

Chapter 7

FIRE PROTECTION AND PREVENTION*

* **Cross References:** Blasting, § 11-126 et seq.
State Law References: Fire safety code, G.L. 1956, Title 23, Ch. 28.1 et seq.

Article I. Fire Lanes

Sec. 7-1. Authority.
Sec. 7-2. Fire lanes established.
Sec. 7-3. Responsibility of maintenance.
Sec. 7-4. No-parking signs and street markings.
Sec. 7-5. Designations and locations.
Sec. 7-6. Penalty.

Article II. Municipal Fire Department

Sec. 7-11. Authority.
Sec. 7-12. Fire department established; fire chief.
Sec. 7-13. Personnel.
Sec. 7-14. Appointment and tenure.
Sec. 7-15. Salaries.
Sec. 7-16. Removal for cause.
Sec. 7-17. Causes for removal or disciplinary action.
Sec. 7-18. Suspension and other disciplinary action.
Sec. 7-19. Management of staffing requirements.
Sec. 7-20. Records and statistics as to fires; annual report required.
Sec. 7-21. Powers of fire department officers at fire; assistance from inhabitants.
Secs. 7-22--7-30. Reserved.

Article III. Fire Department Personnel

Sec. 7-31. Permanent rank.
Sec. 7-32. Department composition.
Sec. 7-33. General seniority and authority among members.
Sec. 7-34. Salaries.
Sec. 7-35. Benefits.
Sec. 7-36. Qualifications for rank.
Sec. 7-37. Rank and duties.
Secs. 7-38--7-56. Reserved.

Article IV. Open Burning

Sec. 7-57. Open burning prohibited except with permit.
Sec. 7-58. Permit--Availability.
Sec. 7-59. Permit issuance; conditions; revocation.
Sec. 7-60. Application statement required.
Sec. 7-61. Violations.
Sec. 7-62. Exceptions to requirement for permit.

Secs. 7-63--7-71. Reserved.

Article V. Plan Review and Inspection Review Fees

Sec. 7-72. Plan review and inspection review fees.

ARTICLE I.

FIRE LANES

Sec. 7-1. Authority.

The authority for this article is found in the General Laws of Rhode Island, 1956 as amended, 23-28.1-2, in addition to other authority contained in the Home Rule Charter of the Town of North Smithfield.
(Ord. of 2-20-78)

Sec. 7-2. Fire lanes established.

The town council of the Town of North Smithfield is hereby authorized to establish fire lanes on private property devoted to public use. In establishing fire lanes, the town council will follow the following procedure:

- (a) Recommendations for the establishment of fire lanes will be presented in writing to the council by the fire marshal of the district in which the proposed fire lane is selected.
- (b) Upon receipt of the recommendation of the fire marshal, the town council shall hold a public hearing, notice of which shall be posted at least seven days, but not more than 14 days prior to said hearing at two public places in the town and in a newspaper of general circulation in the town. In addition, notice of the hearing shall be forwarded to the owner of the real property involved by certified mail, return receipt requested.

(Ord. of 2-20-78)

Sec. 7-3. Responsibility of maintenance.

The designation of such fire lanes shall never be held to make the town responsible for maintenance of such fire lanes, but the owner of such property shall continue to be responsible for the maintenance of such area.
(Ord. of 2-20-78)

Sec. 7-4. No-parking signs and street markings.

Upon the designation by the town council of certain real property as a fire lane pursuant to this article, and further, subsequent to any appeal therefrom, the North Smithfield town council shall direct the chief of police to cause signs to be posted at the expense of the town at designated locations upon the real property as aforesaid. Such signs shall be of a size not less than 12 inches by 18 inches with red letters on a white background with red border, as per specifications of the U.S. Department of Transportation, "Manual of Uniform Traffic Control Devices for Streets and Highways," and shall contain the words, FIRE LANE--NO PARKING--TOW AWAY ZONE. The aforesaid sign shall be posted on supporting, upright beams and be visible to all vehicles in both directions of travel. In the event that the fire lane is established in a paved area, the pavement will be clearly

marked with yellow highway marking paint "FIRELANE--NO PARKING--TOW AWAY ZONE."
(Ord. of 2-20-78)

Sec. 7-5. Designations and locations.

