

## CHAPTER 6

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CHAPTER 6  
MARSHAL'S OFFICE & FIRE DEPARTMENT

ARTICLE 6-1 TOWN MARSHAL'S OFFICE

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Section 6-1-1 Created; Composition

There is hereby created a town marshal for the town which shall consist of a chief marshal and as many deputy marshals as may from time to time be deemed necessary by the council for the safety and good order of the town.

Section 6-1-2 Appointment of Officers

The chief marshal shall be appointed by the council and shall serve at the pleasure of the council.

Section 6-1-3 Compensation of Officers

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

Section 6-1-4 Departmental Rules & Regulations

The marshal's office shall be operated and managed in accordance with such department rules and regulations as may from time to time be recommended by the chief marshal and town manager and adopted by the council. In the event the marshal or police chief, if any, is not certified by the Arizona Peace Officer Standards and Training Board his or her duties, other than collection of taxes pursuant to Arizona law, may be assumed by the Greenlee County Sheriff's Department pursuant to an intergovernmental agreement.

Section 6-1-5 Duties of Marshal's Office

- A. It is the duty of the Marshal's Office, under the direction of the chief marshal, to:

1. Enforce this code and state statutes (Arizona Revised Statutes) within jurisdictional limits as conferred by law and to arrest and charge the violators thereof.
2. Deliver any persons who may be confined in the jail upon conviction of a crime committed under the jurisdiction of the magistrate court to any authorized officer of the town who shall at any time demand such prisoners. Any such authorized person so demanding and receiving such prisoners shall work such prisoners on the street or alleys of the town or on any and all authorized work as may be determined by the council.
3. Render such account of the marshal's office, its duties and receipts as may be required by the council, and keep records of the office open to inspection by the council at any time.
4. Shall enforce traffic regulations within the corporate limits of the town according to Arizona Revised Statutes, Title 28.
5. 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.
6. Perform such additional duties as may be required by the council.

B. Any deputy marshal or duly authorized agent of the town may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of any provision of this code, and to serve a copy of the traffic complaint for any alleged civil or criminal violation of this code.

C. In the event the Town of Duncan does not have a marshal or police chief acting as a peace officer certified by the Arizona Peace Officer Standards and Training Board, the Greenlee County Sheriff's Department may assume the aforementioned duties through an intergovernmental agreement.

#### Section 6-1-6 Answering Calls Outside the Town

The members of the marshal's office of the town are duly authorized to answer calls for aid and assistance beyond the corporate limits of the town pursuant to mutual aid agreements and state statutes.

#### Section 6-1-7 Curfew

A. Persons under the age of eighteen (18): It is unlawful for any juvenile under the age of eighteen (18) years to be, remain or loiter in, about or upon any place in the town away from the dwelling, house or usual place of abode of said juvenile, between the hours of 10:00 pm and 5:00 am each day, Sunday through Thursday, and between the hours of 12:00 midnight and 5:00 am each Friday and Saturday, and holiday, but the provisions of this section shall not apply to any emancipated minor, to a juvenile

accompanied by his parent, guardian or other adult having the care, custody or supervision of said juvenile, where said juvenile is on an emergency errand, or where said juvenile is on reasonable, legitimate and specific business or activity directed or permitted by his parent, guardian or other adult person having the care, custody or supervision of said juvenile.

B. Liability of Parents and Guardians: It is unlawful for the parent, guardian or other adult person having the care, custody or supervision of a juvenile to permit such juvenile to be, remain or loiter in, about or upon any place in the town away from the dwelling, house or usual place of abode of said juvenile in violation of section 6-1-7 A, but the provisions of this section shall not apply when the juvenile is accompanied by his parent or other persons having the care, custody or supervision of the juvenile, or when the juvenile is on reasonable, legitimate and specific business or activity directed or permitted by his parent, guardian or other person having the care, custody or supervision of said juvenile.

