

- 1 (c) "Emergency Medical Services" shall mean EMS;
2 (d) "Emergency medical technician" shall mean EMT;
3 (e) "Cardiopulmonary resuscitation" shall mean CPR;
4 (f) "Emergency medical responder" shall mean EMR;
5 (g) "Basic life support prehospital provider" shall mean an EMR and EMT
6 performing duties in an out-of-hospital environment;
7 (h) "Advanced life support prehospital provider" shall mean an Advanced EMT
8 and paramedic performing duties in an out-of-hospital environment;
9 (i) "EMS for Children" shall mean EMSC;
10 (j) "Traumatic brain injury" shall mean TBI;
11 (k) "National Fire Protection Association" shall mean NFPA;
12 (l) "U.S. Department of Transportation" shall mean U.S. DOT;
13 (m) "Emergency Vehicle Operators Course" shall mean EVOC;
14 (n) "American Heart Association" shall mean AHA; and (
15 o) "Fair Labor Standards Act" shall mean FLSA.

16 § 28003. Department of Fire and Emergency Medical Services: ~~Commissioner~~
17 Fire Chief, Resident Deputy ~~Commissioners~~ Fire Chief, Appointment; Funding and
18 Compensation.

19 The Department of Fire and EMS shall be administered by a qualified
20 ~~Commissioner~~ Fire Chief of Department of Fire and EMS who shall be appointed by and
21 serve at the pleasure of the Governor with the advice and consent of the Senate. The
22 Department of Fire and EMS in the islands of Rota and Tinian shall be administered by a
23 qualified Resident Deputy ~~Commissioner~~ Fire Chief who shall be appointed by the
24 Mayor with the advice and consent of the Municipal Council members from those
25 respective islands. The compensation for the ~~Commissioner~~ Fire Chief of Fire and EMS
26 shall receive no less than and not exceed a base salary of \$54,000 per annum. The
27 compensation for the Resident Deputy ~~Commissioner~~ Fire Chief for the islands of Rota
28 and Tinian shall not exceed a base salary of ~~\$42,000~~ \$45,000 per annum. The
29 ~~Commissioner~~ Fire Chief is the chief executive officer of the Department of Fire and

1 EMS with respect to the administration, operation, and enforcement of ~~the~~ all provisions
2 of this Chapter.

3 § 28004. Department of Fire and Emergency Medical Services: Duties; Divisions.

4 (a) The Department of Fire and EMS shall be responsible for the following:

5 (1) To provide effective fire prevention, fire protection, fire suppression,
6 and special operations such as hazardous materials, search and rescue, and
7 wildland firefighting, to persons and property in the Commonwealth;

8 (2) To provide emergency and non-emergency basic and advanced life
9 support EMS to persons in the Commonwealth;

10 (3) To prevent and reduce the risk of fire through effective public
11 education and injury prevention, conduct fire safety code inspections and
12 enforcement programs;

13 (4) To conduct arson investigations and make arrests pertaining to such
14 matters;

15 (5) To enforce "CNMI Fire Safety Code Act of 1998" [2 CMC §§ 7301-
16 7340], adopt the International Fire Code and National Fire Protection Association
17 standards;

18 (6) Upon availability of fund, ~~To~~ ensure representation, active
19 membership, and participation in the International Association of Fire Chiefs,
20 Western Fire Chiefs Association, Western Pacific Islands Association of Fire
21 Chiefs, International Association of Firefighters, National Association of State
22 EMS Officials, National Association of EMTs, National Organization of State
23 Offices of Rural Health, National Association of EMS Educators, National
24 Association of EMS Physicians, International Association of Arson Investigators,
25 National Association for Search and Rescue, International Academies of
26 Emergency Dispatch, CNMI Fire and EMS Association;

27 (7) To regulate and issue burning permits;

28 (8) To establish and participate in training and certification, professional
29 development, and educational programs relating to fire science, EMS, and other

1 related matters;

2 (9) To regulate educational or training institutions, non-profit
3 organizations, businesses, and other government agencies conducting and
4 performing life safety programs and functions;

5 (10) To provide and receive mutual aid to and from the Commonwealth
6 Ports Authority and Aircraft Rescue Firefighting inclusive of the seaport, and
7 receive appropriate local and federal funding to provide for such aid; and

8 (11) To provide these protections at acceptable and effective costs within
9 available resources.

