

Section ID:

Section:

Title: VOLUNTEER FIRE DEPARTMENT AMENDMENT

Last Revised Date: 10/8/2002

Description:

AMENDMENT TO PAHRUMP TOWN ORDINANCE NO. 29  
AN ACT AMENDING ORDINANCE NO. 29 PROVIDING FOR THE ELECTION OF OFFICERS AND DETERMINING THE PROCESS THEREFOR; PROVIDING FOR DISCIPLINARY MATTERS; CLARIFYING MATTERS RELATING TO THE CHAIN OF COMMAND; CORRECTING AND CLARIFYING INACCURACIES AND CLERICAL ERRORS AND FOR OTHER MATTERS PROPERLY RELATING THERETO.

**WHEREAS**, the Town Board of the Town of Pahrump is granted authority under N.R.S. Chapter 269 to create and maintain a volunteer fire department, and

**WHEREAS**, said department has heretofore been created by ordinance, and

**WHEREAS**, an examination of that ordinance revealed matters that through time or clerical error need to be revised, and

**WHEREAS**, the Town Board of the Town of Pahrump is desirous of bringing the Ordinance current with the existing needs of the Town of Pahrump and the residents thereof.

**NOW, THEREFORE, THE TOWN BOARD OF THE UNINCORPORATED TOWN OF PAHRUMP, NYE COUNTY, NEVADA DOES ORDAIN AS FOLLOWS:**

Pahrump Town Ordinance NO. 29, is hereby amended as follows:

**PAHRUMP VOLUNTEER FIRE DEPARTMENT ORDINANCE AMENDED  
PAHRUMP TOWN ORDINANCE NO. 29**

**Section:**

29.000 Purpose of Ordinance

29.100 Short Title

29.110 Definitions

29.200 Department Officers

29.210 Chief Appointed by the Board

29.220 Chief, Reporting Requirements

29.230 Appointments

29.240 **Nomination for Chief**  
29.300 **Formulation of Rules and Regulations**  
29.310 **Drill and Instruction Requirements**  
29.320 **Assistance to Authorities in Arson**  
29.325 **Cause and Origin**  
29.330 **Reports Required**  
29.340 **Monthly Reports Required**  
29.350 **Annual Reports Required**  
29.400 **Volunteer Membership Requirements**  
29.410 **Suspension of Volunteer Member**  
29.420 **Request for Public Hearing by Suspended or Discharged Volunteer Member**  
29.500 **Equipment and Apparatus**  
29.510 **Recommendations for Large Apparatus and Equipment**  
29.520 **Housing of Equipment**  
29.530 **Use of Equipment**  
29.540 **Unauthorized Use of Equipment**  
29.600 **Certification**  
29.610 **Advancement of Certification**  
29.700 **Issuance of Badge and Photo Identification**  
29.710 **Automobile Insignia**  
29.720 **Driving over Fire hose**  
29.730 **Parking Distance from Fire Apparatus or Where It is Stored**  
29.740 **Allowable Distance for Following Fire Equipment**  
29.750 **False Alarms**  
29.800 **Use of General Funds**  
29.900 **Penalties**  
29.920 **Special Police Powers**  
29.930 **On Duty Peace Officer Requirements**  
29.940 **Billing for Services Rendered**  
29.1000 **Severability**  
29.1100 **Repeal**  
29.1200 **Effective Date**

29.000 **PURPOSE OF ORDINANCE.** That there is hereby created a department to be hereafter known as the Pahrump Volunteer Fire Department, the object of which shall be the suppression and prevention of fire and protection of life and property within the limits of the unincorporated Town of Pahrump, Nye County, Nevada.

29.100 **SHORT TITLE.** The Title by which this ordinance shall be known is the “PAHRUMP VOLUNTEER FIRE DEPARTMENT ORDINANCE”.

29.110 **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:

**CHIEF:** The word “Chief” shall mean the head of the Pahrump Volunteer Fire Department.

**ASSISTANT CHIEF:** The words “Assistant Chief” shall mean the Assistant Chief of the Pahrump Volunteer Fire Department. This Position assumes all the duties of the Chief in his/her absence.

**DEPARTMENT:** The word “Department” shall mean the Pahrump Volunteer Fire Department.

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

**PERSONNEL:** The word “Personnel” shall mean the paid personnel assigned to the Pahrump Volunteer Fire Department by the Town of Pahrump.

**MEMBER:** The word “Member” shall mean a volunteer member of the Pahrump Volunteer Fire Department.

29.200 **DEPARTMENT OFFICERS.** The Department shall consist of a Chief, two Assistant Chiefs and other officers as the Chief, and the Town Board, may deem necessary for the effective operation of the Department.

29.210 **CHIEF APPOINTED BY THE BOARD.** The Chief shall be appointed by the board for an indefinite period of time, to serve at the pleasure of the Board, and his tenure shall depend upon his good conduct and efficiency. The Chief shall be technically qualified by training and experience and shall have the ability to command firefighters and hold their respect and confidence.

