

ORDINANCE NO. 2023-19

An Ordinance of the City of Irondale to amend Chapter 6, Fire Prevention and Protection, of the Irondale Municipal Code to add Sec. 6-7 entitled “Fire Investigation Division”

WHEREAS, the City of Irondale has adopted codes and ordinances relating to fire safety and fire suppression, many of which contain provisions establishing that violations are criminal offenses;

WHEREAS, the City of Irondale Fire and Rescue Department investigates arson and other fire related offenses, addresses fire lane and fire hydrant related parking offenses, investigates unlawful burning allegations, investigate fire code violations, and other matters regarding enforcement of the fire code as adopted by the City of Irondale;

WHEREAS, the City of Irondale desires to further advance the Irondale Fire and Rescue Department and the Department’s ability to investigate violations of the Irondale Municipal Code through the creation of a Fire Investigation Division; and

WHEREAS, the City of Irondale desires to equip the Fire Investigation Division with valuable resources.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Irondale, in regular meeting duly assembled, a quorum being present, as follows:

Section 1. Modification of Chapter 6, Fire Prevention and Protection. Chapter 6 of the *Municipal Code of the City of Irondale, Alabama* is hereby amended by adding Sec. 6-7, Fire Investigation Division, as follows:

Chapter 6 – Fire Prevention and Protection

Sec. 6-7. – Fire Investigation Division

- (1) There is hereby established the Fire Investigation Division of the City of Irondale Fire and Rescue Department. The members of the Fire Investigation Division shall be assigned from the Irondale Fire and Rescue Department and shall be appointed by the municipality’s appointing authority.
- (2) Members of the Fire Investigation Division are designated as law enforcement officers as defined by Section 11-43-181, *Code of Alabama*, 1975 as amended, Section 36-21-40(4), *Code of Alabama*, 1975 as amended, and Rule 1.4(p) of the *Alabama Rules of Criminal Procedure*.
- (3) As law enforcement officers, members of the Fire Investigation Division shall meet the minimum standard set out in Section 36-21-46,

Code of Alabama, 1975 as amended and shall have completed the Alabama Peace Officers Standard and Training Commission (“APOST”) law enforcement academy as required by APOST.

- (4) Members of the Fire Investigation Division shall maintain public order and investigate the commission or suspected commission of offenses related to arson, code violations, fire prevention or other criminal acts and are authorized to be armed and empowered with the authority of law enforcement officers to make arrests and to take other such actions as may be legal, proper, and necessary for the enforcement of the laws of the City of Irondale and the State of Alabama.
- (5) Members of the Fire Investigation Division are hereby authorized as the law enforcement of the City of Irondale to issue summons and complaints to any person charged with violating the current International Fire Code, as adopted.
- (6) Members of the Fire Investigation Division shall not be deemed to have changed a position or classification and the exercise of any law enforcement duties by said firefighter shall be deemed as a part of and arising out of the essential job functions of his or her existing firefighting position and shall not be supplemental thereto.

Section 2. ORDINANCES REPEALED. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. SEVERABILITY. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Irondale hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. LEGAL RIGHTS NOT IMPAIRED. Nothing in this ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. ORDINANCE CUMULATIVE; COMPATIBILITY WITH OTHER REGULATIONS. This Ordinance shall not be construed to modify or to repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Ordinance are in addition to and cumulative to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions difference from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever

provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Section 6. PUBLICATION OF ORDINANCE. The City Clerk of the City of Irondale is hereby ordered and directed to cause this Ordinance to be published and that a copy of this Ordinance be entered upon the minutes of the meeting of the City Council.

Section 7. EFFECTIVE DATE OF ORDINANCE. That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall be in full force and effect upon adoption as provided by law and shall continue in full force and effect from month to month and year to year from its effective date until repealed.

THEREFORE, BE IT ORDAINED, that the City Council of the City of Irondale does hereby ordain and enact the foregoing Ordinance for the City of Irondale.

ADOPTED & APPROVED: This 6th day of June, 2023.

David Spivey, City Council President

APPROVED:

James D. Stewart, Jr., Mayor

ATTESTED:

Leigh Ann Allison, City Clerk

CERTIFICATION

I, Leigh Ann Allison, City Clerk of the City of Irondale, Alabama, hereby certify that the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Irondale at its regular meeting held on the 6th day of June, 2023, as the same appears in the minutes of record of said meeting.

Leigh Ann Allison, City Clerk