10 (b) Establish and manage the Fire Safety Code Revolving Fund for each
11 Senatorial District which shall be expended continuously without further appropriations
12 for the specific purpose of regulating and enforcing the provisions of the Department of
13 Fire and EMS to ensure uninterrupted emergency services to the community;

14 (c) Enforce and manage the “CNMI Ambulance Fee Act of 2000” [1 CMC §
15 2546], for each Senatorial District which shall be expended continuously without further
16 appropriations for the specific purpose of regulating and enforcing the provisions of the
17 Department of Fire and EMS to ensure uninterrupted emergency services to the
18 community;

19 (d) The Department of Fire and EMS is considered essential services ~~and~~ in order
20 to perform its mandate and uninterrupted emergency services to the community;

21 (e) The Department of Fire and EMS shall consist of five divisions ~~as follows:~~ the
22 Division of Emergency Services, Division of Fire Prevention and Arson Investigation,
23 Division of Emergency Medical Services, Division of Logistics and Support, and the
24 Division of Administration.

25 § 28005. Department of Fire and Emergency Medical Services: Staff.

26 As set forth herein and subject to budgetary appropriation, the ~~Commissioner~~ Fire
27 Chief of Fire and EMS shall employ qualified staff as required to assist in performing the
28 department’s duties and responsibilities. Except as provided herein, all such staff shall be
29 civil service employees.

1 § 28006. Rulemaking Authority.

2 The ~~Commissioner~~ Fire Chief shall prescribe and promulgate reasonably
3 necessary rules and regulations to implement and enforce the provisions of this Chapter
4 for the entire Department including all of its divisions.

5 **Article 2. Division of Emergency Services**

6 § 28011. Division of Emergency Services: ~~Deputy Commissioner~~ Assistant Fire
7 Chief; Appointment, Funding and Compensation.

8 The Division of Emergency Services shall be headed by a qualified ~~Deputy~~
9 ~~Commissioner~~ Assistant Fire Chief of the Division of Emergency Services. The
10 compensation for the ~~Deputy Commissioner~~ Assistant Fire Chief shall ~~receive no less~~
11 ~~than and not exceed a base salary of \$42,000 per annum~~ be in accordance with the Civil
12 Service System pay scale. This position shall be converted to a Civil Service System
13 position.

14 § 28012. Division of Emergency Services: Duties and Responsibilities.

15 The Division of Emergency Services shall have the following duties and
16 responsibilities:

17 (a) To engage in the prevention, control, and extinguishment of fires and respond
18 to ~~emergency situations~~ emergencies where life, property, or the environment is at risk
19 that meets or exceeds NFPA 1710: Standard for the Organization and Deployment of Fire
20 Suppression Operations, Emergency Medical Operations, and Special Operations to the
21 Public by Career Fire Departments;

22 (b) To provide basic and advanced life support emergency medical services;

23 (c) To provide special operation services including search and rescue (land, air,
24 sea), hazardous materials to include chemical, biological, radiological, nuclear,
25 explosives, and wildland and marine firefighting;

26 (d) To conduct the Fire Academy;

27 (e) To conduct training and professional development that meets or exceeds
28 current standards from NFPA 1001/1002/472/1021/1031/1041, National EMS Education
29 Standards (2009) for the EMT, Advanced EMT, and Paramedic; AHA Emergency

1 Cardiovascular Care Guidelines Basic Life Support for Healthcare Providers (2010), and
2 U.S. DOT EVOC-Ambulance (1995);

3 (f) To establish tour of duty schedules based on rotating 24-hour shifts; and

4 (g) To receive and manage all applicable federal grants.

5 § 28013. Division of Emergency Services: Staff.

6 Subject to budgetary appropriation, the ~~Deputy Commissioner~~ Assistant Fire
7 Chief of the Division of Emergency Services, with the approval of the ~~Commissioner~~
8 Chief of Fire and EMS, shall employ qualified staff as necessary to perform the duties
9 and responsibilities of the division. All such staff shall be sworn civil service employees.

10 **Article 3. Division of Fire Prevention and Arson Investigation.**

11 § 28021. Division of Fire Prevention and Arson Investigation: ~~Deputy~~
12 ~~Commissioner~~ Assistant Fire Chief; ~~Appointment~~, Funding and Compensation.

13 The Division of Fire Prevention and Arson Investigation shall be headed by a
14 qualified ~~Deputy Commissioner~~ Assistant Fire Chief of the Division of Fire Prevention
15 and Arson. The ~~Deputy Commissioner~~ Assistant Fire Chief of the Division of Fire
16 Prevention and Arson Investigation is hereby designated as the “CNMI Fire Marshal.”
17 The compensation for the ~~Deputy Commissioner~~ Assistant Fire Chief shall ~~receive no~~
18 ~~less than and not exceed a base salary of \$42,000 per annum~~ be in accordance with the
19 civil service pay scale. This position shall be converted to a Civil Service System
20 position.

