

## Ordinance 2023-013

### OF THE TOWN OF FORT GIBSON AMENDING TITLE 5, POLICE AND PUBLIC SAFETY, CHAPTER 2, FIRE DEPARTMENT.

#### CHAPTER 2 FIRE DEPARTMENT

##### SECTION:

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##### 5-2-1: **COMBINATION** DEPARTMENT ESTABLISHED; COMPOSITION:

A. There shall be a fire department, the head of which shall be the Chief of the Fire Department.

B. **Career Staff:** Firefighters employed by the Town who handle all aspects of daily operations, which includes but is not limited to equipment checks and basic maintenance of all facilities. Career staff are subject by the chain of command as established by the Fire Chief. Career Staff are also referred to as “members” of the Fire Department and where such term is utilized or referenced to it is referring Career Staff. Career Staff are full-time employees of the Fire Department of the Town of Fort Gibson receiving a salary from the Town, and eligible for all benefits that other employees of the Town receive; except that Career Staff are governed by the Oklahoma Firefighters Pension and Retirement Fund as set forth under Oklahoma statute.

C. The term "Volunteer Firefighter" An on-call firefighter for the Fort Gibson Fire Department who serves in such capacity without receiving a salary from the Town and who is not an employed firefighter for the Town. The number of the volunteer firefighters for the Town shall **not exceed** twenty (20) firefighters. (1995 Code title 13 § 2.1; amd. 2006 Code)

#### 5-2-2: DUTIES OF DEPARTMENT:

It is the duty of the fire department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to persons injured in or about burning structures, or elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire in public and private buildings; **to respond to vehicular accidents involving personal injury and administer such emergency aid as necessary; to respond to other emergencies as determined by the Fire Chief.** (1995 Code title 13 § 2.1)

#### 5-2-3: POWERS AND DUTIES OF CHIEF:

The **Chief** shall be the administrative head of the department, subject to the laws of the state, ordinances of the **Town**, and the rules and regulations adopted in this chapter. The **Chief** shall have the following powers and duties, and he may assign duties to other members **and volunteers** of the department:

A. Shall be responsible for the general condition and efficient operation of the department, the training of members **and volunteers**, and the performance of all other duties imposed upon him, and shall have supervision and control of the fire department, subject to the supervision and control of the ~~board of trustees~~ **Town Administrator**;

B. May inspect or cause to be inspected by members of the department, the fire hydrants, cistern, and other sources of water supply at least twice each year; (1995 Code title 13 § 2.2)

C. Shall maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members **and volunteers**; (1995 Code title 13 § 2.2; amd. 2006 Code)

D. Shall make every effort to attend all fires and direct the officers, members, **and volunteers** in the performance of their duties;

E. Shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department;

F. Shall see that each fire is carefully investigated to determine its cause and, in the case of suspicion of incendiarism or arson, shall notify proper authorities and secure and preserve all possible evidence for future use in the case;

G. Is authorized to enter any building or premises in the **Town** at any reasonable hour for the purpose of making inspections and to serve written notice on persons for any violations that may be found; and

H. Shall see that complete records are kept of all fires, inspections, apparatus and equipment, personnel and other information of the department and shall make reports to the Board of Trustees as it may require. He shall keep the **Town Administrator and Board of Trustees** informed regarding the fire department and its needs. (1995 Code title 13 § 2.2)

#### 5-2-4: OTHER DEPARTMENT PERSONNEL:

A. Assistant Chief: In the absence of the chief, the assistant chief on duty shall command the department and be held responsible therefor in all respects with the full powers and responsibilities of the chief. The assistant chief shall be **appointed by the Chief**. ~~elected from among the members of the fire department.~~ (1995 Code title 13 § 2.3)

B. Company Officers: Company officers shall be selected by the chief based upon the following criteria:

1. Knowledge of firefighting;
2. Leadership ability; and
3. Knowledge of firefighting equipment. (1995 Code title 13 § 2.4)

~~C. Secretary Treasurer: One member elected by the members of the fire department shall be a secretary treasurer. His duties shall consist of the following:~~

- ~~— 1. Calling the roll at the opening of each meeting;~~
- ~~— 2. Keeping the minutes of each meeting; and~~
- ~~— 3. Collecting any money due the department by the members.~~ (1995 Code title 13 § 2.5)

