

CHAPTER 4 POLICE AND FIRE DEPARTMENTS
Amended 3-13-13

Article 4-1 POLICE DEPARTMENT

- 4 – 1 – 1 Created; Composition
- 4 – 1 – 2 Appointment of Officers
- 4 – 1 – 3 Compensation of Officers
- 4 – 1 – 4 Departmental Rules and Regulations
- 4 – 1 – 5 Duties of Police Department
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Section 4 – 1 – 1 Created; Composition

There is hereby created a police department for the town which shall consist of a town marshal and as many deputy marshals as council may approve, to preserve the peace and maintain the good order and safety of the town.

Section 4 – 1 – 2 Appointment of Officers

The town marshal shall be appointed by the council upon recommendation of the town manager. The town manager, upon recommendation from the town marshal, shall appoint deputy marshals consistent with the number of positions and minimum qualifications approved by council.

Section 4 – 1 – 3 Compensation of Officers

The marshal and the deputy marshals of the town shall be compensated as determined by the council. The marshal shall not receive any perquisites, commissions or compensation for his/her services as town marshal, except as the council may prescribe.

Section 4 – 1 – 4 Departmental Rules and Regulations

The police department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be adopted by the council.

Section 4 – 1 – 5 Duties of Police Department

It is the duty of the police department, under the direction of the marshal, to:

- A. Enforce this code and the statutes of the State of Arizona within jurisdictional limits as conferred by law and to arrest and charge the violators thereof.
- B. Deliver all persons arrested and detained for criminal violations to the Santa Cruz County jail for confinement pursuant to law, obtaining any medical clearance required by the jail commander as a condition thereto.
- C. Transport persons in pre-trial confinement pending prosecution in the town magistrate court or, where the town police department is the lead investigating agency, in Santa Cruz County Justice Court Precinct Two, from the county jail to all court appearances.
- D. Respond to all mass emergency events occurring within the town or its immediate vicinity and assist, and request assistance from, other law enforcement agencies pursuant to applicable mutual aid agreements.

- E. As directed by town manager, provide security details to town council meetings, magistrate court proceedings and town special events.
- F. Take charge of all auxiliary law enforcement volunteers, organizing, training and equipping same in accordance with direction from the town council or town manager.
- G. Render such account of the police department, its duties and receipts as may be required by the council and keep non-confidential records of the office open to inspection by the council and public at any time.
- H. Direct traffic and ensure the orderly flow thereof and investigate and make reports of traffic accidents.
- I. Inspect and ascertain the condition of traffic control devices of every description which have been erected within the town on the authority of the council and notify the council of any defects found therein.
- J. Perform such additional duties as may be required by the council.

Section 4 – 1 – 6 Answering Calls Outside the Town

The town marshal is authorized to answer calls for aid and assistance beyond the corporate limits of the town pursuant to mutual aid agreements and/or state statutes, provided the marshal in the exercise of his reasonable discretion believes that the town has the capability and resources to provide such assistance.

Section 4 – 2 FIRE DEPARTMENT

- 4 – 2 – 1 Created; Composition
- 4 – 2 – 2 Entry Upon Adjacent Property
- 4 – 2 – 3 Providing Fire Protection Outside the Town
- 4 – 2 – 4 Acknowledgment of Right of Way
- 4 – 2 – 5 Fire Alarms
- 4 – 2 – 6 Interference with Fire Department
- 4 – 2 – 7 Authority at Fires and Other Emergencies

Section 4 – 2 – 1 Created; Composition

The town will contract with the non-profit corporation Patagonia Volunteer Fire and Rescue, Incorporated, (“PVFR”) for fire protection and emergency services. PVFR shall have the status as an independent contractor, shall be independently managed, maintain its own liability and workers compensation insurance, and its volunteers and employees shall not be covered by the town’s worker’s compensation insurance or retirement fund.

Section 4 – 2 – 2 Entry Upon Adjacent Property

It is lawful for any firefighter acting under the direction of the chief of PVFR or another officer in command 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 such fire, and no person shall hinder, resist or obstruct any firefighter in the discharge of his/her duty as provided in this section.

Section 4 – 2 – 3 Providing Fire Protection Outside the Town

A. Out – of – Town Fire Service.

Fire service may be rendered outside the town by PVFR in accordance with its policies and procedures, and as its contract with the town may provide.

B. Mutual Aid Agreements.

The mayor and council may enter into mutual aid agreements between the town and any municipality or publicly constituted fire district, within a reasonable distance of the town, wishing to participate in reciprocal fire protection service under the following conditions:

1. The participating municipalities and fire districts shall maintain a fire department adequate for their ordinary fire protection purposes and shall call on the town for additional fire service only for fires too large to be handled by their equipment and manpower, or when their fire department is already engaged at a fire.
2. The agreement shall specifically provide that the town shall not be liable in damages for failure to respond to a call for assistance nor for negligence in its operation at the fire.
3. The agreement shall not be effective until properly approved by the governing body of the participating municipality or fire district, in compliance with Title 11, Chapter 7, Arizona Revised Statutes relating to joint exercise of powers.
4. No response may be made by the fire department to calls for assistance in the event that prior or coincident fire calls involving property within the town have been received, which in the judgment of the fire chief may require the full use of town equipment.

Section 4 – 2 – 4 Acknowledgment of Right of Way

All motor equipment operated by PVFR and displaying emergency responder insignia shall have the right of way over all other traffic when responding to an alarm. No unauthorized vehicle shall follow within five hundred feet of any apparatus belonging to PVFR nor park any vehicle or otherwise cause any obstruction to be placed within twenty feet of the driveway entrance to any fire station or other place where fire apparatus is stored and on the side of a street opposite the entrance to any fire station within seventy-five feet of the entrance or within fifteen feet of any fire hydrant. No person shall drive any vehicle over fire hose except upon specific orders from the chief or other officer in charge where the hose is used.

Section 4 – 2 – 5 Fire Alarms

A. the town, on behalf of PVFR, shall arrange for 9-1-1 dispatch service for PVFR through the county sheriff's office. PVFR shall be responsible for responding to all 9-1-1 and other requests for service within the town.

B. It is unlawful for any person knowingly to turn in or cause to be turned in a false alarm.

Section 4 – 2 – 6 Interference with Operations of PVFR

It is unlawful for any person to obstruct the operations of PVFR in connection with extinguishing any fire or other emergency, or to disobey any lawful command of the chief or officer of PVFR who may be in charge of such a scene, or any part thereof, or any peace officer assisting PVFR.

Section 4 – 2 – 7 Authority at Fires and Other Emergencies

PVFR'S chief and his/her authorized representatives, as may be in charge at the scene of a fire or other emergency involving the protection of life or property or any part thereof, shall have the power and authority to direct such operation as may be necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or recorded fires, gas leaks, or other hazardous performance of their duty. In the exercise of such power, the chief may prohibit any person, vehicle or thing from approaching the scene, and may remove or cause to be removed or kept away from the scene any vehicle or thing which may impede or interfere with the operations of PVFR, and in the judgment of the chief, any person not actually and usefully employed in the extinguishing of such fire, or in the preservation of such property in the vicinity thereof.