

ORDINANCE NO. 702

AN ORDINANCE RECOGNIZING THE ROANOKE VOLUNTEER FIRE DEPARTMENT AS THE LEGAL FIRE DEPARTMENT ENTITY OF THE CITY OF ROANOKE, ALABAMA IN ACCORDANCE WITH STATE OF ALABAMA CODE REGARDING FIRE DEPARTMENTS RIGHTS, DUTIES, AND OBLIGATIONS.

SECTION 1: WHEREAS, THE ROANOKE VOLUNTEER FIRE DEPARTMENT HAS BEEN IN EXISTENCE SINCE THE EARLY 1900'S, AND PREDATES AVAILABLE CITY RECORDS AND HAS PROVIDED FIRE PROTECTION FOR THE CITY OF ROANOKE, ALABAMA SINCE ITS INCEPTION.

WHEREAS, THE CITY COUNCIL OF THE CITY OF ROANOKE, ALABAMA RECOGNIZES THE NEED TO PROTECT LIFE AND PROPERTY IN THE CITY OF ROANOKE THROUGH THE EXISTENCE OF THE ROANOKE VOLUNTEER FIRE DEPARTMENT.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROANOKE, ALABAMA THAT THE ROANOKE VOLUNTEER FIRE DEPARTMENT IS LEGALLY EMPOWERED AS THE FIRE DEPARTMENT FOR THE CITY OF ROANOKE ALABAMA AS PROVIDED BY STATE CODE.

SECTION 2: BE IT FURTHER ORDAINED, THE FIRE DEPARTMENT SHALL BE RESPONSIBLE FOR THE PROMPT ANSWERING OF ALL FIRE ALARMS WITHIN THE CITY AND WITHIN SUCH OTHER AREAS AS HAVE OR MAY BE APPROVED BY THE GOVERNING BODY IN THE FUTURE. IT SHALL TAKE ALL SUCH MEASURES AS MAY APPEAR TO BE ADVISABLE FOR THE PROTECTION OF HUMAN LIFE AND FOR THE PROTECTION AND SALVAGE OF ALL PERSONAL AND REAL PROPERTY THROUGH THE CONTROL AND EXTINGUISHMENT OF DESTRUCTIVE FIRE AND SUCH OTHER PROCEDURES AS MAY BE REQUIRED. AS PROVIDED FOR IN CODE OF ALABAMA, TITLE 9-3-17, 9-3-12, 11-43-141, 11-43-142, 6-5-332, 6-5-335 AND OTHER SECTIONS AS PROVIDED.

SECTION 3: BE IT FURTHER ORDAINED, THE FIRE CHIEF SHALL BE ELECTED BY THE MEMBERSHIP OF THE ROANOKE VOLUNTEER FIRE DEPARTMENT AND SHALL BE RESPONSIBLE TO THE MAYOR OF THE CITY OF ROANOKE FOR THE ENFORCEMENT OF ALL LAWS AND ORDINANCES

THE FIRE CHIEF SHALL HAVE ALL RIGHTS, DUTIES, AND POWERS AS PROVIDED IN CODE OF ALABAMA, TITLE 36-19-1 THRU 28 AS IT PROVIDES FOR THE CHIEF OF THE FIRE DEPARTMENT OF AN INCORPORATED MUNICIPALITY AND DUTIES AS AN ASSISTANT STATE FIRE MARSHALL.

WITHIN THE LIMITATIONS OF THE BUDGET, HE SHALL FROM TIME TO TIME DESIGNATE THE NUMBER OF OFFICERS AND MEN NECESSARY FOR THE EFFICIENT AND EFFECTIVE OPERATION OF THE FIRE DEPARTMENT, ESTABLISHING AND ARRANGING SUCH OFFICERS AND MEN INTO THAT ORGANIZATION AS MAY BE REQUIRED.

SECTION 4: BE IT FURTHER ORDAINED, THE ROANOKE VOLUNTEER FIRE DEPARTMENT SHALL BE GOVERNED BY THE BOARD OF OFFICERS AS ELECTED BY THE MEMBERSHIP. NEW MEMBERS SHALL BE ELECTED BY THE EXISTING MEMBERS AS PROVIDED FOR IN THE BY-LAWS AND CONSTITUTION OF THE ROANOKE VOLUNTEER FIRE DEPARTMENT.

SECTION 5: BE IT FURTHER ORDAINED, THAT THE ROANOKE VOLUNTEER FIRE DEPARTMENT AS A LEGAL ENTITY OF THE CITY OF ROANOKE, ALABAMA IS COVERED BY THE CITY OF ROANOKE'S LIABILITY INSURANCE POLICY AS OPERATORS OF CITY EQUIPMENT, ERRORS AND OMISSIONS DURING THE RESPONSE TO EMERGENCY SITUATIONS, AND OTHER LEGAL DUTIES PERTAINING TO FIRE PROTECTION AND CODE ENFORCEMENT FOR THE CITY OF ROANOKE. THE MEMBERSHIP OF THE ROANOKE VOLUNTEER FIRE DEPARTMENT WILL BE COVERED BY THE CITY OF ROANOKE'S WORKMAN'S COMP. INSURANCE AS PERMITTED BY STATE LAW.

SECTION 6: BE IT FURTHER ORDAINED, THE POSITION OF CITY FIRE MARSHAL SHALL BE CREATED FOR THE INVESTIGATION OF THE CAUSE AND ORIGIN OF ALL SUSPICIOUS FIRES AND SUSPECTED FIRE CODE VIOLATIONS WITHIN THE CITY OF ROANOKE AND THE PROSECUTION (IN CONJUNCTION WITH THE ROANOKE POLICE DEPARTMENT AND THE STATE OF ALABAMA FIRE MARSHALL'S OFFICE) OF ANY PERSONS DEEMED TO BE IN VIOLATION OF STATE CODE OR CITY ORDINANCE AS IT RELATES TO FIRES AND FIRE CODE VIOLATIONS. THIS POSITION SHALL REQUIRE THE CURRENT STATE CERTIFICATION LEVELS OF AT LEAST VOLUNTEER FIREFIGHTER I AND FIRE INVESTIGATOR AS SETFORTH BY THE ALABAMA FIRE COLLEGE AND PERSONNEL STANDARDS COMMISSION.

SECTION 7: BE IT FURTHER ORDAINED, THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE, THE PUBLIC WELFARE REQUIRING IT.

PASSED AND APPROVED BY THE CITY OF ROANOKE, ALABAMA ON THIS 12th DAY OF August, 1996

ATTEST: Ellen Farmer
CITY CLERK

BY: Betty Slay Ziga
MAYOR