



Background Paper for Proposed Ordinance

COUNCIL MEETING DATE: June 13, 2022

TO: President Heather Graham and Members of City Council
CC: Nicholas A. Gradisar, Mayor
VIA: Marisa Stoller, City Clerk
FROM: Barbara Huber, Fire Chief – Fire Department
SUBJECT: AN ORDINANCE AMENDING SECTION 3-2-2 OF CHAPTER 2, OF TITLE III OF THE PUEBLO MUNICIPAL CODE RELATING TO THE POWERS AND DUTIES OF THE FIRE CHIEF

SUMMARY:

This ordinance amends existing section 3-2-2 in relation to the power and duty of the Fire Chief.

PREVIOUS COUNCIL ACTION:

None.

BACKGROUND:

Pursuant to Colo. Const. art. XX, § 6 and § 31-15-201(1)(f), C.R.S., the City has the power to legislate upon, provide or contract for and regulate the furnishing of emergency ambulance services. When such services are contracted for by the City, the Fire Chief should be the designated individual of City to regulate, consistent with the requirements of state and federal law, those procedures necessary to assure the continued health of any person or persons receiving such services. Although this has been previously assumed, it should be expressly provided for and set forth in the Code of Ordinances.

FINANCIAL IMPLICATIONS:

None..

BOARD/COMMISSION RECOMMENDATION:

Not applicable.

STAKEHOLDER PROCESS:

Not applicable.

ALTERNATIVES:

None.

RECOMMENDATION:

Approval of the Ordinance.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 3-2-2 OF
CHAPTER 2, OF TITLE III OF THE PUEBLO MUNICIPAL
CODE RELATING TO THE POWERS AND DUTIES OF
THE FIRE CHIEF

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that: (brackets indicate matter being deleted, underscoring indicates new matter being added)

SECTION 1.

Section 3-2-2 of the Pueblo Municipal Code, is amended to read as follows:

Sec. 3-2-2. Fire Chief; powers and duties.

- (a) The Chief of the Fire Department or the ranking officer at fires shall have control of persons present at fires, and to that end shall have and exercise all the powers of a captain of police thereat.
- (b) He or she may prescribe limits in the vicinity of any fire within which no person may enter, except those who reside therein, members of the Fire Department, policemen and such other persons as may be admitted by the officers of such departments.
- (c) He or she shall have power to summon any person present at a fire to aid in extinguishing the fire and removing and protecting property. It shall be unlawful for any person to neglect or refuse to obey such orders. However, no person shall be bound to obey such officer, unless the official character of the officer be known or made known to such person.
- (d) He or she shall have power, if in his or her judgment he or she may deem it necessary to order any buildings or structures in close proximity to a fire in progress to be torn down, blown up or otherwise disposed of for the purpose of checking the conflagration, but shall not unnecessarily or recklessly destroy or injure any building or other property.
- (e) **He or she shall regulate, consistent with the requirements of state and federal law, medical control with respect to any emergency ambulance services contracted for by the City pursuant to §31-15-201(1)(f), C.R.S. For the purposes of this Subsection, "medical control" shall mean all procedures necessary to assure the continued health of any person or persons injured in an accident or the subject of a medical emergency.**

SECTION 2.

The officers of the City are authorized to perform any and all acts consistent with the intent of this Ordinance to implement the policies and procedures described herein.

SECTION 3.

This Ordinance shall become effective on the date of final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City council on _____.

Final adoption of Ordinance by City Council on _____.

President of City Council

Action by the Mayor:

☐ Approved on _____.

☐ Disapproved on _____ based on the following objections:

Mayor

Action by City Council After Disapproval by the Mayor:

☐ Council did not act to override the Mayor's veto.

☐ Ordinance re-adopted on a vote of _____, on _____

☐ Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

City Clerk

