

**CHAPTER 12
FIRE PREVENTION AND PROTECTION**

- Art. 1.** **In General, §§ 12-1 -- 12-23**
Art. II. **Searcy Fire Department, §§ 12-24 -- 12-32**

ARTICLE I. In General

Sec. 12-1. Adoption of National Fire Prevention Code and Life Safety Code.

There is hereby adopted by the City of Searcy, Arkansas, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, those certain Codes known as the 2007 Edition of the Arkansas Fire Prevention Code (Volumes I, II, & III) and NFPA 101, the Life Safety Code, 2003 Edition.

The following items are specifically included or deleted entirely from the Volume I of the Arkansas Fire Prevention Code, 2007 Edition:

- | | | |
|---|---|----------|
| ● | Appendix A | Deleted |
| ● | Appendices E, G (for informational purposes only) | Included |
| ● | Appendices B, C, D, F | Included |

The following items are specifically included or deleted entirely from the Volume II of the Arkansas Fire Prevention Code, 2007 Edition:

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|---|--------------------------------------|----------|
| ● | Appendices A, B, C, F, G, H, I, J, K | Deleted |
| ● | Appendices D, E, L | Included |

The following items are specifically included or deleted entirely from the Volume III of the Arkansas Fire Prevention Code, 2007 Edition:

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|---|--|---------|
| ● | Appendices A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q | Deleted |
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Not less than three (3) copies of said codes are filed in the office of the Clerk-Treasurer of the City, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling within the limits of the City of Searcy, Arkansas. (*Ord. No. 410, § 1, 11-4-58; Ord. No. 462, § 1, 4-7-64; Ord. No. 486, § 1, 7-5-66; Ord. No. 550; § 1, 6-9-72; Ord. No. 647, § 1, 12-9-81; Ord. No. 655, § 1, 9-14-82; Ord. No. 697, 7-8-86; Ord. No. 89-15, § 1 and § 3, 5-9-89; Ord. No. 90-17, 9-11-90; Ord. No. 92-32, 11-10-92, Ord. No. 2011-06, § 1-2-8-2011*)

Sec. 12-2. Same -- Enforcement.

The Codes hereby adopted shall be enforced by the Chief of the Fire Department for the City of Searcy, or by his duly authorized agents. (*Ord. No. 410, 2, 11-4-58*)

Sec. 12-3. Definition.

Wherever the word "municipality" is used in the Codes hereby adopted, it shall be held to mean the City of Searcy, Arkansas.

Sec. 12-4. Storage Areas of Flammable Liquids and Liquefied Petroleum Gases.

The limits referred to in Section 70 - 79 of the National Fire Prevention Code hereby adopted in which storage of flammable liquids in outside aboveground tanks is prohibited, and the limits referred to in Sections 110 - 118 of the said Code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted, are as set forth in Section 7-3 of this Code of Ordinances. (*Ord. No. 410, § 5, 11-4-58; Ord. No. 695, 6-10-86*)

Sec. 12-5. Enforcement.

The Chief of the Fire Department, or some suitable person designated by him, shall have power to modify any of the provisions of the Codes hereby adopted 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 Codes 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, or the person designated by him for this purpose, thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant. (*Ord. No. 410, § 6, 11-4-58*)

Sec. 12-6. Appeals; Hearing.

Whenever the Chief of the Fire Department, or the person to grant a permit applied for, or when it is claimed that the provisions of the Codes do not apply or that the true intent and meaning of the Codes have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department, or his agent, to the City Council within thirty (30) days from the date of the decision appealed from. Such appeal shall be in writing and shall state in substance the facts and circumstances to be relied on by the applicant making the appeal. The City Council shall thereupon grant a hearing at the next regular meeting of the Council. (*Ord. No. 410, § 7, 11-4-58*)

Sec. 12-7. Penalty for Violations.

