

ORDINANCE #32

AN ORDINANCE RELATING TO THE RE-ESTABLISHING OF THE ARCADIA FIRE DEPARTMENT. BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ARCADIA, MISSOURI, AS FOLLOWS:

SECTION 1. FIRE DEPARTMENT RE-ESTABLISHED: COMPOSITION:

There is hereby Re-Established a FIRE DEPARTMENT for the CITY OF ARCADIA, MISSOURI, which shall consist of a Chief, One Assistant Chief, the Chief of Police and any other Arcadia City Police Officers, and such organized volunteer firemen as may be enrolled.

SECTION 2. FIRE DEPARTMENT - DUTIES:

The Fire Department shall have charge of the Fire Fighting Apparatus and shall keep the same in good order for immediate use, and for more effectually perfecting the Firemen in discharge of their duties shall as often as practicable thoroughly test the condition of the Fire Fighting Apparatus. Upon arrival at any Fire, the members present shall take all necessary and proper action to extinguish such fire as quickly as possible and with the least damage possible. The Department shall take all reasonable steps necessary to prevent the spread of the fire and damage to adjoining property. The Fire Department shall not issue Fire Tags and no Fire Tags shall be issued by any Department of the City of Arcadia. Under no circumstances shall the Fire Trucks respond to a call outside the City Limits of the City of Arcadia excepting a call from a neighboring municipality when so requested by the Administration of that municipality or its Fire Department.

SECTION 3. FIRE CHIEF AND ASSISTANT FIRE CHIEF: APPOINTMENT:

The Chief shall be appointed by the Mayor for a term of one (1) Arcadia Fiscal Year or remainder thereof. The Mayor will present to the Board of Aldermen the name of the person he/she desires to appoint as Fire Chief at the First Regular Meeting of the Board of Aldermen after the start of each Fiscal Year (which for the City of Arcadia is July 1st of each year) and the Board of Aldermen will accept or reject the appointment. In case of rejection by the Board of

Aldermen the Mayor will present to the Board of Aldermen, at the next Regular Meeting of the Board of Aldermen after the rejection, the name of the person he/she desires to appoint as Fire Chief. This process will be repeated at each Monthly Regular Meeting of the Board of Aldermen until the Board of Aldermen approve a person recommended by the Mayor. Any person rejected to be appointed Fire Chief by the Board of Aldermen shall not be eligible to have their name presented to the Board of Aldermen for Approval or Rejection as fire Chief for the period of One (1) Year after such rejection. Until the Board of Aldermen approve a recommendation of the Mayor for Fire Chief, the current Fire Chief shall continue as Fire Chief during the Intervening time.

The Assistant Chief shall be chosen by following the exact procedure as described above for choosing a Fire Chief.

SECTION 4. FIRE CHIEF AND ASSISTANT FIRE CHIEF DUTIES.

It shall be the duty of the Fire Chief to examine and report to the Mayor (who will then report to the Board of Aldermen) the condition of the Fire Department and its equipment, and to recommend such alterations and additions and changes as the Fire Department may in his/her judgment require. The Fire Chief shall be responsible for the discipline, good order and conduct of the Fire Department and the enforcement of all laws, Ordinances and regulations pertaining thereto. He shall have the Superintendence, control, and command of all the persons belonging to the Fire Department. At the scene of a Fire he shall have control of all City Fire Equipment. He shall likewise have control of all persons present at Fires, and in this control shall have cooperation of the Chief of Police, any other Arcadia Officer present and any one of the City Administration of the City of Arcadia that may be present. He shall also have the right to remove personal property from any building on fire or in danger thereof and to guard the same. Any person refusing to obey the commands of the Chief, while present at a fire, shall be deemed guilty of violating this Ordinance. In case of absence of the Chief from a fire, the Assistant Chief shall be in charge.

