



ORDINANCE 2016-202

ORDINANCE TO ESTABLISH THE CITY OF SEMMES MUNICIPAL FIRE DEPARTMENT

To provide for the organization and regulation of a municipal fire department in the City Semmes to be known as THE CITY OF SEMMES MUNICIPAL FIRE DEPARTMENT, prescribing the powers and duties of its officers and members; providing certain regulations the violation of which shall be unlawful; and prescribing penalties and punishment for such violations.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEMMES:

Section 1.

Pursuant to the authority contained in Sections 11-43-140 through 11-43-144, Code of Alabama 1975, a department to be known as THE CITY OF SEMMES MUNICIPAL FIRE DEPARTMENT hereinafter referred to as "the Department") is hereby established, and the duty of preventing and extinguishing fires and the protection of life and property within the City of Semmes and its police jurisdiction is hereby delegated to the department.

That fire protection personnel and equipment of the City are hereby authorized to be utilized in that part of the City's police jurisdiction which is not within the service area of a fire district for the purpose of fighting fires and administering emergency medical services. The organization and internal regulation of the department shall be governed by the provisions of this ordinance with the approval of the City Council, except as otherwise provided by law or ordinance.

Section 2.

A. The department shall consist of a Fire Chief, an Assistant Fire Chief, a Safety & Training Captain, a Fire Inspector, and as many Captains, Lieutenants, drivers and firefighters as may be appointed by the Fire Chief.

B. Before entering upon the discharge of his or her duties in the fire department, each member shall make and subscribe the following oath, to be administered by a person authorized under the laws of the State of Alabama to administer oaths:

"I, _____ do solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution of the State of Alabama and the laws and ordinances of the City of Semmes, that I will faithfully discharge the duties of a member of the City of Semmes Municipal Fire Department, and will obey the orders and directions of my superiors, to the best of my abilities."

C. The Fire Chief shall be appointed by the City Council for a term not to exceed that of the Mayor, and the Fire Chief's tenure of office shall depend upon good conduct and efficiency. The Fire Chief shall be technically qualified by training and experience and shall have the ability to command fire personnel and hold their respect and confidence. The Fire Chief shall be removed only for just cause after a public hearing before the City Council.

D. The Assistant Fire Chief and all other department and company officers shall be appointed by the Fire Chief from members of the department. Such officers shall be accountable to the Fire Chief and shall be subject to demotion or expulsion by the Fire Chief for neglect or refusal to perform their departmental duties, subject to an appeal from such demotion or expulsion to the City Council.

E. The department shall organize into 3 shifts. The Fire Chief may at any time make transfers between shifts which he or she deems necessary. Each shift shall be the charge of a Captain and a Lieutenant who shall be responsible to the Fire Chief.

Section 3.

The City Council shall appropriate funds to provide for the operation of the department, and for the purchase of firefighting apparatus and equipment to be used by the department, as it may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.

Section 4. Powers and Duties of the Fire Chief.

a. The Fire Chief shall have the general supervision of the department, which shall be subject to and not conflict with this ordinance. The Fire Chief shall be responsible for the safety of the members of the department.

b. It shall be the duty of the Fire Chief to be present at all fires, and to have complete command and entire responsibility of all firefighting operations, to plan the control of the same, to direct the action of the companies when they arrive at the fire, to observe that every company does its duty, to grant leaves of absence at a fire when he may deem it proper, and to see that the fire apparatus is kept in proper condition at all times.

c. The Fire Chief shall have the power to demote or expel any officer or member of the department for neglect or refusal to perform his departmental duties, subject to an appeal from such demotion or expulsion to the City Council.

d. Not later than the first day of August of each year, the Fire Chief shall file with the City Clerk a detailed estimate of the appropriations needed for the conduct of the department during the ensuing fiscal year.

e. It shall be the duty of the Fire Chief to submit a written report and presentation to the City Council at the 2nd City Council Work Session each month, relating to the conditions of the various pieces of apparatus and appurtenances, the number of hydrants and the conditions of the same, the number of fires occurring since the previous report, and the date of same and loss occasioned thereby; resignations and expulsions from the department. The Fire Chief shall also report upon the drill and training program of the

department, together with other pertinent information, including recommendations for such improvements as he or she deems proper and necessary for the operation of the department.

e. The Fire Chief shall enforce all fire prevention ordinances of this municipality and the state laws and regulations pertaining to fire prevention, and shall keep citizens informed on fire prevention methods, and on the activities of the department.

f. The Fire Chief shall keep a fire record book of every fire to which any company was called and shall enter into such book the location of the fire, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, amount of insurance carried on building and contents, estimated fire loss, time fire was extinguished, names of men responding and general remarks.

g. The Fire Chief shall keep an inventory of all apparatus and equipment, and an inventory of all hoses showing dates and results of tests on each length, which shall be individually numbered.

h. The Fire Chief shall perform such other duties as are usually incumbent on the commanding officer of the fire department.

i. The Fire Chief shall assist the proper authorities in suppressing the crime of arson by investigating the cause, origin and circumstances of all fires.

