

CHAPTER 8

FIRE DEPARTMENT¹

1. For state law authorizing the town to establish and support a fire department, to make rules and regulations governing the department, etc., see W.S. 1977, § 15-1-103.

As to parking vehicles near fire hydrants, see § 13-18 of this Code. For regulations generally concerning fire hydrants, see § 27-21.

- § 8-1. Fire chief – Appointment; term; oath of office; vacancy.
- § 8-2. Same – Powers and duties generally.
- § 8-3. Assistant chief and additional personnel.
- § 8-4. Compensation; care of equipment.
- § 8-5. Duty of department to attend, etc., fires.
- § 8-6. Discharge of firemen.
- § 8-7. Interference with fire department; Police power of chief and assistants.
- § 8-8. Duty of persons present at fires.
- § 8-9. Fire alarms – Generally.
- § 8-10. Same – False alarms.
- § 8-11. Removal, etc., of buildings, etc.
- § 8-12. Riding on fire apparatus.
- § 8-13. Injuring, removing, etc., fire department equipment.
- § 8-14. Key lock box system.

SEC. 8-1. FIRE CHIEF – APPOINTMENT; TERM; OATH OF OFFICE; VACANCY.

It shall be the duty of the Mayor by and with the consent of the Council to appoint a chief of the fire department from among the residents of the City of Buffalo, who shall perform the duties of his office without pay, except as hereinafter provided. The Fire Chief shall hold office for the term of two years or until his successor is duly appointed and qualified. He shall take the same oath of office as shall be subscribed to by other officers of the City of Buffalo. In case of vacancy in office by reason of his resignation, death or removal therefrom for any cause, the office shall be filled in the manner prescribed by the ordinances of the City of Buffalo for filling vacancies in other offices.
(R.O. 1955, § 71-2)

SEC. 8-2. SAME – POWERS AND DUTIES GENERALLY.

The Fire Chief shall be a member of the fire department and shall have charge thereof. He shall have control and command of all property belonging to the department. He shall superintend and direct the acts and doings of the firemen and shall prescribe such rules and regulations for their government as may be necessary, subject to the approval of the Council. He shall see that the provisions of this Code and any other ordinances of the City of Buffalo with reference to the fire department are faithfully observed. He shall be in command at all fires and shall have control over all officers and men of the department and all other persons who may be present at such fires. He shall take all proper measures for the extinguishment of fires, the protection of lives and property and the preservation of law and order. It shall further be his duty to report in January of each year to the Council, giving an account of all machines, apparatus, tools and appliances in the possession of the fire department and make such suggestions and recommendations as he shall deem proper. (Ord. 960, § 1, 7/81)

SEC. 8-3. ASSISTANT CHIEF AND ADDITIONAL PERSONNEL.

The Fire Chief, immediately after receiving his appointment and taking the oath of office, shall recommend to the council one person as assistant, to be known as the Assistant Fire Chief of the fire department, who shall be appointed in the same manner as the Fire Chief for the term of two years, or until his successor is duly appointed and qualified, and who shall subscribe to the same oath of office as the Fire Chief, and whose vacancy in office may be filled in the same manner as that of the Fire Chief or other officers of the City of Buffalo. The Mayor, by and with the approval of the Council, shall also employ such additional firemen as he may deem necessary. The Fire Chief, Assistant Fire Chief and additional firemen regularly appointed shall constitute the fire department of the City of Buffalo.

(R.O. 1955, § 71-3)

SEC. 8-4. COMPENSATION; CARE OF EQUIPMENT.

The Fire Chief, Assistant Fire Chief and each regularly appointed fireman shall receive as full compensation for the performance of their various duties the sum of Five Dollars (\$5.00) each per meeting attended, and Seven Dollars and Fifty Cents (\$7.50) each per fire attended, which sum shall be paid to them in regular warrants of the City of Buffalo. Such compensation shall include not only the attendance at fires, but also the proper care of the fire equipment of the City of Buffalo. It shall be the duty of the Fire Chief, or Assistant Fire Chief, to see that all equipment, including the fire truck, chemical tanks, smoke masks, fire hose and fire nozzles are properly cared for and put away in readiness for immediate use. (Ord. 960, § 2, 7/81)

SEC. 8-5. DUTY OF DEPARTMENT TO ATTEND, ETC., FIRE.

It shall be the duty of the fire company to attend with the fire apparatus belonging to the City of Buffalo every fire or alarm of fire and report to the Chief of the fire department or other officer in command, and not to leave the premises until ordered to depart by the Chief or other officer in command. (R.O. 1955, § 71-8)

SEC. 8-6. DISCHARGE OF FIREMEN.