The official record of the designation and location of fire lanes shall be kept in the office of the fire marshal of the district in which the fire lane is located and the office of the police chief.
(Ord. of 2-20-78)

Sec. 7-6. Penalty.

(a) Any person who shall violate any portion of this article or who shall continue any other violation of this article shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined an amount not exceeding \$50.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(b) The parking of motor vehicles upon or otherwise obstructing the fire lane once established is hereby prohibited except for the short-term stopping for pickups and deliveries, as long as the operator of the vehicle is within hailing distance.

(c) Any vehicle parked or disabled in any fire lane may be removed therefrom at the expense of the owner by the direction of the police department of the town.
(Ord. of 2-20-78; Ord. of 6-15-98)

ARTICLE II.

MUNICIPAL FIRE DEPARTMENT*

* **Editors Note:** Ord. of Jan. 21, 2003 amended the Code by adding new provisions to Ch. 7 these provisions were designated as §§ 7.1-1--7.2-1 the editor redesignated these provisions as Art. II, §§ 7-11--7-21.

Sec. 7-11. Authority.

The authority for creation of a municipal fire department for the Town of North Smithfield is found in Article XI, Sec. 3 of the Home Rule Charter.
(Ord of 1-21-03, § 7.1-1)

Sec. 7-12. Fire department established; fire chief.

There is hereby established, within the office of public safety, a municipal fire department.

The head of the department shall be the fire chief, who shall be appointed by the town administrator for an indefinite term, with the advice and consent of the council, and shall be subject to removal in accordance with the provisions of the Charter and ordinances of the town. The chief shall possess such practical experience in the fields of fire fighting, emergency medical services and fire prevention and shall have received such training either in a recognized fire fighting school, or shall have had such practical experience which is the equivalent thereof,

and shall have such further qualifications as the administrator shall submit to the council for approval, by resolution.

(Ord of 1-21-03, § 7.1-2)

Sec. 7-13. Personnel.

In addition to the fire chief, there shall be such other members and employees of such ranks and grades, including volunteers and call firefighters, as shall be determined by the Council upon recommendation of the town administrator and the fire chief.

(Ord of 1-21-03, § 7.1-3)

Sec. 7-14. Appointment and tenure.

All full time members of the fire department below the rank of fire chief shall be appointed or promoted, as the case may be, by the town administrator or the recommendation of the public safety commission, provided they shall have satisfactorily passed such qualifying tests as the council shall have established by resolution. They shall hold their respective offices during good behavior, until vacated by death, resignation or retirement, or until they shall be removed in the manner hereinafter set forth; provided nevertheless, that all members of the fire department shall, at the time of their permanent appointment, have served for a period of not less than 12 months in a probationary status during which probationary period they may be removed at any time by the town administrator upon recommendation of the fire chief, with or without cause.

Provided further, that preference for appointment to the municipal fire department may first be given to such persons as have served in the capacity of firefighters for the North Smithfield Fire/Rescue Services, Inc. and/or its predecessors, provided such prospective appointees meet the requirements established by the fire chief and the town council.

(Ord of 1-21-03, § 7.1-4)

Sec. 7-15. Salaries.

The salaries of the fire chief and of all officers and members of the department shall from time to time be fixed by the council.

(Ord of 1-21-03, § 7.1-5)

Sec. 7-16. Removal for cause.

Except as may otherwise be provided by the laws of Rhode Island any officer or member of the permanent fire department below the rank of fire chief may be removed for cause in the same manner and with the same rights with respect to reinstatement and subject in all respects to the same procedure and rights as to notice and production of testimony as is provided with respect to the removal and reinstatement of town employees in Chapter 13 of the Code of Ordinances.

(Ord of 1-21-03, § 7.1-6)

Sec. 7-17. Causes for removal or disciplinary action.

It shall be the duty of the fire chief to prepare rules and regulations for the conduct of all members of the

department, including appropriate penalties for their violation which, when approved by the council by resolution, shall have the force of law and shall be the basis for removals and other disciplinary action as provided therein. Changes in such rules and regulations shall be made from time to time in the same manner.

