

**NORTHWEST ARCTIC BOROUGH ASSEMBLY
ORDINANCE 21-14**

**AN ORDINANCE OF THE NORTHWEST ARCTIC
BOROUGH ASSEMBLY AMENDING CHAPTER 12.12 OF THE
BOROUGH CODE TO UPDATE THE FIRE DEPARTMENT CODE,
AND FOR RELATED PURPOSES.**

WHEREAS: Chapter 12.12 of the Borough Code establishes the Borough Fire Department and details its structure and function; and

WHEREAS: the Borough wishes to update the Fire Department Code to better serve the residents of the Northwest Arctic Borough; and

WHEREAS: the Assembly has determined that it is in the Borough's best interest to amend Chapter 12.12 of the Borough Code as outlined in this Ordinance.

**NOW THEREFORE BE IT ENACTED BY THE NORTHWEST
ARCTIC BOROUGH ASSEMBLY:**

Section 1: Chapter 12.12 of the Borough Code is amended as follows, with additions indicated by underline in blue and deletions by ~~strikethrough in red~~:

Chapter 12.12

FIRE DEPARTMENT

Sections:

- 12.12.010 Fire department created.
- 12.12.020 Fire coordinator ~~administrator~~.
- 12.12.030 Fire department functions.
- 12.12.035 Fire response service areas.
- 12.12.040 Community fire battalions.
- 12.12.050 Community volunteer fire fighter's associations.
- 12.12.060 Rules and regulations.
- 12.12.070 Fire department authority.
- 12.12.080 Kotzebue exemption and cooperation.
- 12.12.090 Limitation of liability.

12.12.010 Fire department created.

There is established a Northwest Arctic Borough fire department. (Ord. 19-06 § 2, 2019; Ord. 10-15, 2011; Ord. 03-03 § 3, 2003. Formerly 10.08.010)

12.12.020 Fire coordinator administrator.

The fire department shall be supervised by the public safety director, who shall serve as the fire coordinator administrator, ~~or by a borough fire chief, if one is appointed~~. The fire coordinator 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. (Ord. 19-06 §§ 2, 5, 2019; Ord. 10-15, 2011; Ord. 03-03 § 3, 2003. Formerly 10.08.020)

12.12.030 Fire department functions.

The functions of the fire department include the prevention and extinguishing of fires, rescue of fire victims, training of fire fighters, investigating the causes of fire, maintaining records relating to fire, carrying out the terms of any fire-related contracts, grants and appropriations, inspection of buildings, structures and other facilities and any other functions incidental to the work of the fire department and implementation of this chapter. Because on-scene fire response will be conducted by the 10 community volunteer fire battalions, the fire department shall fulfill its function primarily by:

- A. Recognizing, establishing, sanctioning, and administratively supporting community volunteer fire battalions;
- B. Providing fire fighting equipment upgrades for each community fire battalion, as borough resources may allow;
- C. Implementing and maintaining a fire prevention program in each borough community;
- D. Requiring monthly meetings of local battalions, and collecting/maintaining documentation of these meetings;
- E. Conducting or facilitating the conducting of periodic training for community volunteer fire fighters;
- F. Expanding and sustaining support for community volunteer fire battalions so as to maintain adequate fire department membership, a high level of fire fighter competency, and an ongoing fire prevention program;
- G. Maintaining a record of all fire outbreaks in each community, which require fire battalion response;
- H. Conducting, or causing to be conducted, after-action reviews after all fire outbreaks requiring a response by the local battalions;

- I. Coordinating and assisting in the response to any disaster, or any other declared emergency;
- J. Investigating the causes of all fires, and filing of written reports of these investigations, whenever a qualified fire investigator is employed by the borough;
- K. Conducting inspections of existing structures, facilities, or residences on an annual basis as a part of an ongoing fire prevention program. (Ord. 19-06 § 2, 2019; Ord. 10-15, 2011; Ord. 03-03 § 3, 2003. Formerly 10.08.030)

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 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 12.12

Community Fire Response Service Areas

Community Battalion	Fire Response Service Area
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

Community Battalion	Fire Response Service Area
	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. (Ord. 19-06 §§ 2, 5, 2019; Ord. 10-15, 2011; Ord. 03-11 § 1, 2003. Formerly 10.08.035)

12.12.040 Community fire battalions.

A local or community fire battalion shall consist of the volunteer fire fighting force of the community and shall function under the leadership of the battalion chief. The fire battalion shall function according to borough fire department rules, regulations, and standard operating procedures (SOPs).