Any person who shall violate any of the provisions of the Codes hereby adopted or fail to comply therewith, or who shall 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 or 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 City Council or by a court of competent jurisdiction, within the time herein, shall severally be guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00)

or by imprisonment of not less than ten (10) days nor more than ninety (90) days or by both such fine and imprisonment. The imposition of one 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, and the application of the penalties mentioned in this section shall not be held to prevent the enforced removal of prohibited conditions. *(Ord. No. 410, § 8, 11-4-58)*

Sec. 12-8. Accumulations of Waste Materials.

Accumulations of wastepaper, hay, grass, straw, weeds, litter, combustible or flammable waste, or rubbish of any kind shall not be permitted to remain upon any roof or in any court, yard, vacant lot or open space, unless in bales or containers awaiting collection, and located at least ten (10) feet from a combustible well, or window or door opening, of any building. All weeds, grass, vines, or other growth, when same endangers property or which may be fired, shall be cut down and removed (other than by burning) by the owner or occupant of the property.

At the close of each day, or more often if necessary any accumulated shavings, excelsior, rubbish, sacks, bags, litter, hay, straw, or combustible trash, waste or fragments shall be removed from the premises, or shall be completely baled and stacked in an orderly manner, pending removal. Nothing in this section shall prohibit the depositing of rubbish and waste materials on municipal or licensed dumps. *(Ord. No. 422, 8-4-59)*

Sec. 12-9. Fireworks - Sale or Purchase Prohibited.

It shall hereafter be unlawful for any person or other legal entity to sell, purchase, barter, give away, or otherwise dispose of any firecrackers, cannon crackers, Roman candles, sky rockets, sparklers, or any other type of fireworks, of whatsoever kind or character, within the City of Searcy. *(Ord. No. 458, § 1, 9-3-63)*

Sec. 12-9-1. Same – Permitted Sales in Newly Annexed Territory.

1. The sale of fireworks otherwise prohibited in Section 12-9 of the Code shall be permitted:

A. On any site at which any person, firm or entity sold fireworks on a location that was outside the City of Searcy, Arkansas, for not less than five(5) years immediately preceding the annexation of said tract; and

B. At which the Chief of the Searcy Fire Department, or such person as may be designated by the Mayor, makes a finding that such vendor is compliant with applicable state laws and is conducting its business in a safe manner.

2. No person, firm or entity shall be permitted to sell fireworks of any kind on any site otherwise permitted by this Section after three (3) years from the date of the annexation of said site to the City of Searcy, Arkansas.

3. Any person, firm or entity permitted to sell fireworks pursuant to this Section shall not expand or otherwise enlarge any tent, building or other facility from that employed immediately prior to the annexation of the site on which fireworks sales were conducted immediately prior to the annexation of said site to the City of Searcy, Arkansas. *(Ord. No. 2005-22, § 1, 6-14-2005)*

Sec. 12-10. Same - Firing Prohibited.

It shall hereafter be unlawful for any person or other legal entity to shoot, explode, or otherwise fire any firecrackers, cannon crackers, roman candles, sky rockets, sparklers, or any other type of fireworks, of whatsoever kind or character, within the City. *(Ord. No. 458, § 2, 9-3-63)*

Sec. 12-11. Same - Penalty.

Any person or other legal entity violating any of the provisions of Section 12-9 or 12-10 shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined a sum not exceeding one hundred dollars (\$100.00). *(Ord. No. 458, § 3, 9-3-63)*

Sec. 12-12. Burning Trash Within Fire Zone Prohibited.

