

CHARTER OF THE CITY OF SAN DIEGO

Section 58

1. Original Charter section approved by voters April 7, 1931

Section 58. FIRE DEPARTMENT. The Fire Department shall consist of a Chief of the Fire Department, an Assistant Chief of the Fire Department, and such battalion chiefs, captains, lieutenants, firemen, and other officers and employees as the Council may by ordinance prescribe. All members of the Fire Department at the time this Charter takes effect shall be retained and shall only be removed for cause as otherwise provided herein.

The Chief of the Fire Department shall be appointed by the Manager and the appointment shall be confirmed by a majority of the Council, provided, however, that the Chief may be removed by the Manager at any time in the manner provided for in Section 30 of Article V of this Charter. In appointing the Chief of the Fire Department, the Manager shall make his selection preferably from the ranks of the active members of the Fire Department with a rank of not less than that of battalion chief.

The Chief of the Fire Department, with the approval of the Manager, shall direct and supervise the personnel, have charge of the property and equipment of the Department, and exercise all powers and duties provided by general laws or by ordinance of the Council. All appointments to the Fire Department shall be made in accordance with the Civil Service provisions of this charter from applicants not less than twenty-one nor more than thirty years of age. After appointment members of the Fire Department shall not be subject to the Civil Service provisions of this Charter and promotions, demotions, suspensions and dismissals from the Fire Department shall be made in accordance with fixed rules and regulations of a Merit System established by the Chief of the Fire Department, and approved by ordinance of the Council; provided, however, that any member who has been dismissed, demoted or suspended, other than the Chief, may, within five days from the effective date of the order of such dismissal, demotion or suspension, appeal to the Civil Service Commission of the City, who after proper notice, shall conduct a public hearing at which the Commission shall have power to determine the justice of such order of dismissal, demotion or suspension, and may affirm, modify or refuse such order. The action of said Commission on such hearing shall be final and conclusive.

It shall be the duty of the Chief of the Fire Department to superintend the prevention and extinguishment of fires, establish rules and regulations for the operation and control of the Fire Department and provide penalties for the violation thereof, exercise full power and authority over all appropriations made for the use of the Fire Department, subject to the approval of the Manager.

The uniformed force of the San Diego Fire Department shall be divided into two divisions—one to perform duty days and one to perform duty nights. The day shift shall perform duty for a consecutive period of ten (10) hours, and the night shift for a consecutive period of fourteen (14) hours, except on change of shifts, when each shift shall alternately stand duty for a period of twenty-four (24) hours while the opposite shift is off duty, and such change of shift shall be made every third day, except in cases of emergency. The Chief, however, with the approval of the Manager, may change the hours of work, and the time of shifts above described, for the purpose of improving the working conditions of the members and the efficiency of said department, but no change shall be made which will impose additional burdens upon the members of said department or materially affect the double platoon system. The Chief shall have all power and authority necessary for the operation and control of the Fire Department and the protection of the lives and property of the people of the City from fire.

The Chief of the Fire Department shall appoint a Superintendent who shall be in charge of the Fire and Police Alarm Telegraph system, a Fire Marshal who shall be in charge of the Department of Fire Prevention, a Secretary who shall be in charge of the Department of Records and Supplies, a Surgeon who shall be in charge of the Medical Department and a Master Mechanic who shall be in charge of the Fire Department Repair Shop. There shall also be maintained a Fire Department Drill and Training School.

During the absence or inability of the Chief of the Fire Department to perform the duties of his office, the Assistant Chief of the Fire Department shall perform all the duties of the Chief of the Fire Department, and if the Assistant Chief is absent or unable to perform the duties of the Chief, then the battalion chief in charge shall perform all the duties of the Chief of the Fire Department.

2. Amendment voted 11-06-1956; effective 01-10-1957

Section 58. FIRE DEPARTMENT. The fire Department shall consist of a Chief of the Fire Department and such other officers, members and employees as the Council may from time to time prescribe by ordinance. All members of the Fire Department at the time this Charter takes effect shall be retained and shall only be removed for cause as otherwise provided herein.

