

ORDINANCE NO. 841

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF  
PAYSON, ARIZONA, AMENDING SECTIONS 32.01 THROUGH 32.31  
(POLICE AND FIRE DEPARTMENTS) OF THE TOWN CODE.  
(PART 5 OF THE SYSTEMATIC CODE REVIEW AND UPDATE)

WHEREAS, on June 6, 2013, the Town Council directed the Town Attorney, working with the Town's Departments to systematically review the Town Code and to bring to the Council any recommended amendments to ensure consistency with State Law, internal consistency with other Town Ordinances/Code sections, and efficiency of Town operations; and

WHEREAS, Title III: General Provisions of the Town Code, Sections 32.01-32.31 (Police and Fire Departments) has been reviewed by the Town Attorney, Town Manager, the Deputy Town Manager over Public Safety, and a representative of the Fire Department; and

WHEREAS, the Town desires to amend the following Sections related to the Police Department - 32.01 (Creation; Composition), 32.02 (Appointment, Compensation of Officers), 32.03 (Departmental Rules and Regulations), 32.04 (Duties of Police Department), 32.06 (Police Volunteers and Reserves), and 32.07 (Authority to Detain Persons to Serve Traffic Complaint); and

WHEREAS, the Town desires to amend the following Sections related to the Police Department - 32.20 (Creation; Composition), 32.21 (Departmental Rules and Regulations), 32.22 (Powers and Duties of the Chief), 32.23 (Appointment and Duties of Firefighters), 32.24 (Entry Upon Adjacent Property), 32.25 (Equipment), 32.26 (Providing Fire Protection Services Outside the Town), 32.27 (Acknowledgement of Right of Way), 32.28 (Fire Alarms), 32.30 (Authority at Fires and Other Emergencies), and 32.31 (Division of Fire Prevention),

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF  
PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 32.01 (Creation; Composition) of the Town Code is amended and shall read as follows:

32.01 CREATION; COMPOSITION

There is hereby created a Police Department for the Town which shall consist of a Chief of Police who shall also serve as Town Marshal, and as many police officers and support staff as are deemed necessary.

*Second Public Hearing,* NOV 21 2013 1.2

Section 2. Section 32.02 (Appointment, Compensation of Officers) of the Town Code is amended and shall read as follows:

32.02 RESERVED.

Section 3. Section 32.03 (Departmental Rules and Regulations) of the Town Code is amended and shall read as follows:

32.03 DEPARTMENTAL POLICIES

The Police Chief may adopt operational departmental policies for the Police Department. Such policies shall be reviewed by the Manager and Attorney and shall be subject to the Town's Personnel Rules and all Town wide administrative policies.

Section 4. Section 32.04 (Duties of Police Department) of the Town Code is amended and shall read as follows:

32.04 DUTIES OF POLICE DEPARTMENT

It is the duty of the Police Department, under the direction of the Chief of Police, to do the following:

(A) Enforce this code and the statutes of the State of Arizona within the Town limits and to arrest and charge the violators thereof.

(B) Render such account of the Police Department, its duties and receipts as may be required by the Manager, and keep records of the office open to inspection by the Manager at any time.

(C) Direct traffic and ensure the orderly flow thereof and investigate and make reports of traffic accidents in the Town.

(D) Perform such additional duties as may be required by the Manager.

Section 5. Section 32.06 (Police Volunteers and Reserves) of the Town Code is amended and shall read as follows:

32.06 POLICE VOLUNTEERS AND RESERVES

(A) The Police Chief may create a Police Volunteer Program.

(B) The Police Chief may create a Police Reserve Program.

Section 6. Section 32.07 (Authority to Detain Persons to Serve Traffic Complaint) of the Town Code is amended and shall read as follows:

32.07 RESERVED.

Section 7. Section 32.20 (Creation; Composition) of the Town Code is amended and shall read as follows:

32.20 CREATION; COMPOSITION.

There is hereby created a Fire Department for the Town which shall consist of a Chief and as many firefighters and support staff as may be deemed necessary from time to time.

