

Introduced: 3/12/75
Referred: Judiciary

1 IN THE SENATE

BY ZIEGLER BY REQUEST

HCS CS SENATE BILL NO. 257 am

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IN THE LEGISLATURE OF THE STATE OF ALASKA

NINTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to officers and employees of a municipal fire department."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 09.65.070 is amended to read:

Sec. 09.65.070. SUITS AGAINST INCORPORATED UNITS OF LOCAL GOVERNMENT. (a) Subject to (b) of this section, an [AN] action may be maintained against an incorporated borough, city, or other public corporation of like character in its corporate character and within the scope of its authority, or for an injury to the rights of the plaintiff arising from some act or omission of the unit of local government.

(b) No action may be maintained against an employee of a fire department operated and maintained by an organized borough, city, or other public corporation or against an organized borough, city, or other public corporation if the claim is an action for tort, and is based upon an act or omission of the employee of the fire department, exercising due care, in the execution of a statute, regulation or ordinance, whether or not the statute, regulation or ordinance is valid; or is an action for tort, and based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of the employee, whether or not the discretion involved is abused.

* Sec. 2. AS 18.70 is amended by adding a new section to read:

Sec. 18.70.075. AUTHORITY OF MUNICIPAL FIRE DEPARTMENT OFFICERS AND THEIR PERSONNEL. (a) An officer of a municipal fire department

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1 or his authorized representative, while providing fire protection
2 services, has the authority to

3 (1) control and direct activities at the fire;

4 (2) order a person to leave a building or place in the
5 vicinity of the fire, for the purpose of protecting the person from
6 injury;

7 (3) blockade a public highway, street, or private right-of-
8 way temporarily while at a fire;

9 (4) trespass at any time of the day or night without lia-
10 bility while at a fire;

11 (5) enter a building, including a private dwelling, or
12 upon premises where a fire is in progress, or where there is reasonable
13 cause to believe a fire is in progress, for the purpose of extinguish-
14 ing the fire;

15 (6) enter a building, including a private dwelling, or
16 premises near the scene of the fire for the purpose of protecting the
17 building or premises or for the purpose of extinguishing the fire
18 which is in progress in another building or premises;

19 (7) inspect for preplanning all buildings, structures, or
20 other places within the municipality, except the interior of a private
21 dwelling, where combustible material is or may become dangerous as a
22 fire menace to the building;

23 (8) direct, without liability, the removal or destruction
24 of a fence, house, motor vehicle, or other thing which he may judge
25 necessary to remove or destroy to prevent the further spread of the
26 fire;

27 (9) do other acts no less restrictive than prescribed by
28 local ordinance which are necessary and appropriate to control fire and
29 prevent its recurrence.

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(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 a municipal fire department or his authorized representative in the exercise of his official duties is guilty of a misdemeanor.

* Sec. 3. AS 29.48.030(18) is amended to read:

(18) "fire protection service and facilities, not in conflict with AS 18.70.075, but not limited to AS 18.70.075;