

## PUBLIC SAFETY

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#### SECTION 13-101     ADOPTION OF FIRE PREVENTION CODE.

There is hereby adopted by the town board of trustees 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, abbreviated edition, recommended by the American Insurance Association, being particularly the current edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended. Not less than one copy of the code has been filed in the office of the clerk of the town and the same are hereby adopted and incorporated as fully as if set out at length herein. The provisions of The Fire Prevention Code shall be controlling within the limits of the town.

#### SECTION 13-102     ENFORCEMENT.

The code hereby adopted shall be enforced by the chief of the fire department

#### SECTION 13-103     DEFINITION.

Wherever the word "municipality" is used in the Fire Prevention Code hereby adopted it shall be held to mean the town.

#### SECTION 13-104     LIMITS FOR STORAGE OF FLAMMABLE LIQUIDS, BULK STORAGE OF LIQUEFIED PETROLEUM GASES, EXPLOSIVES AND BLASTING AGENTS.

The limits referred to in the Fire Prevention Code, in which storage of flammable liquids in outside above-ground tanks is prohibited, the limits referred to in which bulk storage of liquefied petroleum gas is restricted, and the limits in which storage of explosives and blasting agents is prohibited, are hereby established as the fire limits provided in Part 5 of this code.

SECTION 13-105      MODIFICATIONS.

The chief of the fire department shall have power to modify any of the provisions of the code hereby adopted in his own discretion or 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 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 modifications 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 for applications requesting change, a signed copy shall be furnished the applicant.

SECTION 13-106      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 code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the town board of trustees within thirty (30) days from the date of the decision appealed.

SECTION 13-107      PENALTY.

Any person, firm or corporation who violates any provision of this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-108 of this code.

## CHAPTER 2

### FIRE DEPARTMENT AND SERVICE

Section 13-201	Fire department.
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#### Section 13-201 FIRE DEPARTMENT

A. There shall be a fire department, the head of which shall be the chief of the fire department.

B. The term "volunteer firefighter" means one who is enrolled as a member of the fire department of the town and who serves in that capacity without receiving a regular salary. The size of the volunteer fire department of the town shall be composed of not less than twelve (12) nor more than twenty five (25) members.

C. 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 by written notice or by issuing citations for violations of fire related ordinances.

Cross Reference: Appointment of fire chief, Section 2-of this code.

State Law Reference: Duties of fire chief generally, 110.S. Section 29-204; Investigations of fires, report to state fire marshal, 110.S. Sections 29-201 et seq.

SECTION 13-202     DUTIES OF THE FIRE CHIEF.

The chief shall be at the 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 of the department:

1. The chief shall be responsible for the general condition and efficient operation of the department, the training of members, and the performance of all other duties imposed upon him. He shall have supervision and control of the fire department, subject to the supervision and control of the town board;

2. The chief 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;

3. The chief 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;

4. The chief shall make every effort to attend all fires and direct the officers and members in the performance of their duties;

5. The chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department;

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

7. The chief is authorized to enter any building or premise 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

8. The chief 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 town board as it may require. The chief shall keep the board of trustees informed regarding the fire department and its needs.

State Law Reference: Duties of fire chief generally, 11 O.S. Section 20-102; investigations of fires, report to state fire marshal, 711 O.S. Section 3111.

SECTION 13-203     DUTIES OF THE ASSISTANT CHIEF.

In the absence of the chief, the assistant chief on duty shall command the department and be held responsible therefore in all respects with the full powers and responsibilities of the chief. The assistant chief shall be elected from among the members of the fire department.

SECTION 13-204     COMPANY OFFICERS.

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

1.     Knowledge of fire fighting;
2.     Leadership ability; and
3.     Knowledge of fire fighting equipment.

SECTION 13-205     THE 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.

SECTION 13-206     NEW MEMBERS.

Applications for new members will be presented to the fire chief for review. New members of the department shall be appointed by a majority vote of the fire department officers with approval of the Town Board of Trustees and shall be on probation for one year after their appointment. Upon completion of their probation period, new members must be approved by majority vote of the entire membership of the fire department. (Amended 11/8/07)

SECTION 13-207     BYLAWS.