#### 5-2-5: ~~NEW MEMBERS:~~ **VOLUNTEERS:**

~~New members of the~~ **Volunteers of the** department shall be recommended by the Chief. New ~~members~~ **volunteers** shall be on probation for one year after their appointment. Upon completion of their probationary period, new ~~members~~ **volunteers** must be approved by the majority of the ~~other members~~ **career and volunteer firefighters** of the Fire Department and the ~~board of trustees.~~ **Town Administrator.** (1995 Code title 13 § 2.6)

#### 5-2-6: BYLAWS: **VOLUNTEER FIREFIGHTERS REQUIREMENTS**

~~A. All volunteer fire department members are~~ **Be** required, when notified, to respond to alarms of fire and other emergencies;

~~B. A member is~~ **Be** required to be present at all regular meetings, called meetings and schools presented for the benefit of the firefighters;

~~C. At least one regular business meeting of the members shall be held each month;~~

C. Any ~~member~~ **volunteer** having two (2) unexcused absences in succession or three (3) unexcused absences in a period of three (3) months will be dropped from the fire department rolls;

D. Any member **volunteer** leaving the town for an extended period of time is required to notify the Chief;

E. ~~Any member~~ **Be expelled from the rolls for** refusing to attend training classes provided for **him or her** ~~members of the department will be dropped;~~ and (1995 Code title 13 § 2.7)

F. ~~Any member of the fire department may be dropped from the rolls by majority vote of the members of the company and approval of the board of trustees for the following offenses:~~ **Be expelled from the rolls for the following offenses:**

1. Conduct unbecoming a firefighter;
2. Any act of insubordination;
3. Neglect of duty;
4. Any violation of rules and regulations governing the Fire Department; or
5. Conviction of a felony.

G. **Must reside in the same county as the combination Fire Department or in a county that immediately borders to the county in which the department is located.** (1995 Code title 13 § 2.7; amd. 2006 Code)

#### 5-2-7: FIREFIGHTERS' PENSION AND RETIREMENT FUND:

A. State Provisions Adopted: The town hereby adopts the provisions of state law governing the Oklahoma firefighters' relief and pension system and amendments thereto for the purpose of providing firefighters of the town with a retirement program. (1995 Code title 2 § 5.1)

B. Operation Of Fund: The firefighters' relief and pension fund shall be operated in accordance with state law relating to the fund, and pensions and other benefits shall be paid as provided by state law. (1995 Code title 2 § 5.2)

C. Contributions To Fund: The Town Treasurer shall deduct from the salaries or wages of each paid member of the Fire Department the appropriate amounts of money as established and required by state law as contribution to the firefighters' pension fund. However, if the members of the Fire Department, by a majority vote of its paid members, vote to increase the amount of the deductions, the amounts authorized by this subsection shall be increased to reflect the amounts approved by the majority vote. The Town Treasurer shall deposit monthly in the Oklahoma firefighters' pension and retirement board the amounts deducted pursuant to this subsection. Any amounts deducted from the salary or wages of a fire department member shall be made at the time of each payroll. The deductions shall be set forth in the payroll so that each member may be able to ascertain the exact amount which he is contributing.

D. Deposits With State:

1. Monthly Deposits: The town treasurer shall deposit monthly with the Oklahoma firefighters' pension and retirement board the amounts of money as established and required by state law for each paid member of the fire department.

2. Annual Deposit: For each volunteer member of the Fire Department, the Town Treasurer shall deposit yearly with the Oklahoma firefighters' pension and retirement board the amounts of money as established and required by state law. These amounts may be revised according to actual studies and amounts as set by the Oklahoma firefighters' pension and retirement board.

3. Assets: All assets of the town firefighters' pension and retirement fund shall be transferred to the Oklahoma firefighters' pension and retirement board. Assets shall be transferred in the form of cash, negotiable securities and such other specific assets as permitted by the state board. (1995 Code title 2 § 5.3)

5-2-8: EQUIPMENT:

A. Use Of Equipment:

1. No person shall 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.

2. No person shall 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 member of the department. (1995 Code title 13 § 2.9)

B. Fire Department Equipment Fund:

1. Fund Created: There is hereby created in the office of the town treasurer a fire department equipment fund, separate and apart from the general fund, as a trust fund for the benefit of the town fire department, to be used for fire equipment for the Town Fire Department, which funds shall be held in trust and shall be used and disbursed only for equipment and improvement of the town fire department upon approval by the Board of Trustees of the firefighters' relief and pension fund.

