ORDINANCE NO. 29

AN AMENDMENT TO ORDINANCE NO. 29 OF THE UNINCORPORATED TOWN OF PAHRUMP, PROVIDING FOR A FULL-SERVICE FIRE DEPARTMENT, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

WHEREAS, the Town Board of the unincorporated Town of Pahrump deems it advisable to ordain a full-service fire department for the protection of life or property or any part thereof; and

WHEREAS, the Town Board has previously ordained the creation of the Pahrump Volunteer Fire Department and approved of its transition to a full-service force; and

WHEREAS, the Nevada State Fire Marshal Division has noted that the Town of Pahrump has not ordained the transition of the Pahrump Volunteer Fire Department to a full-service force that is responsible for fire prevention and suppression; and

WHEREAS, the Town Board deems it advisable to ratify the transition of the Pahrump Volunteer Fire Department to a full-service force pursuant to N.R.S. 269.250.

NOW, THEREFORE, the Town of Pahrump, Nevada does ordain:

Section 1. Pahrump Valley Fire-Rescue Service Ordinance, 29.000 et seq.

29.000 PURPOSE OF ORDINANCE. That there is hereby created a department to be hereafter known as the Pahrump Valley Fire-Rescue Service, the object of which shall be the protection of life or property or any part thereof within the Town of Pahrump, Nye County, Nevada or as may be allowed through memoranda of understanding with nearby entities.

29.010 SHORT TITLE. The Title by which this Ordinance shall be known is the “Pahrump Valley Fire-Rescue Service Ordinance.”

29.020 DEFINITIONS: For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein, unless the context clearly indicates a different meaning:

BOARD: The word “Board” means the Town Board of the unincorporated Town of Pahrump, Nye County, Nevada.

CHIEF: The word “Chief” means the head of the Pahrump Valley Fire-Rescue Service.

DEPARTMENT: The word “Department” means the Pahrump Valley Fire-Rescue Service.

MEMBER: The word “Member” means a volunteer member of the Pahrump Valley Fire-Rescue Service.

PERSONNEL: The word “Personnel” means the paid personnel of the Pahrump Valley Fire-Rescue Service.

29.030 DEPARTMENT PERSONNEL & MEMBERS. The Department shall consist of a Chief and such other Personnel and Members as the Chief, Town Manager, and Town Board may deem necessary for the effective operation of the Department.

29.040 CHIEF APPOINTED BY THE BOARD. The Chief shall be appointed by the Board to serve at the pleasure of the Board.

29.050 REPORTING REQUIREMENTS. The Chief shall report to the Town Manager and shall make reports thereto as the Town Manager may require.

29.060 MAINTENANCE OF RECORDS. The Chief shall see that complete records are maintained regarding all fires, fire prevention activities, inspections, apparatus and equipment, Members, Personnel, training, and other information about the work of the Department.

29.100 PROTECTION OF LIFE OR PROPERTY. For the protection of life or property or any part thereof, the Chief shall have the authority to direct such operation as necessary to: extinguish or control any fire; perform any rescue operation; or investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions, materials (Hazmat) or situations. The Chief is empowered to take any action necessary in the reasonable performance of his duties, such as: placing ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the Department to manage and control the situation and to handle fire apparatus; prohibiting any person, vehicle or thing from approaching the scene; removing, or causing to be removed or kept away from the scene, any vehicle, vessel or thing which could impede or interfere with the operations of the Department; and, in the judgment of the Chief, removing, or causing to be removed or kept away from the scene, any person not actually and usefully employed in a Department operation. If the Chief is absent from the scene, the Chief’s designee shall assume all the duties of the Chief.
29.110 INVESTIGATION OF CAUSE AND ORIGIN. The Chief or the Chief’s designee is required and authorized investigate the origin, cause and circumstances of all fires. To suppress the crime of arson, the Chief or the Chief’s designee shall request the assistance of the State Fire Marshal when necessary or prudent.

29.120 ADOPTION OF THE FIRE CODE. The Fire Code is adopted by reference as if set forth in full, making the same applicable to the Town of Pahrump.

29.200 VOLUNTEER MEMBERSHIP REQUIREMENTS. The Department’s membership shall consist of able-bodied citizens of the Town of Pahrump who are capable of performing the tasks for which they were assigned. Members must maintain an active participation level, as defined by the Department’s rules and regulations.

