Sponsored by: Administration
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CITY OF WHITTIER, ALASKA
CODE ORDINANCE 2022-005 AS AMENDED

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, ALASKA, AMENDING WMC CHAPTER 2.27 FIRE DEPARTMENT TO A FIRE/EMS DEPARTMENT WITH A FIRE/EMS CHIEF AS DEPARTMENT HEAD AND AMENDING WMC CHAPTER 2.30 DEPARTMENT OF PUBLIC SAFETY TO REMOVE RESPONSIBILITY FOR FIRE AND EMS FROM THE DIRECTOR OF PUBLIC SAFETY IN ORDER TO EXPAND FIRE AND EMS SERVICES FOR THE BENEFIT OF THE COMMUNITY

WHEREAS, the Whittier Municipal Code provides for the division of volunteer fire services and the division of emergency medical services as divisions of a broader department of public safety supervised by the director of public safety; and

WHEREAS, the community of Whittier is experiencing growth in population, in activities and especially in the number of summer visitors to Whittier participating in boating, fishing, hiking, cruises, outdoor recreation and other outdoor and water-based Alaskan adventure activities; and

WHEREAS, it is necessary for Whittier to expand its ability to ensure prompt response to emergencies, whether they be fire or emergency service-related in order to protect local citizens and remain an attractive community for businesses and visitors; and

WHEREAS, the local community health center is currently closed due to an inability to attract and retain healthcare providers making it all the more important that Whittier have emergency responders capable of providing local emergency medical services; and

WHEREAS, the community has experienced a number of serious fire and emergency medical events that could have resulted in the loss of life and did result in severe injuries and damage to property, highlighting the need to expand local capacity to respond to such emergencies; and

WHEREAS, it is in the community's interest to supplement a declining number of volunteer fire and EMS responders, with additional paid fire and EMS positions in order to expand coverage of emergency fire and emergency medical service needs in Whittier and be better able to support consistent training and development of community volunteers.

CITY OF WHITTIER, ALASKA
ORDINANCE 2022-005 AS AMENDED

THE WHITTIER CITY COUNCIL ORDAINS that:

Section 1. Whittier Municipal Code Chapter 2.27 entitled "Fire Department" is amended to read as follows:

(***New language is in bold, italic and underlined*** and ~~**deleted language is stricken through and bold**~~)

CHAPTER 2.27 FIRE***/EMS*** DEPARTMENT

2.27.010 Established.

There shall be a fire department in and for the city to be known as the "Whittier Fire***/EMS*** Department", ***the head of which shall be the Fire/EMS chief.*** It shall consist of a Fire/**EMS** chief and ~~**assistant chief (or chiefs), and**~~ as many other officers and firefighters as the city manager may deem necessary for the effective operation of the department. ***Additional paid Fire/EMS department employees will require Council approval.***

2.27.020 Fire/EMS Chief.

The Fire/EMS chief shall be appointed by the city manager and shall hold office at the discretion of the city manager.

2.27.030 Duties of the Fire/EMS Chief.

Under the supervision of the city manager, the Fire/EMS chief shall have the following duties:

A. Supervise all activities of the divisions of fire and emergency medical services; and
B. Perform other such duties as may be specified in this Code or by the city manager.

2.27.040 Duties of the division of volunteer fire services.

It shall be the duty of the division of volunteer fire services, among others, to do the following:

A. Attempt to extinguish fires;
B. Attempt to rescue persons endangered by fire; and
C. Promote fire prevention.

2.27.045 Staffing of the division of volunteer fire services.

The Fire/EMS chief may appoint and supervise others to administer the division of volunteer fire services. The Fire/EMS chief will recruit and supervise the volunteer staff.

2.27.050 Rules and regulations of the division of volunteer fire services.

The Fire/EMS chief shall establish a set of rules and regulations governing the discipline, training, and operation of the division of volunteer fire services.

2.27.~~020~~ *060* Volunteer fire department—Organization.

Members of the fire department who are not ~~**regular**~~ ***full-time employees of the City*** ~~**department officers**~~ may organize into a voluntary association with the right to elect their own officers and adopt by-laws. This association shall be known as the volunteer fire department.

2.27.~~030~~ *070* Volunteer fire department—Generally.

The functions and duties of the officers of the volunteer fire department shall not interfere with those of the regular ***Fire/EMS employees*** ~~**department officers**~~ who are charged with responsibility for all fire service activities of the department. The volunteer fire department shall in no way limit the power of the Fire***/EMS*** chief. All property used by the volunteer fire department shall be paid by check upon proper voucher by the regular city authorities.

