

Offered: 2/9/87
Referred: Community &
Regional Affairs

5-0338B

Original sponsors: Miller, Cato,
Frank and Koponen

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 68 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the authority of fire department
7 officers."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 18.70.075 is amended to read:
10 Sec. 18.70.075. AUTHORITY OF [MUNICIPAL] FIRE DEPARTMENT OFFI-
11 CERS [AND THEIR PERSONNEL]. (a) A fire [AN] officer of a municipal
12 fire department or a fire department registered under AS 29.60.130 [AN
13 AUTHORIZED REPRESENTATIVE], while providing fire protection or other
14 emergency services, has the authority to
15 (1) control and direct activities at the scene of a fire or
16 emergency;
17 (2) order a person to leave a building or place in the
18 vicinity of a [THE] fire or emergency, for the purpose of protecting
19 the person from injury;
20 (3) blockade a public highway, street, or private right-of-
21 way temporarily while at the scene of a fire or emergency;
22 (4) trespass upon property at or near the scene of a fire
23 or emergency at any time of the day or night;
24 (5) enter a building, including a private dwelling, or
25 [UPON] premises where a fire is in progress, or where there is reason-
26 able cause to believe a fire is in progress, to extinguish [FOR THE
27 PURPOSE OF EXTINGUISHING] the fire;
28 (6) enter a building, including a private dwelling, or
29 premises near the scene of a [THE] fire for the purpose of protecting

1 the building or premises or for the purpose of extinguishing the fire
2 that is in progress in another building or premises;

3 (7) upon 24-hour notice to the owner or occupant, conduct a
4 prefire planning survey in [INSPECT FOR PREPLANNING] all buildings,
5 structures, or other places within the municipality or the registered
6 fire department's district, except the interior of a private dwelling,
7 where combustible material is or may become dangerous as a fire menace
8 to the building;

9 (8) direct the removal or destruction of a fence, house,
10 motor vehicle, or other thing judged [THAT THE OFFICER OR AUTHORIZED
11 REPRESENTATIVE MAY JUDGE] necessary [TO REMOVE OR DESTROY] to prevent
12 the further spread of a [THE] fire.

13 (b) An owner or occupant of a building or place specified in
14 this section or any other person on the site of a fire or other fire
15 department emergency who refuses to obey the order of a fire [AN]
16 officer of a municipal or registered fire department [OR AN AUTHORIZED
17 REPRESENTATIVE] in the exercise of official duties is guilty of a
18 misdemeanor, and upon conviction, is punishable by imprisonment for
19 one year, or by a fine of not more than \$1,000, or by both.

20 (c) In this section [,]

21 (1) "emergency" means a situation in which the services of
22 fire department personnel are necessary or appropriate to protect
23 life, property, or public health;

24 (2) "prefire planning survey" ["INSPECT FOR PREPLANNING"]
25 means a limited inspection for the purpose [TO CONDUCT LIMITED INSPEC-
26 TIONS FOR PURPOSES] of preparing a fire attack plan in the event of a
27 future emergency [, BUT DOES NOT INCLUDE INSPECTIONS FOR PURPOSES OF
28 DETERMINING COMPLIANCE WITH STATUTORY OR MUNICIPAL FIRE CODE REQUIRE-
29 MENTS].