



LAWS OF ALASKA

1975

Source

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Chapter No.

215

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 by adding a new subsection to read:

(b) No action may be maintained against an employee of a fire department operated and maintained by an organized borough, city, organized village, or other public corporation if the claim is an action for tort or breach of a contractual duty, and is based upon an act or omission of the employee of the fire department in the execution of a statute, regulation, ordinance or contract, whether or not the statute, regulation, ordinance or contract is valid, and whether or not the act or omission occurs inside the jurisdictional limits of the borough, city, organized village, or other public corporation; or is an action for tort or breach of a contractual duty, and is 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 is abused, and whether or not the act or omission complained of occurs inside the jurisdictional limits of the borough, city, organized village, or other public corporation.

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

(1) control and direct activities at the fire;

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

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

(4) trespass upon property at or near the scene of a fire at any time of the day or night;

(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 a fire is 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 building or premises;

(7) upon 24-hour notice to the owner or occupant, inspect for preplanning all buildings, structures, or other places within the municipality, except the interior of a private dwelling, where combustible material is or may become dangerous as a fire menace to the building;

(8) direct the removal or destruction of a fence, house, motor vehicle, or other thing which he may judge necessary to remove or destroy to prevent the further spread of the 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 a municipal fire department or his authorized representative in the exercise of his official duties is guilty of a misdemeanor, and upon conviction, is punishable by imprisonment for one year, or by a fine of not more than \$1,000, or by both.

(c) In this section, "inspect for preplanning" means to conduct limited inspections for purposes of preparing a fire attack plan in the event of a future emergency, but does not include inspections for purposes of determining compliance with statutory or municipal fire code requirements.

* 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;