The bylaws of the department shall include the following:

1.     All volunteer fire department members are required, when notified, to respond to alarms of fire and other emergencies;

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

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

4. Any member 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;

5. Any member leaving the town for an extended period of time is required to notify the chief;

6. Any member refusing to attend training classes provided for members of the department will be dropped with approval of the Town Board of Trustees. (Amended 11/8/07)

7. Any member of the fire department may be dropped from the rolls for the following offenses:

a. Conduct unbecoming a firefighter with approval of the Town Board of Trustees. (Amended 11/8/07)

b. Any act of insubordination with approval of the Town Board of Trustees; (Amended 11/8/07)

c. Neglect of duty with approval of the Town Board of Trustees. (Amended 11/8/07)

d. Any violation of rules and regulations governing the fire department with approval of the Town Board of Trustees. (Amended 11/8/07)

e. Conviction of a felony with approval of the Town Board of Trustees. (Amended 11/8/07)

f. By majority vote of the members of the company and approval of the town board of trustees with approval of the Town Board of Trustees. (Amended 11/8/07)

8. Any member may be temporarily suspended by the chief for any reason listed in item 6 or 7. The suspension will be effective until the next meeting of the Town Board of Trustees. (Added 11/8/07)



SECTION 13-208      RULES AND REGULATIONS.

The town board of trustees by motion or resolution may adopt and change regulations relating to the fire department, its organization, operation and compensation.

SECTION 13-209      USE OF FIRE EQUIPMENT; INVENTORY AND REPAIR.

A. 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. 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.

B. The chief shall prepare and keep a complete inventory of all property belonging to the fire department, and shall at the expiration of his term turn over such inventory and all such property to his successor, together with all books, records, reports and data of the department.

C. The chief shall report to the town board any necessary repairs, alterations or improvements needed by the fire department with an estimate of their probable cost, and shall superintend the making of the repairs, alterations or improvements, and if any apparatus shall become disabled for immediate use, he shall repair the same and report his action to the board of trustees.

SECTION 13-210      CONTRACTS AUTHORIZED OUTSIDE TOWN LIMITS.

1. The City/Town of Porter, Oklahoma is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or association, or political subdivisions of the State of Oklahoma for fire protection outside the corporate limits of said City/Town, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the State.

2. Any contract entered into by the City/Town of Porter, Oklahoma with an individual owner, firm, private corporation or association, for outside aid, or mutual aid for fire protection, shall provide for the payment by said owner, firm, private corporation, or association, or political subdivision to the City/Town of Porter, Oklahoma for such fire apparatus at the rate of \$450.00. All monies received from said calls shall go into the General Fund to be used for operating expenses.

3. The fire department of the City/Town of Porter, Oklahoma is hereby authorized and directed to answer all outside calls within a distance of five miles from the nearest fire station, unless, in the opinion of the fire chief, it is inexpedient to do so on account of another fire in the City/Town, broken apparatus, impossible or dangerous highways, or other physical conditions.

4. All fireman of the Fire Department of the City/Town of Porter, Oklahoma attending and serving at fires or doing fire prevention work outside the corporate limits of the City/Town of Porter, Oklahoma, 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 City/Town of Porter, Oklahoma, and said fireman shall be entitled to all benefits of any fireman's pension and relief fund in the same manner as if firefighting or fire prevention work was being done within the corporate limits of the City/Town.

5. The fire department of the City/Town of Porter, Oklahoma, answering any fire alarm, or call, or performing any fire prevention services outside the corporate limits of the City/Town shall be considered as an agent of the State of Oklahoma, and acting solely and alone in a governmental capacity, and said municipality shall not be liable in damages for any act of commission, omission, or negligence while answering or returning from any fire, or reported fire, of doing any fire prevention work under and by virtue of Sections 1, 2, 3, and 4 hereof.

6. All motorized equipment of the fire department of the City/Town of Porter, Oklahoma shall have the right-of-way over all other commercial and pleasure vehicles.