The Chief of the Fire Department shall be appointed by the City Manager and the appointment shall be confirmed by a majority of the Council, provided, however, that the Chief of the Fire Department may be removed by the City Manager at any time in the manner provided for in Section 30 of the Article V of this Charter. In appointing the Chief of the Fire Department, the City Manager shall make his selection preferably from

the ranks of the active members of the Fire Department with a rank of not less than that of battalion chief.

The Chief of the Fire Department, with the approval of the City Manager, shall direct and supervise the personnel, have charge of the property and equipment of the Department, and exercise all powers and duties provided by general laws or by ordinance of the Council. All appointments to the Fire Department shall be made in accordance with the Civil Service provisions of this Charter from applicants not less than twenty-one nor more than thirty years of age. After appointment members of the Fire Department shall not be subject to the Civil Service provisions of this Charter and promotions, demotions, suspensions and dismissals from the Fire Department shall be made in accordance with fixed rules and regulations of a Merit System established by the Chief of the Fire Department and approved by ordinance of the Council; provided, however, that any member who has been dismissed, demoted or suspended, other than the Chief of the Fire Department, may within five days from the effective date of the order of such dismissal, demotion or suspension, appeal to the Civil Service Commission of the City, who after proper notice, shall conduct a public hearing at which the Commission shall have power to determine the justice of such order of dismissal, demotion or suspension, and may affirm, modify or refuse such order. The action of said Commission on such hearing shall be final and conclusive.

It shall be the duty of the Chief of the Fire Department to superintend the prevention and extinguishment of fires, establish rules and regulations for the operation and control of the Fire Department and provide penalties for the violation thereof, exercise full power and authority over all appropriations made for the use of the Fire Department, subject to the approval of the City Manager.

The uniformed force of the San Diego Fire Department shall be divided into two divisions – one to perform duty days and one to perform duty nights. The day shift shall perform duty for a consecutive period of ten (10) hours, and the night shift for a consecutive period of fourteen (14) hours, except on change of shifts, when each shift shall alternately stand duty for a period of twenty-four (24) hours while the opposite shift is off duty, and such change of shift shall be made every third day, except in cases of emergency. The Chief of the Fire Department, however, with the approval of the City Manager, may change the hours of work, and the time of shifts above described, for the purpose of improving the working conditions of the members and the efficiency of said department, but no change shall be made which will impose additional burdens upon the members of said department or materially affect the double platoon system. The Chief of the Fire Department shall have all power and authority necessary for the

operation and control of the Fire Department and the protection of the lives and property of the people of the City from fire.

The City Manager, with the approval of the Council, shall have the power to contract with a physician and surgeon, licensed to practice in the State of California, to perform the duties of Fire Surgeon and to provide all medical services necessary for the operation of the Fire Department.

3. Amendment voted 09-17-1963; effective 02-11-1964

Section 58. FIRE DEPARTMENT. The Fire Department shall consist of a Chief of the Fire Department and such other officers, members and employees as the Council may from time to time prescribe by ordinance.

The Chief of the Fire Department shall be appointed by the City Manager and the appointment shall be confirmed by a majority of the Council, provided, however, that the Chief of the Fire Department may be removed by the City Manager at any time in the manner provided for in Section 30 of Article V of this Charter. The Chief of the Fire Department shall have all power and authority necessary for the operation and control of the Fire Department and the protection of the lives and property of the people of the City from fire.

The Chief of the Fire Department, with the approval of the City Manager, shall direct and supervise the personnel. After appointment members of the Fire Department shall not be subject to the Civil Service provisions of this Charter and promotions, demotions, suspensions and dismissals from the Fire Department shall be made in accordance with fixed rules and regulations of a Merit System established by the Chief of the Fire Department and approved by ordinance of the Council; provided, however, that any member who has been dismissed, demoted or suspended, other than the Chief of the Fire Department, may within five days from the effective date of the order of such dismissal, demotion or suspension, appeal to the Civil Service Commission of the City, which after proper notice, shall conduct a public hearing at which the Commission shall have power to determine the justice of such order of dismissal, demotion or suspension, and may affirm, modify or refuse such order. The action of said Commission on such hearing shall be final and conclusive.

4. Amendment voted 11-06-1973; effective 12-07-1973

See current Charter.

(Section 58 is modified by contrary language in section 265(b) effective 01-01-2006.)