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July 9, 1951  
Op. No. 51-185

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ARIZONA ATTORNEY GENERAL

Mayor Henry G. Marquez  
Clifton, Arizona

Dear Mayor Marquez:

This is in reply to your letter of June 29, 1951. This letter came to my desk too late to formulate an opinion and get the answer to you on or before July 3, as requested. We have assumed that there is likely to be a continuation of your troubles unless properly corrected. For that reason we are answering at this date.

The duties of the common council of the town are enumerated in Section 16-207, as amended by Chapter 111 of the Session Laws of 1949. The part that pertains to fire department, its employees, etc., is part of Part 7 of Section 16-207, which reads as follows:

"7. To provide regulations for the prevention and extinguishment of fires; \* \* \* "

Part 28 provides:

"28. To make, amend or repeal, all ordinances necessary or proper for the carrying into effect of the powers vested in the corporation, or any department or officer thereof; \* \* \* "

Section 16-220 provides for the officers of the city to be appointed by the mayor and council; among them is a fire chief and such other officers and employees as the council may deem necessary and advisable.

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Section 16-221 provides for the appointment and removal of all city officers, board members and employees not expressly made elective, to fix their salaries, also to prescribe and fix the duties of such officers, board members or employees.

We are of the opinion that the city council has the right to appoint and discharge firemen and pre-  
scribe their duties. We failed to find any provision for voluntary firemen within towns or cities.

If you have no ordinance prescribing the duties of firemen, we suggest you have the city attorney write an ordinance for you that will regulate the actions of the various firemen.

We trust that we have given you some help but if there should be some other specific question that is still bothering you, we would be glad to assist you in that.

Very truly yours,

FRED O. WILSON  
Attorney General

CHAS. ROGERS  
Assistant Attorney General

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