7. All resolutions or ordinances or parts of resolutions or ordinances in conflict herewith are hereby repealed.

(This entire section was amended and or added on 3/6/03).

State Law Reference: Fire calls outside limits, 11 O.S. Section 29-108.

SECTION 13-211      CONTRACT TERMS, FEES FOR SERVICE.

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 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 town board. All monies received from the calls shall go into the general fund.

SECTION 13-212     AUTHORITY TO ANSWER CALLS.

The fire department of the town is hereby authorized and directed to answer all outside calls outside the corporate town limits in the discretion of the fire chief. The fire department may not answer such outside calls if, in the opinion of the fire chief, it is inexpedient to do so on account of another fire in the town, broken apparatus, impassable or dangerous highways, or other physical conditions.

SECTION 13-213     FIREFIGHTERS SERVING IN REGULAR LINE OF DUTY.

All volunteer firefighters of the fire department' of the town 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 firemen's pension and relief fund in the same manner as if the fire fighting or fire prevention work was 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.

SECTION 13-214     DEPARTMENT CONSIDERED AGENT OF STATE.

The fire department of the town 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 municipality 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 under and by virtue of Sections 13-210 to 13-214 of this code.

SECTION 13-215     BURN PERMIT REQUIRED.

It is unlawful to burn brush or refuse within the incorporated limits of the Town of Porter, Oklahoma without a lawfully issued permit from the Town of Porter after inspection and approval of the fire chief or his designee.

A violation of the terms of this Ordinance shall result in a fine not to exceed the sum of One Hundred Dollars (\$100.00) .

This section was added on April 1, 2004.

## CHAPTER 3

### POLICE DEPARTMENT

Section 13-301	Police department created; chief.
Section 13-302	Duties.
Section 13-303	Police officers.
Section 13-304	Auxiliary police force.
Section 13-305	Cadet force.

#### SECTION 13-301      POLICE DEPARTMENT CREATED; CHIEF.

There shall be a police department, the head of which is the chief of police, or police chief, appointed by the town board of trustees and removable by the board. The chief of police is an officer of the town, and has supervision and control of the police department. All police officers are officers of the town.

State Law Reference: Police department and duties, 11 O.S. Sections 34-101 et seq.

#### SECTION 13-302      DUTIES.

It is the duty of the police department to apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the town: to suppress all riots, affrays, and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state law as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers. The police department has charge of and operates the town jail.

#### SECTION 13-303      POLICE OFFICERS.

Police officers shall be appointed subject to approval of the town board of trustees who shall perform such duties as shall be required of them by the chief of police, town ordinances, federal, state and county regulations and any other actions required in the maintenance of good order and public peace.

#### SECTION 13-304      AUXILIARY POLICE FORCE.

A. For the purpose of assisting the regularly constituted law enforcement officers of the town, the establishment, organization and operation of an auxiliary' police force for the town is hereby authorized and directed.

B. The board of trustees of the town shall, as soon as practicable, hereafter promulgate rules and regulations for the organization, operation and maintenance of the auxiliary police force authorized in Subsection A. When such rules and regulations are fixed by the board of trustees, they shall be reduced to writing and the same shall thereupon govern the membership, duties and functions of such auxiliary police force.

C. The chief of Police of the Town is hereby given authority over the auxiliary Police force authorized by this section and the members thereof. (Amended August 11, 2005)

D. The members of the town auxiliary Police force shall be selected and/or terminated by the chief of Police of the Town. The chief of police is hereby authorized to issue special officers' commissions to the members of such auxiliary police force, but members of the auxiliary police force shall not be authorized to act in such capacity except after due call. (Amended August 11, 2005)

E. While upon active duty, the members of the auxiliary police force, holding special officer's commission, are hereby authorized to make arrests for violation of the provisions of this code and other laws and regulations of the town.

F. Members of the auxiliary police force of the town shall serve without compensation and shall not be considered members of the police department of the town and they shall not, under any conditions, become eligible for a pension from the police pension and retirement fund of the town. (Added 1991)

#### SECTION 13-305 CADET FORCE.

A. For the purpose of assisting the regularly constituted law enforcement officers of the Town, the establishment, organization and operation of CADET officer for the Town is hereby authorized and directed.

