

**NORTHWEST ARCTIC BOROUGH ASSEMBLY  
ORDINANCE 19-06**

**AN ORDINANCE OF THE NORTHWEST ARCTIC BOROUGH ASSEMBLY REORGANIZING AND AMENDING SECTIONS OF THE BOROUGH PUBLIC SERVICES AND PUBLIC SAFETY CODE, AND FOR RELATED PURPOSES.**

**WHEREAS:** Title 10 of the Northwest Arctic Borough Code governs the Public Services and Public Safety Departments; and

**WHEREAS:** the Public Safety Department was previously administered under the Public Services Department; and

**WHEREAS:** in order to better serve the region’s residents, the departments have been reorganized so that the Public Safety Department and the Public Services Department are separately administered; and

**WHEREAS:** the Borough wishes to reorganize and amend its Code to reflect the reorganization of the departments.

**NOW THEREFORE BE IT ENACTED:** by the Northwest Arctic Borough Assembly as follows:

**Section 1:** A new title of the Borough Code codified as Title 12, entitled “Public Safety Department” is created.

**Section 2:** The following chapters of the Borough Code are moved to the new Title 12 and renumbered as shown below:

<b>Previous Chapter Numbers</b>	<b>New Chapter Numbers</b>
10.06 Public Safety Commission	12.04 Public Safety Department
10.08 Fire Department	12.08 Public Safety Commission
10.10 Office of Emergency Management (OEM)	12.12 Fire Department
10.12 Office of Search and Rescue	12.16 Office of Emergency Management (OEM)
10.16 Public Safety Department	12.20 Office of Search and Rescue

**Section 3:** Chapter 10.20 Community Utility Assistance Program of the Borough Code is renumbered under the Public Services Department as Chapter 10.08.

**Section 4:** The new Chapter 12.04 of the Borough Code is amended as follows with additions indicated by underlining in bold and deletions by ~~strikethrough~~ in bold:

**12.04.030 Public safety department functions.**

The functions of the public safety department include promotion of public safety in the region, firefighting, search and rescue, administration of the borough’s village public safety officer program, emergency management, and any other functions incidental to the work of the public safety department and implementation of this chapter. The department will also serve as staff support to the public safety commission and the Northwest Arctic local emergency planning committee.

**Section 5:** The new Chapter 12.12 of the Borough Code is amended as follows with additions indicated by underlining in bold and deletions by ~~strikethrough~~ in bold:

**12.12.020 Fire administrator.**

The fire department shall be supervised by the public ~~services~~ safety director, who shall serve as the fire administrator, or by a borough fire chief, if one is appointed. The fire administrator or fire chief shall appoint and supervise the local battalion chiefs in 10 of the 11 borough communities, unless otherwise specified in this chapter.

**12.12.035 Fire response service areas.**

A. The fire department will administer its primary fire department functions and services through 10 community volunteer fire battalions that will respond to fires and perform fire protection services within the geographic boundaries of the areas described in Table ~~10.08~~ 12.12 and limited to those areas within the prescribed boundaries which are reasonably accessible via road or trail by motorized vehicles including ATVs or snow machines.

**Table ~~10.08~~ 12.12**

**Community Fire Response Service Areas**

<b>Community Battalion</b>	<b>Fire Response Service Area</b>
Ambler Battalion	City limits of Ambler, AK
Buckland Battalion	City limits of Buckland, AK
Deering Battalion	City limits of Deering, AK
Kiana Battalion	City limits of Kiana, AK
Kivalina Battalion	City limits of Kivalina, AK
Kobuk Battalion	City limits of Kobuk, AK
Noatak Battalion	Native village of Noatak Townsite, AK

Noorvik Battalion	City limits of Noorvik, AK
Selawik Battalion	City limits of Selawik, AK
Shungnak Battalion	City limits of Shungnak, AK

B. Fire protection services provided by the fire department and specific community volunteer fire battalion in areas outside the community fire response service areas identified in subsection (A) of this section will be limited to emergency situations such as wildfires threatening the safety and property of the communities within the borough, aircraft crashes near but outside a designated fire response service area or other grave emergency situations within the capacity of the fire department.

**Section 6:** The new Chapter 12.16 of the Borough Code is amended as follows with additions indicated by underlining in bold and deletions by ~~strikethrough~~ in bold:

**12.16.010 Established.**

There is established an office of emergency management (OEM) within the borough public ~~services~~ safety department.

**12.16.020 Supervision.**

The OEM shall be supervised by the public ~~services~~ safety director. Unless otherwise designated in writing by the mayor, the public ~~services~~ safety director shall also serve as the borough’s emergency coordinator as required under AS 26.23.060(d) and 26.23.075(a)(3).

