

First Read: Regular Meeting: September 14, 2026

ORDINANCE NO. 2026- 12

**AN ORDINANCE OF THE
CITY OF FAIRFIELD BAY, ARKANSAS,
ESTABLISHING THE POSITION OF
FIRE MARSHAL FOR THE CITY OF FAIRFIELD BAY;
AMENDING THE MUNICIPAL CODE;
DECLARING AN EMERGENCY;
AND FOR OTHER PURPOSES**

WHEREAS, The City of Fairfield Bay has had a Fire Marshal by administrative appointment of the Chief of the Fairfield Bay Fire Department for a number of years; and

WHEREAS, The Chief of the Fire Department asks the City to create formally the position of Fire Marshal, provide requisite authorities, and establish requirements to hold the position; and

WHEREAS, The State of Arkansas authorizes the establishment of a Municipal Fire Marshal in Cities of the first class (Arkansas Code Annotated Section 14-53-112); and

WHEREAS, The 2021 Arkansas State Fire Prevention Code requires every city to have a "Fire Code Official" charged with the administration and enforcement of the Arkansas Fire Prevention Code (2021 Arkansas State Fire Prevention Code, Volume 1 (Fire), Chapter 2, Section 201); and

WHEREAS, The State of Arkansas also provides that "[c]ertified fire departments and their firefighters shall have the authority to do all acts reasonably necessary to extinguish fires and protect life and property from fire." (Arkansas Code Annotated Section 20-22-807, Act 837 of 1986);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF FAIRFIELD BAY, ARKANSAS, that:

1. **Findings and Conclusions:** The City Council for the City of Fairfield Bay, Arkansas, hereby finds and concludes that the Fairfield Bay Fire Department, and its Chief, request creation of the position of Fire Marshal for the City of Fairfield Bay to comply with the requirements of the 2021 Arkansas State Fire Prevention Code (previously adopted by the City of Fairfield Bay); that creation of the position of Fire Marshal will enhance responsibility for detection and prevention of arson, enforcement of laws relating to arson and other burning, and enforcement of city and state fire prevention codes. This Ordinance is meant to help ensure consistent

enforcement, improve the City's "ISO" rating (Insurance Service Office rating, sometimes also known as a "Public Protection Classification" score), support economic development, increase professionalism in the Fire Department, and create a legally sufficient framework for enforcement efforts. The City Council finds and concludes that this Ordinance is reasonably necessary to protect life and property from fire in the City of Fairfield Bay, Arkansas.

2. **Office Established:** The City of Fairfield Bay hereby creates the position of Fire Marshal in the Fairfield Bay Fire Department. The Fairfield Bay Fire Marshal shall be the "Fire Code Official" identified in the Arkansas State Fire Prevention Code, for the City of Fairfield Bay.
3. **Duties Generally:** The Fairfield Bay Fire Marshal shall be the person primarily responsible for the detection and prevention of arson, the enforcement of laws relating to arson and other burning, and enforcement of the City and State Fire Prevention Codes, as set forth herein.
4. **Qualifications and requirements:** In order to be appointed by the City of Fairfield Bay as its Fire Marshal:
 - a. The Fairfield Bay Fire Marshal shall have successfully completed an eighty-hour course on fire and arson investigation offered by the National Fire Academy, or the Arkansas Fire Training Academy, or an equivalent course.
 - b. The Fairfield Bay Fire Marshal shall have completed at least a one-week fire safety inspection class offered by the National Fire Academy or the Arkansas Fire Training Academy, or an equivalent class.
5. **Authority:** The Fire Marshal is authorized and empowered, and shall have authority, to do any and all of the following, among other authorities:
 - a. Enforce the Arkansas Fire Prevention Code.
 - b. Enforce the Fairfield Bay Municipal Code, and any Fairfield Bay Municipal Ordinance, including and explicitly fire-safety provisions of the Municipal Code and Ordinances.
 - c. Conduct inspections of all regulated occupancies.
 - d. Review fire protection plans.
 - e. Issue notices of violations and orders to correct deficiencies, and give time frames for resolutions of violations and deficiencies.
 - f. Issue stop-work orders for unsafe conditions.
 - g. Administer fire-safety permits and fees as authorized by state and municipal law.

