec. 804.18)

30.11 CONTRACT LAW ENFORCEMENT. In lieu of the appointment of a police chief by the Mayor as provided by Section 30.06, 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)

CHAPTER 35

BONDURANT EMERGENCY SERVICES

35.01 Establishment and Purpose	35.09 Obedience to Fire Chief
35.02 Organization	35.10 Constitution
35.03 Approval of Members	35.11 Accidental Injury Insurance
35.04 Training	35.12 Liability Insurance
35.05 Compensation	35.13 Calls Outside Fire District
35.06 Removed	35.14 Mutual Aid
35.07 Fire Chief: Duties	35.15 Authority to Cite Violations
35.08 EMS Services	

35.01 ESTABLISHMENT AND PURPOSE. The Bondurant Emergency Services 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)

35.02 ORGANIZATION. The Bondurant Emergency Services consists of the Fire Chief, EMS Coordinator and such other officers and personnel as may be authorized by the Council.

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

35.03 APPROVAL OF MEMBERS. No person having otherwise qualified shall be appointed to the Bondurant Emergency Services without the approval of the Fire Chief and submittal of same to the City Administrator.

35.04 TRAINING. All members of the Bondurant Emergency Services 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])

35.05 COMPENSATION. Members of the Bondurant Emergency Services 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])

(Ordinance 15-207)

35.07 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 development of fire emergency plans.
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. 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 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 the fire or emergency so as to prevent accidents or interference with the fire fighting efforts of the 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 the duty of maintaining the efficiency, discipline and control of the Bondurant Emergency Services. Members 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 Bondurant Emergency Services.

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 other fires causing an estimated damage of fifty dollars (\$50.00) or more or emergency responses by the 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 personnel, firefighting 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 Bondurant Emergency Services as well as such other reports as may be requested by the Mayor, Council or City Administrator.

35.08 EMS SERVICES. The Bondurant Emergency Services includes a rescue squad to aid and assist victims of injury, illness or accidents, and the transportation of same to appropriate medical facilities. Said services are to be rendered within the limits of the City and within the limits of any other area designated by the Council.

1. Squad Composition. The rescue squad shall consist of such volunteers as may from time to time be deemed necessary for the effective operation of the ambulance by the EMS Coordinator.

2. Training of Volunteers. Volunteers appointed by the Fire Chief and EMS Coordinator to the rescue squad shall have successfully completed all training required by the EMS Coordinator, State of Iowa Board of Medical Examiners and the Council.

3. Fees. Fees shall be charged to all persons being given medical assistance or provided transportation to a medical facility by the rescue squad in accordance with the fee schedule established by resolution of the Council.

35.09 OBEDIENCE TO FIRE CHIEF. No person shall willfully fail or refuse to comply with any lawful order or direction of the Fire Chief.

35.10 CONSTITUTION. The Bondurant Emergency Services 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.

35.11 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 members injured in the performance of their duties whether within or outside the corporate limits of the City. All members shall be covered by the contract.

(Code of Iowa, Sec. 85.2, 85.61 and Sec. 410.18)

35.12 LIABILITY INSURANCE. The Council shall contract to insure against liability of the City or members of the Bondurant Emergency Services for injuries, death or property damage arising out of and resulting from the performance of duties within or outside the corporate limits of the City.

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

35.13 CALLS OUTSIDE FIRE DISTRICT. The Bondurant Emergency Services shall answer calls to fires and other emergencies outside the Fire District if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the Fire District.

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

35.14 MUTUAL AID. Subject to approval by resolution of the Council, the Bondurant Emergency Services may enter into mutual aid agreements with other legally constituted fire departments. Copies of any such agreements shall be filed with the City Administrator.

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

35.15 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)

CHAPTER 36

HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose	36.05 Notifications
36.02 Definitions	36.06 Police Authority
36.03 Cleanup Required	36.07 Liability
36.04 Liability for Cleanup Costs	

36.01 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.

36.02 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. 455B.381[1])

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[4])

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[5])

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

(Code of Iowa, Sec. 455B.381[7])

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

36.04 LIABILITY FOR CLEANUP COSTS. The responsible person shall be strictly liable 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.

