

ORDINANCE NO. 231

AN ORDINANCE OF THE CITY OF CLARK FORK, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ESTABLISHING A FIRE DEPARTMENT; PROVIDING FOR APPOINTMENT AND ESTABLISHMENT OF RESPONSIBILITIES OF THE FIRE CHIEF; PROVIDING RIGHT TO ENTER; ADOPTING THE 2000 INTERNATIONAL FIRE CODE; ESTABLISHING VIOLATIONS; PROVIDING A PENALTY NOT TO EXCEED THREE HUNDRED DOLLARS OR SIX MONTHS INCARCERATION OR BOTH FOR MISDEMEANORS AND FIFTY DOLLARS FOR INFRACTIONS; PROVIDING SEVERABILITY; PROVIDING REPEAL OF ORDINANCE 137 AND ALL OTHER CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF CLARK FORK, IDAHO AS FOLLOWS:

SECTION 1.0 ESTABLISHMENT OF FIRE DEPARTMENT

A Fire Department of the City is hereby established.

SECTION 2.0 APPOINTMENT AND RESPONSIBILITIES OF THE FIRE CHIEF

- A. A fire chief shall be appointed as an officer of the city by the mayor with the consent of the city council. The fire chief shall serve at the pleasure of the mayor, subject to the removal provisions set forth in Idaho Code section 50-206 or its successor. The fire chief shall be the head of the Fire Department and shall have supervision over all of the employees and volunteers thereof.
- B. The fire chief shall administer all programs and joint exercise of power agreements with other jurisdictions providing fire and life protection services and is authorized to enforce all ordinances related to fire prevention, fire suppression, and the elimination of fire hazards and the administration of life safety codes related thereto by inspecting, or causing to be inspected by his designee, buildings, premises and public thoroughfares within the Clark Fork city limits for the purpose of enforcing the Uniform Fire Code, the appropriate sections of this ordinance and any other legal requirements relating to fire prevention or suppression.
- C. The fire chief has the authority, in the event of an emergency, to blockade any street, alley, sidewalk or other place if necessary to ensure proper operation and protection of Fire Department equipment from damage and to take such steps as may be reasonably necessary to suppress a fire or provide relief from other emergency occurrences.

SECTION 3.0 RIGHT OF ENTRY

The fire chief is hereby empowered to enter any and all structures and premises at any reasonable hour for the purposes of conducting a fire plan, inspections and to serve written notice upon the owner and occupant to abate, within a specified time, any and all fire hazards that may be found.

- A. Any person(s) so served with a notice to abate any fire hazards shall comply therewith and promptly notify the fire chief as set forth by the Uniform Fire Code.

SECTION 4.0 ADOPTION OF THE UNIFORM FIRE CODE

The 2000 International Fire Code is hereby adopted.

SECTION 5.0 VIOLATIONS

- A. It shall be unlawful to impede, willfully disturb or otherwise interfere with any member of the Fire Department when answering or attending an emergency.
- B. Except for fire personnel, it shall be unlawful to park within four hundred feet (400'), or other distance communicated by the fire chief or his designee, of any emergency vehicle attending an emergency.
- C. It shall be unlawful to drive a motor vehicle over a fire hose, except upon specific orders from the fire chief or other officer when the hose is in use.
- D. It shall be unlawful to park any vehicle or cause any obstruction to be placed within twenty feet (20') of the entrance of any fire station or other place where fire equipment/apparatus is stored or within twenty feet (20') of any fire hydrant or cistern or as otherwise stated in the Idaho Code.
- E. It shall be unlawful to follow within four hundred feet (400') any apparatus belonging to the Fire Department and in active service or to park any vehicle within four hundred feet (400') of a fire.
- F. It shall be unlawful to knowingly or maliciously turn in or cause to be turned in a false alarm.
- G. It shall be unlawful for any person to cross a fire blockade without the permission of the fire chief or other Fire Department personnel.
- H. It shall be unlawful for a person to enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the Fire Department unless accompanied by, or having express permission of, an officer or authorized member of the department.