C. Lack of Knowledge Not a Defense: It shall not constitute a defense to the provisions of this article that such parent or guardian or other adult person having the care, custody or supervision of such juvenile coming within the provisions of section 6-1-7 did not have actual knowledge of the presence of such juvenile in, about or upon any place in the town away from the dwelling, house or usual place of abode of said juvenile, if said parent, guardian or other person having the care, custody or supervision of such juvenile or juveniles, in the exercise of reasonable care and diligence, should have known of the aforementioned unlawful acts of such juvenile or juveniles.

## ARTICLE 6-2 FIRE DEPARTMENT

6-2-1	Created; Composition
6-2-2	Departmental Rules & Regulations
6-2-3	Compensation
6-2-4	Appointment, Powers & Duties of Chief
6-2-5	Appointment & Duties of Firefighters
6-2-6	Entry Upon Adjacent Property
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6-2-9	Acknowledgment of Right-of-Way
6-2-10	Fire Alarms
6-2-11	Order of Fire Chief

### Section 6-2-1 Created; Composition

There is hereby created a volunteer fire department for the town which shall consist of a chief, an assistant chief and as many firefighters as may deemed necessary from time to time by the council.

## Section 6-2-2 Departmental Rules & Regulations

The fire 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 6-2-3 Compensation

The fire chief, assistant fire chief and volunteer firefighters shall be compensated as may be determined by the council.

## Section 6-2-4 Appointment, Powers & Duties of Chief

The chief of the fire department shall be appointed by the council and shall serve at the pleasure of the council. It shall be the duty of the chief to:

- A. Be accountable to the council for the personnel, morale and general efficiency of the fire department.
- B. Direct the operations of the fire department subject to the rules and regulations thereof.
- C. Be present at all fires, if possible, and plan and direct the extinguishment thereof. During the progress of a fire, the authority of the fire chief shall be absolute in all matters directly concerning the extinguishment of the fire and disposition of property endangered by it.
- D. Conduct suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the town, water supplies and all other matters generally considered essential to good firemanship and safety of life and property from fire.
- E. Assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires.
- F. Inspect building and premises and serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found. Any person served with such written notice shall comply and notify the chief of his compliance within a reasonable time. For the purpose of conducting such inspection, the chief is hereby empowered to enter any and all buildings and premises within the town at any reasonable hour.

G. Keep complete records of all fires, inspections, apparatus and equipment, personnel and other information about the work of the department open to council inspection and furnish to the council such information upon request.

H. Make a complete annual report, in writing, to the council at such time as may be specified by the council. Such report shall include the information specified in subsection G of this section, together with comparative data for previous years and recommendations for improving the effectiveness of the department.

I. Enforce or cause to be enforced all ordinances, laws and regulations of the town and state, insofar as they pertain to fire and safety.

J. Demote, dismiss or expel any officer or member of the department for neglect or refusal to perform departmental duties, subject to the right of any members so demoted, dismissed or expelled to appeal to the council.

#### Section 6-2-5 Appointment and Duties of Firefighters

Firefighters shall be appointed at such time and in such manner as the council may deem necessary. Such appointees shall have telephones in their homes. Firefighters shall be subject to supervision by the fire chief or the assistant fire chief.

#### Section 6-2-6 Entry Upon Adjacent Property

It is lawful for any firefighter acting under the direction of the chief 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 duty as provided in this article.

#### Section 6-2-7 Equipment

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. Recommendations concerning apparatus and equipment needed shall be made by the fire chief, and after approval by the council, such apparatus and equipment shall be purchased in such manner as may be designated by the council. All equipment of the department shall be safely and conveniently housed in such places as may be designated by the council. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully take away or conceal any article used in any way by the department. No person shall enter any place where the fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by or having special permission of an officer or authorized member of the department. No fire apparatus and equipment shall be hired out or permitted to leave the fire station

except in response to a call for aid at a fire within the corporate limits of the town, or in response to a call for aid at a fire in an area unauthorized for fire protection services or mutual aid under provisions of Section 6-2-8.