36.05 NOTIFICATIONS.

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

2. Any other person who discovers a hazardous condition shall notify the County Sheriff, who shall then notify the Department of Natural Resources.

36.06 POLICE AUTHORITY. If the circumstances reasonably so require, the law enforcement officer 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 any law enforcement officer issued under this section.

36.07 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 36.02[4].

CHAPTER 37
ALARM SYSTEMS

37.01 Purpose	37.04 False Alarm Grace Period
37.02 Definitions	37.05 False Alarm Service Charges
37.03 False Alarms	37.06 Extreme Weather Conditions

37.01 PURPOSE. It is the purpose of this chapter to maintain a state of readiness to respond to legitimate public safety calls from the general public and to protect the general public traveling the streets and the personnel of the Police Department and Bondurant Emergency Services from the dangers created in responding to erroneous, false and mistaken response calls from security, fire or other specialized electronic or mechanical alarms or alarm systems.

37.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. “Alarm company” means any person, firm, corporation or entity who installs and/or services an alarm system as defined herein.
2. “Alarm system” means any assembly of equipment, mechanical or electrical, connected either directly or indirectly to a public safety dispatch center utilized by the City and including all forms of audible exterior alarms arranged to signal the occurrence of an illegal entry, fire or other activity, requiring urgent attention, and to which police officers, firefighters and emergency medical technicians are expected to respond.
3. “Building” means any house, dwelling, apartment, business, structure or place within the City.
4. “Chief” means the Police and/or Fire Chief of the City.
5. “Error or mistake” means any error or mistake as a result of any action by any person, firm, corporation or other entity owning or operating any dwelling, building or place, or any action by an agent or employee of said person, firm, corporation, or any other entity which results in the activation of an alarm system when no emergency exists.
6. “Intentional misuse” means any voluntary activation of an alarm system when no burglary, fire or other emergency exists or is in progress and includes knowingly testing an alarm system without first notifying the Police Department or Bondurant Emergency Services and receiving approval for the same.

7. “Malfunction” means any unintentional activation of any alarm system caused by an electronic or mechanical malfunction or flaw in the design, installation, or maintenance of the system. This shall not include any activation caused by any violent condition of nature or other extraordinary circumstance.

8. “Owner” means any person, firm, corporation, entity, leaseholder or operator causing any alarm system to be installed in any building.

37.03 FALSE ALARMS. No person shall knowingly or intentionally activate any alarm system when no emergency situation exists. Any person who knowingly activates any false alarm shall be guilty of a simple misdemeanor.

37.04 FALSE ALARM GRACE PERIOD. Upon the installation of a new or replacement alarm system, a grace period of fourteen (14) calendar days will be allowed for the owner to become familiar with the operations of the alarm system and to make corrections to the system. Service charges for false alarms shall be waived during the grace period provided the number of false alarms is not excessive. The following shall be deemed an excessive number of false alarms during the grace period:

1. Three (3) or more false alarms in one (1) calendar day or twenty-four (24) hour period; or
2. Six (6) or more false alarms in the first fourteen (14) calendar days after installation of the alarm system.

The service charge for an excessive number of false alarms during the grace period may be waived by the appropriate Chief, at their discretion, due to extenuating circumstances as determined on a case-by-case review.

37.05 FALSE ALARM SERVICE CHARGES. If an alarm system activates a false alarm for either the Police Department or Bondurant Emergency Services, the service charge for each false alarm shall be as follows:

1. For the first two (2) false alarms in a rolling twelve (12) months – Written letter of occurrence per each false alarm
2. For the 3rd through and including the 4th incident in a rolling twelve (12) months - One hundred dollars (\$100.00) per each false alarm.
3. For the 5th through and including the 7th incident in a rolling twelve (12) months - Three hundred dollars (\$300.00) for each false alarm.
4. For the 8th and above incidents in a rolling twelve (12) months – Five hundred (\$500) per each false alarm.