SECTION 5. ORGANIZED VOLUNTEER FIREMEN - APPOINTMENT AND DUTIES:

To re-establish the City of Arcadia Volunteer Fire Department names of those desiring to serve on the Arcadia Volunteer Fire Department shall be submitted to the Mayor, who in turn will submit the names to the Arcadia Board of Aldermen for approval or rejection. A majority vote of the Arcadia Board of Aldermen shall be required for approval or rejection of the applicant. When vacancies occur on the Arcadia Volunteer Department the Fire Chief, Assistant Fire Chief or any Aldermen may submit name or names to the Mayor for presentation to the Arcadia Board of Aldermen for approval or rejection. When a name for membership on the Arcadia Volunteer Department has been rejected by the City of Arcadia Board of Aldermen that name cannot be presented to the Arcadia Board of Aldermen again for one (1) Year. Volunteer Firemen are to attend all Fire Department Meetings and partake in the Instruction and Practice. There will be Meetings and Practice where some Volunteer Firemen will be unable to attend, however all concerned shall make effort to attend every meeting they possibly can. At all fires the Volunteer Firemen will be under the direction of the Fire Chief or Assistant Fire Chief or other City Official who may be in charge of the activity.

SECTION 6. COMPENSATION - FIRE CHIEF, ASSISTANT FIRE CHIEF, ORGANIZED FIREMEN:

The Fire Chief, Assistant Fire Chief and the Organized Volunteer Firemen shall not be compensated by the City of Arcadia, Missouri, for any of their services. The City shall provide Workmen's Compensation Insurance which shall cover the Fire Chief, Assistant Fire Chief and each Volunteer Fireman. This Workmen's Compensation Insurance furnished by the City at no cost to the Fire Chief, Assistant Fire Chief, and Volunteer Firemen will be in case of injury compensated to the individual as a part time employee based on the formula of the Insurance Carrier and the injured persons compensation will in no way be based on that persons amount of Benefits and Wages with their Employer in whatever field of work they may be in. A signed statement of acceptance of this

Section must be in the File of each Person connected with the Arcadia Fire Department. If this statement is not in the Fireman's file that Person shall not be allowed to participate in any of the Arcadia Volunteer Fire Department Activities. If the statement is not immediately signed and placed in the file after it is discovered it is absent the Fireman involved shall have his/her name removed permanently from the Fire Department Roster.

SECTION 7. REMOVAL OF CITY OF ARCADIA VOLUNTEER FIREMEN:

Any Member or Officer of the Arcadia Volunteer Fire Department may be removed from membership therein for just cause by action of the Arcadia Board of Aldermen upon recommendation by the Fire Chief or a Member of the Board of Aldermen. Likewise the Fire Chief or a Member of the Board of Aldermen may recommend a person for Membership in the Arcadia Volunteer Fire Department by informing the Mayor who will present the name of such Person to the Board of Aldermen.

SECTION 8. FINANCING ARCADIA VOLUNTEER FIRE DEPARTMENT:

The Arcadia Volunteer Fire Department will be financed as to all expenses through the General Bank Account of the City of Arcadia. Recommendation of a Major Expenditure will be presented by the Fire Chief to the Mayor and Board of Aldermen and on such the Fire Chief shall meet with the Board of Aldermen or an Aldermatic Committee as the case may be to discuss all aspects of the requested expenditure. In any such case the action of the Board of Aldermen shall be final. For the purposes of this Ordinance, a Major Expenditure is an expenditure greater than One Thousand Five Hundred Dollars (\$1,500.00).

SECTION 9. SEVERANCE CLAUSE:

That if any section, sentence, phrase or clause of this ordinance shall be held to be invalid for any reason by a court of competent jurisdiction, the invalidity of such section, sentence, phrase or clause shall not impair the validity of the remaining sections, sentences, phrases or clauses of this ordinance; the Board of Aldermen hereby declares that it would have passed the remaining portions of this Ordinance had it known that such section, sentence, phrase or clause would be held invalid.

SECTION 10. PENALTY FOR VIOLATION OF THIS ORDINANCE:

Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than One Hundred Dollars (\$100.00), and in addition shall pay all costs and expenses involved in the case.

SECTION 11. REPEALING CONFLICTING ORDINANCES:

That all ordinances or parts of ordinances in conflict herewith, shall be, and the same are hereby repealed; and this ordinance shall be in full force and effect from and after its passage and approval as provided by law.

WHEREUPON, this ordinance was read three times and approved by vote of the Board of Aldermen of the City of Arcadia, Missouri, on this 14 day of January, 2002.


Philip Cheaney, Mayor

ATTEST:


Mary Johnson, City Clerk