

ORDINANCE NO. 2022-2
THE POTTSVILLE CITY AND RURAL FIRE DEPARTMENT BY-LAWS

AN ORDINANCE PROVIDING RULES AND REGULATIONS FOR THE OPERATION FOR THE POTTSVILLE CITY AND RURAL FIRE DEPARTMENT AND FOR OTHER PURPOSES. THIS ORDINANCE REPEALS POTTSVILLE CITY ORDINANCE NO. 2005-10 AND HEREBY RE-ESTABLISHES RULES AND REGULATIONS GOVERNING THE FIRE DEPARTMENT.

WHEREAS, there is a pressing need to specify and to update the rules and regulations pertaining to the operations of the Pottsville City and Rural 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 POTTSVILLE:

Article 1. Title and Objectives

SECTION 1. This organization shall be known as the Pottsville City and Rural Fire Department.

SECTION 2. The objective shall be the preservation and protection of lives and property from and during such fires and emergency medical calls as may occur in the Pottsville fire protection district.

SECTION 3. The following legal description is comprised from Pope County Quorum Court Ordinance No. 80-0-34 setting the boundaries for the Pottsville Fire Protection District:

W ½ of Section 3, all of Sections 4 through 9, W ½ of Section 10, all W ½ of Sections 15 and 16 North of Arkansas River, all of Sections 17 and 18, Township 6 North, Range 19 West, all of Sections 7 through 9, W ½ of Sections 10 and 15, all of Sections 16 through 21, W ½ of Sections 22 and 27, all of Sections 28 through 33, W ½ of Section 34, Township 7 North, Range 19 West, all of Sections 1 through 3, all of Sections 4 and 9 East of Arkansas River, all of Sections 10 through 13 North of Arkansas River, all of Sections 14 and 15 North of Arkansas River, Township 6 North, Range 20 West.

Section 10 outside city limits of Russellville, all of Sections 11 through 14, Section 15 outside city limits of Russellville, Sections 16 and 17 outside city limits of Russellville, all of Sections 20 through 28, Section 29 and 32 East of Arkansas River, all of Sections 33 through 36, Township 7 North, Range 20 West

An area located in Cliff and Stream Estates is an isolated area for the Pottsville Fire Department to protect. Since this area is isolated from the Pottsville Fire Department, property owners in this area have asked to be served by the Crow Mountain Fire Department. This would be advantageous to those property owners, since the area in question is a part of the Cliff and Stream Estates Subdivision already served by the Crow Mountain Fire Department.

The Pottsville Fire Department agrees to release Lots 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118 of Cliff and Stream Estates in Pope County, Arkansas.

Article 2. Membership

SECTION 1. The Department shall be composed of as many members as the fire chief shall deem necessary.

SECTION 2. Applicants shall be a minimum of 18 years of age and must live within ten (10) driving miles of the Pottsville Fire Department located at 173 East Ash, Pottsville, Arkansas. This shall continue to be the point of reference even if the actual fire department moves from its current location.

SECTION 3. Applicants shall fill out an application and leave at City Hall during Business Hours or Email Application to a designated Email Address. Applicants' applications will be on file for a period of one year.

SECTION 4. If it is deemed necessary to add a new member the list of candidates will be Presented to the Department by the Chief and shall be reviewed by the department, at which time the best candidate shall be called in for an interview with the department. The best candidate will be at the discretion of the chief.

SECTION 5. Election of candidates shall be made by a 2/3's majority vote of the members present.

SECTION 6. Upon election to the department the new member shall enter a six-month period of probation. The new member shall not be allowed to exhibit use of lights or siren during the probation period. The new member shall not be allowed to drive any fire department apparatus except during training unless directed by an officer of the department. During the six-month probationary period, the new member shall take the following classes taught by the fire department: Introduction to Firefighting, Personal Protective Equipment, and CPR. Also, the new member shall take Wildland Firefighting, a class taught only by the Arkansas Forestry Commission, within the six-month probationary period which may require the new member to travel. The six-month probationary period may be extended, by a majority vote of the department officers, in the event the new member was unable to obtain sufficient observation time and training. However, the probationary period shall in no event exceed

one year.

SECTION 7. At the end of the probation period, election as to regular membership shall be made by the members of the Department by a two-thirds (2/3) majority vote of fire department personnel. The prospective member of such election shall not be present at the meeting.

Article 3. Organization and Election of Officers

SECTION 1. The officers of the department shall be:

- a. Chief;
- b. Assistant Chief;
- c. 2-3 Captains determined by the Chief;
- d. Fire Marshall, which can be held by an officer or any qualified member;
- e. Lieutenants, if determined necessary by the Chief; and.
- f. such committees as may be necessary for the proper transactions of business.

SECTION 2. The fire chief shall be appointed by the mayor and confirmed by city council by majority vote. The officers shall be appointed by the fire chief with recommendation from the assistant chief.

Article 4. Duties of the Chief

SECTION 1. It shall be the duty of the Chief to call and direct all regular and special meetings; to preside at all meetings; to preserve order; and to decide all points of order that may arise. An appeal by a majority of all members present shall be necessary to reverse a decision of the Chief.