2.27.~~040~~ *080* Volunteer fire department—Reimbursement.

From time to time in such amounts as the city manager deems advisable, payments may be made to the volunteer fire department for the purpose of giving that association funds with which to reimburse members for personal property damaged while attending fires and for such other purposes in keeping with its functions.

~~**2.27.050 Fire chief—Appointment.**~~

~~**The fire chief shall be elected by the members of the volunteer fire department and confirmed by the director of public safety and shall be responsible to the director of public safety. His/her appointment shall be for a two-year term, depending on his/her good conduct and efficiency. He/she shall be technically qualified through training and experience and shall have the ability to command other volunteers. He/she shall be removed only for just cause by members of the volunteer fire department upon the recommendation of the public safety director.**~~

~~**(Prior code § 10.05.030(a); Ord. No. 165-90, § 1, 1990; Ord. No. 347-97, § 2, 1997)**~~

~~**Note(s)—Formerly § 2.26.050**~~.

2.27.~~060~~ *090* Fire*/EMS*** chief—Composition of companies.**

The Fire***/EMS*** chief shall determine the number and kind of companies of which the department is to be composed and the response of such companies to alarms.

2.27.~~070~~ *100* Fire*/EMS*** chief—Officer appointments.**

The Fire***/EMS*** chief shall appoint all other officers and firefighters (both paid and volunteer). Such appointments shall be, insofar as possible, following fair and impartial competitive examination. All officers shall be accountable to the fire***/EMS*** chief or ~~his~~ representative

2.27.~~080~~ *110* Fire*/EMS*** chief—Budget submittal.**

The Fire***/EMS*** chief shall annually submit a ~~tentative~~ budget ***proposal*** for ~~**his**~~ ***the*** department.

2.27.~~090~~ *120* Fire/*EMS* chief—Arson suppression.

The Fire*/EMS* chief 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.

2.27.~~100~~ *130* Fire*/EMS* chief—Rules and regulations.

The Fire*/EMS* chief shall maintain and enforce an up-to-date, comprehensive set of rules and regulations governing the discipline, training and operation of the fire department. Such rules, regulations and any elections, changes or additions shall be effective when approved by and filed with the ~~public safety~~ *FIRE/EMS* ~~director~~ *chief* with the concurrence of the city manager.

2.27.~~110~~ *140* Fire*/EMS* chief—Training requirements.

The Fire*/EMS* chief or ~~his~~ representative shall, at least two times per month, provide for suitable drills covering the operation and handling of all equipment essential for efficient department operation. In addition, he shall provide, at least four times per year, quarterly sessions of instructions to include such subjects as first aid, water supplies, and other subjects related to fire suppression.

2.27.~~120~~ *150* Fire/EMS chief—Records maintenance.

The Fire*/EMS* chief shall see that complete records are kept of all apparatus, equipment, personnel, training, inspections, fires and other department activities.

2.27.~~130~~ *160* Annual report.

Current records and comparative data for previous years and recommendations for improving the effectiveness of the department shall be included in an annual report. Such other reports as may be required concerning the department in general, giving suggestions and recommendations for major improvements, and listing other data so as to maintain a complete record of the activities of the department shall also be prepared

2.27.~~140~~ *170* Equipment—Responsibility.

The Fire*/EMS* chief shall be responsible ~~to the public safety director~~ for recommending such apparatus or other firefighting equipment as may be required to maintain fire department efficiency, and for providing suitable arrangements and equipment for reporting fires or emergencies, and for notifying all members of the department to assure prompt response to such incidents

2.27.~~150~~ *180* Equipment—Assignment authority.

The Fire*/EMS* chief or ~~his~~ authorized representative shall have power to assign equipment for response to calls for outside aid where agreements are in force and in other cases only when the absence of such equipment will not jeopardize protection of the city.

2.27.~~160~~ *190* Equipment—Prohibited uses.

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.

2.27.~~170~~ *195* Equipment—Use permitted—When.

No person shall enter any place where fire apparatus is housed or handle apparatus or equipment belonging to the department unless accompanied by or having the special permission of an officer or authorized member of the department.

2.27.~~180~~*200* Private vehicle—Insignia issuance.

Each member of the volunteer fire department driving a private car shall be issued a suitable insignia to be attached to the car designating him as a member of the department.

2.27.~~190~~ *205* Private vehicle—Equipment—Right-of-way privilege.

