

CHAPTER 3 DEPARTMENTS

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ORDINANCE 310 VOLUNTEER FIRE DEPARTMENT

Section 310.01: CONTINUATION OF DEPARTMENT. This Section is intended to provide for the continuation of a volunteer fire department and to establish rules regulating the same.

Section 310.02: FIRE DEPARTMENT ESTABLISHED. There is hereby established and continued in the City a volunteer fire department consisting of a Fire Chief, an Assistant Chief, a Fire Marshal, and not fewer than ten (10) nor more than thirty (30) additional firefighting personnel.

Section 310.03: SELECTION OF FIRE CHIEF. The Chief of the Fire Department shall be elected annually by the members of the Fire Department, subject to confirmation by the Council. The Fire Chief shall hold office for one year or until a successor has been duly qualified. The Fire Chief may be removed by the Council at any time, for any reason or for any cause. The Fire Chief may request a public hearing with the City Council to discuss its removal decision.

Section 310.04: FIRE CHIEF. The Fire Chief is the administrative head of the Fire Department and accountable to the City Council.

Section 310.05: ASSISTANT CHIEF. In the absence or disability of the Fire Chief, the Assistant Chief shall perform all the functions and exercise all the authority of the Fire Chief. The Assistant Chief shall be elected annually by the members of the department, subject to confirmation by the Council, and shall hold office for one year or until a successor has been duly qualified. The Assistant Chief may be removed by the Council at any time for any reason or for any cause. The Assistant Chief may request a public hearing with the City Council to discuss its removal decision.

Section 310.06: PERSONNEL. Fire department personnel shall be governed by these provisions, and by such other policies as the Council may from time to time adopt, but shall not be governed by any other conflicting city personnel policies or ordinances.

- (a) Appointment and Promotion. All appointments to and promotions within the fire department shall be made on the basis of individual merit and ability. All members of the fire department shall be qualified to perform their administrative and firefighting duties prior to their appointment. The Fire Chief shall draft departmental regulations on personnel standards and procedures to accomplish these objectives for review and approval by the City Council. The Fire Chief shall recommend appointment, promotion, suspension or removal of the members of the fire department, subject to the confirmation and approval of the Council.
- (b) Qualifications. All fire fighters shall be able-bodied, not less than eighteen (18) years of age, and possess a valid Minnesota driver's license. Members of the First Responder or Rescue Squad shall also possess such other qualifications as may be required by the

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Council or by law.

- (c) Physical Examination. Before any candidate may become a probationary fire fighter, the candidate shall undergo a thorough physical examination by a licensed doctor of medicine, selected by the City Council, and shall 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 the examination and shall also state whether or not, in the doctor's professional opinion, the candidate is physically able to perform the duties of a fire fighter. Such report shall be retained and permanently kept in the files of the fire department. The cost of the examination and report shall be paid by the City directly to the doctor.
- (d) Probationary Period. Each candidate shall serve a probationary period of twelve (12) months before receiving voting rights and full membership rights as a fire fighter. Each probationary fire fighter shall attend a minimum of 50 percent of monthly fire drills during the probationary period. During the probationary period, a fire fighter may be terminated by the City Council at any time, for any reason or no reason, without a hearing.
- (e) Compensation. The members and officers of the fire department shall receive such nominal compensation as deemed appropriate by the Council. At no time shall compensation deviate from set standards without express, prior Council approval. In computing compensation for fires, rescue and ambulance calls, one hour shall be the minimum to be paid to any responding fire fighter or officer. In computing compensation for fire training sessions, one hour shall be the maximum per month to be paid any participating fire fighter or officer, unless a higher amount has been approved by the Council. The Fire Chief shall certify and submit an annual report showing in detail the hours served by each member of the department and the compensation to which he/she is entitled during the year. No payment of compensation shall be paid to any firefighter or officer until such report is filed with and approved by the City Council.
- (f) Loss of Membership. Each officer, member or probationary member shall attend at least six (6) of the monthly meetings and at least six (6) of the monthly drills held in any one year. In addition, any officer, member, or probationary member shall not be absent from 3 consecutive drills or meetings, unless such absence is excused by the Fire Chief. Fire fighters shall continue as members of the department during periods of good behavior, but may be removed by the Council at any time for any reason or for any cause. Any member so removed may request a public hearing with the City Council to discuss its removal decision. The Fire Chief shall have authority to suspend a member pending Council action. A member shall have no pay or fire fighter rights and shall not attend training nor respond to calls while suspended.
- (g) Mandatory Retirement. The Council may set an age for mandatory retirement of fire department members.

Section 310.07: FIRE MARSHAL. The Fire Marshal shall be elected annually by the members of the department subject to the confirmation of the Council. The Fire Marshal shall hold office for one year or until a successor has been duly qualified. The Fire Marshall may be removed by the Council at

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any time for any reason or any cause. The Fire Marshall may request a public hearing with the City Council to discuss its removal decision. The office of Fire Marshal may be held by the Chief or by the Assistant Fire Chief if the Council by resolution approves.

Section 310.08: RELIEF ASSOCIATION. The members and officers of the Fire Department shall organize themselves into a relief association and shall submit proposed By-Laws to the Council for approval. Any benefits provided from the Special Fund of such association must be first ratified by the Council before they are paid or become effective. The relief association shall segregate and keep separate monies received of the City from monies received from donations, fundraisers, or other sources.

Section 310.09: FIRE DEPARTMENT PROPERTY. All personal property, equipment, supplies and inventory now owned or hereafter acquired by the Fire/Rescue Department shall be the property of the City of Kimball. This property shall be used exclusively for training, prevention of fires and protection from fire of the property in the City of Kimball and the Fire Service Area. Such property is hereby declared to be public property used for essential public and governmental purposes. No person shall use any such property for any private, personal or commercial use. Such use of such property may result in immediate termination from the fire department, in addition to such other criminal or civil penalties as may be provided by law.

Upon approval by the City Council and the Fire Chief, a Certified American Heart CPR Instructor may rent equipment for training classes given within the City of Kimball and the Fire Service Area. Rental amount will be determined by the City Council at the time of rental request.

Section 310.10: TRAINING COSTS AND FEES. The City shall reimburse fire fighters for reasonable costs and fees incurred in obtaining required training and certifications, including specifically, but not exclusively, costs of classroom instruction, mileage, meals, accommodations, tuition, books, and supplies. The Council shall determine the amounts of reimbursement in its sole discretion. Fire fighters wishing to be reimbursed must receive Council approval to attend training before attending, and shall submit a properly documented claim form to the City Clerk upon return, including receipts. The City Clerk shall not disburse funds in advance of training nor pay reimbursed claims without prior Council approval.

Section 310.11: OTHER COSTS AND FEES. The City Council may pay such other costs and fees for the promotion and advancement of the fire department as it may from time to time deem necessary including specifically, but not exclusively, costs of administering vaccine required by law, and fees for architects, engineers and attorneys necessitated by fire department building requirements.

Section 310.12: GOOD SAMARITANS. Members of the Kimball Fire Department shall be considered “public nonprofit volunteers” for purposes of Minn. Stat. 604A.01, and shall be entitled to the general immunity from liability provided therein.