(Ordinance No. 08-206)

If the alarm system is corrected, with proof from the alarm company, within ten (10) calendar days after the most recent false alarm, the service charge for the most recent false alarm may be waived by the appropriate Chief.

37.06 EXTREME WEATHER CONDITIONS. The service charge for a false alarm may be waived by the appropriate Chief, at their discretion, during extreme weather conditions, in recognition that an alarm system may be activated by environmental conditions.

CHAPTER 38

RAPID ENTRY SYSTEM

38.01 Purpose	38.04 Installation Requirements
38.02 Applicability	38.05 Penalties for Offenses
38.03 Definitions	

38.01 PURPOSE. It is the purpose of this chapter to provide for and recognize the importance of providing Bondurant Emergency Services rapid entry into locked buildings.

38.02 APPLICABILITY. The following sections apply to all buildings within the City of Bondurant, Polk County, Iowa, that:

- A. Are used for Public Buildings, Restricted Business, Industrial, Commercial or Limited Commercial use, as defined in Chapter 156 of this Code and
 - 1. contain a fire alarm system that uses an automatic dialer, or
 - 2. contain an automatic fire suppression system, or
 - 3. is a facility that is required to prepare and have available material safety data sheets and / or hazardous chemical inventory forms under the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III)

38.03 DEFINITIONS. For use in this chapter, the following terms are defined:

- 1. “Automatic Dialer” means a device that automatically dials and relays a prerecorded message to a central station, the Polk County dispatch center or Bondurant Emergency Services.
- 2. “Automatic Fire Suppression System” means a system or assembly of piping, valves, controls and sprinklers, which are designed and installed to comply with the NFPA standards, which utilized water, foam, CO₂ or other gas to automatically react to suppress fire.
- 3. “Central System” means an office of a private company to which remote alarm and supervisory signaling devices are transmitted and where personnel are in attendance at all times to supervise the circuits and investigate signals.
- 4. “Fire Alarm System” means equipment which automatically actuates a fire alarm when the detecting element is exposed to fire, smoke, abnormal rise or decrease in temperature or activation of a sprinkler system or manually activated device.

5. “Lock Box” means a high security key vault, which is listed under UL 1610 and UL 1037 standards, master keyed with a Medeco Biaxial Level 7 or equivalent lock. Locks shall be keyed to the key configuration provided by Bondurant Emergency Services.

6. “Lock Box Document Vault” means a high security steel plate vault a minimum of fourteen (14”) inches high by twelve (12”) inches wide by two (2”) inches deep, constructed to the same standards as the Lock Box, for the storage of documents.

38.04 INSTALLATION REQUIREMENTS.

1. The owner of applicable buildings, as described in Section 38.03 above, shall install or cause to be installed a Lock Box system and / or Lock Box Document Vault prior to the issuance of a Certificate of Occupancy for any portion of the building for new or remodeling construction or within eighteen (18) months of the adoption date of this ordinance if no new construction or remodeling takes place.

2. The Lock Box shall be installed on the front of the building near the main entry door and between six (6) and eight (8) feet above the ground unless approved at a higher or lower level by the Building Inspection Officer of the City.

3. The Lock Box shall contain the key(s) for the exterior doors, the keys for all the interior doors within the building and a scaled floor plan of the building. In lieu of having the interior keys at this location, a second Lock Box may be located within the main lobby of the building to hold these keys. Keys within the Lock Box shall be labeled for easy identification either by the tenant name or indexed to a floor plan of the building and shall be kept current.

4. Where a building contains a business that is required to maintain Material Safety Data Sheets, a Lock Box Document Vault shall be installed. The Lock Box Document Vault shall be installed on the front of the building, near the main entry door and between six (6) and eight (8) feet above the ground unless approved at a higher or lower level by the Building Inspection Officer of the City. The vault shall contain copies of the Material Safety Data Sheets that are required to be on file within the building as well as a floor plan or written description that indicates the location of the general areas of these materials will be found within the building.

38.05 PENALTIES FOR OFFENSES. Any violation of this chapter is hereby declared to be an offense, punishable pursuant to Chapter 4, Municipal Infractions.

(Ordinance No. 05-201)