

RESOLUTION 05-122

A RESOLUTION ESTABLISHING THE DIVISION OF FIRE PREVENTION UNDER THE FRANKLIN COUNTY OFFICE OF EMERGENCY MANAGEMENT AND THE POSITION OF FIRE MARSHAL AND ADOPTING THE FRANKLIN COUNTY FIRE POLICY

WHEREAS, the Board of County Commissioners is committed to the health, safety and general welfare of the citizens of Franklin County; and

WHEREAS, the Board of County Commissioners desires to create a division of fire prevention to assist citizens and rural volunteer fire departments to raise awareness about the dangers of fire and prevent injuries and losses from fire; and

WHEREAS, the Office of Emergency Management is the appropriate entity to supervise and carry out the mission of the division of fire prevention,

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, KANSAS:

1. The Division of Fire Prevention is hereby created as a subdivision of the Franklin County Office of Emergency Management.

2. The Director of Emergency Management or his designee shall serve as the Franklin County Fire Marshal. The Fire Marshal shall be an administrative employee ultimately reporting to the County Administrator.

3. The attached Franklin County Fire Policy is hereby incorporated by reference and adopted in total.

This resolution shall take effect and be in force upon its adoption by the Board and publication in the official county newspaper.

Adopted on this 5th day of December, 2005.

Franklin County Board of Commissioners

/s/ Donald R. Stottlemire

Donald R. Stottlemire, Chairman

/s/ Shari Perry

Shari Perry, County Clerk

## FRANKLIN COUNTY FIRE POLICY

**1. General.** The division of fire prevention is established within the jurisdiction under the direction of the Fire Marshal and Office of Emergency Management. The function of the department shall be the implementation, administration and enforcement of the provisions of this policy.

**2.1 Appointment.** The Fire Marshal shall be appointed by the County Administrator upon the advice of the Director of Emergency Management; the Fire Marshal is an at will employee and may be terminated at any time for any reason.

**2.2 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the County Administrator, the Fire Marshal shall have the authority to appoint a deputy fire marshal, other related technical officers, and inspectors and other employees.

**2.3 Liability.** The Fire Marshal, officer or employee charged with the enforcement of this policy, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

**2.4 Identification.** The Fire Marshal shall carry proper identification when inspecting structures or premises in the performance of duties under this policy.

**3.1 Fire investigations.** The Fire Marshal in cooperation with the Sheriff's Department or other responsible authority shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets or processes shall not be made part of the public record except as directed by a court of law.

**3.2 Assistance from other agencies.** The Sheriff's Department and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires when requested to do so.

**3.3 Notices and orders.** The Fire Marshal is authorized to issue such notices or orders as are required to affect compliance with this policy.

**4.1 Franklin County Fire Code.** The Fire Marshal is authorized, in cooperation with the Franklin County Planning and Building Department to assist in the review and enforcement of the currently adopted or hereafter adopted Fire Code.