(Ord of 1-21-03, § 7.1-7)

Sec. 7-18. Suspension and other disciplinary action.

Except as may otherwise be provided by the laws of Rhode Island and except as may otherwise be provided in any collective bargaining agreement between the town and the certified collective bargaining agent for the members of the permanent fire department, the town administrator and the fire chief shall, in the case of officers and members of the permanent fire department, have the same powers in all respects as are granted to the town administrator and the primary department heads respectively, in the case of town employees with regard to suspension, reduction in rank, and other disciplinary action and the exercise of such powers shall in all respects be subject to the procedures, rights of hearing, and the rights to compel testimony as are provided in the case of other town employees, other than those within the police department who are subject to the provisions of the Law Enforcement Officers' Bill of Rights G.L. (1956) Chapter 42-28.6.

(Ord of 1-21-03, § 7.1-8)

Sec. 7-19. Management of staffing requirements.

The council, notwithstanding any of the foregoing provisions, shall have the right to increase or decrease the number of officers and firefighters in the permanent fire department for the purpose of complying with and remaining within appropriations, currently available for the payment of salaries within the fire department (whether or not there may be other funds available for such salaries), and for such other purposes as the council shall deem to be in the best interest of the town, and for these purposes shall, without making any charges and without cause, have the right to remove such personnel who are members of the permanent fire department. In any such case or cases, the Council shall order the removal of the person or persons having the lowest rank and seniority in service. Any person so removed shall have precedence in the order of seniority over all other candidates for future appointments to the permanent fire department.

(Ord of 1-21-03, § 7.1-9)

Sec. 7-20. Records and statistics as to fires; annual report required.

The chief of the fire department shall keep a record of all fires and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, and of all emergency medical services performed, and all such records shall be public records.

The annual report of the chief of the fire department shall be made on or before the 30th day of November in each year, and transmitted to the director of public safety. It shall contain such statistics as the chief of the fire department may include therein.

(Ord of 1-21-03, § 7.1-10)

Sec. 7-21. Powers of fire department officers at fire; assistance from inhabitants.

The officers of the fire department on duty at a fire shall have the power to suppress any tumult or disorder, and to order all individuals or companies to leave the neighborhood of any fire, medical or other

emergency, and to command from the inhabitants of the town all needful assistance in the suppression of fires, and in the preservation of property exposed to fire. It shall be unlawful for any person to neglect or refuse to render assistance when lawfully called upon to do so by any of said officers at a fire, or to refuse to obey any lawful order of any officer, or to insult, menace or interfere with any officer or man connected with the department while on duty at a fire or medical emergency.
 (Ord of 1-21-03, § 7.1-11)

Secs. 7-22--7-30. Reserved.

ARTICLE III.

FIRE DEPARTMENT PERSONNEL*

* **Editors Note:** Ord. of June 30, 2003 amended the Code by adding new provisions to Ch. 7 these provisions were designated as §§ 7.2-1--7.2-7 the editor redesignated these provisions as Art. III, §§ 7-31--7-37.

Sec. 7-31. Permanent rank.

Permanent rank shall be established within the department, and the line of command therein shall descend, in the manner and form hereinafter prescribed.
 (Ord. of 6-30-03, § 7.2-1)

Sec. 7-32. Department composition.

For the fiscal year 2003/2004, the North Smithfield Fire Department shall be composed of the following officers and personnel:

One	Fire chief
One	Deputy chief
Four	Captains, one of whom shall be designated the fire training officer
Four	Lieutenants, one of whom shall be designated the hazardous materials officer, and one of whom shall be designated the emergency services coordinator
One	Fire marshall, who shall hold the rank of firefighter

Ten	Firefighters, one of whom shall be designated infectious agent control officer
Thereafter the North Smithfield Fire Department shall be composed of:	
One	Fire chief and such other officers, firefighters, dispatchers and personnel as prescribed in:

- (1) The personnel and budget ordinances of the town.
- (2) The rules and regulations of the department.
- (3) Any collective bargaining agreement between the fire department employees and the town.
(Ord. of 6-30-03, § 7.2-2)

Sec. 7-33. General seniority and authority among members.

