

## **ORDINANCE NO. 1314**

AN ORDINANCE REPEALING AND REPLACING ORDINANCES 568 AND 612 RELATING TO THE FIRE DEPARTMENT IN THE CITY OF HILLSBORO, KANSAS ITS ORGANIZATION, GOVERNMENT AND REGULATIONS.

### **Section 1. CITY FIRE DEPARTMENT ESTABLISHED.**

The fire department of the city is hereby established, and the department shall be organized to consist of a fire chief, an assistant fire chief and not less than 10 nor more than 25 firefighters. Members of the fire department shall be appointed by the City Administrator.

### **Section 2. MEMBERSHIP; FIRE DRILL.**

Members of the fire department shall all be volunteers. They shall meet at least once each month for practice and drill. The chief of the fire department shall keep a record of attendance of such meetings. Any member who shall fail to attend six consecutive meetings shall automatically become expelled from membership.

### **Section 3. SUPERVISION OF DEPARTMENT.**

The chief of the fire department shall be under the supervision of the City Administrator and shall have immediate superintendency and control over and be responsible for the care and condition of the fire apparatus and equipment. It shall be the chief's duty to see that all such apparatus and equipment is ready at all times for immediate use. It shall also be the chief's duty to submit a written report as to the condition of all fire apparatus and equipment to the governing body at their first meeting in October of each year.

### **Section 4. FIRE CHIEF; POWERS.**

- (a) The fire chief shall be responsible for the discipline of the members and is hereby given authority to suspend or expel any member for refusal to obey orders or for misconduct or failure to do his or her duty at a fire.
- (b) The chief shall also have the right to summon any and all persons present to aid in extinguishing a fire or to aid in removing personal property from any building on fire or in danger thereof and in guarding the same.
- (c) At fires the chief shall have full power, control and command of all persons present and shall direct the use of the fire apparatus and equipment, and command the fire fighters in the discharge of their duties. He or she shall take such measures as he or she shall deem proper and necessary in the preservation and

protection of property and extinguishing of fires.

- (d) It shall be the duty of the chief of the fire department to adopt all prudent measures for the prevention of fires and for this purpose the chief or assistant chief under the chief's direction may, upon request or whenever they have reason to believe that the safety of life and property demands it, and as often as they may deem necessary, enter any building, yard or premises in the city during reasonable hours for the purpose of inspection, and where dangerous, unsafe or hazardous conditions are found to exist they shall give such directions for the alteration, change or removal or better care or management of the same as he may deem proper, and such directions shall be obeyed and complied with by the person directed in that regard and at their expense.

#### Section 5. SAME; RECORDS.

The chief of the fire department shall keep in convenient form a complete record of all fires. Such information shall include the time and location, construction of building, owner, occupancy, how extinguished, value of building and contents, loss on building and contents, insurance on building and contents, members responding to the alarm, and any other information deemed advisable.

#### Section 6. ASSISTANT CHIEF.

In the absence of the chief, the assistant fire chief shall perform all the duties and have all the authority and responsibility of the chief as conferred by this chapter.

#### Section 7. PRIVATE USE OF FIRE EQUIPMENT.

It shall be unlawful for any person or persons to take away or use any fire apparatus or equipment for any private purpose or for any person willfully and without proper authority to remove, take away, keep or conceal any tool, appliance, equipment or other ordinance used in any way by the fire department.

#### Section 8. FIRE EQUIPMENT; EMERGENCY RIGHT-OF-WAY AND USE.

- (a) All fire apparatus and equipment is hereby given and granted the exclusive right-of-way over and through all streets, avenues, alleys and public thoroughfares in the city while enroute to fires or in response to any alarm, and it shall be unlawful for any person or persons to in any manner obstruct or hinder the apparatus or equipment.
- (b) All emergency vehicles of the fire department, while proceeding on official business, shall be operated in strict accordance with the requirements of the Kansas Statutes regarding the operation of emergency vehicles, and each departmental member assigned to the operation of emergency vehicles shall

familiarize himself or herself with the requirements of the law and govern himself or herself accordingly. Any operator violating the provisions of the state law shall be liable for disciplinary action.

Section 10. OBSTRUCTION OF FIRE HYDRANT.

It shall be unlawful for any person to place or cause to be placed upon or about any fire hydrant any rubbish, building material, fence or other obstruction of any character, or in any manner obstruct, hinder, or delay the fire department in the performance of its duties in case of fire. Nor shall any person fasten to any fire hydrant any guy rope or brace, nor stand any vehicle within 15 feet of any such hydrant.

Section 11. INVALIDITY OF A PART.

Any provision of this Ordinance which shall be declared unconstitutional or otherwise invalid shall not affect the validity and authority of any other section of said Ordinance. Nothing in this Ordinance is intended to or shall be construed to be incompatible with any part of K.S.A. 80-1501 *et seq.* and the agreements for fire protection between the City of Hillsboro and City of Lehigh, Risley Township, Liberty Township, Lehigh Township and those portions of Menno Township as provided for. If such portion of this Ordinance in question cannot be construed in a way compatible with K.S.A. 80-1501 *et seq.* and the above referenced agreement such portion shall be struck and not affect the validity and authority of any other section of said Ordinance.

Section 12. EFFECTIVE DATE.

This ordinance shall take effect from and after its passage, approval, and publication once in the official city newspaper.

ADOPTED AND APPROVED by the governing body of the City of Hillsboro, Kansas on August 4, 2020.

\_\_\_\_\_/s/\_\_\_\_\_  
Lou Thurston, Mayor

ATTEST:

\_\_\_\_\_/s/\_\_\_\_\_  
Janice K. Meisinger, City Clerk

