

**PART 13**

**PUBLIC SAFETY**

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## CHAPTER 1

### FIRE PREVENTION CODE

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#### **§ 13-101 ADOPTION OF INTERNATIONAL FIRE CODE.**

A certain document, three copies of which are on file in the office of the city clerk of the City of Geary, being marked and designated as the "International Fire Code, 2006 Edition," including Appendix Chapters A through G (see International Fire Code Section 101.2.1, 2006 Edition), as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Geary, in the State of Oklahoma, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the city clerk of the City of Geary are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 13-102 of this chapter. (Adopted 6-23-2008 by Ord. No. 2008-02)

#### **§ 13-102 ADDITIONS AND REVISIONS TO INTERNATIONAL FIRE CODE.**

The following sections are hereby revised:

- A. Section 101.1: insert " City of Geary."
- B. Section 109.3: insert "misdemeanor" (offense; and "maximum \$200"; and "zero days."
- C. Section 111.4: insert "\$10 minimum and \$200 maximum." (Adopted 6-23-2008 by Ord. No. 2008-02)

#### **§ 13-103 GEOGRAPHIC LIMITS FOR STORAGE OF FLAMMABLE LIQUIDS.**

The geographic limits referred to in certain sections of the 2006 International Fire Code are hereby established as follows:

- A. § 3204.3.1.1 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): No geographic limits specified in the City of Geary.
- B. § 3404.2.9.5.1 (geographic limits in which the storage of Class I and Class II

liquids in aboveground tanks outside of buildings is prohibited): No geographic limits specified in the City of Geary.

C. § 3406.2.4.4 (geographic limits in which the storage of Class I and Class" liquids in aboveground tanks is prohibited): No geographic limits specified in the City of Geary.

D. § 3804.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): No geographic limits specified in the City of Geary. (Adopted 6-23-2008 by Ord. No. 2008-02)

**§ 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, shall be the city limits. 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 city limits. This section shall not effect installations in existence at the time this section was initially adopted.

**§ 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.

**§ 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 city council within thirty (30) days from the date of the decision appealed.

**§ 13-107**      **LIQUEFIED PETROLEUM GAS; TRANSPORTATION, RESTRICTIONS, LIMITS, NOTICE.**

Repealed 1988. See §§ 5-401 et seq.

**§ 13-108**      **TRUCKS; GENERAL REGULATIONS.**

Repealed 1988. See § 5-401 et seq.

**§ 13-109      LICENSE REQUIRED FOR INSTALLERS.**

Repealed 1988. See §§ 5-401 et seq.

**§ 13-110      CONNECTIONS REQUIRED TO BE TESTED.**

Repealed 1988. See Sections 5-401 et seq.

**§ 13-111      PENALTY.**

Repealed 1988. See § 5-401 et seq.

## CHAPTER 2

### FIRE DEPARTMENT AND SERVICE

- § 13-201 Fire department.
- § 13-202 Duties of the fire chief.
- § 13-203 Duties of the assistant chief.
- § 13-204 Company officers.
- § 13-205 The secretary-treasurer.
- § 13-206 New members.
- § 13-207 Bylaws.
- § 13-208 Rules and regulations.
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- § 13-214 Department considered agent of state.

#### **§ 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 city and who serves in that capacity without receiving a regular salary. The size of the volunteer fire department of the city shall be composed of not less than twelve (12) nor more than twenty (20) 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.

**State Law Reference:** Volunteer fire departments, provisions and requirements, 11 O.S. § 29-201 et seq.

#### **§ 13-202 DUTIES OF THE FIRE CHIEF.**

The chief shall be the administrative head of the department, subject to the laws of the state, ordinances of the city, 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 city 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 may 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 incendiarism 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 city 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 city council as it may require. The chief shall keep the city council informed regarding the fire department and its needs.

**State Law Reference:** Duties of fire chief generally, 11 O.S. § 20-102; investigations of fires, report to state fire marshal, 74 O.S. § 314.

