Ordinance 723-25

An Ordinance amending Ordinance 705-24
Establishing a Municipal Volunteer Fire Department

Section 1. Fire Department Established

A department to be known as THE TOWN OF SUMMERDALE 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 Town of Summerdale (its police jurisdiction) and it's fire district outside of town limits 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 volunteer fire chief who shall be known as the Fire Chief of the Town of Summerdale and shall consist of as many deputy/assistant chiefs, captains, lieutenants, drivers, firefighters, and other officers and members as may be appointed by the chief; provided that at no time shall the department consist of less than 10 active members.

b. The chief shall be appointed by the active member of the Summerdale Volunteer Fire Department and the Town Council for a term not to exceed two (2) year and the term of the Mayor, and the chief's tenure of office shall depend upon good conduct and efficiency. The fire chief shall be qualified by certification & training, have experience, and shall have the ability to command fire personnel. The fire chief may be reappointed in the same manner an unlimited number of times. The fire chief is an Officer of the Town. The fire chief shall be removed from office as provided for by state law.

c. Any person desiring to become a volunteer member of the fire department may file, with the department's secretary, a completed application. To qualify as a member of the department, you must reside in the State of Alabama. Existing members of the department who currently reside outside the State of Alabama are exempt. The fire chief will review volunteer applications with the body of the fire department and conduct an open interview. The body of the fire department will provide their input on acceptance or denial on membership. Each applicant shall also file a certificate of physical fitness using the Town's physical form, from such physician as the town may designate at the town's expense before being released to full duty. All new members shall be added by the Clerk's office to the Town Volunteer Workers Compensation Insurance before starting. All resignations from the department shall be received by the fire chief. All final applicants must be approved by the town council.

d. The fire chief will select/appoint his command staff and officer staff in accordance with the by- laws. 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.

e. *Volunteers* The members of the department will be volunteers at the Town of Summerdale Volunteer Fire Department.

f. Volunteers are subject to department and town regulations and policies.

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.

The Fire Chief, Assistant Chief, Deputy Chief and Fire Secretary are authorized to get a purchase order from the Town Clerk's Office. The Volunteer Fire Department will follow the Town of Summerdale purchase order policy when making purchases.

Funds and donations raised by members for the benefit of the Summerdale Volunteer Fire Department shall be deposited by the Departments secretary or designated officer. This account shall be separate from all other accounts and shall be maintained in a public depository approved by the Council. Expenditures from said account shall be for the benefit of the fire department and shall be approved by the fire Chief. All deposit slips and receipts will need to be turned into the Clerk's as receipted. All checks will be issued by the Clerk's officer and no cash withdrawals are to be made by anyone.

Section 5. Limitations and Requirements

The following limitations and requirements shall apply to the handling and disbursement of funds from the General Operating Account:

a. **Expenditures.** Expenditures withdrawn from the account shall be expensed 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 (excluding safety drinks), 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 6. 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 7. Powers and Duties of the Fire Chief.

a. The fire chief is charged with 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 or designee 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 or his designee 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 August 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; 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 the incident reports, training reports and duty crew hours for the month, 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 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 8. Control and Care of Apparatus/Vehicles.

a. The chief shall have control of all apparatus and vehicles used by the department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the chief in accordance with the town's purchase order policy.

b. Apparatus shall be used for official fire department business. This includes answering calls of service, performing normal fire department duties and responsibilities, attending training, and other authorized and approved use by the chief.

c. Apparatus **SHALL** be staffed when firefighters are on duty, the apparatus shall be always with the on-duty firefighters to provide for an immediate response. Traveling to the grocery store, eating meals or other approved activity, the fire apparatus **SHALL** be ready to respond with personnel onboard to allow for a quick response to the scene.

Section 9. 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. **(Section 36-19-1, Code of Alabama, 2006.)**

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 officers 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, fire marshal 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 10. 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 inspector, who shall perform the same duties and have the same powers as the fire inspector.

b. The inspector(s) shall have the authority to inspect annually all buildings, premises, and thoroughfares within the fire limits of this municipality; and to inspect annually all buildings, premises, and public thoroughfares within the municipal limits, for the purpose of noting and causing any condition to be corrected 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. 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 fire chief or officers of the department 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 11. Official Designations

Each member of the department may be issued a badge designating the rank of the member, and each member 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 12. Injury to fire apparatus/vehicle.

It shall be unlawful for any person to willfully injure in any manner any hose, hydrant or fire apparatus/vehicle 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 13. 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 14. 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 15. Amendment to Ordinance

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

Section 16. 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 17. 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 18. Effective Date

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

Adopted this 14th day of October, 2025.

Mayor

Attest:

Town Clerk

CERTIFICATION

I, Tiffany Lynn, Town Clerk of the Town of Summerdale, do hereby certify that the foregoing is a true, correct, and exact copy of the Ordinance adopted at a regular Town Council meeting held on the 14th day of October 2025, the original of which is on file and of record in the Ordinance Book of the Town Council in my custody.

The foregoing Ordinance was published by posting copies thereof at four public places within the corporate limits of the Town of Summerdale, to-wit Town Hall, Police Department,