Section 8. Section 32.21 (Departmental Rules and Regulations) of the Town Code is amended and shall read as follows:

32.21 DEPARTMENTAL POLICIES.

The Fire Chief may adopt operational departmental policies for the Fire Department. Such policies shall be reviewed by the Manager and Attorney and shall be subject to the Town's Personnel Rules and all Town wide administrative policies.

Section 9. Section 32.22 (Powers and Duties of the Chief) of the Town Code is amended and shall read as follows:

32.22 POWERS AND DUTIES OF THE CHIEF.

It shall be the duty of the Fire Chief to do the following:

(A) Direct the operations of the Fire Department subject to the operational policies thereof.

(B) Exercise his/her responsibilities under the adopted *Fire Code* (including any amendments).

(C) Ensure that records of all incidents, inspections, apparatus and equipment, personnel and other information about the work of the Department are maintained.

(D) Make an annual report. The report shall include the information specified in division (C) above, together with comparative data for previous years and recommendations for improving the effectiveness of the Department.

(E) Enforce or cause to be enforced all ordinances, laws and regulations of the town and state, insofar as they pertain to fire and safety.

Section 10. Section 32.23 (Appointment and Duties of Firefighters) of the Town Code is amended and shall read as follows:

32.23 RESERVED.

Section 11. Section 32.24 (Entry Upon Adjacent Property) of the Town Code is amended and shall read as follows:

32.24 ENTRY UPON ADJACENT PROPERTY.

It is lawful for any firefighter acting within the scope of his/her duties to enter upon the premises adjacent to or in the vicinity of any building or other property that is on fire for the purpose of extinguishing the fire, and no person shall hinder, resist or obstruct any firefighter in the discharge of his/her duty as provided in this section.

Section 12. Section 32.25 (Equipment) of the Town Code is amended and shall read as follows:

32.25 RESERVED.

Section 13. Section 32.26 (Providing Fire Protection Services Outside the Town) of the Town Code is amended and shall read as follows:

32.26 PROVIDING EMERGENCY SERVICES OUTSIDE THE TOWN.

(A) *Out-of-town emergency service.* Emergency service may be rendered outside the Town by the Fire Department, in the following cases:

- (1) To protect town property located outside the Town.
- (2) To protect property within the Town threatened by a fire outside the Town.
- (3) To protect other public property within a reasonable distance of the Town limits.
- (4) To go to the aid of a community threatened with disaster, loss of life, or other emergency incident.
- (5) To go to the aid of a fire protection district or municipality having a mutual aid agreement with the Town.
- (6) Under the terms of a mutual aid agreement.
- (7) Pursuant to a contract for out of Town emergency services.
- (8) In other situations if sufficient resources are available.

(B) *Mutual aid agreements.*

- (1) The Town may enter into mutual aid agreements when beneficial to the Town.
- (2) The absence of a mutual aid agreement shall not be cause for refusal of aid to a community where extreme emergency conditions are present, and where emergency response equipment and personnel of the town can be spared for such service.

Section 14. Section 32.27 (Acknowledgment of Right-of-Way) of the Town Code is amended and shall read as follows:

32.27 PROHIBITED PARKING AND DRIVING.

No person may park (a) within 20 feet of a fire department driveway utilized by fire department apparatus or (b) within 15 feet of a fire hydrant. No person shall drive a vehicle

over a fire hose.

Section 15. Section 32.28 (Fire Alarms) of the Town Code is amended and shall read as follows:

32.28 RESERVED.

Section 16. Section 32.30 (Authority at Fires and Other Emergencies) of the Town Code is amended and shall read as follows:

32.30 AUTHORITY AT FIRES AND OTHER EMERGENCIES.

The Chief or authorized representatives who may be in charge at the scene of an emergency incident shall have the authority to direct such operation as may be necessary to resolve the emergency incident and restore public safety. The Chief or authorized representative may prohibit any person, vehicle, vessel or thing from approaching the scene, and may remove from the scene any vehicle, vessel or thing which may impede or interfere with the operations of the Fire Department.

Section 17. Section 32.31 (Division of Fire Prevention) of the Town Code is repealed.

Section 18. If any section, subsection, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this 21<sup>st</sup> day of November, 2013, by the following vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

\_\_\_\_\_  
Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Silvia Smith, Town Clerk

  
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Timothy M. Wright, Town Attorney