21 § 28022. Division of Fire Prevention and Arson Investigation: Duties and
22 Responsibilities.

23 The Division of Fire Prevention and Arson Investigation shall have the following
24 duties and responsibilities:

25 (a) To enforce the CNMI Fire Safety Code Act [2 CMC §§ 7301-7340],
26 International Fire Code, and National Fire Protection Association standards;

27 (b) To provide and approve fire plan review in conjunction with building safety
28 codes and fire hydrant water distribution systems for fire protection, and approve
29 occupancy loads for commercial structures;

1 (c) To regulate the installation of smoke detectors, fire extinguishers, fire
2 sprinkler systems, and fire hydrants for commercial and industrial use;

3 (d) To conduct arson investigations and make arrests pertaining to such matters;

4 (e) To regulate, and prohibit as deemed necessary, the sale and purchase of
5 firefighting vehicles, firefighting equipment, and tools by government agencies,
6 commercial businesses, or individuals;

7 (f) To regulate, and prohibit as deemed necessary, government agencies,
8 commercial businesses, or individuals from obtaining water from fire hydrants;

9 (g) To regulate and issue permits for open burning, sale and purchase of
10 fireworks, fire code building safety inspections, storage and handling of hazardous
11 materials (any type of chemicals, explosives, fuel and fuel products), and establish fees
12 and fines for such;

13 (h) To enforce and collect applicable fees and fines for fire prevention, protection,
14 and suppression;

15 (i) To manage, in consultation with the Fire Chief, the Fire Safety Code
16 Revolving Fund, where all fees collected shall be deposited ~~into~~ for the ~~specific~~ purpose
17 of regulating and enforcing the provisions of the Department of Fire and EMS ~~and shall~~
18 ~~not be reprogrammed for any other purpose or to any other agency~~;

19 (j) All fines collected by the department shall be deposited into the CNMI
20 Government General Fund;

21 (k) To provide operational support to emergency services by engaging in the
22 prevention, control, and extinguishment of fires and responding to emergency situations
23 where life, property, or the environment is at risk;

24 (l) To establish tour of duty schedules based on rotating 24-hour shifts; and

25 (m) To receive and manage all applicable federal grants.

26 § 28023. Division of Fire Prevention and Arson Investigation: Staff.

27 Subject to budgetary appropriation, the ~~Deputy Commissioner~~ Assistant Fire
28 Chief of the Division of Fire Prevention and Arson Investigation, with the approval of the
29 ~~Commissioner~~ Fire Chief of Fire and EMS, shall employ qualified staff as necessary to

1 perform the duties and responsibilities of the division. All such staff shall be sworn civil
2 service employees.

3 **Article 4. Division of Emergency Medical Services.**

4 § 28031. Division of Emergency Medical Services: ~~Deputy Commissioner;~~
5 Assistant Fire Chief Appointment, Funding, and Compensation.

6 The Division of EMS shall be headed by a qualified ~~Deputy Commissioner~~
7 Assistant Fire Chief of the Division of EMS. The compensation for the ~~Deputy~~
8 ~~Commissioner Assistant Fire Chief~~ shall ~~receive no less than and not exceed a base salary~~
9 ~~of \$42,000 per annum~~ be in accordance with the civil service pay scale. This position
10 shall be converted to a Civil Service System position.

11 § 28032. Division of Emergency Medical Services: Duties and Responsibilities.

12 The Division of Emergency Medical Services is hereby designated as the “CNMI
13 Office of EMS,” “CNMI Office of Rural Health,” “Lead Agency for TBI,” and shall have
14 the following duties and responsibilities:

15 (a) To regulate the provision of EMS in the Commonwealth including but not
16 limited to the following components: EMSC, EMS highway traffic safety, TBI,
17 bioterrorism EMS, rural health EMS, and other related EMS programs;

18 (b) To provide emergency medical services training from EMR, EMT, Advanced
19 EMT, and paramedic; certification through the National Registry of EMTs; and license
20 all CPR/First Aid, first responders, basic and advanced life support prehospital providers;

21 (c) To provide public education and injury prevention programs;

22 (d) To provide emergency medical services during special events;

23 (e) To provide EMS medical direction, field treatment and transport protocols,
24 and quality improvement programs specific to adult and pediatric patients;