2. Administration of Fund: The Board of Trustees of the firefighters' relief and pension fund is authorized and empowered to receive gifts and grants for the benefit and use of the Fire Department; such funds to be paid into the trust fund created by subsection B1 of this section. (1995 Code title 13 § 2.15)

5-2-9: SERVICE OUTSIDE TOWN:

A. Contracts Authorized: The Town is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political subdivisions of the state for fire protection outside the corporate limits of The Town, and to

contract to provide fire protection jointly with other organizations and municipal subdivisions of the state. (1995 Code title 13 § 2.10)

B. Fee: Any contract entered into by the Town with an individual owner, firm, private corporation, or association, for outside aid, or mutual aid for fire protection, shall **set an annual rate in the amount of \$50 for fire protection and** provide for the payment by the owner, firm, private corporation, or association, or political subdivision to the Town for such fire apparatus and personnel at the rate per call as set by the Board of Trustees **if such fee is not paid.** All monies received from the calls shall **be deposited into the Fire Departments nontax operation account.** ~~go into the general fund.~~ (1995 Code title 13 § 2.11)

C. Authority To Answer Calls: The Town Fire Department is authorized and directed to make calls outside of the corporate limits covered by fire protection contracts and upon authorized calls of owners of property or their agents, requesting fire protection within **the parameters of, West to Muskogee City Limit (East of Arkansas River); East to center of 6 Mile Road- Residence East of 6 Mile road call Woodall Fire Department; North to Canyon Road Park area on Hwy 80 South of the Fort Gibson Dam; South to Arkansas River and East to the bottom of Braggs Mountain on Hwy 10; Three (3) miles Northwest on the road between Fort Gibson and Okay; Two (2) miles North on 4 Mile Road; North on 2,3,5, and 6 Mile Roads (to the end of road)** ~~a distance of five (5) miles from the town limits~~, unless, in the opinion of the Fire Chief, it is inexpedient to do so on account of another fire in town or any other physical condition that may exist. They shall pay the Town two hundred fifty dollars (\$250.00) per truck, per hour. Nothing shall prohibit the Chief of the Fire Department from dispatching fire or other emergency equipment outside the corporate limits of the Town in excess of **above stated parameters said five (5) mile limit.** (1995 Code title 13 § 2.12)

D. Serving In Regular Line of Duty: ~~All volunteer~~ Firefighters of the Town Fire Department, **career, or volunteer**, attending and serving at fires or doing fire prevention work outside the corporate limits of the Town, as herein provided, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the Town. The firefighters shall be entitled to all the benefits of any firefighters' pension and relief fund in the same manner as if the firefighting or fire prevention work were being done within the corporate limits of the Town. Compensation of firefighters shall be as provided by the Board of Trustees by ordinance or resolution. (1995 Code title 13 § 2.13)

E. Agent Of The State: The Town Fire Department answering any fire alarm, or call, or performing any fire prevention services outside the corporate limits of the Town shall be considered as an agent of the state, and acting solely and alone in a governmental capacity, and the Town shall not be liable in damages for any act of commission, omission, or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work or rescue, resuscitation, first aid, inspection or other official work under and by virtue of this section. (1995 Code title 13 § 2.14; amd. 2006 Code)

#### 5-2-10: RULES AND REGULATIONS:

The Board of Trustees, by motion or resolution, may adopt and change regulations relating to the Fire Department and its organization, operation and compensation. (1995 Code title 13 § 2.8)

#### 5-2-11:CIVIL SERVICE COMMISSION

There is hereby created in the Fire Department of the Town of Fort Gibson a Civil Service Commission which shall be composed of three members, one of whom shall be selected and appointed by the Board of Trustees to serve for a period of six years from the date of the appointment, one to be appointed by the active members of the Fire Department of the Town of Fort Gibson to serve for a period of five years and the two members so selected and appointed to select and appoint a third member who shall serve for a period of four years from the date of appointment.

- The selection and appointment of successor of each member whose term expires hereunder shall be made in the same manner as provided for the selection of membership of said Commission. All members of said Commission shall serve without compensation. The Civil Service Commission shall select one of its members as Chairman and one as Secretary. No person shall be appointed to said Commission who is employed by the Town or other governmental subdivision.