The Fire Chief shall have power to discharge any member of the fire department for failure to attend fires or to properly perform his duties at any fire; provided, however, that such fireman shall have the right to appeal to the Council within ten (10) days after his discharge by the Fire Chief to determine whether or not the decision of the Fire Chief should be upheld. (R.O. 1955, § 71-6)

SEC. 8-7. INTERFERENCE WITH FIRE DEPARTMENT; POLICE POWER OF CHIEF AND ASSISTANTS.

It shall be unlawful for any person to interfere with the officers of the City of Buffalo at any fire, or to give any orders or interfere with the giving of any orders of the Chief of the fire department or his assistants, or upon being warned to abstain from any course of conduct that the Chief or his assistants shall deem improper, to persist in his conduct or disobedience.

For the purposes of the provisions of this section, the Chief of the fire department and his assistants are constituted special policemen and shall have full power to arrest the offender against the provision of this section with or without warrant and to call upon any citizen bystanders to act as policemen for the purpose of making such arrest and continuing the party so offending in custody until after the fire shall be over. (R.O. 1955, § 20-8)

SEC. 8-8. DUTY OF PERSONS PRESENT AT FIRES.

Every person who shall be present during a fire shall be subject and obedient to the orders of the Chief of the fire department and his assistant in extinguishing the fire and in removing and protecting the property. It shall be unlawful for any person to refuse or neglect to obey such orders. (R.O. 1955, § 71-5)

SEC. 8-9. FIRE ALARMS – GENERALLY.

It shall be the duty of the Council to provide any method it shall deem proper and expedient to call out the firemen of the City of Buffalo to attend fires. (Ord. 960, § 3, 7/81)

SEC. 8-10. SAME – FALSE ALARMS.

It shall be unlawful for any person to willfully give or make any false alarm of fire. (R.O. 1955, § 20-7)

SEC. 8-11. REMOVAL, ETC., OF BUILDINGS, ETC.

The Fire Chief or other officer in command during the progress of any fire, whenever in his judgment it becomes necessary to check or control such fire, may order any fence, building or structure of any kind to be torn down or removed. The Chief or other officer in command at a fire may also cause any building or structure to be blown up for the purpose of checking or extinguishing a fire.

SEC. 8-12. RIDING ON FIRE APPARATUS.

No person other than members of the fire department shall ride upon any fire apparatus when the same is going to or returning from any fire in the City of Buffalo, except persons authorized or requested to attend and assist at such fires by the Chief, or other officer of the department. (R.O. 1955, § 71-10)

SEC. 8-13. INJURING, REMOVING, ETC., FIRE DEPARTMENT EQUIPMENT. ²

No person shall at any time cut any hose or willfully break or injure any apparatus belonging to the City of Buffalo or used by or in charge of the fire department. Nor shall any person break in any door of any building used by the fire department or take or carry away or remove any of the property of the City of Buffalo used by the fire department or belonging to the department, without permission from the proper authorities to do so. (R.O. 1955, § 71-11)

2. As to injuring, destroying, etc., property belonging to the City of Buffalo, see § 16-21 of this Code.

SEC. 8-14. KEY LOCK BOX SYSTEM.

a. The following structures shall be equipped with a key lock box at or near the main entrance or such other location required by the fire chief, effective May 15, 2007.

(1) ALL COMMERCIAL AND INDUSTRIAL BUILDINGS.

Commercial and industrial building shall mean buildings where any industry, trade or business is carried on or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on and where any person is employed by another for direct or indirect gain or profit.

(2) Multi-family residential structures comprised of four (4) or more units in which access to the building or common areas or mechanical or electrical rooms within the building is denied through locked doors.

(3) Any building or facility containing a quantity of hazardous materials.

(4) Governmental structures.

(5) Nursing care facilities.

(6) Educational facilities.

(7) All places of assembly.

b. All newly constructed structures subject to this ordinance shall have key lock box installed and operational prior to obtaining a final inspection and certificate of occupancy from the Building Inspector. Existing buildings will be allowed to purchase lock boxes as they wish.

c. The fire chief shall designate the type of key lock box system to be implemented within the town and shall have the authority to require all structures to use the designated system. Lock boxes can only be ordered through the Fire Chief.

d. The owner or operator of a structure required to have a key lock box shall at all times, keep keys in the lock box that will allow for access to the following:

- (1) Keys to locked points of egress, whether on the interior or exterior of such buildings;
 - (2) Keys to locked mechanical equipment rooms;
 - (3) Keys to locked electrical rooms;
 - (4) Key to elevator controls;
 - (5) Keys to the other areas as directed by the City of Buffalo Fire Department.
- e. The fire chief shall be authorized to implement rules and regulations for the use of the lock box system and location thereof.