**12.16.060(G) Responsibility of mayor concerning disasters.**

In addition to any other powers conferred upon the mayor by law, the mayor may, under this chapter:

1. Suspend the provisions of any regulatory ordinance prescribing procedures for the conduct of borough business, or the orders or regulations of any borough department, if compliance with the provisions of the statute, order or regulation would prevent or substantially impede or delay action necessary to cope with the disaster emergency;
2. Use all the resources of the borough government and of each political subdivision of the borough as reasonably necessary to cope with the disaster emergency;
3. Transfer personnel or alter the functions of borough departments and offices or units of them for the purpose of performing or facilitating the performance of disaster emergency services;

4. Subject to any applicable requirements for compensation under NABC ~~10.10.080~~ 12.16.080, commandeer or utilize any private property, except for all news media, other than as specifically provided for in this chapter, if the mayor considers them necessary to cope with the disaster emergency;
5. Direct and compel the relocation of all or part of the population from any stricken or threatened area in the borough, if the mayor considers relocation necessary for the preservation of life or for other disaster mitigation purposes;
6. Prescribe routes, modes of transportation, and destinations in connection with necessary relocation;
7. Control ingress to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises in it;
8. Make provisions for the availability and use of temporary emergency housing;
9. Allocate, ration, or redistribute food, water, fuel, clothing and other items the mayor deems necessary.
10. Obtain vital supplies, equipment and other property found lacking and needed for the protection of the health, life and property of the people, and bind the borough for the fair value thereof.

**Section 7:** The new Chapter 12.20 of the Borough Code is amended as follows with additions indicated by underlining in bold and deletions by ~~strikethrough~~ in bold:

**12.20.010 Established.**

There is established an office of search and rescue (OSR) in the public ~~services~~ safety department.

**12.20.020 Search and rescue coordinator.**

- A. The OSR shall be supervised by the search and rescue coordinator.
- B. The public ~~services~~ safety director shall have hiring authority for the search and rescue coordinator and the coordinator is answerable to the public ~~services~~ safety director or the mayor.

**12.20.030 Duties and powers of the coordinator.**

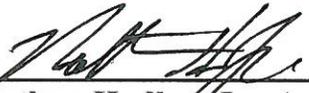
The search and rescue coordinators shall:

- A. Act in furtherance of the OSR's mission of providing search and rescue services for the Northwest Arctic Borough;
- B. Perform and exercise all powers incident to the duties of this office as prescribed by state and federal law, this code of ordinances, and such other duties not in conflict therewith as may be assigned by the mayor;
- C. Have authority over and direct the activities and functions of the OSR, including but not limited to maintaining current roster of SAR volunteers, maintaining current inventory of borough owned or purchased SAR equipment, and serving as a purchasing agent for SAR volunteer organizations;
- D. Prescribe policy and procedure, with the approval of the mayor, as may be necessary for the effective and efficient operation of the OSR;
- E. Facilitate training opportunities to all village-based volunteer search and rescue organizations;
- F. Keep an updated inventory of all search and rescue equipment and seek funding to update equipment needed to facilitate search and rescue activities;
- G. Coordinate a systematic approach to annual mandatory trail staking in accordance with the minimum trail staking standards within the borough and, subject to appropriations, budget trail maintenance;
- H. Seek funds to renovate all shelter cabins on the borough's winter trail system. Coordinate with village search and rescue organizations for renovations;
- I. Develop a close working relationship with the Alaska State Troopers, United States Department of Homeland Security and Emergency Management, and the United States Coast Guard to improve the search and rescue capabilities of the borough;
- J. Update and write new policies and procedures to improve the response time for all search and rescue call-outs. Develop a memorandum of agreement with village fuel retailers to ensure search and rescue organizations have access to fuel at a moment's notice;
- K. Coordinate all regional searches within the Incident Command System (ICS) structure;
- L. Maintain an updated directory of regional and community-based volunteer search and rescue presidents;

M. Host a semi-annual meeting of the ~~NANA Region~~ Northwest Arctic Borough Search and Rescue ~~President's~~ group.

**Section 8:** This Code Ordinance shall be effective upon adoption.

PASSED AND ADOPTED THIS 25<sup>th</sup> DAY OF Oct 2019.

  
\_\_\_\_\_  
Nathan Hadley, Jr., Assembly President

PASSED AND APPROVED THIS 25<sup>th</sup> DAY OF October 2019.

  
\_\_\_\_\_  
Lucy S. Nelson, Mayor

SIGNED AND ATTESTED TO THIS 25<sup>th</sup> DAY OF Oct 2019.

  
\_\_\_\_\_  
Stella Atoruk, Borough Clerk

ATTEST:

First Reading: September 24, 2019  
Second Reading: Oct 25, 2019