#### 5-2-12:MEMBERSHIP IN FIRE DEPARTMENT

- The Fire Department of the Town of Fort Gibson shall consist of a Chief and such assistants, captains, engineers, and other employees as in the judgement and opinion of the Board of Trustees may be required for the safe and efficient work and administration of said department. The Chief of the Fire Department shall be appointed by the Town Administrator with consent and approval of the Board of Trustees and all other employees shall be appointed by the Chief of the Fire Department with consent and approval of the Town Administrator.

#### 5-2-13:QUALIFICATIONS OF CHIEF AND MEMBERS OF FIRE DEPARTMENT

(a) No person shall be appointed or employed as Chief of the Fire Department who has not been a regular member of the Fort Gibson Fire Department for a period of at least five consecutive years prior to his/her appointment.

(b) No person shall be appointed or employed as a member of the Fire Department who is under eighteen years or who has reached the age of forty-five years (45) years or who is exempted from the age requirements by Oklahoma Statutes unless he/she has previously served in the Fort Gibson Fire Department and is able to comply with the statutory

requirements and is otherwise qualified. Prior to appointment as a member of said Fire Department an applicant must undergo a physical examination, meet the applicable requirements for employment as set out in the Town's employment and hiring policy and obtain a certificate certifying as to his/her physical ability to perform duties of a fireman.

#### 5-2-14:HOURS OF REGULAR DUTY

- No member of the Fort Gibson Fire Department shall be required to be on regular duty over an average of one hundred-six hours per fourteen-day work week computed annually over the Town's fiscal year or any unexpired portion thereof. Day duty shall be ten continuous hours per day and night duty shall be fourteen continuous hours per night.

#### 5-2-15:SUBJECT TO SPECIAL DUTY AT ALL TIMES

- As a condition of their employment members of the Fort Gibson Fire Department at all times shall, in addition to such regular duty, be subject to special duty when there is grave or unusual danger of conflagration, other emergency requiring such service as is usually performed by those generally engage in that occupation, or as determined necessary by the Chief.

#### 5-2-16:SUSPENSION, DISCHARGE AND RE-APPOINTMENT OF MEMBERS.

- No member of the Fire Department shall be discharged except upon written charges submitted to the Civil Service Commission and without an opportunity for a fair and impartial hearing before said Commission. The Chief of the Fire Department may for cause suspend any member of the Department for a period of not to exceed thirty days provided the suspended member shall have the right to appeal to the Civil Service Commission and to a full and complete hearing as to such suspension and provide further that successive suspension of the same member of the same offense arising from the same action or inaction of the member shall not be permitted. In the event of a reduction in the membership of the Fire Department the release, discharge and suspension of membership shall be made strictly according to seniority and should the personnel of the Fire department be thereafter enlarged firemen theretofore released, discharged, or suspended shall be re-appointed, if qualified, in accordance with their seniority and any member feeling himself aggravated may within thirty days after his suspension, discharge, release or failure of re-appointment, appeal to the Civil Service Commission for a hearing and decision.

5-2-17: RULES AND REGULATIONS

- The Chief of the Fire Department shall prescribe reasonable rules and regulations to govern and regulate the Fire Department, subject to the approval thereof by the Board of Trustees

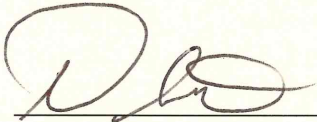
5-2-18: HEARING BEFORE COMMISSION

- The Civil Service Commission shall within 10 days upon the institution of charges against, or the presentation of a grievance of any member of the Fire Department convene and conduct a full hearing and decision which finding and decision shall be final and conclusive and the proceedings before said Commission shall be reduced to writing and kept of record in the Office of the Town Clerk of Fort Gibson, Oklahoma.

5-2-19: RETIREMENT AND PENSION SYSTEMS

- The Board of Trustees shall make an annual appropriation from the General Fund to allow contributions to the Oklahoma Firefighters Pension and Retirement Fund in amounts specifically required by State law.

PASSED AND APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FORT GIBSON, OKLAHOMA, THIS 10 DAY OF April, 2023



Tim Smith, Mayor



ATTEST: 

Nicole Sloat, Town Clerk