Section 5. Control and Care of Apparatus.

a. The Fire Chief shall have control of all apparatus used by the department, and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the chief.

b. No apparatus shall be used for any purpose except for firefighting that is within the municipal limits, or in training therefor, except pursuant to an agreement approved by the City Council after the Fire Chief has given his recommendations on such use. With the approval of the Fire Chief, such apparatus may be used for emergency purposes outside the City of Semmes. A written report of all uses shall be made monthly to the City Council.

Section 6. Police Power of Department.

- a. Any officer of the department may cause the arrest of any person failing to give the right of way to the fire department in responding to a fire.
- b. The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, except firefighters and police officers and those admitted by order of any officer of the department, shall be permitted to come. The Fire Chief shall have the power to order the removal of any property whenever it shall become necessary for the preservation of such property from fire, or to prevent the spreading of fire, or to protect the adjoining property, and during the progress of any fire, the Fire Chief shall have the power to order the removal or destruction of any property necessary to prevent the further spread of the fire. The Fire Chief shall also have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the department during the progress of a fire.
- c. Firefighters may enter adjacent property. It shall be lawful for any firefighter while acting under the direction of the Fire Chief or other officer in command to enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire; and if any person shall hinder, resist or obstruct any firefighter in the discharge of his duties as is hereinabove provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duty.
- d. Duties of by-standers to assist. Every person who shall be present at a fire shall be subject to the order of the Fire Chief or officer in command, and may be required to render assistance in fighting the fire or removing or guarding property. Such officer shall have the power to cause the arrest of any person or persons refusing to obey said orders.[Reference: Section 13A-10-6, Code of Alabama, 1975.]

e. Injury to fire apparatus. No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the City of Semmes, and no vehicle, street car or railroad equipment shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, track or other place, to be used at any fire or alarm of fire, without the consent of the fire department official in command. [Reference: Section 13A-5A-59, Code of Alabama, 1975.]

f. The Fire Chief and department officers under the direction of the Fire Chief are hereby empowered to enter any and all buildings and premises at any reasonable hour for the purpose of making inspections and to serve written notice upon the owner or occupant to abate any and all fire hazards that may be found within a specified time.

Section 7. Fire Inspector: Duties

a. It shall be the duty of the Fire Inspector to inspect annually all buildings, premises and thoroughfares within the fire limits of this municipality for the purpose of noting and causing to be corrected any condition that could cause fire. Repairs or alterations necessary to remove the hazardous condition shall be made within a reasonable time at the expense of the owner or occupant. The Fire Inspector shall also investigate the storage and handling of explosives and inflammable liquids within a municipality.

b. The Fire Inspector shall keep a written record card of each property inspected and shall make a report of inspections as required by law.

c. Whenever or wherever in the City of Semmes any inspection by the Fire Inspector reveals a fire hazard, the Fire Inspector is hereby vested with authority to serve a notice in writing upon the owner or occupant of the property giving said owner or occupant a reasonable time in which to remove the hazard. In the event that the fire hazard is not removed within the time allowed, it shall be deemed a nuisance and the Fire Inspector is authorized to have the same removed by the municipality, and the cost of such removal shall be recovered in an action by the municipality against the owner of the property.

d. No person shall deny the Fire Inspector free access to any property within the municipality at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the Fire Inspector in the performance of his duties, or refuse to observe any lawful direction given by the inspector.

Section 8.

Each member of the department shall be issued a badge designating the rank of the member, and each shall be issued a suitable insignia. Only properly designated emergency vehicles shall be equipped with emergency lights prescribed by the rules of the road for use only in answering fire alarms, and such vehicles when used for that purpose shall have the right of way over other traffic.

Section 9.

It shall be unlawful for any person to operate any vehicle over fire hose except upon specific orders from the Fire Chief or other officer in charge where the hose is issued. [Reference: Section 13A-5A-59, Code of Alabama 1975.]

Section 10.

It shall be unlawful for the operator of any vehicle, other than one on official business, to follow closer than 500 feet from any fire apparatus travelling in response to a fire alarm, or to drive or stop any vehicle within 500 feet of the point where fire apparatus has stopped in answer to a fire alarm. [Reference: Section 13A-5A-115, Code of Alabama 1975.]

Section 11.

It shall be unlawful for any person to willfully turn in or cause to be turned in a false fire alarm. [Reference: Section 13A-10-8, Code of Alabama 1975.]

Section 12.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and on conviction, shall be punished by a fine of not exceeding five hundred dollars (\$500.00), and may also be sentenced to imprisonment at hard labor for not exceeding six (6) months. [Reference: Section 11-45-9, Code of Alabama 1975.]

Section 13.

The parts of this ordinance are severable and should any part or parts be declared inoperative by a court of competent jurisdiction it shall not affect the remaining parts.

Section 14.

All ordinances and parts of ordinances inconsistent herewith are hereby repealed to the extent of such conflict.

Section 15.

This ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED AND APPROVED THIS 1st DAY OF NOVEMBER, 2016

/s/Judith Hale, Mayor

ATTEST:

/s/Brandi Michelsen, City Clerk