SECTION 2. It shall be the duty of the Chief to set duties of subordinates and see that subordinate officers carry out their duties.

SECTION 3. It shall be the duty of the Chief to give a casting vote in case of a tie; and, to carry out and enforce the by-laws of the department to the best of his ability.

SECTION 4. It shall be the Chief's duty to be present at all fires if possible and to plan the attack.

SECTION 5. It shall be the duty of the Chief to make a report at the next regular meeting of all fires and give as clearly as possible all facts about the fire. The Chief shall also make a monthly report to be presented to the city council and Mayor.

Article 5. Duties of the Assistant Chief

SECTION 1. It shall be the duty of the assistant chief to perform the duties of the chief if the chief is absent from town or incapacitated for an extended period of time. In this case, the assistant chief shall perform the day-to-day operations of the fire department.

However, the assistant chief shall obtain the express permission of the chief prior to executing any contracts or other documents or making purchases on behalf of the fire department. If the chief cannot be reached, the assistant chief shall obtain the express permission of the Mayor prior to executing any contracts or other documents or making purchases or expenditures on behalf of the fire department.

SECTION 2. It shall be the duty of the assistant chief to assist the chief as necessary in the discharge of his duties.

SECTION 3. It shall be the duty of the assistant chief to be in charge of the assignment of all personal protective equipment, pagers, radios, and any other communications equipment to fire department personnel.

SECTION 4. It shall be the duty of the assistant chief to assist with all personnel relations, to try to resolve conflicts and keep the chief informed of any conflicts or issues that arise among firefighters or within the department.

Article 6. Duties of the Officers

SECTION 1. It shall be the duty of the officers to take charge of the property of the department and to see that it is properly cared for.

SECTION 2. It shall be the duty of the captains to carry out lawful orders from a superior officer in a timely manner, to assist the chief or assistant chief in planning the attack on fires in the absence of the chief or assistant chief, to plan the attack on fires, and to act as a commander of an assigned firefighting unit.

SECTION 3. It shall be the responsibility of all captains to become ITCO as soon as possible after being appointed to the position of captain.

SECTION 4. It shall be the duty of lieutenants to carry out lawful orders from superior officers in a timely manner, assist and help captains with taking care of the departments equipment and with any assignment given for operations of the department, and take charge or command of fire scenes if no other officer is on scene.

Article 7. Duties of the Fire Marshal

SECTION 1. The fire chief or his duly appointed representative shall serve as the fire marshal for the City of Pottsville. The fire marshal shall perform his duties as fire marshal under the supervision of the fire department chief.

SECTION 2. The duties of the fire marshal shall include providing fire prevention programs to the public and promoting fire safety for the Pottsville Fire Department and the community of Pottsville.

SECTION 3. The fire marshal shall conduct fire inspections and enforce national, state,

and local fire building codes and standards.

SECTION 4. The fire marshal shall also supervise and conduct investigations to determine fire cause and origin.

Article 8. Fire Personnel

SECTION 1. It shall be the first and foremost duty of each and every fire personnel to obey all lawful commands of their officers while on duty.

SECTION 2. It shall be the duty of the fire personnel to be prompt to all meetings; and, upon every alarm of fire to assemble without delay at the place of the alarm or prearranged place, and to get the apparatus and equipment in operation as quickly as possible. No fire personnel shall be permitted to leave until all equipment and vehicles are back in operation unless authorized by officer in charge. When responding to the station pursuant to a call in a personal vehicle, the firefighter has a choice of responding with or without red lights and siren. When responding with red lights and sirens, lights shall have 360-degree visibility and a working 100-watt siren. Flashing headlights and four-way flashers are not acceptable, and firefighters will obey all state criminal and civil codes and regulations and/or city ordinances as it pertains to emergency responding vehicles. The Pottsville Fire Department assumes no liability for accidents involving personal vehicles. When driving a fire truck for the Pottsville Fire Department the driver will obey all state codes and statutes for emergency responding vehicles. The driver is responsible for the operations of the truck he is driving and will be the designated pump operator. The driver will not leave the truck unless he is relieved by a qualified person under the orders of an officer. The driver is also responsible for getting the truck back in service. Drivers will obey all state criminal and civil codes and regulations and/or city ordinances as it pertains to emergency responding vehicles.

SECTION 3. It shall be the duty of each fire personnel to report to the officer in charge at each fire or drill.

SECTION 4. No fire personnel shall be excused from attending a regular or special meetings (including training and drills) except on grounds of work, sickness, or absolute necessity. All members must notify an officer prior to the meeting of intent to miss. Failure to do so will necessitate an unexcused absence. An excessive number of unexcused absences will place the member before the disciplinary committee (consisting of the officers and one member of the fire department chosen by a vote from the fire department members). The chief will determine if an absence is excused. The basic criteria for an excused absence will consist of, but not be limited to work or illness the firefighter or family member. Four (4) absences within a 12-month period of time will be considered excessive absenteeism. The City of Pottsville and Pottsville Fire Department believe that every member is a valuable part of ensuring the protection of the citizens of Pottsville and, therefore, it is paramount that every firefighter obtain and maintain as much training as

possible.

