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Chapter 8 FIRE PREVENTION AND PROTECTION ^[1]

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Sec. 8-1. Fire prevention code—Adopted by reference.

The fire prevention code adopted in section 4-1 is hereby incorporated in this chapter by reference.

Sec. 8-2. Amendments to fire prevention code.

The fire prevention code as adopted in section 4-1 is amended by adding the following:

- (1) Appendix C - Hazardous Material Management Plan and Hazardous Materials Inventory Statement.
- (2) Appendix D - Hazardous Materials Classifications.

(Ord. No. 642-00, § 3, 5-15-00)

Sec. 8-3. Fireworks—Definition.

The term "fireworks" shall be deemed to include any explosive composition or any substance or combination of substances, or article prepared for the purpose of producing an audible or visual effect by explosion, deflagration or detonation, and shall include blank cartridges, toy cannons, in which explosives are used, the type of balloons which require fire underneath to propel the balloons, firecrackers, sparklers, torpedoes, sky rockets, Roman candles, bombs, or other fireworks containing any explosive compound, or any tablets or other devices containing any explosive substance; provided, however, that the term "fireworks" shall not include pistol caps containing twenty-five-hundredths grain or less of explosive compound, toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five-hundredths grain or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, the sale and use of which shall be permitted at all times.

(Ord. No. 288, § 1, 6-15-81)

State law reference— Fireworks, Code of Ala. 1975, § 8-17-210 et seq.

Sec. 8-4. Same—Prohibited.

It shall be unlawful for any person within this city, or the police jurisdiction thereof, to sell, offer for sale, keep, or have in possession, barter, exchange or give away, furnish at a public place or elsewhere, or otherwise dispose of, use, or explode any fireworks or pyrotechnics described in section 8-3, or to accept the delivery of, receive, have in possession, or possess any of these fireworks or pyrotechnics in any quantity whatsoever. Such fireworks or pyrotechnics are declared to be contraband, and to constitute a nuisance that can be abated only by their confiscation and destruction. Such contraband may be seized, condemned and destroyed in the same way as contraband liquors and beverages.

(Ord. No. 288, § 2, 6-15-81; Ord. No. 317-83, 4-18-83)

Sec. 8-5. Same—Exemption.

Section 8-4 shall not apply to the possession, sale, disposal or use of sparklers and dipped sticks, when the total pyrotechnic composition does not exceed one hundred (100) grains each in weight and when the pyrotechnic composition, containing any chlorate and perchlorate, does not exceed five (5) grains.

(Ord. No. 288, § 3, 6-15-81)

Sec. 8-6. Same—Displays may be authorized.

Nothing herein shall prevent the city council from approving possession and explosion of fireworks for a public display under such rules and regulations as may from time to time be established.

(Ord. No. 288, § 4, 6-15-81)

Sec. 8-7. Fire department.

- (a) *Established.* A department to be known as the "Fire Department of the City of Foley" (hereinafter referred to as the "department") is hereby established, and the duties of preventing, controlling and extinguishing fires and the duties of protecting life and property from fires and hazardous materials are hereby delegated to the department.
- (b) *Officers and members.* The department shall consist of a chief who shall be known as the Fire Chief of the City of Foley, and it shall consist of as many assistant chiefs, captains, lieutenants, drivers, fire fighters, and other officers and members as may be authorized from time to time.
- (c) *Fire chief.* The fire chief shall be appointed by the mayor and city council for a term not to exceed the remainder of the current term of the then mayor. The fire chief may be reappointed in the same manner an unlimited number of times. The fire chief may be removed from office as provided for by state law. The fire chief will be considered an employee of the City of Foley.
- (d) *Volunteers and employees.* The members of the department will be a combination of volunteers and employees of the City of Foley. The volunteer members shall consist of those members of the Foley Volunteer Fire and Rescue Department. The employee members shall consist of those persons employed directly by the City of Foley to serve in the department.
- (e) *Volunteer members subject to department regulations and policies.* Volunteer members of the department shall be subject to all policies, procedures and regulations adopted by the department. Volunteer members of the department are also subject to the rules, regulations,

and standards set forth in the Constitution, By Laws and other regulations of the Foley Volunteer Fire and Rescue Department.

- (f) *Employee members subject to personnel policy, department regulations and policies.* All employee members of the department will be subject to the City of Foley's personnel policy for disciplinary action. The fire chief will be subject to the City of Foley's personnel policy, as amended by state law. All employee members of the department shall be subject to all policies, procedures and regulations adopted by the department.
- (g) *Compensation.* The volunteer and/or employee members of the department may receive such expenses, benefits, and/or compensation from the City of Foley as the city council may establish from time to time, if any. The volunteer and/or employee members of the department may receive such expenses, benefits, and/or compensation from the Foley Volunteer Fire and Rescue Department as may be authorized by that agency from time to time, if any.
- (h) *Fire chief duties.* The fire chief is charged with the general supervision of the department. The fire chief shall have control of all apparatus used by the department and shall be responsible for its proper maintenance. The fire chief shall insure that all apparatus with rated pumps are tested at least annually, and he shall record of the result of such tests to be kept on file in accordance with ISO provisions.

(Ord. No. 722-02, §§ 1—8, 6-17-02)

FOOTNOTE(S):

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Cross reference— First fire district, § 4-3; smoking in city buildings, § 11-15; preventing entry beyond police line, § 11-10. [\(Back\)](#)