**§ 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.

**§ 13-204**      **COMPANY OFFICERS.**

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

1. Knowledge of firefighting;
2. Leadership ability; and
3. Knowledge of firefighting equipment.

**§ 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.

**§ 13-206**      **NEW MEMBERS.**

A volunteer firefighter must be a resident of the city or live within a five-mile radius of the fire station. New members of the fire department shall be appointed by the chief and shall be on probation for a period of one (1) year after their appointment. Upon completion of their probationary period, new members must be approved by the majority of the other members of the fire department and the mayor and city council. From and after December 9, 1993, any volunteer firefighter who moves outside of the five-mile radius of the fire station shall cease to hold the position of volunteer firefighters. At no time shall the number of volunteer firefighters living outside the city limits of Geary exceed twenty-five percent (25%) of the maximum number of volunteer firefighters allowable by city ordinance or state Law. (Amended 4-5-1994 by Ord. No. 94-1)

**§ 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 city 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; and
7.      Any member of the fire department may be dropped from the rolls for the

following offenses:

- a. Conduct unbecoming a firefighter;
- b. Any act of insubordination;
- c. Neglect of duty;
- d. Any violation of rules and regulations governing the fire department;
- e. Conviction of a felony; or
- f. By majority vote of the members of the company and approval of the city council.

**§ 13-208      RULES AND REGULATIONS.**

The city council by motion or resolution may adopt and change regulations relating to the fire department, its organization, operation and compensation.

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

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.

**§ 13-210      CONTRACTS AUTHORIZED OUTSIDE CITY LIMITS.**

The city is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political subdivisions of the state for fire protection outside the corporate limits of the city, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the state.

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

**§ 13-211      CONTRACT TERMS, FEES FOR SERVICE.**

Any contract entered into by the city 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 city for such fire apparatus and personnel at the rate per vehicle as set by the city council. All monies received from the calls shall go into the general fund. (Amended 1987)

**Ed. Note:** 1987 Ordinance set fee at \$100.00 per vehicle.

**§ 13-212      AUTHORITY TO ANSWER CALLS.**

The fire department of the city is hereby authorized and directed to answer all outside calls within a distance of five (5) miles from the nearest fire station 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 city, broken apparatus, impassable or dangerous highways, or other physical conditions. (Amended 1987)

**§ 13-213      FIREFIGHTERS SERVING IN REGULAR LINE OF DUTY.**

All volunteer firefighters of the fire department of the city attending and serving at fires or doing fire prevention work outside the corporate limits of the city, 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. The firefighters shall be entitled to all the benefits of any firemen's pension and relief fund in the same manner as if the firefighting or fire prevention work was being done within the corporate limits of the city. Compensation of firefighters shall be as provided by the city council by ordinance or resolution.

**§ 13-214      DEPARTMENT CONSIDERED AGENT OF STATE.**

The fire department of the city answering any fire alarm, or call, or performing any fire prevention services outside the corporate limits of the city 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.

## CHAPTER 3

### POLICE DEPARTMENT

- § 13-301 Police department created; chief.
- § 13-302 Duties.
- § 13-303 Police officers.
- § 13-304 Educational and other requirements.

#### **§ 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 mayor and city council and removable by the mayor and council. The chief of police is an officer of the city, and has supervision and control of the police department. The mayor and council, in their discretion, may appoint the city marshal to serve as police chief. All police officers are officers of the city.

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

#### **§ 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 city; 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 city jail.

#### **§ 13-303 POLICE OFFICERS.**

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

#### **§ 13-304 EDUCATIONAL AND OTHER REQUIREMENTS.**

- A. No person shall receive a permanent appointment as a police officer in any town or city in this state unless:
  - 1. He has undergone evaluation similar to the Minnesota Multi-Phasic Personality Inventory or its equivalent (as determined by the Council on Law Enforcement Education and Training); and
  - 2. He has been awarded a certificate, attesting to his satisfactory completion of a

basic police course of not less than one hundred twenty (120) hours of accredited instruction from the Southwest Center for Law Enforcement Education or a curricula or course of study approved by the Southwest Center for Law Enforcement Education.

