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# **TITLE 4. FIRE REGULATIONS**

## **Chapter 4.1. Adoption of National Code**

### **Section 4.1.1. Adoption of Fire Prevention Code. (Ordinance 545)**

There is hereby adopted by the City of Flandreau for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the ***International Fire Code***, recommended by the International Code Council, being particularly the 2009 edition thereof and the whole thereof save and except such portions as are hereinafter deleted, modified or amended, and of which code not less than two (2) copies have been and now are filed in the office of the City Finance Officer of the City of Flandreau and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Flandreau.

### **Section 4.1.2. Enforcement.**

The Chief of the Fire Department shall enforce the code.

### **Section 4.1.3. Definition.**

Wherever the word "municipality" is used in the code hereby adopted, it shall be held to mean the City of Flandreau.

### **Section 4.1.4. Establishment of Limits of Districts in which Storage of Flammable Liquids in Outside Above-ground Tanks and Bulk Storage of Liquefied Petroleum Cases is to be Restricted. (Ordinance 545)**

The limits referred to in ***Section 3406.2.4.4*** of the code hereby adopted in which storage of flammable liquids in outside above-ground tanks is prohibited, and the limits referred to in ***Section 3504.2*** of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: the fire limits as established by Ordinance.

### **Section 4.1.5. Modifications.**

The Chief of the Fire Department shall have power to modify any of the provisions of the code hereby adopted upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the department and a signed copy shall be furnished by applicant.

### **Section 4.1.6. Appeals.**

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the City Council within thirty days from the date of the decision of the appeal.

## **Chapter 4.2. Fire Department.**

### **Section 4.2.1. Officers.**

**Article 4.2.1.1.** The Department shall consist of Chief, one Assistant Chief and other officers as the Chief and membership may deem necessary for the effective operation of the Department.

**Article 4.2.1.2.** The membership shall elect the Chief for a period of time; tenure of office shall depend upon the Chief's good conduct and efficiency. The Chief shall be technically qualified by training and experience and shall have ability to command men and women and hold their respect and confidence. The Chief shall be removed only for just cause and after a public hearing before the membership.

**Article 4.2.1.3.** The Chief shall be held accountable to the City Council only and shall make written and verbal reports thereto as the Fire Department Ordinance may require. All other Department and Company officers shall be accountable to the Chief only.

**Article 4.2.1.4.** The Assistant Chiefs and the membership shall elect all other Department and Company officers. Such officers shall be accountable only to the Chief, and subject to removal by him, and the majority vote of the membership present and voting.

### **Section 4.2.2. Duties of the Chief.**

**Article 4.2.2.1.** The Chief shall formulate a set of rules and regulations to govern the Department, and shall be responsible to the City for the personnel, morale and general efficiency of the Department.

**Article 4.2.2.2.** The Chief shall determine the number and order of response of the companies of which the Department is to be composed and shall determine the response of such companies to alarms.

**Article 4.2.2.3.** The Chief shall at least once a 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 Limits, fire prevention, water supplies, and all other matters generally considered essential to good firemanship and safety of life and property from fire.

**Article 4.2.2.4.** 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.

**Article 4.2.2.5.** The Chief is 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.

**Article 4.2.2.6.** Any person so served with a notice to abate any fire hazard or hazards shall comply therewith and promptly notify the Chief.

**Article 4.2.2.7.** 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.

**Article 4.2.2.8.** The Chief shall report monthly to the Mayor and City Council the condition of the apparatus and equipment; the number of fires during the month, their location and cause, and dates 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 4.2.3. Membership.**

**Article 4.2.3.1.** The membership of the Department shall consist of such persons as may be appointed by the Mayor subject to confirmation by the Council and shall be able-bodied citizens. The Chief shall make determination of whether candidates for election are able-bodied after a medical and physical examination has been made in a manner prescribed by the Chief and approved by the Department.

**Article 4.2.3.2.** Any member of the Department may be suspended or discharged from the Department by the Chief at any time the Chief may deem such action necessary for the good of the Department. On written request of such member to the Department, he shall be given a public hearing on the charges

brought by the Chief. Such hearing shall be had before a majority of the members of the department and after such hearing upon a vote of the members of the department so present, a majority vote shall either permanently suspend or reinstate said member.

#### **Section 4.2.4. Equipment.**

**Article 4.2.4.1.** The Department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire.

**Article 4.2.4.2.** Recommendations of apparatus and equipment needed shall be made by the Chief, and after approval by the Council shall be purchased in such manner as may be designated by the Council.

**Article 4.2.4.3.** All equipment of the Department shall be safely and conveniently housed in such places as may be designated by the City Council. Such places shall be heated during the winter season.

**Article 4.2.4.4.** Suitable arrangement or equipment shall be provided for citizens to turn in an alarm, and for notifying all members of the Department so that they may promptly respond.

**Article 4.2.4.5.** A person shall not use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the Department.

**Article 4.2.4.6.** A person shall not 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 members of the Department.

**Article 4.2.4.7.** The Chief of the Fire Department is hereby authorized to enter into agreements or contracts with nearby incorporated communities or governing bodies of other organizations to provide the members of such communities or organizations with fire protection or to establish a mutual aid system, provided however, that all such contracts and agreements shall be approved by the City Council.

**Article 4.2.4.8.** Apparatus shall not be hired out or permitted to leave the City of Flandreau without the consent of the Chief, except in response to a call for aid at a fire in a neighboring community. The officer in charge of the Department shall have power to assign equipment for response to calls for outside aid in accordance with **Article 4.2.4.7**, and in other cases only when the absence of such equipment will not jeopardize protection in this City.

**Section 4.2.5. General.**

**Article 4.2.5.1.** All motor equipment and all personal cars of Department members shall have the right-of-way over all other traffic when responding to an alarm.

**Article 4.2.5.2.** No person shall park any vehicle or otherwise cause any obstruction to be placed within twenty (20) feet of the entrance to any fire station or other place where fire apparatus is stored within fifteen (15) feet of any fire hydrant or cistern.

**Article 4.2.5.3.** No person shall maliciously turn in or cause to be turned in a false alarm.

**Section 4.2.6. Enforcement.**

**Article 4.2.6.1.** Any person violating the provisions of **Article 4.2.2.6, Articles 4.2.4.5-6, and Articles 4.2.5.1-3** may be convicted for each such offense, and be punished according to the general punishment provisions of the City ordinances.

**Article 4.2.6.2.** All regularly elected members of the Department are hereby given the necessary special police powers for the purpose of enforcing the provisions of this ordinance.

**Article 4.2.6.3.** It is hereby made the special duty of the local law enforcement officer 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.

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