

ORDINANCE NO. 820
ESTABLISHMENT OF OFFICE OF FIRE MARSHALL

BE IT ORDAINED by the City Council of Monticello,
Arkansas:

**Section 1. ESTABLISHMENT OF THE POSITION OF THE FIRE
MARSHALL.**

The office of Fire Marshall is hereby established as an
appointive office within the City of Monticello, Arkansas.

Section 2. ABSENCE OR DISABILITY OF FIRE MARSHALL.

During temporary absence or disability of the Fire Marshall,
the Mayor shall designate an acting Fire Marshall.

Section 3. QUALIFICATIONS OF FIRE MARSHALL.

The Fire Marshall shall be physically capable of making the
necessary examinations and inspections. He or she shall not have
any interest whatever, directly or indirectly, in the sale or
manufacture of any material, process or device entering into or
used in or connected with building construction, alterations,
removal, and demolition.

Section 4. DUTIES OF FIRE MARSHALL.

The Fire Marshall shall:

1. Receive applications required by applicable codes, issue
permits and furnish the prescribed certificates.
2. Examine the premises for which permits have been issued and
shall make necessary inspections to see that the provisions
of law are complied with and that construction is prosecuted
safely.
3. Enforce all provisions of the building codes. When
requested by proper authority, or when the public interest
so requires, the Fire Marshall shall make investigations in
connection with matters referred to in the building codes and
render written reports on the same. The Fire Marshall shall
issue such notices or orders as may be necessary enforce
compliance with law, to remove illegal or unsafe conditions,
to secure the necessary safeguards during construction, or to
require adequate exit facilities in buildings and structures.
4. Such other duties as may be assigned by the Mayor.

Section 5. INSPECTIONS.

Inspections required under the provisions of the building codes shall be made by the Fire Marshall or his duly appointed assistant. The Fire Marshall may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the building code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.

Section 6. RECORDS.

Fire Marshall shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, or reports rendered, and of notices or orders issued. All such records shall be open to public inspection and copying at the stated office hours in compliance with the Arkansas Freedom of Information Act, but shall not be removed from the office of the Fire Marshall without his written consent.

Section 7. REPORTS.

The Fire Marshall shall make written reports to his immediate superior once each month, or more often if requested, including statements of permits and certificates issued; and orders promulgated.

Section 8. LIABILITY.

It is the intent of the City council of Monticello, Arkansas that the Fire Marshall and any employees or agents assisting in the functions of the Fire Marshall shall enjoy the protections of statutory immunity from suit, qualified immunity, good faith immunity, and all other legal protections and immunities allowed by law in the performance of their official duties. Therefore, nothing contained within this ordinance shall be deemed to waive any immunity or defense to which the Fire Marshall or agents or employees engaged in such functions may be entitled bylaw. In addition, nothing contained herein shall be deemed to create any cause of action whatsoever against the Fire Marshall or the aforementioned agents or employees. Any suit brought against any such person shall be defended by the City Attorney or Legal Representative of the city. The provisions of this section shall apply with equal force to the members of any construction board of adjustment or appeals, or similar body, which may now exist or may be hereafter created within the City of Monticello, Arkansas.

Section 9. RIGHT OF ENTRY.

The Fire Marshall, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises after obtaining a proper warrant, or may enter without a warrant in such cases in which warrantless entry is authorized by law. The Fire Marshall is charged with the responsibility to learn the requirements of the law with respect to entry into buildings and onto private property and shall, when feasible, seek the advice of the city attorney in connection with any such entry or administrative search.

Section 10. REPEAL OF CONFLICTING PROVISIONS.

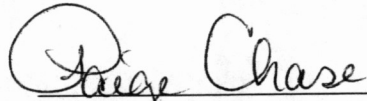
All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

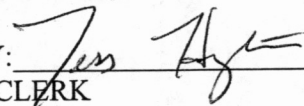
Section 11. SEVERABILITY.

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or unlawful, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 12. EMERGENCY CLAUSE.

Whereas it is of the utmost urgency that the City of Monticello, Arkansas, have the ability to enforce applicable building codes to protect the property and lives of the citizens of our city; therefore an Emergency is hereby declared to exist and this ordinance being necessary for the immediate protection of the public peace, health and safety shall take effect immediately on its passage and approval.


MAYOR

ATTESTED BY: 
CITY CLERK

DATE: _____