SECTION 5. No fire personnel shall appear at a meeting of the department or on duty under the influence of any intoxicating substance or alcohol; use insulting, indecent or improper language; engage in conduct unbecoming of a lady or gentleman; or, otherwise bring disgrace upon the department.

The City of Pottsville believes that members of the Fire Department should be held to a higher standard and shall conduct themselves in a proper manner. Any fire personnel who engage in unbecoming conduct shall be suspended and/or discharged. Further, no fire personnel shall be convicted of a crime carries as a punishment any period of incarceration. Any fire personnel who are found guilty of such a crime shall be suspended or discharged.

SECTION 6. To maintain membership in the fire department, within one (1) year from the date of joining the department, each member must take the following training courses: (a) introduction to firefighting, (b) protective equipment, and (c) wild land fire suppression. Members shall take a Medical Responder course and successfully pass withing 2 years of joining the Department. Exceptions will be made by a two-thirds (2/3) majority vote of members present.

SECTION 7. Any fire personnel of the department who fails to perform the duties and requirements as outlined in Article 6 of this document shall be brought before a disciplinary committee composed of officers of the department and one member of the department, which shall determine whether to bring dismissal charges or take other action.

SECTION 8. No Fire Personnel will have excessive facial hair as described in Pottsville Fire Department Policy 2017-1.

SECTION 9. Any fire department personnel that have a problem with another fire department member shall report the problem to the assistant chief in a timely manner after the occurrence of the problem. Any member of the fire department who is observed on the fire ground, fire department property, or any other public property by any private citizen or another fire department member conducting themselves in an inappropriate manner shall be reported by the person(s) observing this behavior in a timely manner to the assistant chief. The assistant chief will interview all parties involved and make an attempt to resolve the problem or inappropriate behavior as soon as possible after the incident has occurred. If the situation cannot be resolved successfully by the assistant chief, the assistant chief and all involved parties shall go to the fire chief to further try to resolve the situation.

The fire chief has the option, depending on the severity of the incident, to meet with all parties and resolve the situation reasonably or to convene the disciplinary committee. This disciplinary action could be any of the following: the member may be put on a probation period set by the committee or removed from the fire department depending on the severity of the incident and the past record of complaints against the member involved in the incident.

SECTION 10. It is the intention of the Pottsville Fire Department to promote good relations between fire department members and the fire department and the public. Therefore, fighting, cursing other members, and any other behavior that is deemed unfit will not be tolerated on fire department property, on the fire grounds, or in general public.

SECTION 11. Any fire department personnel who wish to take a leave of absence must present the request for leave, including the reason the leave time is requested, in writing at a regular scheduled meeting. Once presented, the fire department chief can authorize the leave up to six months without re-entry requirements.

SECTION 12. Auxiliary Department Members

The department may have auxiliary members that were former Pottsville Fire Department members. Members that have fulfilled 28 years of service and have retired from the Pottsville Fire Department, shall take a period of 90 days leave from the fire department then they may be permitted to return to the Pottsville Fire Department as Auxiliary members. Auxiliary members shall not be required to maintain a minimum percentage of fires or medical calls responded to as normal members are required to be eligible to receive response pay. Additionally, auxiliary members shall not be subject to attendance requirements as defined in Article 8 Section 4 of this document. However, Auxiliary members shall be required to attend a minimum of two (2) meetings per quarter for a total of 8 trainings or meetings per year to continue their education and be apprised and updated on changes within the department.

Article 9. Amendment of the By-Laws

SECTION 1. To amend the By-laws, the proposed changes must be presented at a regularly scheduled meeting. After the meeting, all fire personnel shall be notified of the suggested changes. A vote at the next regularly scheduled meeting will be taken. A two-thirds (2/3) majority vote of the fire department personnel shall be required to pass the amendment. Upon passing the amendment, the fire chief will then take the amendment to the next regularly scheduled city council meeting and present the amendment to the city council and Mayor for approval of the By-Law changes.

Article 10. Repealer.

Ordinance No. 2005-10 is hereby revoked. Further, any and all prior resolutions, ordinances, or parts of the same, which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Article 11. Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is declared to be invalid, such invalidity shall not affect the other provisions or applications of the ordinance which may be given effect without the invalid provision(s) or application(s), and to this end the provisions of this ordinance are declared severable.

Article 12. Emergency Clause.

This Ordinance being necessary for the effective management of the Pottsville Fire Department and in turn to protect the health, safety, and welfare of the City and residents of the City of Pottsville, Arkansas, an emergency is declared to exist and this Ordinance shall go into effect immediately upon and after passage by the City Council.

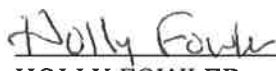
PASS AND APPROVED this 28th day of March 2022.



RANDY TANKERSLEY, MAYOR

ATTEST:

I, Holly Fowler, City Clerk of Pottsville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2022- 2 passed by the Pottsville City Council on the 28th day of March 2022.



HOLLY FOWLER