B. The chief of Police, hereafter promulgate rules and regulations for the organization, operation, and maintenance of the CADET police force authorized in Section 1.

When such rules and regulations are fixed by the Chief of Police, they shall be reduced to writing and the same shall thereupon govern the membership, dues and functions of such CADET police force.

C. The chief of Police of the Town is hereby given the authority over the CADET Police force authorized by this article and the members thereof. His decisions in all matter shall be subject to review by the Town Board of Trustees.

(This section added June 29, 1995)

D. The members of the CADET Police force shall be selected by the Board of Trustees of the Town, acting upon the recommendation of the chief of Police. The Board of Trustees is hereby authorized to issue special CADET commissions to the members of such cadet police force, but members of the cadet force shall not be authorized to act in such capacity except after due call.

E. Members of the CADET Police force of the Town shall serve without compensation and shall not be considered members of the Police department of the Town, and they shall not, under any conditions, become eligible for a pension from the Police pension and retirement fund of the Town.

## CHAPTER 4

### CIVIL DEFENSE

Section 13-401	Purpose of civil defense organization.
Section 13-402	Department established.
Section 13-403	Duties of director.
Section 13-404	Powers of director in emergencies.
Section 13-405	Compensation of members.

#### SECTION 13-401     PURPOSE OF CIVIL DEFENSE ORGANIZATION.

A civil defense organization is created for the town to carry out preparations for and to function in the event of emergencies endangering the lives and property of the people of the town. The duties of the civil defense organization are the protection of the lives and health of the citizens and of property and property rights, both private and public, and performance of all functions necessary and incident thereto.

State Law Reference: Local civil defense organizations, 63 O.S. Section 683.11.

#### SECTION 13-402     DEPARTMENT ESTABLISHED.

There is hereby established under the executive branch of the government a department of civil defense which shall consist of:

1. A director of civil defense who shall be appointed and may be chief of police, with or without cause by the mayor; and
2. A civil defense advisory committee. This committee shall consist of the mayor as chairman and five (5) members appointed by the mayor and serving at his pleasure. The committee shall select from its members a vice-chairman and secretary. It shall hold such meetings as are directed by the mayor and its function shall be to act in an advisory capacity as needed or requested by the mayor or the director of civil defense.

#### SECTION 13-403     DUTIES OF DIRECTOR.

The director of civil defense shall be the executive head of the department of the civil defense and shall be responsible for carrying out the civil defense program of the town. He shall serve without compensation but may be reimbursed for expenses incurred in the performance of his duties. It shall be the duty of the director of civil defense as soon as practicable after his appointment to perfect an organization to carry out the purposes set forth in this chapter and he shall have all necessary power and authority to

form committees or other bodies and to appoint and designate the chairman or chief officer of such bodies as may be necessary to perfect such an organization. He shall have further duty and responsibility to cooperate with all civil defense agencies of other governmental units including the state and the federal government. The director of civil defense is further authorized to formulate written plans and gather information and keep a written record thereof to govern the functions of the civil defense organization.

SECTION 13-404

POWERS OF DIRECTOR IN EMERGENCIES

A. In the event of any enemy-caused emergency or emergency resulting from natural causes, the director of the civil defense after due authorization from the mayor shall have the power and authority to enforce all rules and regulations relating to civil defense and, if necessary, take control of transportation, communications, stocks of fuel, food, clothing, medicine, and public utilities for the purpose of protecting the civilian population. He shall cooperate in every way with the activities of other governmental agencies of civil defense organizations. If required by the mayor, the director shall have control over any and all funds allocated from any source for the purpose of alleviating of distress conditions in the town.

B. The director of civil defense and other members of the civil defense organization created by him shall have the power and authority to enforce the laws of the state and ordinances of the town during the period of emergency and shall at such time have the further power to make arrests for violations of such laws or ordinances

SECTION 13-405

COMPENSATION OF MEMBERS

All members of the civil defense organization created in this chapter shall serve without compensation. The town shall not be liable for any personal or bodily injury received by any member of such organization while acting in the line of duty.