All personal cars of volunteer fire department members shall be equipped with a flashing blue light and shall have right-of-way over all other traffic when responding to an alarm but shall observe all city traffic ordinances.

2.27.~~200~~ *210* Establishment of fire service fee schedule.

The ***Fire/EMS chief*** ~~**public safety director**~~ for the Whittier Fire***/EMS*** Department shall adopt a fee schedule for fire services. The fees shall be based on the costs involved in providing services.

A. All charges for services shall be the obligation of the individual or entity requiring service.

B. Billing to insurance companies for such services ~~**shall not be the responsibility of the city,**~~ ***shall be coordinated through a third-party billing service and*** ~~**although**~~ incident reports required for insurance filing will be provided.

2.27.250 Duties of the division of emergency medical services.
It shall be the duty of the division of emergency medical services, among others, to do the following:

A. Attempt to ensure ambulance response to requests for emergency assistance; and
B. ***Maintain adequate membership of emergency medical technicians in the volunteer ambulance service.***

2.27.260 Staffing of the division of emergency medical services.

The Fire/EMS Chief may appoint and supervise a coordinator(s) to administer the division of emergency medical services. The coordinator(s) will recruit and supervise the volunteer staff.

2.27.270 Rules and regulations of the division of emergency medical services.
The Fire/EMS chief shall establish a set of rules and regulations governing the discipline, training, and operation of the division of emergency medical services.

Section 2. Whittier Municipal Code Chapter 2.30 entitled "Department of Public Safety" is amended to read as follows:

CHAPTER 2.30 DEPARTMENT OF PUBLIC SAFETY

2.30.010 Department of public safety.

There is created a department of public safety, the head of which shall be the director of public safety.

2.30.020 Director of public safety.

The director of public safety shall be appointed by the city manager and shall hold office at the discretion of the city manager.

2.30.030 Duties of the director of public safety.

Under the supervision of the city manager, the director of public safety shall have the following duties:

A. Supervise all activities of the division~~s~~ of police~~, fire, and emergency medical services~~; and
B. ***Coordinate emergency response with the city manager (Incident Commander); and***
C. ***In coordination with the Fire/EMS chief, manage the City's Hazard Mitigation Plan, disaster response, and tsunami readiness efforts; and***
D. ***Perform other such duties as may be specified in this Code or by the city manager***.

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~~**2.30.080 Duties of the division of volunteer fire services.**~~

~~**It shall be the duty of the division of volunteer fire services, among others, to do the following:**~~

~~**A. Attempt to extinguish fires;**~~

~~**B. Attempt to rescue persons endangered by fire; and**~~

~~**C. Promote fire prevention.**~~

~~**(Ord. No. 535-08, § 7, 2008)**~~

~~**2.30.090 Staffing of the division of volunteer fire services.**~~

~~**The director of public safety may appoint and supervise a fire chief to administer the division of volunteer fire services. The fire chief will recruit and supervise the volunteer staff.**~~

~~**(Ord. No. 535-08, § 7, 2008)**~~

~~**2.30.100 Rules and regulations of the division of volunteer fire services.**~~

~~**The director of public safety shall establish a set of rules and regulations governing the discipline, training, and operation of the division of volunteer fire services.**~~

~~**(Ord. No. 535-08, § 7, 2008)**~~

~~**2.30.110 Duties of the division of emergency medical services.**~~

~~**It shall be the duty of the division of emergency medical services, among others, to do the following:**~~

~~**A. Attempt to ensure ambulance response to requests for emergency assistance; and**~~

~~**B. Maintain adequate membership of emergency medical technicians in the volunteer ambulance service.**~~

~~**(Ord. No. 535-08, § 7, 2008)**~~

~~**2.30.120 Staffing of division of emergency medical services.**~~

~~**The director of public safety may appoint and supervise a coordinator to administer the division of emergency medical services. The coordinator will recruit and supervise the volunteer staff.**~~

~~**(Ord. No. 535-08, § 7, 2008)**~~

Section 3. This ordinance is a permanent code ordinance.

Section 4. This ordinance shall take effect ten (10) days following its enactment.

ENACTED BY THE CITY COUNCIL OF THE CITY OF WHITTIER, ALASKA this 14th of November 2022

Dave Dickason
Mayor

AYES: Wagner, Blair, Pinquoch, Denmark, Dickason
NAYS: None
ABSENT: McCord, Shen
ABSTAIN: None

ATTEST:

Shelby Carlson
City Clerk

(City Seal)