

ORDINANCE 2004-12

AN ORDINANCE TO ESTABLISH A FIRE DEPARTMENT FOR THE CITY OF CHEROKEE VILLAGE, ARKANSAS, AND TO PRESCRIBE THE DUTIES FOR SAID MEMBERS OF THE FIRE DEPARTMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHEROKEE VILLAGE,
ARKANSAS:

SECTION 1. That the responsibility to extinguish fires and preserve all property within the City of Cherokee Village, Arkansas city limits and of its inhabitants, from conflagration, shall be vested in and delegated to the hereinafter established Cherokee Village Fire Department. The Fire Department is hereby established and is charged with the protection of lives and property from fire, explosion, hazardous materials and other natural or man-made disasters, or any situation that threatens the well-being of the citizens of Cherokee Village while also providing emergency medical, public fire education and fire investigation to the public.

SECTION 2. That the Fire Department shall consist of one person known and designated as the Fire Chief. Said Fire Chief shall be appointed by the Mayor subject to the approval of the City Council. Fire personnel shall be appointed by the Fire Chief, subject to the approval of the City Council. The Fire Chief shall be responsible for the city of the first class certification and classification of the department and certification of the personnel as it applies under Arkansas Title 20, Chapter 22, Fire Prevention, Protection, and Safety.

(a) The Fire Chief of the fire department shall devote his entire time to the duties of his office, and shall not engage in any other business which will require any part of his time from his official duties, and he shall be subject to call at all hours. Any Fire Chief of the fire department who shall violate any of the provisions of this article shall be subject to removal for neglect of duty.

(b) The Fire Chief of the fire department shall have charge of all the matters pertaining to the fire department and shall have control and supervision over all officers and personnel belonging to such department; he shall have absolute control and direction of the entire department in case of fire and shall place and direct the duties of different employees of the department.

(c) The Fire Chief shall as frequently as possible have drills with personnel, operating apparatus and equipment. Also, at frequent intervals, inspect the quarters of each company and see that the quarters and apparatus are kept in the best possible condition.

The Fire Chief of the fire department or any member of the fire department appointed by him shall have the right and may enter any building, dwelling, erection, structure or place for the purpose of inspecting the same or in the performance of any duty pertaining to the fire department, at any proper time and in a proper manner. It shall be unlawful for any person to obstruct, hinder, or retard the Fire Chief of the fire department or any fireman in any manner in the performance of his duties or to refuse to observe any lawful directions given to him.

SECTION 3.

(a) The number of employees and volunteers of the Fire Department shall be determined by the City Council, from time to time, increasing or decreasing the membership as

occasion demands and the employee's salaries shall be fixed and determined by the City Council subject to the increase or decrease as the occasion demands.

(b) The City of Cherokee Village is an "at will" employer.

SECTION 4. The Fire Chief shall attend City Council meetings when required, and make his monthly report available to the City Council concerning the operation and equipment of the department, and such other matters as shall be determined necessary by ordinance of the City Council. Other duties shall be such *as* are fixed by the laws of the State and ordinances of the City.

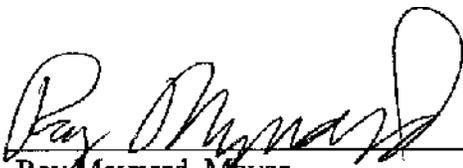
SECTION 5. The City may apply, when appropriate, for Federal and State funds for the purpose of establishing and maintaining a fire department in Cherokee Village, Arkansas,

SECTION 6. This ordinance relating to Cherokee Village fire protection is not intended to interfere with Cherokee Village Suburban Improvement District's other chartered purposes, rights, or responsibilities.

SECTION 7. That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL.

APPROVED: _____


Ray Maynard, Mayor

ATTEST: _____


Susan E. Maynard, Clerk/Treasurer

DATED: November 18, 2004