

Proposed by:	Assemblyman Dan Henry
Attorney Review:	01/08/2019
First Reading:	01/17/2019
Referred to Committee:	02/07/2019
Public Safety Review:	02/25/2019
Second Reading:	03/07/2019
Vote:	6 Aye      0 Nay      0 Absent

**MUNICIPALITY OF SKAGWAY, ALASKA  
ORDINANCE NO. 19-02**

**AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SMC 3.02.010 DEPARTMENTS ESTABLISHED AND SMC 3.02.070 SKAGWAY VOLUNTEER FIRE DEPARTMENT TO CHANGE THE FIRE CHIEF FROM A VOLUNTEER POSITION TO A PAID MUNICIPAL EMPLOYEE.**

**NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:**

**Section 1. Classification.** Sections 3 and 4 of this ordinance are of a general and permanent nature and shall become a part of the Skagway Municipal Code.

**Section 2. Purpose.** To amend SMC 3.02.010 and SMC 3.02.070 to change the Fire Chief from a volunteer position to a paid municipal employee.

**Section 3. Amendment.** The Skagway Municipal Code is hereby amended; (~~strike through~~) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. SMC 3.02.010 is hereby amended as follows:

3.02.010 Departments established.

- A. The following departments of the municipality of Skagway are established:
1. Central administration.
  2. Convention and visitors bureau.
  3. Dahl Memorial Clinic.
  4. Disaster and emergency services.
  5. Public works department.
  6. Skagway volunteer fire department.
  7. Skagway library department.
  8. Skagway museum department.
  9. Skagway police department.
  10. Skagway port department.
  11. Skagway Recreation Center.
- B. The office of the clerk operates under central administration but shall be administered by the borough clerk. All other departments shall be administered by the manager or a department head, supervisor, or other designee. Departments may be assigned additional responsibilities by the manager. Department heads, supervisors, or other assigned personnel may be responsible for more than one (1) department or division within the department.
- C. Appointments.
1. The manager and clerk shall be appointed by the assembly;

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 19-02

Page 2 of 5

2. Appointments of all other department heads shall be by the manager with confirmation by the assembly.
  - a. Exceptions: The fire chief shall be ~~elected by department volunteers with approval by the selection committee and confirmation by the assembly for a two (2) year term consistent with Section 3.02.070~~ **appointed by a selection committee made up of the borough manager, mayor, public safety committee chair, and the ranking volunteer officer of the fire department as selected by volunteers, subject to confirmation by the Assembly.** The clinic executive director shall be employed by contract consistent with Section 3.17.055.

**Section 4. Amendment.** The Skagway Municipal Code is hereby amended; (~~strike through~~) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. SMC 3.02.070 is hereby amended as follows:

3.02.070 Skagway Volunteer Fire Department.

- A. Department head and authority. The department head of the fire department, emergency medical services and wilderness search & rescue shall be the fire chief, working under the direction of the borough manager.
- B. Purpose. It is the desire of the municipality to protect and preserve the lives, health, safety, and well-being of the people living in or visiting the municipality.
- C. Organization. The fire chief is the department head and is responsible for overseeing the Skagway Volunteer Fire Department and each of its divisions.
  1. The fire chief shall have supervision and management of the administration of the fire department. The fire chief shall be ~~a volunteer elected for a two (2) year term by the fire department volunteers, with approval of the selection committee and~~ **appointed by a selection committee made up of the borough manager, mayor, public safety committee chair, and the ranking volunteer officer of the fire department as selected by volunteers, subject to** confirmation by the Assembly.
  2. The fire chief shall, subject to approval by the board of advisors, appoint chief officers and section captains.
  3. The fire chief shall select personnel to serve as staff, subject to confirmation by the manager.
- D. Duties and Responsibilities. The fire chief shall:
  1. Formulate a set of rules and regulations to govern the department, subject to approval by the Board of Advisors and ratification by the Assembly, and shall be responsible to the manager for the personnel, morale and general efficiency of the department.
  2. Shall at least once a month conduct suitable drills or instruction in the operation and the handling of equipment, first aid and rescue work, salvage, a study of buildings in the municipality, fire prevention, water supplies, and all other matters generally considered essential for good safety of life and property from fire.