1. A fire zone is an area containing buildings of high value, constructed closely together, from which a fire might spread rapidly and endanger the lives of the citizens of Searcy.
2. Any and all burning of trash and rubbish in a fire zone within the City, which boundaries are: Beginning at center of the intersection of North Locust Street and East Vine Avenue; thence West to the center of East Vine Avenue and North Gum Street; thence South to the center of South Gum Street and West Park Avenue; thence East to the center of East Park Avenue and South Main Street; thence South to the right-of-way of the D.K. & S. Railway; thence East along said right-of-way to center of South Locust Street; and thence North along Locust Street to the place of beginning, is hereby prohibited.
3. Any person who violates the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than ten dollars (\$10.00), nor more than one hundred dollars (\$100.00). Each and every violation of the provisions of this section shall constitute a separate offense. *(Ord. No. 406, §§ 1-3, 8-5-58)*

Sec. 12-13. Reserved (Ord. No. 534, § 6, 3-2-71; Ord. No. 96-16, § 19, 6-10-96)

Sec. 12-14 -- 12-23. Reserved

ARTICLE II. Searcy Fire Department

Sec. 12-24. Creation.

There is hereby created a City fire department to be officially known as "THE SEARCY FIRE DEPARTMENT." (*Ord. No. 398, § 1, 3-6-58*)

Sec. 12-25. Personnel.

The Searcy Fire Department shall consist of the Fire Chief, Assistant Fire Chiefs, Captains, Drivers, Secretary-Treasurer, and such number of regular and part-time firemen as the City Council may order, but not less than twenty (20). (*Ord. No. 398, § 2, 3-6-58*)

Sec. 12-26. Appointment and General Duties of Chief; Members.

The Fire Chief shall be recommended to the City Council by the Civil Service Commission, if one cannot be promoted from the ranks, and shall be directly charged with the responsibility and accountability to the City for all equipment and have control and management of the organization. He shall name and select, with the approval of the Civil Service, the members of the department from the Civil Service Commission eligibility list, and shall direct and control all work of the department. (*Ord. No. 398, § 3, 3-6-58*)

Sec. 12-27. Instructional and Training Meetings; Adoption of Rules.

There shall be held not less than two (2) meetings each month of the department for the purpose of instructing and training, and all members shall attend unless excused for reasonable cause. The Searcy Fire Department shall adopt such rules as may be deemed necessary for the proper functioning of the department, but all such rules shall be subject to the approval of the Civil Service. (*Ord. No. 398, § 4, 3-6-58*)

Sec. 12-28. Reserved (Ord. No. 398, § 5, 3-6-58; Ord. No. 96-16, §20, 6-10-96)

Sec. 12-29. Salaries, Vacations and Sick Leave. (Repealed, Ord. No. 89-24, 6-89 - See. Sec. 2-6) (*Ord. No. 532, §§ 1-3, 2-2-71; Ord. No. 89-24, 6-89*)

Sec. 12-30. Pay Periods, Overtime Compensation.

1. Pay periods for uniformed Fire Department employees will be twenty-seven (27) days and will begin at 10:00 a.m. on June 1, 1988.
2. Uniformed Fire Department employees will work twenty-four (24) hour shifts.

3. Uniformed Fire Department employees will be paid on an hourly basis and will be entitled to be paid at time and one-half of his or her hourly rate for all hours worked over 204 hours in a 27-day pay period.

4. All uniformed Fire Department employees will be responsible for keeping a time card to record their actual hours worked.

5. The Chief of the Fire Department is directed to implement work schedules which will utilize the present manpower, improve the efficiency of the Department and minimize the overtime requirements of the Department. (*Ord. No. 88-09, 5-24-88*)

Sec. 12-31. Record of Services of Members.

The Fire Chief shall keep a record of the names of the members who attend the monthly meetings and who perform service at each fire, and he shall submit a full statement of the number of firemen attending fires, and drills to the City Council at its regular meeting. (*Ord. No. 398, § 6, 3-6-58*)

Sec. 12-32. Use of Fire Apparatus Outside Corporate Limits; Mutual Aid Agreements.

1. No fire department apparatus or hazardous material response equipment shall be taken beyond the corporate limits of the City of Searcy, Arkansas, as the same now or hereafter exists, to assist at any fire, or for any other purpose, except by order of the Mayor and/or Fire Chief of the City of Searcy, or their designated representative, and subject to the restrictions and conditions set forth in this Section 12-32.