25 (f) To regulate, bill, and collect ambulance fees and fines under this division;

26 (g) To regulate layperson CPR, first aid, emergency fire and medical dispatcher,
27 basic and advanced life support training and certification including distance learning
28 standards for first responders, prehospital healthcare professionals, emergency
29 dispatchers, life guards, safety officers, industrial workers, boat operators, underwater

1 divers, and others being administered by government educational or training institutions,
2 and other government agencies conducting and performing life safety programs and
3 functions and establish fees for such; provided that private operators or providers
4 conducting and performing life safety programs and functions shall be under the Health
5 Care Professions Licensing Board;

6 (h) To manage, in consultation with the Fire Chief, the Ambulance Fee Revolving
7 Fund, Public Law 12-6 [1 CMC § 2546], where all fees collected shall be deposited ~~into~~
8 for the ~~specific~~ purpose of regulating and enforcing the provisions of the Department of
9 Fire and EMS ~~and shall not be reprogrammed for any other purpose or to any other~~
10 ~~agency~~;

11 (i) All fines collected shall be deposited into the CNMI Government General
12 Fund;

13 (j) To provide operational support to emergency services by engaging in the
14 prevention, control, and extinguishment of fires and responding to emergency situations
15 where life, property, or the environment is at risk;

16 (k) To establish tour of duty schedules based on rotating 24-hour shifts; and

17 (l) To receive and manage all applicable federal grants.

18 **Article 5. Division of Logistics and Support.**

19 § 28041. Division of Logistics and Support: ~~Deputy Commissioner~~ Assistant Fire
20 Chief; ~~Appointment~~.

21 The Division of Logistics and Support shall be headed by a qualified ~~Deputy~~
22 ~~Commissioner~~ Assistant Fire Chief of the Division of Logistics and Support. The ~~Deputy~~
23 ~~Commissioner~~ compensation of the Assistant Fire Chief shall ~~receive no less than and not~~
24 ~~exceed a base salary of \$42,000 per annum~~ be in accordance with the civil service pay
25 scale. This position shall be converted to a Civil Service System position.

26 § 28042. Division of Logistics and Support: Duties and Responsibilities.

27 The Division of Logistics and Support shall have the following duties and
28 responsibilities:

29 (a) To purchase, service, repair, and maintain the fleet of fire apparatus,

- 1 ambulances, rescue units, and service vehicles for continuous emergency operations;
- 2 (b) To maintain department buildings and grounds;
- 3 (c) To procure and maintain equipment and supplies for firefighting, emergency
- 4 medical services, search and rescue, hazardous materials, wildland firefighting, and other
- 5 related equipment and supplies;
- 6 (d) To provide operational support to emergency services by engaging in the
- 7 prevention, control, and extinguishment of fires and responding to emergency situations
- 8 where life, property, or the environment is at risk;
- 9 (e) To establish tour of duty schedules based on rotating 24-hour shifts; and
- 10 (f) To receive and manage all applicable federal grants.

11 § 28043. Division of Logistics and Support: Staff.

12 Subject to budgetary appropriation, the ~~Deputy Commissioner~~ Assistant Fire

13 Chief of the Division of Logistics and Support, with the approval of the ~~Commissioner~~

14 Fire Chief of Fire and EMS, shall employ qualified staff as necessary to perform the

15 duties and responsibilities of the division. All such staff shall be sworn civil service

16 employees.

17 **Article 6. Division of Administration.**

18 § 28051. Division of Administration: ~~Deputy Commissioner~~ Assistant Fire Chief;

19 Appointment.

20 The Division of Administration shall be headed by a qualified ~~Deputy~~

21 ~~Commissioner~~ Assistant Fire Chief of the Division of Administration. The ~~Deputy~~

22 ~~Commissioner~~ compensation of the Assistant Fire Chief shall receive no less than and not

23 exceed a base salary of \$42,000 per annum be in accordance with the civil service system

24 pay scale. This position shall be converted to a Civil Service System position.

25 § 28052. Division of Administration: Duties and Responsibilities.

