

Introduced by: City Manager Allen
 Date: January 26, 2010
 Public Hearing: February 9, 2010
 Action: Adopted
 Vote: Unanimous

Yes:	No:
Chmielewski Erbey Brown Hanson Best	

CITY OF PALMER, ALASKA

ORDINANCE NO. 10-003

AN ORDINANCE OF THE PALMER CITY COUNCIL AMENDING PALMER MUNICIPAL CODE SECTIONS 2.35.005 DEPARTMENT ESTABLISHED; 2.55.005 CREATION; 2.55.020 PALMER EMERGENCY SERVICES; AND 8.36.020 SPECIFIC ACTS DESIGNATED, TO CHANGE THE NAME PALMER EMERGENCY SERVICES TO PALMER FIRE AND RESCUE TO MORE ACCURATELY REFLECT THE DUTIES OF THE DEPARTMENT

THE CITY OF PALMER, ALASKA ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

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

Section 3. Palmer Municipal Code Chapter Section 2.35.005 is amended to read as follows (new language is underlined and deleted language is stricken):

2.35.005 Departments established.

The following departments are established:

- A. Department of administration, consisting of:
 - 1. Finance;
 - 2. Human resources;
 - 3. Information technology.
- B. Department of community development, consisting of:
 - 1. Building;
 - 2. Planning;
 - 3. Zoning;
 - 4. Community development.
- C. Department of community services consisting of:
 - 1. Palmer municipal airport;

2. Palmer public library;
3. Parks and recreation, including:
 - a. Palmer municipal ice arena;
 - b. Palmer municipal golf course.
- D. Department of public safety, consisting of:
 1. Palmer fire and rescue emergency services;
 2. Palmer police department.
- E. Department of public works.

Section 4. Palmer Municipal Code Chapter Section 2.55.005 is amended to read as follows (new language is underlined and deleted language is stricken):

2.55.005 Creation.

The department of public safety is comprised of the following:

- A. Palmer fire and rescue emergency services;
- B. Police department.

Section 5. Palmer Municipal Code Chapter Section 2.55.020 is amended to read as follows (new language is underlined and deleted language is stricken):

2.55.020 Palmer fire and rescue emergency services.

- A. Objective. Palmer fire and rescue emergency services is established 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 protection of life and property within the limits of the city; and, subject to contracts and the availability of personnel and equipment, outside the city limits.
- B. Officers – Appointment. The department shall consist of a fire chief appointed by the director of public safety, and of assistant chiefs and other personnel the fire chief deems necessary for the effective operation of the department. Assistant chiefs and all other department personnel are subordinate to the fire chief.
- C. Fire Chief. In conjunction with the director of public safety, the fire chief shall:
 1. Manage the budget, operation and personnel of the department;
 2. Possess demonstrated ability to command personnel;
 3. Be technically qualified by training and experience, and shall be certified as the state or city may require;
 4. Implement an operations manual for the purpose of governing the department;
 5. Determine the components that comprise the department and the sequence of component response to fire alarms or other emergencies;
 6. Train and drill department personnel in the operation and maintenance of firefighting equipment, emergency medical care and rescue, salvage, fire prevention, fire science, water discipline and other subjects and practices that promote good firefighting and safety;
 7. Ensure the proper investigation of the cause, origin and circumstances of all fires, and ensure that all department personnel are trained in arson recognition and investigation;
 8. Be cognizant of and, when needed, request the investigative assets of the Alaska Department of Public Safety and the Palmer police department;

9. Maintain comprehensive records of all fires, fire inspections, department apparatus and minor equipment, personnel and other information about the operation of the department;
 10. Report department status and activities to the director of public safety;
 11. Perform such other duties as shall be required by the director of public safety.
- D. Membership. Membership shall consist of persons, paid or volunteer, appointed by the fire chief. Members shall be able-bodied persons reasonably available for quick response. Determination of whether candidates for selection are able-bodied shall be based upon and made after a medical and physical examination.
- E. Equipment. Palmer fire and rescue emergency services shall be equipped with firefighting apparatus and other equipment required to maintain its efficiency and properly protect life and property from fire.

Section 6. Palmer Municipal Code Chapter Section 8.36.020 is amended to read as follows (new language is underlined and deleted language is stricken):

8.36.020 Specific acts designated.

The following acts and conditions shall constitute a public nuisance, in addition to the prohibition in PMC 8.36.010:

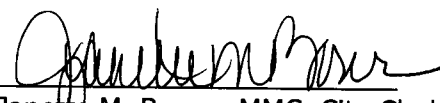
- A. Maintaining any structure which is unsafe or which is a menace to the health, morals or safety of the public, or which has become a fire hazard or a dangerous building within the meaning of Chapter 15.52 PMC;
- B. The dumping, abandoning, throwing or scattering of anything on, or transporting the same in such a manner as to cause the littering of, any street, alley or public place, or of any private property not his own, or to cause the obstruction of any ditch, drain or gutter;
- C. Any well, swimming pool or other dangerous excavation in the earth, including, but not limited to, a gravel pit, kept, maintained or permitted in any uncovered, unprotected, unfenced or inadequately fenced or otherwise dangerous or unsafe condition within the city;
- D. Abandoning a motor vehicle in violation of AS 28.11.010 through 28.11.100, including any regulations adopted thereunder prior to May 1, 1978. The city manager is authorized to adopt regulations subject to council approval to implement these statutes. If the vehicle is inoperable and is estimated by the city manager to have a retail value of less than \$200.00, upon impoundment it may be summarily abated without notice and sold, crushed or disposed of in any other manner selected by the city manager as an economically efficient means of disposal;
- E. Abandoning, discarding or throwing away an icebox, refrigerator, freezer or similar equipment which by nature of its use is airtight and equipped with a locking device, unless the door latches or hinges are first removed;
- F. Noise disturbance.
 1. It is unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.
 2. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:
 - a. The level of the noise;
 - b. Whether the nature of the noise is usual or unusual;

- c. Whether the origin of the noise is natural or unnatural;
 - d. The level and intensity of the background noise, if any;
 - e. The proximity of the noise to residential sleeping facilities;
 - f. The nature and zoning of the area within which the noise emanates;
 - g. The density of the inhabitation of the area within which the noise emanates;
 - h. The time of the day and night the noise occurs;
 - i. The duration of the noise;
 - j. Whether the noise is recurrent, intermittent or constant; and
 - k. Whether the noise is produced by a commercial or noncommercial activity.
- G. Burning grass, brush, garbage, construction debris or other refuse without a permit issued by Palmer fire and rescue emergency services or the approval of the fire chief; or, due to prevailing circumstances of nature or location, threatens the life or safety of persons or property by fire.
1. A person burning grass, brush, etc., in the city is liable to the city for all costs, direct and indirect, of personnel determined by the fire chief to be necessary to contain or extinguish any fire that poses 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.
 2. The city may enforce the provisions of this section by civil action in court for the collection of amounts due or for other appropriate relief.
 3. A person who violates this section may also be considered to have engaged in disorderly conduct in violation of Chapter 9.36 PMC.
 4. 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 service or who owes for previous services or owes any money to the city.

Section 7. Effective Date. Ordinance No. 10-003 shall take effect upon adoption of the Palmer City Council.

Passed and approved this ninth day of February, 2010.


Richard W. Best, Mayor Pro-Tempore


Janette M. Bower, MMC, City Clerk