29.220 **CHIEF, REPORTING REQUIREMENTS.** The Chief shall report to the Town Manager and shall make reports thereto as the Town Manager may require. All other Department officers shall report to the Chief. Nothing herein shall exempt the Chief or other officers of the Department from reporting directly to the Town Board if the Town Board shall so require.

29.230 [Statement of Legislative Intent. The Town Board specifically notes that N.R.S. 269.250 (3) provides for the appointment of officers and employees of the volunteer fire department by a majority and a minority selection process. The Town Board further notes that Board member positions are non-partisan in nature and therefore no majority/minority situation exists in relation to the Board. In noting this specific inaccuracy in N.R.S. 269.250 (3) it is the desire of the Town Board to adhere as closely as possible to the intent of this statute.]

**APPOINTMENTS.** The Assistant Chiefs and all other Department Officers shall be nominated by the Chief subject to approval by the Town Board. Assistant Chiefs and all other officers may be terminated upon the recommendation of the Chief and the subsequent approval by the Board. Promotions or reductions in rank of departmental officers shall require Board approval. Recommendations concerning appointments, removals or reductions shall further be reviewed by the Town Manager for his recommendation prior to submission to the Board for its action.

29.240 [Statement of Legislative Intent. The Town Board hereby recognizes that the Pahrump Volunteer Fire Department has created a volunteer organization known as the “Firefighters Association”. The Town Board further recognizes that this fraternal association possesses professional insights in the technical field of firefighting which the Town Board generally does not possess. Although the Town Board may from time to time seek advice and counsel from this organization, it is the intention of the Town Board that this Ordinance in no way endows the Firefighters Association with the status of committee or subcommittee of the Town of Pahrump or that this Ordinance in any way delegates political authority to said Association.]

**NOMINATION FOR CHIEF.** Should a vacancy occur in the position of Chief, the Town Board may notify the Firefighters Association for its input and recommendations on a replacement. The Town Board may receive such recommendations from the Firefighters Association to fill the position of Chief as the Board, in its sole authority, shall deem proper. Nothing herein shall require the Town Board to act on or endorse said recommendations.

**29.300 FORMULATION OF RULES AND REGULATIONS.** The Board shall formulate a set of Rules and Regulations to govern the Department. In formulating said Rules and Regulations the Board shall give particular attention to matters concerning personnel, members, morale and general efficiency of the Department. Nothing herein shall prevent the Board from allowing the Chief and/or Town Manager to assist in the formulation of these Rules and Regulations, subject to Board approval.

**29.310 DRILL AND INSTRUCTION REQUIREMENTS.** The Chief or his designated appointee shall, at least once a month, conduct suitable drills or instruction in one or more of the following categories as the Chief Shall deem necessary: the operation and handling of equipment, first aid and rescue work, a study of buildings in the Town of Pahrump, fire prevention, water supply, and all other matters generally considered essential to good fire fighting and safety of life and property from fire.

**29.320 ASSISTANCE TO AUTHORITIES IN ARSON.** The Chief or his designee is hereby required and empowered to assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstance of all fires. The Chief or his designee will contact the Nevada State Fire Marshall regarding the suspected arson.

**29.325 CAUSE AND ORIGIN.** The Chief or his designee is hereby required and empowered to assist the proper authorities in investigating the cause and origin of all fires.

**29.330 REPORTS REQUIRED.** The Chief shall see that complete records are kept up to date regarding all fires, inspections, apparatus and minor equipment, personnel and other information about the work of the Department.

**29.340 MONTHLY REPORTS REQUIRED.** The Chief shall report monthly to the

Board regarding the number of fires during the previous month, their location and cause, the number of drills conducted, the number of members responding to each fire and other runs, and any changes in membership.

**29.350 ANNUAL REPORTS REQUIRED.** The Chief shall make a complete annual report to the Board, at the first Town Board meeting held in February of each year which report shall include the information specified in 29.340 for this Ordinance, together with the comparative data for previous years, with special emphasis on recommendations for improving the effectiveness of the Department.

**29.400 VOLUNTEER MEMBERSHIP REQUIREMENTS.** The volunteer membership of the Department shall consist of such person as may be recommended by the Chief and approved the majority of the volunteer members of the department at a regular monthly meeting. Volunteer members shall be able-bodied citizens, residing within the Town of Pahrump, in such number as may be deemed necessary by the Town Board. Members must maintain an active participation level to the satisfaction of the Chief.

**29.410 SUSPENSION OF VOLUNTEER MEMBER.** Any volunteer member of the Department may be suspended from the Department for up to 90 days by the Chief at any time he may deem such action necessary for the good of the Department. The Chief is hereby empowered to discharge a volunteer member for just cause, after first investigating all matters relating to said just cause.

**29.420 [Statement of Legislative Intent.** The Town Board hereby recognizes that a comprehensive legislative scheme allowing discharged public employees to have certain post-discharge remedies exists in N.R.S. 269.083. It is further the desire of the Town Board to apply these standards uniformly to volunteer members of the Fire Department. This application of uniformity is for convenience only and in no way deems volunteer members of the Fire Department to be public employees.

