

ORDINANCE NO. 79-O-309

AN ORDINANCE CREATING A FIRE DEPARTMENT; PROVIDING FOR THE APPOINTMENT OF A CHIEF, TWO VOLUNTEER ASSISTANT OFFICERS, OTHER VOLUNTEER OFFICERS, AND MEMBERS THEREOF; PRESCRIBING DUTIES OF THE CHIEF; RELATING TO EQUIPMENT, THE PREVENTION AND SUPPRESSION OF FIRES; PROVIDING A PENALTY FOR VIOLATION THEREOF; AND DECLARING AN EMERGENCY. [Adopted April 17, 1979]

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The city of Brookings ordains as follows:

Section 1. Creation of the fire department. There is hereby created a fire department to be hereinafter known as the Brookings Fire Department, the object of which shall be the prevention and suppression of fire and the protection of life and property within the limits of the city of Brookings, and within the limits of any area which the city of Brookings may contract to provide the services contemplated by this ordinance.

Section 2. Definition. The term "department" as hereinafter used in this ordinance shall mean the Brookings Fire Department.

Section 3. Configuration of the fire department. The department shall consist of a chief, a minimum of two assistant volunteer officers, and such other volunteer officers and members as the chief and city manager may deem necessary for the effective operation of the department.

Section 4. Fire chief - Appointment. The chief shall be appointed by the city manager for an indefinite period of time and his tenure of office shall be technically qualified as training and experience and shall have ability to command men and hold their respect and confidence.

Section 5. Powers and duties of fire chief. The chief shall be held accountable to the city manager and shall make written and verbal reports thereto at such times and in such manner as the city manager may require. All other department and company officers shall be accountable to the fire chief only. Other members of the department and any company shall be accountable to their superiors and the chief.

Section 6. Officers - Appointment. The assistant officers and all other department and company officers shall be appointed by the chief with the prior approval of the city manager. Such officers shall be accountable only to the fire and shall be subject to removal by him with the approval of the city manager.

Section 7. Rules and Regulations. The chief shall formulate a set of rules and regulations to govern the department and shall be responsible to the city manager for the personnel, morals and general efficiency of the department.

Section 8. Composition of Department. The chief shall, with the advice and consent of the city manager, determine the number and kind of companies of which the department is to be composed and shall determine the response of such companies to alarms.

Section 9. Drills. The chief shall, at least once each month, conduct suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the city of Brookings and any such area which the city of Brookings ordinances, fire prevention, water supplies and all other matters generally considered essential to good firemanship and safety of life and property from fire.

Section 10. Arson Investigations. The chief is hereby required to assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires.

Section 11. Authority to Enter Buildings and Premises. The chief is hereby authorized to enter any and all buildings and premises during business hours 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 12. Notice to Abate. Any person so served with a notice to abate any fire hazard or hazards shall comply therewith and promptly notify the chief.

Section 13. Records and Inventory. The chief shall see that complete records are kept of all fires, inspections, apparatus and minor equipment, personnel and other information about the work of the department. He shall also maintain a current inventory of all city equipment along with current equipment sign-out records.

Section 14. Monthly Reports. The chief shall report monthly to the city manager on the condition of the apparatus and equipment, the number of fires during the month, their location and cause, and the date of same and loss occasioned thereby, the number and purpose of all other runs made; and the number of members responding to each fire or other run and any changes in membership.

Section 15. Annual Reports. The chief shall make a complete annual report to the city manager within one month after the close of the fiscal year, such report to include the information specified in Section 14, together with comparative data for previous years and recommendations for improving the effectiveness of the department.

Section 16. Department membership. The membership of the department shall consist of such persons as may be appointed by the chief and shall be able-bodied citizens residing within or near the confines of the Brookings City Fire Protection Boundaries as determined by the chief, preferably property owners whose business activities are normally within the confines of the city of Brookings and preferably those who have telephones in their homes. Determination of whether candidates for appointment are able-bodied shall be made by the chief, and the chief may require any candidate for appointment to undergo a medical and physical examination for the purpose of aiding the chief in his determination as to the fitness of the candidate for appointment.

Section 17. Suspension and Discharge. Any member of the department may be suspended or discharged from the department by the chief at any time he may deem such action necessary for the good of the department.

Section 18. Purchasing. Recommendations of apparatus and equipment needed shall be made by the chief, and after approval by the city council, shall be purchased in such manner as may be designated by the council.

Section 19. Equipment Housing. All equipment of the department shall be safely and conveniently housed in such a place as may be designated by the council.

Section 20. Alarms. Suitable arrangements or equipment shall be provided for citizens to turn in an alarm for notifying all members of the department so that they may promptly respond.

Section 21. Use of Fire Apparatus. No person shall use any fire apparatus or equipment belonging to the department unless accompanied by or having the special permission of an officer or authorized member of the department.

Section 22. Handling of Fire Apparatus. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by or having the special permission of an officer or authorized member of the department.

Section 23. Mutual aid. The council is hereby authorized to enter into agreement or contract with nearby incorporated communities or governing bodies of other organizations or the inhabitants of nearby areas to provide the members of such other communities or organizations or inhabitants with fire protection or to establish a mutual aid system.

Section 24. Assignment of Equipment. The officer in charge of the department shall have power to assign equipment for response to calls for outside aid in accordance with Section 23 and in other cases only when the absence of such equipment will not jeopardize protection in the city of Brookings.

Section 25. Issuance of Badges. Each member of the department shall be issued a badge designating his rank or an identification card.

Section 26. False Alarms Prohibited. No person shall turn in or cause to be turned in a false alarm.

Section 27. Penalties. Any person violating the provisions of this ordinance shall upon conviction pay a fine of not more than \$500 or be imprisoned in the city jail for a term not to exceed six months or by both such fine and imprisonment.

Section 28. Special Police Powers. All regularly appointed members of the department are hereby given the necessary special police powers for the enforcement of the provisions of this ordinance and for the enforcement of traffic ordinances relating to fires and fire fighting equipment.

Section 29. Duties of Police Officers. It is hereby made the special duty of the chief of police and/or other peace officers who may be on duty and available for fire duty to respond to all fire alarms and assist the department in the protection of life and property, in regulating traffic, maintaining order and in enforcing observance of all sections of this ordinance.

Section 30. Social functions. It is deemed to be in the best interest of the welfare of the department that periodically its members or such of them as are not on duty at that time hold social functions and to that end the department may elect a president, vice-president, secretary and treasurer to be known as the "social officers". Such officers may be elected in any manner and for any term the membership as a whole may decide upon; and their duties shall be to arrange for and manage any and all social functions sponsored by the department.

Section 31. Social Officers. The functions and duties of said social officers shall in no way interfere with those of the regular department officers who are charged with responsibility for all fire service activities of the department. The social officers shall have the duty of so arranging and managing any or all social functions sponsored by the department as to command the respect of the citizenry.

Section 32. Compensation. The fire chief's compensation shall be established consistent with other department heads and legal budgetary practices.

Section 33. Repeal of Ordinance No. 52-O-037. This ordinance hereby repeals, supersedes and replaces Ordinance No. 52-O-037 dated November 5, 1952, in the book of General Ordinances of the city of Brookings.

[Adopted April 17, 1979]