ORDINANCE NO. 2003-06

AN ORDINANCE PROVIDING FOR RULES AND REGULATIONS FOR THE OPERATION OF THE ATKINS FIRE DEPARTMENT AND FOR OTHER PURPOSES.

WHEREAS, there is a pressing need to specify and update the rules and regulations pertaining to the operation of the Atkins Fire Department; and,

WHEREAS, some of the current provisions providing for the operation of the Fire Department are obsolete;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Atkins, Arkansas:

SECTION I. Chapter 2.24 Fire Department of the Atkins Municipal Code is hereby repealed and it is replaced with the following rules and regulations.

SECTION II. General Rules

1. The Atkins Fire Department is hereby re-established consisting of voluntary members only. The Fire Department shall provide aid in the extinguishing of fires in the City of Atkins and in the Atkins Fire Protection District as provided for in Section 7.40.03 of the Atkins Municipal Code.

2. The Rules and Regulations herein provided for are intended for the general guidance of the officers and members of the Atkins Fire Department and not to cover every specific act of duty. A strict compliance with the rules, regulations, and careful attention to the orders of the

officers will tend to secure the respect and good opinion of the public.

3. All fire department personnel accepted after the adoption of these rules and regulations shall be residents of an area comprised of the city limits of the City of Atkins and the Atkins Fire Protection District. Members already living outside the District and City are grandfathered into the Department.

4. All members must be at least 18 years of age.

5. Persons interested in becoming a member of the Atkins Fire Department must complete an application and attend a fire department meeting for the purpose of being interviewed as a potential probationary member. To become a member, persons must be approved as a probationary member by the Atkins City Council. If denied membership, persons may reapply after a six-month waiting period.

6. All members of the Fire Department in good standing shall be compensated at rates as determined from time to time by the Atkins City Council.

7. Probationary members will be considered for permanent membership after completing a one-year probationary period. During the probationary period, each probationary member must complete "Introduction to Fire", "Protective Equipment", and "Wild Land Suppression Training". At the end

of the one-year period, a majority vote of the Department membership will determine whether probationary members will be dismissed or retained.

8. New members must pass a physical examination performed by a doctor chosen by the Atkins Fire Department; the expense will be paid by the City of Atkins.

9. No more than one member, whether probationary or permanent, shall be accepted into the department on the same day.

10. Each member must attend fifty percent (50%) of the meetings each year to remain in good standing.

11. Each member must attend no less than twenty percent (20%) of all fire calls. Failure of a member to attend the requisite number of fire calls over any consecutive twelve (12) month period shall cause that member to be subjected to disciplinary action which may include expulsion. Department membership will decide what disposition shall be taken by a majority vote of the membership.

12. Members will conduct themselves in a professional and safe manner when on department duty.

13. No department member while on duty shall possess any intoxicating liquor, narcotics, or illegal drugs of any kind nor shall they be under the influence of liquor or drugs while on duty.

14. Election of officers will be conducted at the first meeting in November of even numbered years, except that election of officers shall be held in the year 2003 after passage of this Ordinance.

15. The Mayor of the City of Atkins will appoint the Chief of the Fire Department.

SECTION III. Command Structure. The Fire Department shall be comprised of the following officers and members:

1. Chief
2. First Assistant Chief
3. Second Assistant Chief
4. Captains (3) (Training Officer, Secretary-Treasurer, and Vehicle Officer)
5. Governing Committee
6. Firefighters

SECTION IV. Duties of the Chief.

1. The Chief of the Department shall be the executive head of the department and shall devote his time to the discharge of the duties of his office and shall exercise supreme command at any fires he attends and at all times when on duty.

2. The Chief shall designate members of any ranks to perform temporarily the duties of higher ranking officers.

3. The Chief shall conduct inspections (schools, preschools, nursing homes) as he may deem necessary for the proper fulfillment of his duties.

SECTION V. Duties of Assistant Chiefs.

1. First Assistant Chief. The First Assistant Chief shall rank immediately below the Chief in authority and shall exercise the powers of the Chief in his absence or inability to act.