2. The Mayor and/or Fire Chief of the City of Searcy or their designated representative, are authorized, in their discretion, to aid in the extinguishing of fires or responding to the report of a discharge of any substance that could be a hazardous material in another city or town, public institutions, corporations, or other property within a reasonable distance from the City of Searcy, or on property immediately adjacent to the City of Searcy in which there is a possibility of fire spreading within the corporate limits or to contain the discharge of any hazardous substance, under the following conditions:

a. A request from a city or incorporated town for assistance must come only from the Mayor, Fire Chief, or such other person as may be designated, with approval of the City of Searcy.

b. Calls may be responded to only by such apparatus which in the judgment of the Mayor/or Fire Chief of the City of Searcy, or their designated representative, can be safely sent without unduly impairing the fire protection within the City of Searcy, jeopardizing the fire classification rating of the City of Searcy, and when highways and weather conditions are favorable.

c. The city, incorporated town, public institutions, firms or individual requesting assistance must pay the charge for apparatus and service hereinafter provided, unless there exists a mutual aid agreement.

d. The City of Searcy, by and through its Mayor and/or Fire Chief and/or its designated representative, may enter into a mutual aid agreement, with any neighboring city or community, public institution, firm or individual outside the corporate limits of the City of Searcy and within a five-mile radius of the corporate limits of said City as same now or hereinafter exists, to render aid in extinguishing fires or to respond to the possible discharge of any hazardous substance.

e. In the discretion of the Mayor and/or Fire Chief, or their designated representative, the City of Searcy may go beyond the said five mile radius limit to assist another city or community in the extinguishing of fires or to respond to the possible discharge of any hazardous substance or where there is adequate evidence that human life is in danger.

f. If there exists a present need for the fire department of the City of Searcy to render assistance in the extinguishing of fire or to respond to the possible discharge of any hazardous substance within the corporate limits of Searcy, or such need develops after a call for fire service outside the corporate limits of Searcy, then the first obligation of the said Fire Department shall be to render aid in extinguishing of fire or to respond to the possible discharge of a hazardous substance within the corporate limits of the City.

3. Unless there exists a mutual aid agreement, every municipality, institution, firm or individual requesting and receiving such service of the fire department of the City of Searcy, Arkansas, shall pay for such services and the use of apparatus as follows:

4. \$100.00 minimum for any one request for assistance

a. PUMPER - If pumper is used, an additional \$50.00 per each one-half hour or part thereof.

b. CHEMICAL TRUCK - If chemicals are used, an additional \$25.00 and cost of chemicals.

c. HAZARDOUS MATERIALS RESPONSE UNIT – absent a separate agreement as may be contained in any mutual aid agreement entered into by the Department, the following charges and fees shall be charged: (i) a base fee of \$1,000.00 for the initial response plus one (1) hour response time at the site of the possible discharge of a possibly hazardous substance; and (ii) \$500.00 per hour after the first hour after the initiation of any such response; and (iii) the actual cost of all supplies, equipment or other materials used by the Department in any such response; and (iv) \$75.00 per person, per hour for each employee of the Department utilized in the response.

4. Each person, firm or corporation receiving services of the fire department, unless there exists a mutual aid agreement, shall pay to the City of Searcy, for each fire truck driver a sum representing \$8.00 per hour or part thereof, from the time fire apparatus leaves the fire house until it returns thereto, and shall pay to each fireman helping at the fire a sum representing \$8.00 per hour or part thereof, from the time he reports to the foreman of his company until the time his services ends. The payments herein stipulated shall be made within fifteen (15) days after demand, by the City of Searcy.” (Ord. No. 546, §§ 1-5, 6-6-72; Ord. No. 637, §§ 1-5, 5-12-81; Ord. No. 653, § 2, 6-10-82; Ord. No. 92-16, 6-9-92; Ord. No. 2008-32, §1, 9-9-08)

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