For the fiscal year 2003/2004, members of the department who were previously employed by North Smithfield Fire & Rescue Service, Inc. shall be determined by the total length of service as a full time paid employee of the corporation. If any such employee has had a break in service, unless caused by military activation, seniority shall be computed from the latest start date with the corporation.

All other employees' seniority shall be based on length of service with this municipal fire department.

Authority among members of the department holding equal rank therein, shall exist only when the same is specifically provided for by law or by rules and regulations.

Thereafter, general seniority and authority among members shall be as provided in:

- (1) Rules and regulations of the department.
- (2) Any collective bargaining agreement between the employees of the fire department and the Town of North Smithfield.
(Ord. of 6-30-03, § 7.2-3)

Sec. 7-34. Salaries.

For the fiscal year 2003/2004, salaries for firefighters shall be as follows:

Fire chief	\$52,596
Deputy chief	\$46,067
Captain	\$40,933
Lieutenant	\$39,533
Firefighter	\$36,370

Thereafter, salaries shall be as provided in the budget ordinance and any collective bargaining agreement between the fire department employees and the Town of North Smithfield.
(Ord. of 6-30-03, § 7.2-4)

Sec. 7-35. Benefits.

Benefits, including vacation, holidays, leave, sick leave, longevity, pension, health care insurance, uniform and allowances shall be according to the ordinances of the town pertaining thereto, rules and regulations of the fire department and by any collective bargaining agreement hereinafter entered into.
(Ord. of 6-30-03, § 7.2-5)

Sec. 7-36. Qualifications for rank.

Deputy chief	Minimum 15 years experience in firefighting and/or rescue service and NFPA certification
Captain	Minimum 10 years employment in firefighting and/or rescue service and NFPA certification 1521
Lieutenant	Minimum 5 years employment in firefighting and/or rescue service and NFPA 1021 certification (or college accredited) Hydraulics, Incident Command and Company Tactics

Firefighters	Must obtain NFPA Firefighter Level 1001 Certification prior to expiration of their probationary period
	At a minimum, all firefighters and officers are required to maintain EMT and CPR qualification.

Whereas, North Smithfield Fire/Rescue Service, Inc. represents that it has not violated any provisions of all applicable employment laws, including, but not limited to Title VII of the Civil Rights Act of 1964 (Title VII), the Equal Pay Act of 1963 (EPA), the Age Discrimination in Employment Act of 1967 (ADEA), Title I and Title V of the Americans with Disabilities Act of 1990 (ADA), the Immigration Reform and Control Act (IRCA) of 1986, and the State Fair Employment Practices Act, Chapter 28-5 of the General Laws, or any other equal employment opportunity acts in effect when any personnel currently employed, were hired, and

Whereas, North Smithfield Fire & Rescue Services, Inc. further represents that to the best of its knowledge it has not engaged in any form of discrimination in any aspect of employment, including, but not limited to: hiring and firing; compensation, assignment, or classification of employees; transfer, promotion, layoff, or recall; job advertisements; recruitment; testing; use of company facilities; training and apprenticeship programs; fringe benefits; pay, retirement plans, and disability leave; or other terms and conditions of employment, and

Whereas, North Smithfield Fire & Rescue Services, Inc. further represents that there are no claims or threatened against it for violating said Fair Employment acts, now therefore,

The Town of North Smithfield shall first offer employment in the municipal service to the employees of North Smithfield Fire/Rescue Service, Inc., at their current respective rank.

The Town of North Smithfield is an equal opportunity employer, and does not discriminate on the basis of race, creed, color, sex, sexual preference, or national origin. Accordingly, all hiring thereafter will be done after written documentation supplied and/or administered by a recognized testing agency.

Any such test shall be in accordance with NFPA Standards for Fire Fighter Professional Qualifications then prevailing.

All applicants for employment must submit to a criminal background (BCI) check and physical examination, in accordance with NFPA Standards for Fire Fighter Professional Qualifications. (Ord. of 6-30-03, § 7.2-7)

Sec. 7-37. Rank and duties.