- h. Investigate fire origins and causes.
 - i. Maintain official inspection records.
 - j. Appoint subordinates to assist in carrying out these duties.
 - k. Request that the Police Department issue citations appropriate to enforce any notice of violation or order of the Fire Marshal.
- 6. **Vacancy:** During any period of vacancy of the Fairfield Bay Fire Marshal, the Chief of the Fairfield Bay Fire Department shall fulfill the duties of "Fire Code Official" pursuant to the Arkansas State Fire Prevention Code, and further shall have all of the authority set forth herein for the Fairfield Bay Fire Marshal.
- 7. **Appointment:** The Chief of the Fairfield Bay Fire Department shall recommend to the Mayor someone to fill the position of Fire Marshal; the Mayor shall nominate someone to fill this position, and submit the nominee to the City Council for its approval. The City Council shall appoint the City Fire Marshal by approving or disapproving any nominee by majority vote of the City Council at any regular or special meeting of the City Council.
- 8. **Term of office:** The City Fire Marshal shall be treated as an "at-will" employee of the City of Fairfield Bay, Arkansas, subject to removal with or without cause, at any time, and with or without advance notice. The Mayor shall have the power and authority to remove the Fire Marshal, with or without cause, at any time, and with or without advance notice. The Chief of the Fairfield Bay Fire Department shall have the power and authority to remove the Fire Marshal, with or without cause, at any time, and with or without advance notice. The appointment of any police officer as the City Fire Marshal shall not change the terms of employment of any police officer, who shall remain an employee at-will, subject to the same terms and conditions of employment as any other police officer in the City of Fairfield Bay; a police officer may only be appointed to this position with previous approval by the Chief of Police. A Fire Marshal shall not be treated as a Department Head under state law, nor under the Municipal Code and Ordinances of the City of Fairfield Bay. A volunteer serving as Fire Marshal without pay shall be subject to the same terms and conditions set forth above, i.e., as an at-will volunteer, removable at any time, with or without cause, and with or without advance notice.
- 9. **MUNICIPAL CODE AMENDED:** The Municipal Code of the City of Fairfield Bay, be, and it is hereby, AMENDED, by adding the foregoing paragraphs, in accordance with the codifier's usual practice, accordingly.
- 10. **NOT TO BE CODIFIED:** The person first appointed Fire Marshal in 2026, within the first sixty (60) days after appointment by vote of the City Council, shall

recommend an inspection and permitting program to the Chief of the Fairfield Bay Fire Department, the Mayor, and the City Council, including recommendations to amend the Municipal Code, and to enact additional Ordinance(s) necessary to put the program into effect, if any.

11. NOT TO BE CODIFIED: RATE OF PAY: The rate of pay of any municipal employee who is appointed as Fire Marshal, shall be as set forth in the annual municipal Budget for the City of Fairfield Bay, as amended from time to time; the Fire Marshal may also serve as a volunteer. At the discretion of the Chief of the Fire Department, and subject to the annual Budget, as amended from time to time, a volunteer serving as Fire Marshal may be eligible for a stipend in lieu of mileage reimbursement, such as that provided to the station managers for the Fire Department.

12. NOT TO BE CODIFIED: EMERGENCY CLAUSE: Because of the potential danger to public peace, health, safety, and welfare that may result from the lack of sufficient authority for a City Fire Marshal, AN EMERGENCY IS HEREBY DECLARED TO EXIST, and this Ordinance being necessary for the peace, health, safety, and general welfare of the City and its Citizens, **IT SHALL BE IN FULL FORCE AND EFFECT on October 31, 2026, at 11:59 p.m. local time, and after that date.**

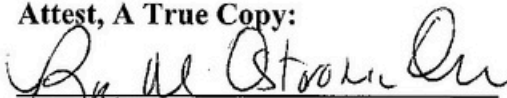
13. NOT TO BE CODIFIED: SEVERABILITY CLAUSE: If any provision of this Ordinance, or the application thereof, to any person or circumstance is held invalid for any reason, such invalidity shall not affect other provisions or applications of this Ordinance, which shall be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

PASSED, ORDAINED, AND APPROVED by the City Council for the City of Fairfield Bay, Arkansas, on this 12 Day of October, 2026.



Honorable Seth J. Connell, Mayor
City of Fairfield Bay, Arkansas

Attest, A True Copy:



Honorable Rose M. Ostronic Owen,
Recorder-Treasurer

Prepared: A.J. Kelly,
City Attorney
Rev2: 9/14/26