

# **CITY OF BAYOU LA BATRE**

## **ORDINANCE NO. 2003-478**

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### **AN ORDINANCE TO ESTABLISH A VOLUNTEER FIRE DEPARTMENT**

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To provide for the organization and regulation of a volunteer fire **DEPARTMENT** in the City of Bayou La Batre to be known as **CITY OF BAYOU LA BATRE VOLUNTEER 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 BAYOU LA BATRE AS FOLLOWS:**

#### **SECTION ONE:**

Pursuant to the authority contained in Sections 11-43-140 through 11-43-140, Code of Alabama, 1975 as amended, a **DEPARTMENT** to be know as **THE CITY OF BAYOU LA BATRE VOLUNTEER 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 Bayou La Batre (and its police jurisdiction) is hereby delegated to the **DEPARTMENT**. 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** and from time-to-time shall be subject to the approval of the City of Bayou La Batre Council, except as otherwise provided by law or ordinance.

#### **SECTION TWO:**

(a) The **DEPARTMENT** shall consist of a Chief, an assistant Chief, a captain and a lieutenant for each company, a secretary-treasurer, a master mechanic, and as many drivers and firefighters who are residents of the City of Bayou La Batre (and its police jurisdiction) as may be appointed by the Chief; provided that at no time shall the **DEPARTMENT** consist of less than 20 active members.

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(b) The Chief shall be appointed by the City of Bayou La Batre Council for a term not to exceed that of the mayor, and the Chief's tenure 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 of Bayou La Batre Council.

(c) Active membership in the **DEPARTMENT** for members other than the Chief shall cease at the age of sixty-five (65) unless the Council shall, by a majority vote, approve of the person continuing as an active member. Upon reaching the age of sixty-five (65), active members shall become honorary members and shall be assigned to lighter duties.

(d) (1) Any person desiring to become a member of the fire department may file, with the secretary, an application in such form as the 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 as a condition precedent for confirmation.

(2) All resignations from the **DEPARTMENT** shall take the same course as applications for appointment to membership.

(e) (1) The assistant Chief and all other department and company officers shall be appointed by the Chief from members of the department. Such officers shall be accountable to the 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 Council. The by-laws may also provide expulsion for failure to participate in departmental activities or for non-residence.

(3) No member of the **DEPARTMENT** shall be eligible for departmental or company offices whose entire time, both day and night, is not ordinarily spent within the corporate limits of the municipality, and except for the initial appointments under this ordinance, has not been a member of the **DEPARTMENT** for at least two years.

(f) (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 in the municipality. The Chief may at any time make transfers between companies which he or she deems necessary.

(2) Each company shall be the charge of a captain and a lieutenant who shall be responsible to the Chief. A list shall be posted on each vehicle ranking personnel who shall be in charge of the company at the scene of a fire in the event the captain and lieutenant are unable to respond.

(g) The election of the secretary-treasurer 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 THREE:**

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 two-thirds vote of the members of the **DEPARTMENT** shall not become effective and operative until presented to and approved by the Council. Amendments to the by-laws shall be adopted and approved in the same manner.

**SECTION FOUR:**

The 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 FIVE:**

The officers and members of the **DEPARTMENT** shall receive such compensation from the City of Bayou La Batre as the Council may fix from time-to-time.

**SECTION SIX:**

**Powers and Duties of the Chief.**

(a) The Chief shall have the general supervision of the **DEPARTMENT**, which supervision shall be subject to and not conflict with this ordinance and 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 at 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 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 September of each year, the Chief shall file with the municipal 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 Council not later than the first day of February 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 first 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 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 book of every fire to which any company was called and shall enter in 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.

(i) The Chief shall keep an inventory of all apparatus and equipment, and an inventory of all hose 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 SEVEN:**

##### **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 therefor, except pursuant to an agreement approved by

the Council after the Chief has given his recommendations on such use. With the approval of the Chief and consent of the Mayor, such apparatus may be used for emergency purposes outside the City of Bayou La Batre. A written report of all uses shall be made quarterly to the Council.

**SECTION EIGHT:**

**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**. 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. (Reference----Section 13A-10-6, Code of Alabama, 1975).

(f) 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 within a specified time any and all fire hazards that may be found.

**SECTION NINE:**

**Fire Inspector: Duties**

(a) The Chief of the fire **DEPARTMENT** shall also hold the office of fire inspector, with power to appoint one or more deputy fire inspectors, who shall perform the same duties and have the same powers as the fire inspector.

(b) It shall be the duty of fire inspectors to inspect annually all buildings, premises and thoroughfares within the fire limits of the City and to annually inspect all buildings, premises and public thoroughfares within the municipal limits, for the purpose of noting and causing to be corrected any condition liable to 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.

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

(d) Whenever or wherever in the City of Bayou La Batre any inspection by the fire Chief or his deputies reveals a fire hazard, the Chief or his duties are hereby invested with authority to serve a notice in writing, upon the owner 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 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 TEN:**

Each member of the **DEPARTMENT** shall be issued a photo 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 ELEVEN:**

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, as amended).

**SECTION TWELVE:**

It shall be unlawful for the operator of any vehicle, other than one on official business, to follow closer than 500 feet any fire apparatus traveling 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, as amended).

**SECTION THIRTEEN:**

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 FOURTEEN:**

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/or may also be sentenced to imprisonment in the municipal jail for a term not exceeding six (6) months.



**SECTION FIFTEEN:**

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 SIXTEEN:**

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

**SECTION SEVENTEEN:**

This ordinance shall become effective upon its adoption and publication.

ADOPTED AND APPROVED THIS THE 11 DAY OF MARCH, 2003.

CITY OF BAYOU LA BATRE

  
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MAYOR STAN WRIGHT

**ATTEST:**

  
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IMELDA B. McCLELLAN, CMC  
CITY CLERK

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**STATE OF ALABAMA     )**  
**COUNTY OF MOBILE    )**

I, **IMELDA B. McCLELLAN, CMC**, City Clerk of the City of Bayou La Batre, Alabama do hereby certify the foregoing to be a true and correct copy of an Ordinance approved and adopted by the City Council of the City of Bayou La Batre, Alabama at its regular meeting held on the 11 day of MARCH, 2003.

  
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**IMELDA B. McCLELLAN, CMC**  
**CITY CLERK**