2. Second Assistant Chief. The Second Assistant Chief shall rank below the First Assistant Chief in authority and shall exercise the powers of the Chief and First Assistant Chief in the event that both of them are absent or unable to act. The Second Assistant Chief shall devote his time to the safety of the public, fire department members, and equipment used by the fire department.

SECTION VI. Duties of the Captains.

1. Secretary-Treasurer (CSO). It shall be the duty of the Captain Secretary-Treasurer (CSO) to keep a record of all the proceedings of the Department, to call roll, to record all absences, to keep the books and preserve the records of the Department, to collect monies due the Department giving proper receipt therefore and shall give each member at least twenty-four (24) hours' notice of each special meeting.

2. Training Officer. The Captain Training Officer (CTO) must become a certified training officer within the first six (6) months of his term.

It is one of the duties of the CTO to provide the

most effective and updated training available. The CTO shall provide a two (2) hour training session each month.

It is also the duty of the CTO to ensure that new firemen take and complete the three classes necessary to become a certified firefighter within the first year of membership.

3. Vehicle Officer (CVO). It is the duty of the Captain Vehicle Officer (CVO) to assure all vehicles are in proper working order and are safe to drive. If a vehicle is not operational, then it is his responsibility to "yellow flag" or caution card such vehicles to assure that all firefighters are aware of the mechanical or operational problems and to assure that all vehicles pass an inspection test each year.

SECTION VII. Governing Committee.

1. The Governing Committee shall consist of the Chief, First Assistant Chief, Second Assistant Chief, and all three Captains.

2. All disciplinary matters, except when concerning fire attendance as stated in Section II, paragraph 11, shall be handled by and with hearings conducted by the Governing Committee which shall have the authority to, place on probation, caution, reprimand, suspend, or terminate a member of the Department from duty for violations of the Rules and

Regulations of the Department. This Committee shall promptly report any disciplinary decisions to the Mayor.

3. Any decision by the Governing Committee shall be in writing clearly stating the decision made and the reason or reasons for the decision. It shall provide the names of those members voting for and against the decision. One member voting in the majority shall be assigned to write the decision and other members desiring to write a concurring or dissenting opinion shall be permitted to do so.

4. The member who is the subject of the decision shall be provided a copy of the decision and any concurring or dissenting opinions. The decision will be delivered to the affected member by certified mail, addressee only.

SECTION VIII. Appeals Process.

1. Any member who is the subject of disciplinary action shall have ten (10) days from receipt of the decision to file a written appeal with the Captain Secretary-Treasurer. If the tenth day shall fall on a weekend or holiday, then the member shall have until the next business day to perfect his or her appeal.

2. A hearing will be held after notice to the affected member. The hearing will be presided over by the Chief and any one may testify or offer into evidence any relevant matter at the hearing.

3. A new decision in writing will be issued by the Governing Committee within a reasonable time after the conclusion of the hearing pursuant to the same procedure as provided for after the original decision. The new decision will either affirm, reverse, or modify the original decision.

SECTION IX. Appeal to the City Council.

1. The affected member may appeal the new decision in writing to the City Council by filing a written notice of appeal with the City Clerk within ten (10) days of receiving the written decision. The City Council will be furnished with copies of the original decision and opinions and the second decision and opinions, along with any physical evidence previously received by the Governing Committee.

2. A hearing will be conducted by the City Council at which the City Council will review the prior decisions and opinions, evidence, and hear any relevant testimony from any person including the affected member. The City Council shall then issue an oral decision or retire into executive session for the purpose of discussing the case. Upon reconvening in public, the City Council will vote and publish its findings.

SECTION X: Emergency Clause

This ordinance being necessary for the public peace, health and safety of the citizens of Atkins,
an emergency is declared and this Ordinance shall become

effective immediately upon its passage and approval.

DATED this 10th day of June, 2003.

JERRY DON BARRETT, Mayor

BRENDA GRAVES, City Clerk