

Introduced by: City Manager Healy  
 Date: February 8, 2005  
 Public Hearing: February 22, 2005  
 Action: Postponed to March 22 meeting  
 Vote: Unanimous

Motion to Substitute:  
 Maker of Motion: Pippel  
 Second: Wood  
 Date: March 22, 2005  
 Action: Adopted  
 Vote: Unanimous

## CITY OF PALMER, ALASKA

### ORDINANCE NO. 05-008 (SUBSTITUTE)

#### AN ORDINANCE AMENDING CHAPTER 2.24 (FIRE DEPARTMENT) OF THE PALMER MUNICIPAL CODE

#### THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be of a permanent nature and shall become a part of the City of Palmer Code of Ordinances.

Section 2. Severability. If any provisions of this ordinance, or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Chapter 2.24 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

#### **Chapter 2.24**

#### **FIRE DEPARTMENT PALMER EMERGENCY SERVICES**

##### **Sections:**

- 2.24.010 Creation - Object
- 2.24.020 Officers – Appointment
- 2.24.030 Fire Chief – Powers and Duties
- 2.24.040 Membership
- 2.24.050 ~~Chief of police assistance duty~~
- 2.24.060 ~~Insignia Issuance~~
- 2.24.070 050 Mutual Aid Agreements
- 2.24.080 Social Officers
- 2.24.090 060 Equipment
- 2.24.100 ~~Charges for burning of grass, brush, etc~~

**2.24.010 Creation-Object.**

~~A department, hereafter known as Palmer Emergency Services~~ is established as a department of the city to provide, without limitation, fire prevention and suppression, fire investigation, and fire code enforcement services, or other services, the object of which shall be the ~~prevention of fire,~~ protection of life and property within the limits of the city; and, subject to ~~contractual arrangements~~ contracts and the limitations of availability of personnel and equipment, outside the limits of the city.

**2.24.020 Officers – Appointment.**

- A. The department shall consist of a Fire Chief appointed by the City Manager, and of assistant chiefs and other officers personnel as the City Manager Fire Chief may deem necessary for the effective operation of the department.
- B. The Fire Chief will manage the budget, operation and personnel of the fire department Palmer Emergency Services, and shall have the demonstrated ability to command personnel. The Fire Chief shall be technically qualified by training and experience, and shall be certified as the state or city may require.
- BC. ~~The Fire Chief shall be appointed by the city manager and serve at his the manager's pleasure serves at the pleasure of the City Manager. The Fire Chief shall be technically qualified by training and experience and shall have the ability to command men and hold their respect and confidence. He~~ The Fire Chief upon involuntary termination from employment shall have the right to a public hearing before the city council concerning the cause of his removal regarding cause for the termination.
- CD. ~~The Fire Chief shall be~~ is responsible to the City Manager ~~only,~~ and shall make ~~such written and verbal~~ reports as of the kind and to whom the City Manager may require.
- DE. ~~The Assistant chiefs and all other department and company officers personnel shall be appointed by~~ are subordinate to the Fire Chief. ~~subject to the approval of the city manager .~~ The Fire Chief has delegated authority to appoint, direct, establish working conditions and work hours for, terms of employment of or terminate department personnel, subject to the requirements of PMC Title 2, Chapter 2.58 (personnel regulations). Such officers shall be responsible to the fire chief and subject to removal by him or her in accordance with the personnel rules and regulations of the city. The city manager, subject to city council, is empowered to make rules and regulations relative to the hiring and firing, working conditions, hours and terms of employment, classification, payment and the like of all personnel of the fire department.

**2.24.030 Fire Chief – Powers and duties.**

- A. ~~Subject to the approval of the city manager and the city council, The Fire Chief shall formulate~~ implement a set of rules and regulations to be incorporated in the ~~fire department personnel regulations~~ an operations manual for the purpose of governing the department.
- B. ~~The Fire Chief shall determine the number and kind of companies of which the department is to be composed and shall then determine the response of such companies to alarms of components that comprise the department and the sequence of component response to fire alarms or other emergencies.~~

- C. ~~The Fire Chief shall at least once a week conduct suitable drills or instruction train and drill department personnel in the operating and handling operation and maintenance of fire fighting equipment, first aid emergency medical care and rescue work, salvage, fire prevention, fire science, water supplies discipline, and all other matters generally other subjects and practices considered to that promote good firemanship firefighting and safety skills and safety of life and property from fire.~~
- D. ~~The Fire Chief is required to assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated will insure the proper investigation of the cause, origin and circumstance of all fires, and will insure that all department personnel are trained about arson recognition and investigation. The Fire Chief shall be cognizant of and, when needed, request the investigative assets of the Alaska Department of Public Safety (Fire Marshal and Alaska State Troopers) and the Palmer Police Department when arson is suspect.~~
- E. ~~Subject to the provisions of law, The Fire Chief or his duly authorized assistants designees, within legal restraint, are empowered to may enter any and all buildings and premises at any reasonable hour for the purpose of making inspections and to serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found.~~
- F. ~~Any person so served with a notice noticed to abate any fire hazard or hazards shall comply therewith promptly and notification of such compliance shall be given by the person noticed to the promptly notify the Fire Chief in writing within twenty four hours of the abating.~~
- G. ~~The Fire Chief shall maintain comprehensive shall see that complete records are kept of all fires, fire inspections, department apparatus and minor equipment, personnel and other information about the work operation of the department. On occasion, the Fire Chief shall report the status and activities of Palmer Emergency Services to the City Manager and to city council. Within one month after the close of the fiscal year, the Fire Chief shall provide to the City Manager an annual report on the activities of the department including statistical data, comparative data for previous years, and recommendations for improvements.~~
- H. ~~The fire chief shall report monthly to the city manager and the city council. This report can include the condition of the apparatus and equipment; the number of fires during the month, their location and cause, and the date of the same and loss occasioned thereby; the number and purpose of all other runs made; the number of members responding to each fire or other run; and any changes in membership.~~
- I. ~~The Fire Chief shall make a complete annual report to the City Manager within one month after the close of the fiscal year, such report to include the information specified in subsection G of this section, together with comparative data for previous years and recommendations for improving the effectiveness of the department.~~

