

Chapter 7

FIRE PREVENTION AND PROTECTION*

- Art. I. In General, §§ 7-1—7-15
Art. II. Volunteer Fire Department, §§ 7-16—7-45
Art. III. Fire Prevention Code, §§ 7-46—7-52

ARTICLE I. IN GENERAL

Sec. 7-1. Charge for moving fireplugs.

A charge will be made for the moving of any fireplugs in the town for the sole convenience of property owners, the charge to be the actual cost of labor and materials used.
(Code 1964, § 8-1)

Secs. 7-2—7-15. Reserved.

ARTICLE II. VOLUNTEER FIRE DEPARTMENT†

Sec. 7-16. Created; number of members.

There shall be a volunteer fire department composed of the number of members authorized by the mayor and selectmen.
(Code 1964, § 8-2)

Sec. 7-17. Compensation of members.

The compensation of members of the fire department shall be set from time to time by the mayor and selectmen and such compensation schedule is on file in the office of the town clerk.

***Charter references**—Authority of mayor and selectmen to establish facilities for protection against fire, § 5; to inspect and condemn coal oil, gasoline and all other flammable and combustible material, § 16(7); to provide for the prevention and extinguishment of fires and to organize and maintain a fire department, § 16(18).

Cross references—Buildings and building regulations, Ch. 5; fireworks restricted, § 11-3; false fire alarms, § 11-4.

State law references—Municipal fire prevention regulations, R.S. 33:4741 et seq.; fire prevention and protection generally, R.S. 40:1491 et seq.

†**Charter reference**—Authority of mayor and selectmen to establish a fire department, § 16(18).

Cross reference—Administration, Ch. 2.

Sec. 7-18. Officers; election, qualifications, compensation.

(a) The officers of the fire department of the town shall be a fire chief, an assistant fire chief, and a secretary-treasurer, who shall be elected by a majority vote of the members of the fire department for two-year terms.

(b) The compensation of the fire chief, the assistant fire chief, and the secretary-treasurer shall be set from time to time by the mayor and selectmen and a compensation schedule is on file in the town clerk's office.

(c) Only active members of the department with a minimum of five (5) years' service shall be eligible to hold office. If there are more than ten (10) members with at least five (5) years' service in the fire department, only the ten (10) members having the most service shall be eligible to hold office.

(Code 1964, § 8-3; Ord. No. 669, 8-7-79)

Sec. 7-19. Chief to supervise department.

The fire chief will be charged with the supervision of all activities of the department.
(Code 1964, § 8-4)

Sec. 7-20. Duties of assistant chief.

The assistant fire chief will act as fire chief when the duly elected chief is absent or unable to perform his duties.

(Code 1964, § 8-5)

Sec. 7-21. Duties of secretary-treasurer.

The secretary-treasurer of the fire department will be charged with the responsibility of keeping all records, attendance and payroll reports of the department.

(Code 1964, § 8-6)

Sec. 7-22. Verification of attendance and payrolls.

The fire chief or assistant fire chief will, in conjunction with the secretary-treasurer, verify each monthly attendance record and payroll.

(Code 1964, § 8-7)

Sec. 7-23. Time, place of meetings.

There shall be a regular meetings of the fire department each week on Monday night at 6:30 p.m. at the fire station except when Monday falls on New Year's Day, Labor Day, July Fourth or Christmas Day. There shall be such special meetings as may be called by the fire chief.

(Code 1964, § 8-8)

Sec. 7-24. Drill to be held on regular meeting nights.

Members of the fire department shall report for drill and a drill shall be held on all regular nights, except when otherwise ordered by the fire chief.

(Code 1964, § 8-9)

Sec. 7-25. Duty to attend drills; expulsion for nonattendance.

All members of the fire department are expected to be present at all regular drills, and any member who is absent from three (3) consecutive regular drills will be dropped from the rolls of the department.

(Code 1964, § 8-10)

Sec. 7-26. Selection of new members.

New members of the fire department will be selected by a majority vote of the existing members.

(Code 1964, § 8-11)

Sec. 7-27. Application for membership; filling vacancies.

All applicants for membership in the fire department must file an application with the secretary-treasurer. No selection to fill a vacancy will be made until two (2) or more applications are on hand.

(Code 1964, § 8-12)

Sec. 7-28. Age of members; retirement.

(a) Applicants for membership in the fire department must be at least twenty-one (21) years of age and less than thirty-five (35) years of age.

(b) All members of the fire department will be automatically retired at fifty-five (55) years of age or after twenty (20) years of service whichever date is later.

(Code 1964, § 8-13)

Sec. 7-29. Duty to answer fire alarm; members under jurisdiction of chief.

Whenever the fire alarm is sounded, it shall be the duty of all members of the department to report to the fire station or to the fire itself as quickly as possible. All members shall be under the jurisdiction and control of the fire chief while en route to a fire, while at the scene of a fire, and until all apparatus and equipment has been properly cared for and made ready for reuse.

(Code 1964, § 8-14)

Sec. 7-30. Answering calls outside town.

The fire department will answer calls from beyond the boundaries of the town only upon the order of the chief of the department, and in no event shall he order the use of equipment

of firemen outside the town when, if to do so, in his opinion, may result in an insufficiency of equipment or firemen in the town.

(Code 1964, § 8-15; Ord. No. 705, 2-7-83)

Secs. 7-31—7-45. Reserved.

ARTICLE III. FIRE PREVENTION CODE

Sec. 7-46. Adoption.

There is hereby adopted by the mayor and selectmen, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by the American Insurance Association, being particularly the 1976 edition with the 1982 amendments and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than one (1) copy has been and now is filed in the office of the clerk of the town and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the provisions thereof shall be controlling within the limits of the town.

(Code 1964, § 8-26)

State law reference—Authority to adopt fire prevention code by reference, R.S. 33:1368.

Sec. 7-47. Enforcement.

The fire prevention code adopted by this article shall be enforced by the chief of the fire department.

(Code 1964, § 8-27)

Sec. 7-48. "Municipality" defined.

Whenever the word "municipality" is used in the fire prevention code adopted by this article, it shall be held to mean the Town of Homer, Louisiana.

(Code 1964, § 8-28)

Sec. 7-49. Districts in which storage of flammable liquids in outside aboveground tanks, bulk storage of liquefied petroleum gases and storage of explosives and blasting agents is restricted.

The limits referred to in section 16.22 of the fire prevention code adopted by this article, in which storage of flammable liquids in outside aboveground tanks is prohibited, the limits referred to in section 21.6a of the fire prevention code adopted by this article, in which bulk storage of liquefied petroleum gas is restricted, and the limits referred to in section 12.5b of the fire prevention code adopted by this article, in which storage of explosives and blasting agents is prohibited, are hereby established as follows:

- (1) The public square of the town;

- (2) The town limits on the west side of the town;
- (3) North Fourth Street;
- (4) South Fourth Street;
- (5) East Third Street. The restrictions hereinabove referred to shall cover that area lying within the above described areas.

(Code 1964, § 8-29)

Sec. 7-50. Modifications.

The chief of the fire department shall have power to modify any of the provisions of the fire prevention code adopted by this article upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

(Code 1964, § 8-30)

Sec. 7-51. Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the fire prevention code do not apply or that the true intent and meaning of the fire prevention code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the mayor and selectmen within thirty (30) days from the date of the decision appealed.

(Code 1964, § 8-31)

Sec. 7-52. Violations, penalties.

(a) Any person who shall violate any of the provisions of this article or of the fire prevention code adopted by this article or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate of permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the mayor and selectmen or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable in accordance with section 1-11. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Code 1964, § 8-32)

[The next page is 467]