

**THE FOURTH CLASS CITY ACT (EXCERPT)**  
**Act 215 of 1895**  
Chapter XXIX  
FIRE DEPARTMENT.

**109.1 Fire protection; ordinances and regulations; fire department, establishment.**

Sec. 1.

The council of any city shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employes, firemen and officers thereof; and for the care and management of the engines, apparatus, property and buildings pertaining to the department; and prescribing the powers and duties of such employes, firemen and officers.

**History:** 1895, Act 215, Eff. Aug. 30, 1895 ;-- CL 1897, 3277 ;-- CL 1915, 3199 ;-- CL 1929, 2123 ;-- CL 1948, 109.1

**109.2 Fire equipment; water supply.**

Sec. 2.

The council may purchase and provide suitable fire engines and such other apparatus, instruments and means for the use of the department as may be deemed necessary for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds and other suitable places in the city; and make all necessary provisions for a convenient supply of water for the use of the department.

**History:** 1895, Act 215, Eff. Aug. 30, 1895 ;-- CL 1897, 3278 ;-- CL 1915, 3200 ;-- CL 1929, 2124 ;-- CL 1948, 109.2

**109.3 Fire houses.**

Sec. 3.

The council may also provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams and fire apparatus of the department.

**History:** 1895, Act 215, Eff. Aug. 30, 1895 ;-- CL 1897, 3279 ;-- CL 1915, 3201 ;-- CL 1929, 2125 ;-- CL 1948, 109.3

**109.4 Fire chief; duties; assistants.**

Sec. 4.

The engineer of the fire department shall be the chief of the department, and, subject to the direction of the mayor, shall have the supervision and direction of the department and the care and management of the fire engines, apparatus and property, subject to such rules and regulations as the council may prescribe. And the council may appoint such assistant engineers and other officers of the department as may be necessary.

**History:** 1895, Act 215, Eff. Aug. 30, 1895 ;-- CL 1897, 3280 ;-- CL 1915, 3202 ;-- CL 1929, 2126 ;-- CL 1948, 109.4

#### **109.5 Fire chief; power to command aid at fire; refusal, penalty.**

##### **Sec. 5.**

The chief of the fire department, or other officer acting as such, may command any person present at a fire to aid in the extinguishment thereof and to assist in the protection of property thereat. If any person shall wilfully disobey any such lawful requirement or other lawful order of any such officer he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for a period not exceeding 90 days, or by a fine not exceeding 100 dollars, or by both such fine and imprisonment, in the discretion of the court.

**History:** 1895, Act 215, Eff. Aug. 30, 1895 ;-- CL 1897, 3281 ;-- CL 1915, 3203 ;-- CL 1929, 2127 ;-- CL 1948, 109.5

#### **109.6 Fire wardens; appointment, duties.**

##### **Sec. 6.**

The council may provide by ordinance for the appointment of, and may appoint, such number of fire wardens as may be deemed necessary; and for the examination by them, from time to time, of the stoves, furnaces and heating apparatus and devices in all the dwellings, buildings and structures within the city; and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe with respect to fire to be put in a safe condition.

**History:** 1895, Act 215, Eff. Aug. 30, 1895 ;-- CL 1897, 3282 ;-- CL 1915, 3204 ;-- CL 1929, 2128 ;-- CL 1948, 109.6

#### **109.7 Fire ordinances; limits on wooden structures, construction, regulation; escapes.**

##### **Sec. 7.**

The council may prescribe by ordinance, from time to time, limits of districts within the city within which wooden buildings and structures shall not be erected, placed, enlarged or repaired; and to direct the manner of constructing buildings within such districts, with respect to protection against fire and the material of which the outer walls and roofs shall be constructed. The council may provide by ordinance for proper fire escapes on buildings and compel the owners or occupants thereof to construct and maintain the same.

**History:** 1895, Act 215, Eff. Aug. 30, 1895 ;-- CL 1897, 3283 ;-- CL 1915, 3205 ;-- CL 1929, 2129 ;-- CL 1948, 109.7

#### **109.8 Trades within certain districts prohibited; combustibles, regulation.**

##### **Sec. 8.**

The council may also prohibit within such places or districts as they shall deem expedient, the location of shops; the prosecution of any trade or business; the keeping of lumber yards; and the storing of lumber, wood or other easily inflammable material, in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils and other combustible and explosive substances and the use of lights in buildings; and generally, may pass and enforce such ordinances and regulations as they may

deem necessary for the prevention and suppression of fires.

**History:** 1895, Act 215, Eff. Aug. 30, 1895 ;-- CL 1897, 3284 ;-- CL 1915, 3206 ;-- CL 1929, 2130 ;-- CL 1948, 109.8

#### **109.9 Prohibited structure; nuisance, abatement.**

##### **Sec. 9.**

Every building or structure which may be erected, placed, enlarged, repaired or kept, in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.

**History:** 1895, Act 215, Eff. Aug. 30, 1895 ;-- CL 1897, 3285 ;-- CL 1915, 3207 ;-- CL 1929, 2131 ;-- CL 1948, 109.9

#### **109.10 Compensation of officers, fire fighters, and employees; compensation for injuries.**

##### **Sec. 10.**

The officers, fire fighters, and employees of the department shall receive compensation as the council may provide. The council may provide suitable compensation for an injury to person or property which a fire fighter receives in consequence of the performance of the fire fighter's duty at a fire.

**History:** 1895, Act 215, Eff. Aug. 30, 1895 ;-- CL 1897, 3286 ;-- CL 1915, 3208 ;-- CL 1929, 2132 ;-- CL 1948, 109.10 ;-- Am. 1978, Act 14, Imd. Eff. Feb. 8, 1978

#### **109.11 Destruction of buildings at fires; damages, settlement; jury trial.**

##### **Sec. 11.**

The engineer in charge of the department at any fire, with the concurrence of the mayor or any 2 aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of the fire. Whenever any building is so pulled down or destroyed, any person having an interest in such building may present his claim for damages to the council of such city, and it shall thereupon be the duty of the council to pay such claimant such damages as may be just under all the circumstances, taking into consideration the fact whether or not such loss would probably have occurred to such building if it had not been pulled down or destroyed, and whether the same was insured or not. If the council and such claimant shall not be able to agree upon the amount of damages to be paid such claimant, then the amount of such damages shall be ascertained by the appraisal of a jury, to be selected in the same manner as in cases of juries to appraise damages for taking private property for public use. Such jury may visit the premises and hear all the proofs in the case, and shall allow such claimant such amount of damages as they may deem proper under all the circumstances, as above stated. If such jury shall not be able to agree, a new jury shall be impaneled, as above provided, until a jury has been obtained that shall agree; and the city shall pay such claimant the amount of damages fixed by such jury. There shall be no appeal from the verdict of such jury, either by the city or any claimant.

**History:** 1895, Act 215, Eff. Aug. 30, 1895 ;-- CL 1897, 3287 ;-- CL 1915, 3209 ;-- CL 1929, 2133 ;-- CL 1948, 109.11

#### **109.12 Harbor fire ordinances.**

Sec. 12.

The council of any city located upon any of the navigable waters of the state may, by ordinance, prescribe such regulations to be observed by owners, masters and employes of steamboats and water craft as may be necessary for the prevention of fires in the harbor, and to prevent the communication of fire from such boats and craft; and may prescribe in such ordinances the manner of collecting any penalties imposed thereby.

**History:** 1895, Act 215, Eff. Aug. 30, 1895 ;-- CL 1897, 3288 ;-- CL 1915, 3210 ;-- CL 1929, 2134 ;-- CL 1948, 109.12