26 The Division of Administration shall have the following duties and

27 responsibilities:

- 28 (a) To process and manage human resources for all appointed, exempted service
- 29 contract, limited-term, provisional, probationary, and permanent civil service employees

1 and only for those that meets all current professional qualifications for firefighters and
2 emergency medical technicians based on national standards;

3 (b) To process and manage human resources for all administrative civil service
4 employees;

5 (c) Except for the ~~Commissioner~~ Fire Chief, Resident Deputy ~~Commissioners~~,
6 Fire Chief, and Deputy ~~Commissioners~~ Fire Chief; process payroll for all sworn civil
7 service firefighters, including the Assistant Fire Chief for each division, within the
8 Department of Fire and EMS, regardless of rank or assignment, based on FLSA work
9 periods and tours of duty at the regular hourly rate of one hundred and six hours per pay
10 period and shall be compensated at one and one-half times the regular rate for hours
11 worked in excess of 106 hours per pay period. The Civil Service Commission and the
12 Office of Personnel Management (OPM) shall adjust the pay schedule for firefighters to a
13 salary schedule based on a standard pay period of 106 hours;

14 (d) To ensure FLSA compliance, 29 U.S.C. § 207(k) and 29 CFR Part 553:
15 Application of the Fair Labor Standards Act to Employees of State and Local
16 Government; for government employees in fire protection and EMS using a minimum of
17 a 53-hour work week and a work period of not less than 7 consecutive but not more than
18 28 days for all sworn firefighters;

19 (e) To ensure application of annual leave, sick leave, leave without pay, or absent
20 without leave and any other leaves as deemed applicable by local or federal laws are
21 consistent with the 53-hour work week and 106 hours per pay period are applied against
22 their actual duty or work schedule;

23 (f) To process payroll based on FLSA rules for all appointed, exempted service
24 contract, administrative employees; and

25 (g) To provide administrative support to the ~~Commissioner~~ Fire Chief and all of
26 the divisions herein.

27 § 28053. Division of Administration: Staff.

28 Subject to budgetary appropriation, the ~~Deputy Commissioner~~ Assistant Fire
29 Chief of the Division of Administration, with the approval of the ~~Commissioner~~ Fire

1 Chief of Fire and EMS, shall employ qualified staff as necessary to perform the duties
2 and responsibilities of the division. All such staff shall be sworn and administrative civil
3 service employees.

4 **Article 7. Designated Fire Lanes.**

5 § 28061. Definitions.

6 (a) "~~Commissioner~~ Fire Chief" means the ~~Commissioner~~ Fire Chief of the
7 Department of Fire and Emergency Medical Services.

8 (b) "Department" means the Department of Fire and Emergency Medical
9 Services.

10 (c) "Fire lane" means the unobstructed area or passageway within any public
11 right-of-way, easement, or private property designated for fire trucks and other
12 firefighting or emergency equipment to use, travel upon, and/or park.

13 § 28062. Establishment.

14 (a) Fire lanes in conformance with this article shall be established by the
15 ~~Commissioner~~ Fire Chief of the Department of Fire and EMS or designee, and in
16 conjunction with the building safety official in accordance with this article. These lanes
17 shall be referred to as "designated fire lanes" in this article.

18 (b) Whenever the ~~Commissioner~~ Fire Chief shall require the establishment of a
19 designated fire lane on public right-of-way or public land for the orderly access of fire
20 and other emergency equipment to the premises, the ~~Commissioner~~ Fire Chief shall
21 establish such fire lane by written order designating and describing such lane.

22 (c) For the designation of a fire lane on private property, the ~~Commissioner~~ Fire
23 Chief shall initially issue a written notice of proposed order designating and describing
24 the fire lane. The ~~Commissioner~~ Fire Chief shall cause a copy of such written notice of
25 proposed order to be delivered by certified mail to the owner, or owners, or
26 tenants/lessees thereof, of any private land on which such fire lane is established, and
27 shall cause a public announcement to be made of the establishment of such lane. The
28 proposed order shall take effect unless the property owner(s) or tenants/lessees of the
29 affected private property file a written notice of objection to the proposed designation of

1 a fire lane within the private property within thirty days after receiving the written notice
2 of the proposed order. The filing of a written notice of objection shall be pursuant to the
3 procedures in 1 CMC § 28063.

4 § 28063. Contesting Fire Land Designation in Private Property.

5 (a) A private property owner or tenant/lessee affected by a proposed fire lane
6 designation by the ~~Commissioner~~ Fire Chief may contest the designation by filing a
7 written notice of objection with the Department within the period set forth in 1 CMC §
8 28062, and serving copies of written notice of objection on the members of the appeals
9 board established pursuant to subsection (b).

10 (b) An appeals board is established comprised of the Zoning Administrator, the
11 Secretary of Public Works, and the Commissioner of Public Safety for each respective
12 senatorial district. The board shall issue, with at least two members concurring, a
13 determination and order on the ~~Commissioner's~~ Fire Chief's proposed fire lane
14 designation and shall take effect after hearings are conducted pursuant to 1 CMC §§ 9109
15 and 9110. The board may affirm, modify, or reject the proposed fire lane designation and
16 must set forth in a written order the reason(s) for its decision.

