

Ordinance to Establish a Volunteer Fire Department

To provide for the organization and regulation of a volunteer fire department in the Town of Summerdale to be known as THE FIRE DEPARTMENT OF THE TOWN OF SUMMERDALE, 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 TOWN COUNCIL OF THE TOWN OF SUMMERDALE:

Section 1. Fire Department Established

A department to be known as THE FIRE DEPARTMENT OF THE TOWN OF SUMMERDALE (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 Town of Summerdale (and its police jurisdiction) is hereby delegated to the department, pursuant to the authority contained in Sections 11-43-140 through 11-43-144, Code of Alabama 1975. The organization and internal regulation of the department shall be governed by the provisions of this ordinance, and such by-laws adopted by the department with the approval of the Town Council, except as otherwise provided by law or ordinance.

Section 2. Membership and Organization

(a) The department shall consist of a chief, an assistant chief, a lieutenant for each company, a secretary, a master mechanic, and as many drivers and firefighters as may be appointed by the chief; provided that at no time shall the department consist of less than 5 active members.

(b) The chief shall be appointed by the Town Council for a term not to exceed that of the Mayor, and the 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 Town Council.

(c)(1) Any person desiring to become a member of the fire department may file, with the secretary, an application in such form as the Town Council may require. Each applicant shall also file a certificate of physical fitness from such physician as the chief may designate. The name of the applicant approved by the chief as provided in the by-laws shall be presented to the Council for confirmation. All resignations from the department shall take the same course as applications for appointment to membership.

(d) The assistant 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 chief for neglect or refusal to perform their departmental duties, subject to an appeal from such demotion or expulsion to the Town Council. The by-laws may also provide expulsion for failure to participate in departmental activities or for non-residence.

(e) (1) The department shall organize into one or, at the option of the chief, into two or more companies, of which not less than one-half of the members must be employed within the municipal limits or the municipal police jurisdiction. The fire chief may at any time make transfers between companies which he or she deems necessary.

(2) Each company shall be the charge of a lieutenant who shall be responsible to the chief.

(f) The election of the secretary and such social officers as the by-laws may require shall be held at the annual meeting of the department as may be provided in the by-laws. In case of any vacancy, the chief shall appoint a member in good standing to fill the office until the next annual meeting.

Section 3. Adoption of By-Laws

The department is hereby authorized and directed to adopt by-laws for the control, management, government and regulation of the business and proceedings of the department, which by-laws, after adoption by a majority vote of the members of the department, shall not become effective and operative until presented to and approved by the Town Council. Amendments to the by-laws shall be adopted and approved in the same manner.

Section 4. Appropriation of Funds

The Town 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.

- (a) The Fire Chief or Fire Department Designee is authorized to deposit volunteer funds of the department in an account in the name of the Summerdale Volunteer Fire Department in any public depository.

Section 5. Control of Funds

The Fire Department, through the Town Council, is granted control over the expenditure of funds of the Department. The Town authorities shall be authorized to sign checks and withdraw funds from the Summerdale Volunteer Fire Department accounts. In addition, the Summerdale Municipal Town Clerk shall be listed on the accounts of the Department. At least two (2) signatures are required for each check. Each person above named will be bonded in accordance with law and the Summerdale Town Council.

Section 6. Limitations and Requirements

The following limitations and requirements shall apply to the handling and disbursement of funds from the account:

- (a) **Expenditures.** Expenditures withdrawn from the account shall be expended for the acquisition of fire trucks, fire stations, fire equipment, communication, fire training, fire vehicle and station insurance, oil, gas, hydrants, utilities, and vehicle or station repairs. Such funds shall not be used to pay salaries, purchase food and drink, or to hold fund raising projects. Any exception to the above spending guidelines must be approved by the Baldwin County Fire Chiefs Association and the Baldwin County Commission. The Fire Department shall follow all bid laws required by the Code of Alabama.
- (b) **Accounting.** The Town Clerk is required to provide the Town Council and the Fire Chief with a monthly report prior to each Town Council meeting to be approved by the Town Council. This report shall include a detailed itemization of all receipts, expenditures, and the balance on hand at the end of the month. This report shall also include all CD's of the Department. The source of all funds and the identity of the payee for each disbursement shall be set forth.
- (c) **Audit.** Fire Department accounts shall be included in the annual audit of town funds. They shall be audited in the same manner as other town funds.