SECTION 6.0 PENALTIES

- A. Violation of Section 5.0 A, C, F, G and H shall be misdemeanors punishable by a fine not to exceed three hundred dollars (\$300.00), or incarceration not to exceed six (6) months, or by both fine and incarceration.
- B. Violation of Section 5.0 B, D and E shall be infractions punishable by a fine of fifty dollars (\$50.00).

SECTION 7.0 SEVERABILITY

This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

SECTION 8.0 REPEAL OF CONFLICTING PROVISIONS

All provisions of Ordinance 137 and any other ordinances of the City of Clark Fork which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 9.0 EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as provided by law.

Enacted by the City Council as an ordinance of the City of Clark Fork on the 9th day of September, 2002.

Approved by the Mayor on the 9th day of September, 2002.

CITY OF CLARK FORK

Thomas A. Shields
Thomas Shields, Mayor

ATTEST:

Elizabeth Parenti
Elizabeth Parenti, City Clerk

SUMMARY OF ORDINANCE NO. 231

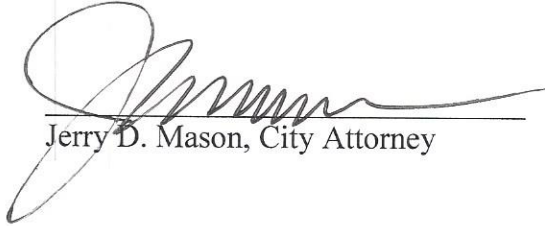
The city of Clark Fork, Bonner County, Idaho, hereby gives notice of the adoption of Clark Fork Ordinance No. 231, an ordinance of the city of Clark Fork, Idaho, a municipal corporation of the state of Idaho, establishing a Fire Department; providing for appointment and establishment of responsibilities of the fire chief; providing right to enter; adopting the 2000 International Fire Code; establishing violations; providing a penalty not to exceed three hundred dollars or six months incarceration or both for misdemeanors and fifty dollars for infractions; providing severability; providing repeal of Ordinance 137 and all other conflicting ordinances; and providing that the Ordinance be effective upon the publication of this Summary. The full text of the summarized Ordinance No. 231 is available at Clark Fork City Hall, 110 E. 3rd Avenue, Clark Fork, Idaho 83811 in the office of the City Clerk.

Elizabeth Parenti, City Clerk

Publish once in the City's official newspaper. (Daily Bee 9/12/02)

STATEMENT OF LEGAL ADVISER

I, Jerry D. Mason, am the City Attorney for the city of Clark Fork, Idaho. I have examined the attached summary of Clark Fork Ordinance No. 331 and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the contents thereof.



Jerry D. Mason, City Attorney

Date 10/11/02

AFFIDAVIT OF PUBLICATION

State of Idaho

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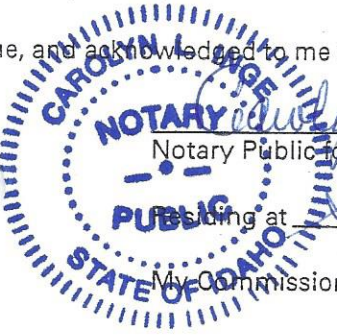
County of Bonner, Sherilyn Jones

_____ being first duly sworn on oath
deposes and says that he/she is Book Keeper
of the Bonner County Daily Bee, a newspaper printed and
published at Sandpoint, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached
notice of publication in the case of:

Ord # 231

as it was published in the regular and entire issue of the
said paper for a period of 1 day consecutive weeks,
commencing on 13 day of Sept, 2002
and ending on the 13 day of Sept, 2002
and that said notice was published in said newspaper.

On this 13 day of Sept in the year
of 2002, before me, a Notary Public, personally
appeared Sherilyn Jones,
known or identified to me to be the person whose name
subscribed to the within instrument, and being by me
first duly sworn, declared that the statements therein are
true, and acknowledged to me that he executed the same.

 Carolyn L. Inge
Notary Public for Idaho
Residing at Sandpoint
My Commission expires: 8/06

**SUMMARY OF ORDINANCE
NO. 231**

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Elizabeth Parenti, City Clerk
Legal 3739
Sept. 13, 2002

3739