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*Rec'd 01/08/92
Clerk's Office
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CITY OF HOMER
HOMER, ALASKA

ORDINANCE 92-06

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF HOMER AMENDING TITLE 1, CHAPTER 60, DEPARTMENT OF PUBLIC SAFETY, OF THE HOMER MUNICIPAL CODE.

*Pulled
01/23/92*

WHEREAS, it has become increasingly apparent that intoxicated and/or drug influenced persons are creating a substantial demand for emergency services upon the Department of Public Safety, and

WHEREAS, these emergency responses constitute a substantial and unnecessary financial burden upon the residents of the City of Homer,

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Chapter 1.60, Department of Public Safety of the Homer Municipal Code is hereby amended by the addition of a new section, 1.60.070 to read as follows:

1.60.070 Cost of Emergency Response. The Department of Public Safety shall determine the expense to the City of Homer of each emergency response necessitated by intoxicated persons and/or persons under the influence of drugs; and it shall bill any person or persons for all costs that are incurred by the City in the response to the alcohol and/or drug related emergencies, as outlined herein.

(a) Any person who is under the influence of an alcoholic beverage or any drug or the combined influence of an alcoholic beverage and any drug, whose operation of a motor vehicle, boat, vessel, or aircraft caused by that influence proximately causes any incident resulting in an appropriate emergency response; or any person under said influence whose intentional wrongful conduct proximately causes any other incident resulting in an appropriate emergency response, is liable for the expense of the emergency response by a city agency to that incident.

(b) For purposes of this section a person is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, when as a result of drinking an alcoholic beverage or using a drug, or both, his or her physical or mental abilities are impaired to a degree that he or she no longer has the ability to operate a motor vehicle, boat, vessel, or aircraft with the caution characteristic of a sober person, or with ordinary prudence under the same or similar circumstances. For purposes of this section, a person shall be presumed to be under the influence of alcohol when, as determined by a chemical test taken within eight (8) hours after the emergency response was necessitated, there is 0.10 percent or more by weight of alcohol in the persons blood or one hundred (100) milligrams or more of alcohol per one hundred (100) milliliters of blood, or when there is 0.10 grams or more of alcohol per two hundred ten (210) liters of the persons breath.

(c) The expense of an emergency response shall be a charge against the person(s) liable for expenses under this section. The charge constitutes a debt of that person and is collectable by the City in the same manner as is the case of an obligation under a contract, expressed or implied. Within thirty (30) days following the incident necessitating the emergency response, a billing statement and demand for payment shall be mailed to the person(s) liable for the expenses of the emergency response. The recipient of the letter shall have thirty (30) days to pay the bill in full; said bill to include all costs for police, fire departmental personnel, and any medical costs paid on behalf of the person by the City. If no payment is received within thirty (30) days following the mailing of the bill, the bill shall be forwarded to the finance department for collection.

(d) Emergency response fees shall be promulgated by the Department of Public Safety, and shall be included in the Departmental Administrative Fee Schedule. Once promulgated, said fees may be amended by resolution as necessary to reflect any increases in costs incurred by the Department.

(e) Definitions.

(1) "Expense of Emergency Response" means all reasonable costs incurred by the police or fire departments in reasonably making an appropriate emergency response to the incident, including the costs of providing police, fire fighting, rescue, emergency medical services and any necessarily incurred hospital and/or follow up medical care the City may have been obligated.

(2) "Intentionally wrongful conduct" means conduct intended to injure another person, or to injure property, or to violate any law.

(3) "Emergency response" means a response which causes police or fire personnel to use their emergency lights and/or siren.

Date Mailed: _____

To:

Re: Emergency Response Services

Dear Mr/Ms _____

The Homer Municipal Code, Section 1.60.070 provides that the costs of an emergency response shall be paid by that person whose intoxication and/or drug impairment necessitated the emergency response. On _____, your actions necessitated an emergency response by the City of Homer's police and/or fire departments while you were under alcohol and/or drug impairment. As a result of your actions, the City of Homer incurred costs in the amount of \$ _____. (See attached billing form for a breakdown of specific fees.)

The law provides that you have thirty (30) days to pay this amount from the date this demand is mailed to you. Please remit your payment to:

City of Homer
Finance Dept
491 East Pioneer Avenue
Homer, Alaska 99603

The law further provides that your failure to pay this bill promptly will result in a civil collection action being pursued against you. If you have any questions, or need additional information please contact me at 235-8121. Thank you for your prompt attention to this matter.