A. Local Battalion Chief. The fire department shall accept applications from residents of each borough community for the position of local fire battalion chief. The borough fire coordinator ~~chief~~ shall appoint a local battalion chief for each community. The battalion chief shall serve at the pleasure of the borough fire coordinator ~~chief~~ and may be removed from his/her position of authority by the borough mayor, fire coordinator ~~administrator or the borough fire chief~~, if one has been appointed.

B. Other Battalion Officers. The battalion chief shall also be responsible for appointing fire operations officers (deputy chief, captain, lieutenant, etc.).

C. Battalion Fire Fighters. The battalion chief shall take steps to organize, discipline, and maintain a functional and ready volunteer fire fighting force. Volunteer firemen shall be appointed to and removed from the community fire battalion at the discretion of the battalion chief or the fire coordinator ~~administrator, fire-chief~~ or mayor as the case may be.

D. Sanctioning of Community Fire Battalions. Prior to receiving administrative and other support from the borough fire department, community fire battalions must be sanctioned by the borough fire department based on the following minimum criteria:

1. Presence of a battalion chief;
2. Documentation of a minimum of six capable volunteers;
3. A written commitment, in the form of a memorandum of agreement, to ensure the proper storage, care, use, and maintenance of fire fighting equipment;
4. Evidence of a record keeping system;
5. Formation of a volunteer fire fighter's association (see NABC 12.12.050);
6. Sanctioning of a local fire battalion shall be in the form of a certificate issued by the fire coordinator administrator, and may be suspended or revoked, at the discretion of the authorized issuing official, ~~fire chief~~ or mayor, for failure to maintain the minimum requirements for sanctioning, as described in this section.

E. Limitations on Powers of Volunteer Battalions and Associations. The functions and duties of the officers of volunteer battalions shall not interfere with those of the fire administration. The volunteer fire association shall in no way limit the authority of the fire coordinator administrator ~~or the borough fire chief~~.

F. Equipment Provided to Local Battalions. Any and all equipment provided by the Northwest Arctic Borough for use by community volunteer fire battalions shall remain the property of the borough and shall be subject to inventory policy and procedures of the borough, unless, at the discretion of the borough administration, the equipment is turned over to the local government or the local fire association as authorized by assembly resolution. (Ord. 19-06 § 2, 2019; Ord. 10-15, 2011; Ord. 03-03 § 3, 2003. Formerly 10.08.040)

12.12.050 Community volunteer fire fighter's associations.

Volunteer fire fighters in each borough community are required to organize and establish their own volunteer fire fighter's association, with its own bylaws. Each association shall elect its own officers (president, vice president, secretary, etc.), and shall function so as to address business and social concerns of volunteer fire fighters. An association's primary concern shall be the recruitment, maintenance, and training of the volunteer corps. (Ord. 19-06 § 2, 2019; Ord. 10-15, 2011; Ord. 03-03 § 3, 2003. Formerly 10.08.050)

12.12.060 Rules and regulations.

The fire coordinator administrator, ~~fire chief~~ shall establish, maintain, and enforce an up-to-date, minimum set of rules and regulations governing the

operation of the borough fire department and community battalions. The rules and regulations shall address the discipline, training, and certification of all personnel, whether paid or volunteer. Such rules, regulations, and any changes, deletions or additions shall be effective when filed with the mayor and approved by the assembly. The fire coordinator ~~administrator, fire chief~~ shall ensure the enforcement of these rules and regulations and is authorized to suspend or remove from volunteer or paid service any officer or fire fighter who does not meet and maintain minimum standards of knowledge, conduct, or performance as may be stated in the rules and regulations. (Ord. 19-06 § 2, 2019; Ord. 10-15, 2011; Ord. 03-03 § 3, 2003. Formerly 10.08.060)