Section 7. Compensation

The officers and members of the department shall receive such compensation from the Town as the Town Council may fix from time to time.

Section 8. Powers and Duties of the Chief

- (a) The chief shall have the general supervision of the department, which shall be subject to and not conflict with this ordinance and/or the by-laws of the department. The chief shall be responsible for the safety of the members of the department.

(b) It shall be the duty of the chief to preside over all meetings of the department, to call special meetings, to preserve order, to decide all points of order that may arise, and to enforce a rigid observance of this ordinance and the by-laws.

(c) It shall be the duty of the 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.

(d) The 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 Town Council. The by-laws may also provide for expulsion for failure to participate in departmental activities or for non-residence.

(e) Not later than the first day of October of each year, the chief shall file with the Town Clerk a detailed estimate of the appropriations needed for the conduct of the department during the ensuing fiscal year.

(f) It shall be the duty of the chief to submit a written report to the Town Council not later than the first day of March of each year, and at such other times as he deems desirable, 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; the number of members in each company and the total number of active members in the department, and resignations and expulsions from the department. The chief shall also report monthly at the Town Council meeting 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.

(g) The 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.

(h) The chief shall keep a fire record of every fire to which any company was called and shall enter into such record 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.

(i) The 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.

(j) The chief shall perform such other duties as are usually incumbent on the commanding officer of the fire department.

(k) The chief shall assist the proper authorities in suppressing the crime of arson by investigating the cause, origin and circumstances of all fires.

Section 9. Control and Care of Apparatus.

(a)(1) The 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.

(2) No apparatus shall be used for any purpose except for firefighting that is within the municipal limits, or in training thereof, except pursuant to an agreement approved by the Town Council after the chief has given his recommendations on such use. With the approval of the chief, such apparatus may be used for emergency purposes outside the Town.

Section 10. 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 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 chief shall have the power to order the removal or destruction of any property necessary to prevent the further spread of the fire. The 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. (Section 13A-10-6, Code of Alabama, 1975.)

(e) The chief and department officers under the direction of the 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 11. Fire Inspector; Duties

(a) The chief of the fire department shall be certified to hold the office of fire inspector, with power to appoint certified deputy fire inspectors, or to contract with certified fire inspectors, who shall perform the same duties and have the same powers as the fire inspector.

(b) The fire inspector shall have the authority to inspect quarterly all buildings, premises and thoroughfares within the fire limits of this municipality; and to inspect semi-annually all buildings, premises and public thoroughfares within the municipal limits, 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 inspector shall also investigate the storage and handling of explosives and inflammable liquids within the municipality.

(c) The chief shall keep a record of each property inspected and shall make a report of inspections as required by law.

(d) Whenever or wherever in the Town of Summerdale any inspection by the fire chief or his deputies reveals a fire hazard, the chief or his deputies are 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 chief or his deputy 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.

(e) No person shall deny the chief or his deputies 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 12. Official Designations

Each member of the department shall be issued a badge designating the rank of the member, and each shall be issued a suitable insignia to be attached to the motor vehicle the member uses to respond to fire alarms. The chief of police shall designate motor vehicles as authorized emergency vehicles. 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 13. Injury to fire apparatus

It shall be unlawful for any person to willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Town of Summerdale; 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, or upon specific orders from the fire chief or other officer in charge where the hose is issued. (Section 13A-5A-59, Code of Alabama, 1975.)

Section 14. Unlawful Vehicle Operations

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. (Section 13A-5A-115, Code of Alabama 1975.)

Section 15. Penalties

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 as provided by law. (Section 11-45-9, Code of Alabama 1975.)

Section 16. Amendment to Ordinance

This ordinance can be amended by the Town Council of the Town of Summerdale.

Section 17. Severability

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 18. Repealer Clause

All existing ordinances, parts of ordinances, and all amendments thereto inconsistent with this ordinance are hereby repealed to the extent of such conflict.

Section 19. Effective Date

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

Adopted this 23th day of February, 2021.



Mayor

ATTEST:


Town Clerk