Sincerely,

Rochelle Morris
Finance Director
City of Homer

Attachments: Billing form

xc: HPD Case file _____
Finance Dept, Collections

Chapter 1.60DEPARTMENT OF PUBLIC SAFETYSections:

- 1.60.010 Department created.
- 1.60.020 Function of department.
- 1.60.030 Authority of department.
- 1.60.040 Service divisions.
- 1.60.050 Contracts for services authorized.
- 1.60.060 Authority of Homer Volunteer Fire Department.

1.60.010 Department created. There is created a Department of Public Safety which shall consist of two divisions, the Division of Police Services and the Division of Emergency Services. The Department of Public Safety shall be headed by the Director of Public Safety who shall be appointed by the City Manager for an indefinite term, confirmed by the City Council, and shall be removable only for cause by the City Manager. The Director of Public Safety shall appoint directors of each department division who shall supervise and direct the activities of each such division. (Ord. 87-13 § 1(part), 1987).

1.60.020 Function of department. It shall be the function of the Department of Public Safety to preserve order, enforce all ordinances and laws in the City, preserve the peace, render aid in the case of accident or disaster, and to prevent and extinguish accidental or destructive fires. (Ord. 87-13 § 1(part), 1987).

1.60.030 Authority of department. The Director of Public Safety shall have all the duties and power assigned by law or ordinance to provide law enforcement, emergency communications, fire protection, rescue and emergency medical services and shall have the supervision of all officers and employees assigned to that department and shall have the authority to administer contracts for public safety services not provided by department personnel. (Ord. 87-13 § 1(part), 1987).

1.60.040 Service divisions. Each division of Public Safety shall have the duties and authority set forth in this section:

a. The Division of Police Services shall have the duty and authority to preserve order, enforce all ordinances and laws in the City, preserve peace and in all respects to perform all duties pertaining to the offices of policemen. The Director of Police Services shall have the authority to supervise and direct the activities of the Division of Police Services.

b. The Division of Emergency Services shall have the duty and the authority to provide for emergency medical services, fire protection services and in general, comprehensive emergency management services within the City. The Director of Emergency Services shall have the authority to supervise and direct the activities of the officers and employees assigned to the Division of Emergency Services. (Ord. 87-13 §1(part), 1987).

1.60.050 Contracts for services authorized. a. The City of Homer shall have the authority to contract for the provision of public safety services, including fire control and related services.

b. The City of Homer shall have the authority to delegate to the contractor the duties and powers required for the supervision and direction of the activities performed under contract to the City, except as may otherwise be prohibited by law. (Ord. 87-13 §1(part), 1987).

1.60.060 Authority of Homer Volunteer Fire Department. a. An officer of the Homer Volunteer Fire Department, Inc., or his authorized representative, while providing the services under contract, has the authority to:

1. Control and direct the activities at an emergency incident;

2. Order a person to leave a building or place in the vicinity of the emergency incident, for the purpose of protecting the person from injury;

3. Blockade a public highway, street, or private right-of-way temporarily while at an emergency incident;

4. Trespass upon property at or near the scene of an emergency incident any time of the day or night;

5. Enter a building, including a private dwelling, or upon the 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 a 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 twenty-four-hour notice to the owner or

occupant, inspect for preplanning all buildings, structures, or other places within the City of Homer, except the interior of a private dwelling, where combustible material is or may become dangerous as a fire menace in 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 fire;

9. Request or prohibit open burning if he determines that weather or other conditions create a situation that endangers life or property;

10. Request and direct the activity of support services from city departments;

11. An EMT certified under Section 18.08.086 of the Alaska Statutes may take or control such activities as may be necessary to render aid to an injured or ill person who reasonably appears to the EMT to be in immediate danger of serious harm or death.

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 HVFD or his duly authorized representative in the exercise of his official duties is guilty of an infraction, and upon conviction, is punishable by a fine of not more than three hundred dollars.

c. In this section, "inspect for preplanning" means to conduct limited inspections for the purposes of preparing a fire attack 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. 87-13 §1(part), 1987).

Chapter 1.64

DEPARTMENT OF PUBLIC WORKS

Sections:

1.64.010 Department of Public Works.

1.64.010 Department of Public Works. The Department of Public Works is created which shall be headed by the Director of Public Works who shall be appointed by the City Manager for an indefinite term and shall be removable by the City Manager. The Department may be subdivided into divisions with their own superintendents or foremen as deemed necessary. The Director shall supervise such personnel as may be necessary to operate, maintain, inspect, engineer and construct public facilities such as water