29.210 SUSPENSION OR DISCHARGE OF VOLUNTEER MEMBER. The Chief may suspend any Member of the Department for up to 90 days at any time the Chief deems such action necessary for the good of the Department. The Chief is also authorized to discharge any Member for just cause, after first investigating all matters relating to said just cause and receiving the approval of the Town Manager.

29.220 REQUEST FOR PUBLIC HEARING BY DISCHARGED VOLUNTEER MEMBER. A discharged Member may request a public hearing with the Board, provided such request is in accordance with the rules set forth in NRS 269.083. Nothing in this section may be construed to grant Members the status of a public employee.

29.300 EQUIPMENT AND APPARATUS. The Department shall be equipped with appropriate equipment and apparatus in such manner as may be designated by the Board and in accordance with the budget to maintain the Department’s efficiency and the proper protection of life or property.

29.310 RECOMMENDATIONS FOR LARGE APPARATUS AND EQUIPMENT. Recommendations on large apparatus and equipment shall be made by the Chief, or his designated representative, and, after approval by the Board, shall be purchased in such manner as may be designated by the Board and in accordance with the budget.

29.320 HOUSING OF EQUIPMENT. All equipment of the Department shall be safely and conveniently housed in such places as may be designated by the Chief.

29.400 DRIVING OVER FIRE HOSE. No person shall drive any vehicle over a fire hose, except upon specific orders from the Chief or other officer in charge of the scene.
29.410 PARKING DISTANCE FROM FIRE APPARATUS OR WHERE IT IS STORED. No person shall park any vehicle or otherwise cause any obstruction to be placed within a designated fire lane of the entrance to a fire station or other place where fire apparatus is stored or within 10 feet of any fire hydrant.

29.420 ALLOWABLE DISTANCE FOR FOLLOWING FIRE EQUIPMENT. No unauthorized person or vehicle shall follow within 500 feet of any apparatus responding to an emergency nor park any vehicle within 500 feet of the scene of a fire.

29.430 FALSE ALARMS. No person shall maliciously turn in or cause to be turned in a false alarm. Persons who maliciously turn in or cause to be turned in a false alarm may be subject to the criminal sanctions embodied in Section 29.600 of this Ordinance, but the Chief, in his discretion, may charge a response fee in the amount of $100 for the first occurrence and $200 for each subsequent occurrence.

29.500 USE OF GENERAL FUNDS. The Board may provide in the annual budget of the Pahrump Town General Fund for funds to be used for the purpose of Personnel, apparatus and equipment. Further, the Board may make such arrangements as are necessary to provide Personnel and Members of the Department with insurance coverage as necessary.

29.600 PENALTY FOR VIOLATION. Any person found guilty of a violation of this Ordinance is guilty of a misdemeanor under the general laws of the State of Nevada and shall be punished by a fine not to exceed one thousand dollars ($1,000.00) or by imprisonment not to exceed six (6) months, or by both such fine or imprisonment, and additionally shall pay costs of suit.

29.700 ENFORCEMENT POWERS. The Chief, the Chief’s designee, and officers of the Department are hereby given the necessary powers to enforce the provisions of this Ordinance under the laws of the State of Nevada for the protection of the safety, health, and general welfare of society.

29.800 BILLING FOR SERVICES RENDERED. The Department is hereby authorized to bill any person, firm, partnership, corporation, business organization or any other entity for services, equipment, supplies and manpower rendered to said person, firm, partnership, corporation, business organization or any other entity as a result of providing services rendered pursuant to this Ordinance. This authority to bill, as herein provided, may be revoked by the Board at any time. Before billing one for services rendered according to this Section, the Board must approve a schedule of fees and the Department must make the schedule available to the public.
Section 2.  Repealer

All sections, subsections, phrases, sentences, clauses or paragraphs of the several existing ordinances of the Town of Pahrump, Nevada, in conflict herewith, are hereby repealed and replaced as necessary. Pahrump Town Ordinance No. 5 and previous versions of Pahrump Town Ordinance No. 29 are hereby repealed in their entirety and shall be of no further force or effect.

Section 3.  Severability

If any section, sentence, clause, or phrase of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this Ordinance.

Section 4.  Effective Date

This amended Ordinance shall be in full force and effect from and after its passage, adoption, and second publication in a newspaper printed and published within the Town of Pahrump, County of Nye, State of Nevada.
Proposed by Town Board Member

Seconded by Town Board Member

Adopted on the ___ day of ____________, 20__.

Vote Ayes Nays

ATTEST:

[Signature]
Town Board Clerk

[Signature]
Town Board Chairperson