12.12.070 Fire department authority.

A. The fire coordinator ~~administrator, fire chief~~ or other officer of the fire department, or any authorized representative, including the community battalion chief and other battalion officers, while providing fire protection services, has the authority to:

1. Control and direct activities at a fire;
2. Order a person to leave a building or place in the vicinity of a fire, for the purpose of protecting the person from injury or death;
3. Blockade a public street or road, or a private right-of-way, temporarily responding to or working a fire;
4. Trespass upon property at or near the scene of a fire at any time of day or night for the purpose of responding to the fire or protecting residents from the fire;
- ~~5. Enter a building, including a private dwelling, or upon premises where a fire is in progress, or where there is reasonable cause to believe that there is a fire in progress, for the purpose of extinguishing the fire;~~
- ~~6. Enter a building, including a private dwelling, or premises near the scene of the fire for the purpose of protecting the building or premises or for the purpose of extinguishing the fire, which is in progress in another structure;~~
- ~~7. Upon 24-hour advance written notice to an owner or occupant, inspect, for preplanning purposes, any and all buildings, structures or other facilities within the borough, except the interior of a private dwelling, where combustible material is, or may be, present and poses a fire hazard;~~
- 8~~5~~. Direct the removal or destruction of a fence, motor vehicle, structure, or other object, as he or she may judge necessary, in order to prevent the further spread of fire.

B. An owner or occupant of a building or place specified in this section or any other person on the site of a fire or other emergency who refuses to obey the order of an officer of the borough fire department or his/her authorized representative in the exercise of his/her official duties is guilty of a misdemeanor and, upon conviction, is punishable by imprisonment for up to one year, or by a fine of not more than \$1,000, or both, as per AS 18.70.075(b).

C. In this section, “inspect for preplanning” means to conduct limited inspections for the purpose of preparing a fire response plan in the event of a future emergency, but does not include inspections for the purpose of determining compliance with statutory or municipal fire code requirements. (Ord. 19-06 § 2, 2019; Ord. 10-15, 2011; Ord. 03-03 § 3, 2003. Formerly 10.08.070)

12.12.080 Kotzebue exemption and cooperation.

The city of Kotzebue is exempt from the borough’s areawide power as exercised under this chapter; provided, that nothing in this chapter shall prevent the borough from entering into agreements or other arrangements with the city to provide for soft, mutual aid, cooperation or cost sharing to enhance fire protection, prevention, training, education and other related functions otherwise authorized under this chapter. (Ord. 19-06 § 2, 2019; Ord. 10-15, 2011; Ord. 03-03 § 3, 2003. Formerly 10.08.080)

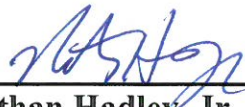
12.12.090 Limitation of liability.

A. No action may be maintained against any employee or member of the Northwest Arctic Borough fire department if the claim is an action for tort or breach of contractual duty and is based upon the act or omission of that employee or member in the execution of a function for which the fire department is established.

B. The term “fire department” in this section includes Northwest Arctic Borough employees with job descriptions which include fire administration or operations duties, community battalion chiefs, and community volunteer fire fighters. (Ord. 19-06 § 2, 2019; Ord. 10-15, 2011; Ord. 03-03 § 3, 2003. Formerly 10.08.090)

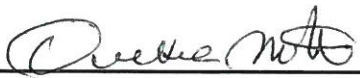
Section 2: This Code Ordinance shall be effective immediately.

PASSED AND ADOPTED THIS 23rd DAY OF February 2022.




Nathan Hadley, Jr., Assembly President

PASSED AND APPROVED THIS 23rd DAY OF February 2022.


Dickie Moto, Sr., Mayor

SIGNED AND ATTESTED TO THIS 23rd DAY OF February 2022.


Helena Hildreth, Borough Clerk

ATTEST:

First Reading: December 28, 2021.
Second Reading: February 23, 2022.