**REQUEST FOR PUBLIC HEARING BY SUSPENDED OR DISCHARGED VOLUNTEER MEMBER.** A discharged volunteer member may request a public hearing with the Town Board, provided such request is in accordance with the rules set forth in N.R.S. 269.083. Nothing in this section shall infer or impart to a volunteer the status of a public employee.

**29.500 EQUIPMENT AND APPARATUS.** The Department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire. This determination is to be made solely by the Town Board.

**29.510 RECOMMENDATIONS FOR LARGE APPARATUS AND EQUIPMENT.** Recommendations on large apparatus and equipment needed 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.

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

29.530 **USE OF EQUIPMENT.** No person shall use any fire apparatus or equipment for any private purposes, or shall any person wilfully and without proper authority take away or conceal any article used in any way by the Department without first obtaining authority from the chief.

29.540 **UNAUTHORIZED USE OF EQUIPMENT.** No person shall enter any place where fire apparatus is housed, or handle any apparatus or equipment belonging to the Department unless accompanied by or having the special permission of any officer or authorized member of the Department, or employee assigned to the Department by the Board.

29.600 **CERTIFICATION.** Each volunteer member will be Required to participate in departmental training exercises and classes. Members shall be departmentally certified within one (1) year after completion of a probationary period.

29.610 **ADVANCEMENT OF CERTIFICATION.** A member wishing to advance to the rank of Captain or above shall be required to be State Firefight I certified prior to appointment. A member appointed to the rank of Lieutenant must be certified as State Firefighter within 18 months of his/her appointment.

29.700 **ISSUANCE OF BADGE AND PHOTO IDENTIFICATION.** Each member of the Department may be issued a badge and ID with photo, designating his rank, upon approval of the Chief.

29.710 **AUTOMOBILE INSIGNIA.** Each member of the Department driving a car may be issued a suitable insignia to be attached to the car at the discretion of the Chief.

29.720 **DRIVING OVER FIRE HOSE.** No person shall drive any vehicle over fire hose except upon specific orders from the Chief or other Officer in charge where hose is used.

29.730 **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 the fire station or other place where fire apparatus is stored, or within ten (10) feet of any fire hydrant.

29.740 **ALLOWABLE DISTANCE FOR FOLLOWING FIRE EQUIPMENT.** No unauthorized person with any vehicle shall follow within five hundred (500) feet of any apparatus responding to an emergency nor park any vehicle within five hundred (500) feet of a fire.

29.750 **FALSE ALARMS.** No person shall maliciously turn in or cause to be turned in a false alarm.

**29.800 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 apparatus and equipment. Further, the Board may make such arrangements as are necessary to provide the members of the Department with coverage by the State Industrial Insurance Service and Liability Insurance as necessary.

**29.900 PENALTIES.** Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor; and, upon conviction thereof, shall be punished as the Nevada Revised Statutes allow for a misdemeanor crime. Whenever in this Ordinance any act is prohibited, or is made or declared to be unlawful, or an offense or a misdemeanor, or whenever in such Ordinance the doing of any act is required, or the failure to do any act is made or declared to be unlawful, or an offense or misdemeanor, the doing of any such prohibited act, or the failure to do any such required act, shall constitute a violation of this ordinance. Every day of violation of this Ordinance constitutes a separate offense.

**29.920 SPECIAL POLICE POWERS.** All regularly appointed members of the Department are hereby given the necessary special police powers for the purpose of enforcing the provisions of this Ordinance.

**29.930 ON DUTY PEACE OFFICER REQUIREMENTS.** It is hereby made the special duty of any duly qualified law enforcement or peace officer who may be on duty and available for fire duty, to respond to all fire alarms and assist the Department in the protection of life and property, in regulating traffic, maintaining order, and in enforcing observance of all sections of this Ordinance.

**29.940 BILLING FOR SERVICES RENDERED.** The Pahrump Volunteer Fire Department is hereby authorized and empowered 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 fire and/or ambulance services. The power and authority to bill, as herein provided, may be revoked by the Town Board of the Town of Pahrump, at any time.

**29.1000 SEVERABILITY.** Every Section of this ordinance, and every part of each section hereof is hereby declared to be independent of each other and parts of sections, and the holding of any section or any part thereof to be voided or ineffective for any cause, shall not be deemed to affect, nor shall it affect, any other section or part of section contained in this ordinance.

**29.1100 REPEAL.** All ordinances, parts of ordinances, or chapters, sections, subsections or paragraphs or resolutions previously adopted by the Pahrump Town Board which are in conflict herewith are hereby repealed.

**29.1200 EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, adoption and second publication in the Pahrump Valley Times, a

newspaper printed and published within the County of Nye, State of Nevada.

AMENDED PAHRUMP VOLUNTEER FIRE DEPARTMENT ORDINANCE.

Proposed on the 28th day of March, 1995.

Proposed by Board Member Steve Rainbolt.

Passed on the 25th day of April, 1995.

VOTE: AYES:

\_\_Signatures on file\_\_

NAYS:

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ABSENT:

Garland Price

ATTEST:

\_\_Signature on file\_\_

Town Clerk