

CHAPTER SEVEN

FIRE PROTECTION AND EMERGENCY VEHICLES

ARTICLE ONE

GENERAL PROVISIONS

7-101. Volunteer fire departments; recognition and authority. Inasmuch as there is currently existing in the Town of Sutton a volunteer fire department known as the Sutton Volunteer Fire Department which is duly incorporated and properly functioning, the Town of Sutton hereby recognizes that the said Sutton Volunteer Fire Department does provide competent and sufficient protection for persons and property against fire, natural disaster, and other emergency or hazardous conditions within the corporate limits of the town. Therefore, the town hereby confers upon the Chief Marshall, Assistant Marshall, and all other duly elected service officers of the Sutton Volunteer Fire Department all the powers, rights, and privileges as are necessary and customary to ensure that said protection is promptly and efficiently provided in all such instances. Said powers, rights, and privileges may also be conferred upon the duly elected service officers of any other properly organized and functioning volunteer fire department which is shown to provide such protection within the corporate limits, at the discretion of the council.

7-102. Responsibility of the town in the absence of a volunteer fire department. In the event that the existing volunteer fire department shall be dissolved or shall otherwise cease to function effectively for any reason, or if there be no volunteer fire department within the corporate limits of the town, it shall be the duty of the council to take any and all action necessary to provide such protection to the persons and property within the town. Said action may consist of financial aid or other assistance to the formation of a volunteer fire department, or the formation of a city fire department, or whatever other measures may be deemed feasible and proper, at the discretion of the council.

7-103. Duties of police officers in case of fire or other emergency. It shall be the duty of the police officer on duty at the time, and of any other police officer who may be in the vicinity of any fire or other emergency, to render such assistance as the Chief Marshall or other duly constituted fire

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officer may require in directing traffic, arranging fire or emergency vehicles and equipment, helping to combat said fire or other emergency, and in preserving order and protecting persons and property.

7-104. Reporting of fire hazards. If at any time it shall come to the attention of the council that any building or other structure shall constitute a danger to the public safety by reason of fire hazard, it shall be the duty of the council to report the same to the State Fire Marshall promptly and without delay.

7-105. Repair and maintenance of fire hydrants. Upon the recommendation of the Sutton Volunteer Fire Department and the Committee on Police and Fire Protection, the council shall take under consideration the repair, improvement, replacement, or installation of fire plugs or hydrants as may be deemed necessary to provide effective fire protection within the town.

7-106. Failure of officers to perform required duties; penalties. If any of the afore-named officers shall fail to perform any duty required of him by this article, or shall violate any of its provisions, he shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars for each neglect or violation; provided, however, that this section shall not apply to members of the Sutton Volunteer Fire Department nor their officers as mentioned in Section 7-101 of this article.

7-107. Obstructing or hindering officers; penalties. If any person shall willfully obstruct or hinder the Chief Marshall, any member of the fire department, or any officer of the town assisting said fire department, in the performance of his duty at any fire or other emergency or in going to any such fire or other emergency, such person shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than one hundred dollars, or imprisonment, in the discretion of the court.

7-108. Obstructing fire hydrants; penalties. If any person shall obstruct any fire plug or hydrant, or prevent or delay access thereto by placing or leaving any boxes, goods, materials, or other obstructions on any street or alley within ten feet of such fire hydrant, he shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars for each instance.

7-109. Right-of-way of emergency vehicles; penalties. The driver of an authorized emergency vehicle, as defined in this code, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

The driver of an authorized emergency vehicle may: (1) Park or stand, irrespective of the provisions of Chapter Ten of this code; (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation; (3) Exceed the speed limits so long as he does not endanger life or property; (4) Disregard regulations governing direction of movement of turning in specified directions.

The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted flashing lamp as authorized by the laws of the State of West Virginia. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

If any person fail or refuse to yield right-of-way to any such authorized emergency vehicle as provided in this section and Section 309 of Chapter 10 of this code, he shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than one hundred dollars for each such instance.

7-110. Gasoline trucks, penalties. No person shall operate or park any tank truck containing gasoline or other flammable liquid within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of said gasoline or other liquid. Any person who violates the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars; and payment of said fine shall not be held to prevent the enforced removal of such tank truck under the direction of a police or fire official.

7-111. False emergency alarms; penalties. It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, explosion or impending danger of explosion, or of need for police or ambulance assistance, or to aid or abet in the commission of such an act. Any person who violates the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than one hundred dollars for each such offense.

7-112. Damage or removal of equipment, penalties. It shall be unlawful for any person to damage, remove, or aid in impairment or removal from any building or vehicle containing the same, any part of the apparatus, machine, tools, or equipment kept for the purpose of extinguishing fires, whether the same be in the possession of or belonging to any volunteer fire department within the town, or in the possession of or belonging to the town, unless he be authorized so to do. Any person violating this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than five nor more than one hundred dollars and may in the discretion of the court be imprisoned not more than thirty days in addition to such fine.