(a) *Chief of department.* Under the direction of the director of public safety, the chief of department shall have and exclusively exercise, the power and authority, so far as the same may be consistent with law to control, manage, supervise and direct all functions of the department. For such purpose the said chief of department shall be and at all times act as the highest ranking superior officer of the fire force, and all special services and attaches.

The chief shall submit regulations for the general order, discipline and efficacy of the department, for review by the commissioner for public safety, and approval by the town council. Said regulations shall include, but not be limited to:

Rank and Duties

Apparatus and Equipment

Hydrants

Sprinklers

Inspections

Drills and Training

Communications and Alarms

Dispatching

Personnel:

Uniform regulation

Discipline

Records and reports

Minimum manpower levels

Hours of service

Callback

Duties performed out of rank

Safety

Training

(b) *Deputy chief.* The deputy chief shall coordinate and supervise fire prevention, code enforcement, public fire safety education, and other services for the protection of life and property from fire, medical, emergency, or other disaster or exigency.

In the absence of the fire chief the deputy chief shall be in charge of the department, and shall carry out all the duties and assume all the responsibilities of the fire chief as defined herein.
(Ord. of 6-30-03, § 7.2-7)

Secs. 7-38--7-56. Reserved.

ARTICLE IV.

OPEN BURNING*

* **Editors Note:** Ord. of June 20, 2005 amended the Code by adding new provisions to Ch. 7 these provisions were designated as §§ 7.7--7.12 the editor redesignated these provisions as Art. IV, §§ 7-57--7-62.

Sec. 7-57. Open burning prohibited except with permit.

Open burning is hereby prohibited within the town except by permit and in accordance with the terms of the permit issued, the provisions of this article and the applicable state and federal laws and regulations.
(Ord. of 6-20-05, § 7-7; Ord. of 4-19-10, § 7-7)

Sec. 7-58. Permit--Availability.

(a) Permits may be issued for open burning during the period from the Saturday immediately preceding the observed Columbus Day Holiday through and including April 30 of the succeeding year. No permits shall be issued during the period from May 1 through and including the Friday immediately preceding the observed Columbus Day Holiday.

(b) A permit may be issued to the owner of the property lot where the burning is to occur, and no owner, or contiguous lot in common ownership, shall be issued more than two permits in any calendar month within the months when burning is generally permitted.

(c) Each permit shall be issued for one day only. Each permit shall be applied for and issued only on the date to which it applies, that is, the date of the burning. There shall be no fee for the permit.
(Ord. of 6-20-05, § 7-8; Ord. of 4-19-10, § 7-8)

Sec. 7-59. Permit issuance; conditions; revocation.

(a) A permit for the open burning of brush only may be issued by the fire chief (including, in all references to the fire chief hereafter, his designee), of the district in which the property is situated. "Brush" is defined as leaves, twigs, grass and similar matter of an organic nature occurring naturally on the premises for which the permit is issued. No accelerants, including but not limited to gasoline or other fuels, are permitted.

(b) The fire chief shall have the authority and discretion to issue or not to issue any permit, or to apply any reasonable condition to the issuance of the permit. The chief shall take into consideration weather and atmospheric conditions, including DEM advisories, in his determination as to whether to issue a permit or to impose conditions. The chief may also take into account any characteristics of any particular property, its location and structures, before issuing or denying a permit or imposing reasonable conditions to the permit applicable to that property.

(c) The chief, in his sole discretion, may at any time revoke a permit if he believes that such action is in the best interests of the health, safety and welfare of any citizen(s) of the town, and to order immediate extinguishment of any open burning.

(d) All open burning shall be conducted only within the physical presence of a responsible person, with approved fire extinguishing equipment or a garden hose available at all times. Open burning may only be conducted from 8:00 a.m. to 5:00 p.m.

(e) No open burning is permitted within 30 feet of any structure or roadway. "Structure" for the purpose of this article shall refer to any manmade construction, whether permanently affixed to the property or otherwise, including houses, sheds, garages, decks, or other fixtures.
(Ord. of 6-20-05, § 7-9; Ord. of 4-19-10, § 7-9)

Sec. 7-60. Application statement required.