#### Section 6-2-8 Providing Fire Protection Outside the Town

The council may enter into agreements or contracts to furnish fire protection outside the town or enter into mutual aid agreements, and the fire department is authorized to render fire fighting services pursuant to the terms of such agreements or contracts.

#### Section 6-2-9 Acknowledgments of Right-of-Way

Each member of the department who drives a private motor vehicle shall be issued suitable insignia which shall be attached to such motor vehicle. All motor equipment of the department shall have 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 the department 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 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 6-2-10 Fire Alarms

Suitable arrangements or equipment shall be provided for citizens to turn in an alarm and for notifying all members of the department so that they may promptly respond. It is unlawful for any person knowingly to turn in or cause to be turned in a false alarm.

#### Section 6-2-11 Orders of Fire Chief

It is unlawful for any firefighter or citizen to refuse to obey an order issued by the fire chief pursuant to his authority.

### ARTICLE 6-3 UNIFORM FIRE CODE

That certain code entitled Uniform Fire Code, 1988 edition, published by the International Conference of Building Officials, is hereby adopted as the Uniform Fire Code of the Town of Duncan and made a part of this chapter the same as though said code was specifically set forth in full herein. At least three copies of said code shall be filed in the office of the town clerk and kept available for public use and inspection.

## ARTICLE 6-4 MAGISTRATE COURT ESTABLISHED; JURISDICTION

There is hereby established in the town a magistrate court which shall have jurisdiction of all violations of this code, and jurisdiction concurrently with justices of the peace of precincts in which the town is located of violation of laws of the state committed within the limits of the town.

## ARTICLE 6-5 TOWN MAGISTRATE

6-5-1 Appointment; Compensation

6-5-2 Assistant Magistrate

6-5-3 Powers & Duties

6-5-4 Hearing Officers

### Section 6-5-1 Appointment; Compensation

The presiding officer of the magistrate court shall be the town magistrate. The council shall appoint and may remove for the cause the town magistrate. The town magistrate shall be appointed for a period of tow years, with his compensation to be determined by the council.

### Section 6-5-2 Assistant Magistrate

The office of assistant magistrate is hereby created. The assistant town magistrate shall be appointed by the council for a term of tow years at such salary as may be determined by the council and may be removed by the council for cause. He shall perform the duties of the town magistrate in the absence of the town magistrate in such manner as the council may direct.

### Section 6-5-3 Powers & Duties

The powers and duties of the magistrate shall include:

- A. The powers and duties set forth and conferred upon him under the provisions of the state constitution and statutes, this code and the ordinances and resolutions of the town.
- B. The keeping of a docket in which shall be entered each action and the proceedings of the court therein.
- C. The responsibility for fixing and receiving all bonds and bails and receiving all fines, penalties, fees and other moneys as provided by law.



D. The payment of all fines, penalties, fees and other moneys collected by the court to the town treasurer.

E. Submitting a monthly report to the council summarizing court activities for that month.

F. Preparation of a schedule of traffic violations not involving the death of a person listing specific bail for each violation.

#### Section 6-5-4 Hearing Officers

The council may appoint one or more hearing officers to preside over civil traffic violation cases when the appointment of such hearing officers are necessary to assure prompt disposition of civil traffic violation cases. Hearing officers may hear and dispose of civil traffic violation cases under supervision of the presiding officer of the Duncan Magistrate Court which are appealable to the Superior Court pursuant to Title 22, Chapter 2, Article 4, Arizona Revised Statutes.

### ARTICLE 6-6 PROCEEDINGS OF COURT

The proceeding shall be conducted in accordance with the state constitution, the applicable state statutes and rules of the state supreme court pertaining to police courts. The proceedings shall also be conducted in accordance with the rules of criminal procedure for the superior court, unless otherwise prescribed, and providing this code and resolutions of the town are not in conflict therewith.