B. Every person who is not the holder of such certificate and is duly appointed as a police officer, shall be appointed to such position on a temporary basis only, and shall, within one year from the date of appointment, qualify as required in subsection (a) or forfeit such position. Elected sheriffs and their deputies and elected and appointed chiefs of police shall meet the requirements of subsection (a) within the first twelve (12) months after assuming the duties of the office to which they are elected or appointed.

C. Every person who is employed as a permanent police officer prior to July 1, 1968, or is retired under applicable state statutes shall enjoy the privilege of certification as afforded by this section.

**CHAPTER 4**  
**CIVIL DEFENSE**

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

**§ 13-401 PURPOSE OF CIVIL DEFENSE ORGANIZATION.**

A civil defense organization is created for the city to carry out preparations for and to function in the event of emergencies endangering the lives and property of the people of the city. 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. § 683.11.

**§ 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 the chief of police, removed 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.

**§ 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 city. 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 written record thereof to govern the functions of the civil defense organization.

**§ 13-404      POWERS OF DIRECTOR IN EMERGENCIES.**

A.        In the event of an enemy-caused emergency or emergency resulting from natural causes, the director of 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 distress conditions in the city.

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 city during the period of emergency and shall at such time have the further power to make arrests for violations of such laws or ordinances.

**§ 13-405      COMPENSATION OF MEMBERS.**

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

## CHAPTER 5

### UNCLAIMED PROPERTY

- § 13-501 Complete record required.
- § 13-502 Disposition of unclaimed property.
- § 13-503 Property found by a private person.
- § 13-504 Recovery by owner.

#### **§ 13-501 COMPLETE RECORD REQUIRED.**

All personal property which comes into the possession of any police officer, which has been found or stolen or taken off the person or out of the possession of any prisoner or person suspected of, or charged with, being a criminal, and which is not known to belong to some person laying claim thereto, shall be, by the officer securing possession thereof, delivered into the charge of the chief of police. The chief shall, in a permanent record book kept for that purpose, make a record sufficient to identify the property, with the date and circumstances of the receipt thereof, the name of the person from whom it was taken and the place where it was found; and the record shall also disclose the subsequent disposal thereof, giving the date of sale, name and address of the purchaser, and the amount for which it was sold.

***State Law Reference:*** Disposition of seasonal property by police chief, procedures, application to destroy, 11 O.S. § 34-104; Uniform Unclaimed Property Disposition Act, 60 O.S. § 655; relating to finders of lost goods, 15 O.S. §§ 511 et seq.; disposal of stolen or embezzled property coming into hands of police officers, 22 O.S. §§ 1321 et seq.; disposal of liquor and gambling equipment seized by police officers, 22 O.S. §§ 1261 et seq.; alcoholic beverages seized in violation of law, 37 O.S. § 539.

#### **§ 13-502 DISPOSITION OF UNCLAIMED PROPERTY.**

Any unclaimed personal property, other than animals, which remains in the possession of the chief of police, unclaimed, or the ownership of which is not to him satisfactorily established, for a period of more than thirty (30) days, shall be sold, or disposed of in the manner required by law, except such personal property as in the opinion of the mayor can be more advantageously used by some department or office of the city government.

#### **§ 13-503 PROPERTY FOUND BY A PRIVATE PERSON.**

Any personal property found by a person other than a public official or employee, which is delivered to any police officer for identification, if not claimed or identified within thirty (30) days, shall, within ten (10) additional days thereafter, if requested by the finder, be returned to him, and a record of such disposal made thereof. If the finder does not request return of the property to him within such additional ten (10) days, then the chief of police shall sell the property in the manner required by law as if it had been found by a public official or employee, or on instruction by the city manager deliver it to some department or office of the city government for its use.

**§ 13-504      RECOVER Y BY OWNER.**

If any property *is* sold as herein provided, and the owner thereof takes and recovers possession of same from the purchaser, the amount paid therefore shall be returned to the purchaser, upon verified claim being submitted and approved by the city council.