#### **2.24.040 Membership.**

The membership of ~~the department~~ Palmer Emergency Services shall consist of such persons, paid or volunteer, as may be appointed by the City Manager, except as he or she may delegate the power of appointment to the Fire Chief. Members shall be able-bodied persons reasonably available for quick response. Determination of whether candidates for

selection are able-bodied shall can be based upon and made after a medical and physical examination.

**~~2.24.050 Chief of police assistance duty.~~**

~~It is made the special duty of the Chief of Police and any other police officers who may be on duty and available for fire duty to respond to all fire alarms and assist the department in the protection of life and property, in regulating traffic, maintaining order, and in enforcing observance of the provisions of the traffic code relating to the fire apparatus.~~

**~~2.24.060 Insignia issuance.~~**

~~Each member of the department driving a car shall be issued a suitable insignia to be attached to the car.~~

**~~2.24.070050 Mutual aid agreements.~~**

Subject to the approval of the city council, the City Manager is authorized to enter into agreements or contracts with nearby incorporated communities or governing bodies of other organizations to provide the members of such communities or organizations with fire protection or to establish a mutual aid system.

**2.24.080 Social officers.**

- A. The department may elect a president, vice president, secretary and treasurer, to be known as social officers. Such officers may be elected in any manner and for any term the membership may decide upon, and their duties shall be to arrange for and manage any or all social functions sponsored by the department.
- B. The functions and duties of said social officers shall in no way interfere with those of the regular department officers who are charged with the responsibility of all fire service activities of the department.

**~~2.24.090060 Equipment.~~**

- A. ~~The department~~ Palmer Emergency Services shall be equipped with such fire fighting apparatus and other equipment ~~as may be required from time to time to~~ maintain its efficiency and properly protect life and property from fire.
- B. Recommendations for fire fighting apparatus and department equipment shall be made by the Fire Chief and, ~~after approval by the~~ to the City Manager, and ~~shall be purchased in a such manner as may be~~ designated by the City Manager.
- C. All equipment of the department shall be safely and conveniently housed ~~in such places as may be~~ at sites designated by the City Manager. Such places shall be heated during the winter season.
- D. Suitable arrangement or equipment shall be provided for citizens to turn in an alarm and for notifying all members of ~~the department~~ Palmer Emergency Services so that they may promptly respond.
- E. No person shall use any fire fighting apparatus or department equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department.
- F. No person shall enter any place where fire fighting apparatus are housed ~~or~~ nor handle any apparatus or equipment belonging to the department unless

accompanied by, or having the special permission of, an ~~officer or~~ authorized member of the department Palmer Emergency Services.

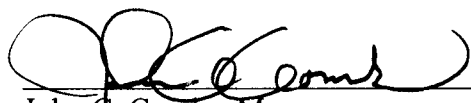
- G. No fire fighting apparatus or other department equipment shall leave the ~~immediate vicinity of the Palmer city limits~~ except in response to a call for aid at a fire in a neighboring area. ~~The officer in charge of the department at such time shall have power to assign equipment for response to calls in accordance with PMC 2.24.070 and in other cases only when the absence of such equipment will not jeopardize protection in the city.~~ The Fire Chief or designee may deploy fire fighting apparatus or other department equipment to a call for aid at a fire in a neighboring area only pursuant to PMC 2.24.070 and when the absence of such apparatus or equipment will not jeopardize fire protection in the city. Only one company or two pieces of fire fighting apparatus shall be permitted to leave the city limits at any one time for any cause unless the city is otherwise protected by companies of other communities covering it as may be scheduled in a mutual aid agreement.
- H. No department personnel shall possess or display any insignia, identification, or badge identifying them as Palmer Emergency Services personnel or emergency response personnel, nor use or display any emergency signaling device on the person or on vehicles, unless the person meets the requirements of such as determined by the Fire Chief and the insignia, identification, badge or emergency signaling device has been authorized or issued by the Fire Chief.

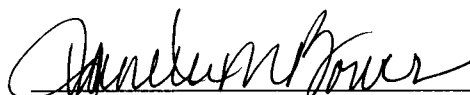
#### **2.24.100 Charges for burning of grass, brush, etc.**

- A. ~~A person burning grass, brush, etc., in the city is liable to the city for all costs, direct and indirect, of personnel deemed by the fire chief necessary to contain, extinguish, or both, any fire deemed by the fire chief to pose a substantial hazard to any structures (regardless of ownership) or the property of another. If the person burning the grass, brush, etc., is an agent for the purpose of burning, the agent and principal are jointly and severally liable.~~
- B. ~~The city may enforce the provisions of this section by civil actions in court for the collection of amounts due or for other appropriate relief.~~
- C. ~~Nothing in this section shall authorize any city department or personnel to refuse or delay any service to any person who has not paid for services or who owes for previous services or owes any money to the city.~~

Section 4. Effective Date. This ordinance shall become effective immediately upon its adoption.

Adopted by the City Council of the City of Palmer, Alaska, this 22<sup>nd</sup> day of March, 2005.

  
John C. Combs, Mayor

  
Janelle M. Bower, City Clerk