**MUNICIPALITY OF SKAGWAY, ALASKA**

**ORDINANCE NO. 19-02**

Page 3 of 5

3. Shall assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires.
  4. The chief or his designee is hereby empowered, to the maximum extent consistent with constitutional law, to 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. Any person so served with a notice to abate any fire hazard shall comply therewith and promptly notify the chief. Except in cases where the fire chief or his designee has cause to believe a fire has just broken out in a building, building entries shall require either the consent of an occupant or valid search warrant based on probable cause to believe a building has become hazardous to human occupancy and an inspection of its condition is required.
  5. The chief shall assure that complete records are kept of all incidents, inspections, apparatus and minor equipment, personnel and other information about the work of the department.
  6. The chief shall report monthly to the manager the condition of the apparatus and equipment; the number of fires during the month, their location and cause and purpose of all other runs made, and the number of members responding to each fire and other runs, and any changes in membership.
  7. The chief shall annually report to the manager within one (1) month after the end of the calendar year, such report to include the information specified above, together with comparative data from previous years and recommendations for improving the effectiveness of the department.
- E. Department membership.
1. The membership of the department shall consist of such able-bodied citizens of Skagway as may volunteer and be elected to membership by the Volunteer Fire Department.
  2. The chief may suspend or discharge any member of the department at any time he may deem such action necessary for the good of the department. Suspensions and discharges shall be subject to the opportunity of such member for a review before the board of advisors upon written request of such member.
- F. Equipment.
1. Suitable arrangements or equipment shall be provided for citizens to turn in fire alarms, and for notifying all members of the department so that they may promptly respond.
  2. The department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire. The chief shall from time to time recommend to the manager any new apparatus or equipment needed, which, after manager and assembly approval, shall be purchased in such manner as the assembly may designate.

**MUNICIPALITY OF SKAGWAY, ALASKA**

**ORDINANCE NO. 19-02**

Page 4 of 5

3. All department equipment shall be safely and conveniently housed in such places as the assembly may designate. Such places shall be heated during the winter season whenever feasible.
  4. No person shall use any fire apparatus or 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. Violation of this provision shall be an infraction, punishable by a fine of one hundred dollars (\$100.00) or less. Department members who participate in, or aid or abet another person in carrying out a violation of this provision shall be subject to automatic dismissal.
  5. No person shall enter any place where fire apparatus is housed, or handle any apparatus or equipment belonging to the department unless accompanied by, or having special permission of an officer or authorized member of the department. Violation of this provision shall be an infraction, punishable by a fine of one hundred dollars (\$100.00) or less.
  6. No department apparatus or equipment shall be hired out or permitted to leave the borough limits, except in response to a call for aid at a fire in a neighboring community, without the chief's consent. The officer in charge of the department at the time shall have power to assign equipment for response to calls for outside aid, in accordance with subsection (G) below, and in other cases only when the absences of such equipment will not jeopardize protection in the Municipality of Skagway.
- G. Contracting authority. The manager is hereby authorized, on behalf of the municipality, to enter into agreements or contracts with nearby incorporated communities or governing bodies of other organizations to provide members of such communities or organizations with extra territorial fire protection or to establish a mutual aid system.
- H. Enforcement.
1. All regularly appointed members of the department are hereby given the necessary special police powers for the purpose of implementing this chapter.
  2. It shall be the special duty of the chief of police and other police officers who may be on duty and available for fire duty, to respond to all fire alarms and assist the fire department in the protection of life and property, in regulating traffic, maintaining order, and enforcing observance of all sections of this chapter.

**Section 4. Severability.** If any provision 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 5. Effective Date.** This ordinance shall become effective immediately upon adoption.

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 19-02

Page 5 of 5

**PASSED AND APPROVED** by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 7<sup>th</sup> day of March, 2019.

  
\_\_\_\_\_  
Tim Cochran, Vice Mayor

ATTEST:

  
\_\_\_\_\_  
Emily A. Deach, Borough Clerk

(SEAL)