Each applicant shall be required to sign a statement as part of the application:

- a. That he or she is the owner of the land on which the burning is to take place;
- b. That the applicant has not been issued more than two permits within the calendar month for the lot in question, nor for a contiguous lot in his ownership;
- c. That with this application and permit the applicant has received a copy of this article, and of RIGL 2-12-6, regulating open burning near forested areas;
- d. That the applicant understands that the fire chief or his designee may at any time in his discretion revoke the permit and order the extinguishment of the burning if he believes that such action is in the best interests of the health, safety and welfare of any citizen(s) of the town.
- e. That the owner of the property is aware of the conduct of the open burning and shall bear all associated liability for the burning.

(Ord. of 6-20-05, § 7-10; Ord. of 4-19-10, § 7-10)

Sec. 7-61. Violations.

(a) Anyone conducting open burning in violation of this article, or in violation of the permit issued, or making a materially false or misleading statement on the application, shall be subject to a fine of \$100.00 upon the filing with the town clerk of a written statement of the fire chief of the violation(s). This provision shall not otherwise limit the authority of the fire chief or any other official regarding the enforcement of other state or

federal laws or regulations.
(Ord. of 6-20-05, § 7-11; Ord. of 4-19-10, § 7-11)

Sec. 7-62. Exceptions to requirement for permit.

The following types of burning are not prohibited within the town, and do not require a permit, under the conditions outlined below:

- (a) Barbecue equipment, UL listed, when used in a safe manner;
- (b) Recreational fires, when burning clean, dry cord type firewood as in a standard campfire setting. Such a fire must be less than three feet in diameter, attended by a responsible person at all times, with approved fire extinguishing equipment or a garden hose available at all times. The smoke from the fire must not be of noxious quality or amount, and the fire be conducted under safe conditions when weather conditions are not dry, nor when winds exceed 15 mph. No such fire is permitted within 30 feet of any structure or roadway.
- (c) Recreational fires contained in fireplace-like receptacles, clay or other suitable type chimney fireplaces, or in a fire pit or pan made for this purpose. The fire shall be conducted under safe conditions, attended by a responsible person at all times, with approved fire extinguishing equipment or a garden hose available at all times. The smoke from the fire must not be of noxious quality or amount.
- (d) Persons using fires in this section 7-62 for the burning of brush in an attempt to avoid the requirements of sections 7-57 through 7-60 of this article shall be liable for the violation of section 7-61, above.
- (e) The chief, in his sole discretion, may at any time order immediate extinguishment of any fire or burning if he believes that such action is in the best interests of the health, safety and welfare of any citizen(s) of the town.

(Ord. of 6-20-05, § 7-12; Ord. of 4-19-10, § 7-12)

Secs. 7-63--7-71. Reserved.

ARTICLE V.

PLAN REVIEW AND INSPECTION REVIEW FEES*

* **Editors Note:** Ord. of Sept. 15, 2003 amended the Code by adding new provisions to Ch. 7 these provisions were designated as § 7-2-1 the editor redesignated these provisions as Art. V, § 7-2-1.

Sec. 7-72. Plan review and inspection review fees.

- (a) *Plan review fees.* Every request for plan review by the Fire Marshall, pursuant to G.L. (1956) §§ 23-28.34-5 and/or § 23-28.35-1.1 shall be accompanied by the following fees:

Residential structures \$0.15 per interior square foot

Commercial or industrial structures Based upon the cost of construction:

\$500.00 or less \$25.00

Over \$500.00 but not over \$1,000.00 \$35.00

Over \$1,000.00 but not over \$2,000.00 \$45.00

Over \$2,000.00 but not over \$500,000.00 \$45.00+

(Plus \$6.00 per \$1,000.00 or fraction thereof over \$2,000.00)

Over \$500,000.00 \$3,033.00+

(Plus \$4.00 per \$1,000.00 or fraction thereof over \$500,000.00)

(b) *Smoke and carbon monoxide detector inspections.* Every request for smoke and carbon monoxide detector inspections shall be accompanied by a fee of \$30.00.
(Ord. of 9-15-03, § 7-2-1)