17 (c) Publication of Fire Lane Designations Orders. The ~~Commissioner~~ Fire Chief
18 shall cause all final orders and determinations on the designation of fire lanes on public
19 and private lands to be published in the Commonwealth Register in the month following
20 its issuance.

21 § 28064. Penalty for Violations.

22 Any person who fails to mark or maintain the marking of a designated fire lane as
23 prescribed in this article, or who parks a vehicle in, allows the parking of a vehicle in,
24 obstructs, or allows the obstruction of a designated fire lane is guilty of an infraction. The
25 maximum penalty for failing to mark or maintain the marking of a designated fire lane
26 shall be not more than a fine of \$150 per offense. The maximum penalty for parking a
27 vehicle in, allowing the parking of a vehicle in, obstructing, or allowing the obstruction
28 of a designated fire lane, shall be not more than a fine of \$150 per offense. Each day or
29 part of a day during which the unlawful act or violation occurs shall constitute a separate

1 offense.

2 § 28065. Impoundment.

3 Any vehicle or object obstructing a designated fire lane is hereby declared a
4 traffic and fire hazard and may be immediately towed and impounded, without prior
5 notification to its owner. The owner shall be held responsible for all towing and impound
6 fees.

7 § 28066. Marking.

8 All designated fire lanes shall be clearly marked in one of the following manners:

9 (a) Vertical curbs shall be painted red on the top and side, extending the length of
10 the designated fire lane. The pavement adjacent to the painted curbs shall be marked with
11 block lettering a minimum of 5 inches in height and with a three-inch brush stroke
12 reading: "No Parking – Fire Lane." Lettering shall be white and spaced at no more than
13 20-foot intervals.

14 (b) Rolled curbs or surfaces without curbs shall have a red six-inch-wide stripe
15 painted extending the length of the designated fire lane. The surface adjacent to the strip
16 shall be marked with block lettering a minimum of 6 inches in height and with a
17 minimum three-inch brush stroke reading: "No Parking - Fire Lane." Lettering shall be in
18 yellow and spaced at no more than 20-foot intervals.

19 (c) Fire lane signs shall be as follows:

20 (1) Reflective in nature.

21 (2) Use red letters on white background.

22 (3) Use three-inch lettering, to read "No Parking – Fire Lane."

23 (4) A minimum of 12 inches wide by 18 inches tall.

24 (5) Spaced no more than 50 feet apart and posted on or immediately next
25 to the curb or side of the road.

26 (6) Top of the sign to be not less than four feet nor more than six feet from
27 the ground.

28 (7) Signs may be placed on a building when approved by the
29 ~~Commissioner~~ Fire Chief.

1 (8) When posts are required for signs, they shall be a minimum of two
2 inch galvanized steel or four-inch by four-inch pressure-treated wood.

3 (9) Signs are to be placed so they face the direction of vehicular travel.

4 § 28067. Obstruction Prohibited.

5 The obstruction of a designated fire lane by a parked vehicle or any other object is
6 prohibited and shall constitute a traffic and fire hazard and is considered an immediate
7 hazard to life and property.

8 § 28068. Exemption to Sign, Marking Requirements.

9 (a) Signs posted prior to the enactment of this article will be allowed to remain
10 until there is a need for replacement. When replaced, the new sign must then meet the
11 requirements set forth in this article.

12 (b) Markings will be allowed to remain until there is a need for repainting. When
13 repainted, the new markings must then meet the requirements as set forth in this article.

14 § 28069. Maintenance.

15 The fire lane markings shall be maintained at the expense of the public or private
16 property owner, and as often as is deemed necessary to clearly identify the designated
17 area as a fire lane. If there is no public property owner of a designated fire lane, the
18 ~~Commissioner~~ Fire Chief shall maintain the designated fire lane using the funds from the
19 Fire Lane Revolving Fund. The ~~Commissioner~~ Fire Chief shall notify in writing the
20 property owner if the fire lane markings on private property need to be maintained.

21 § 28070. Towing Notification. At each entrance to the property where fire lanes have
22 been designated, signs shall be posted as set forth in this article, in a clear, conspicuous
23 location and shall clearly state "Vehicles parked in Fire Lanes shall be towed and
24 impounded." They shall also state the name, telephone number, and address of the towing
25 company where the vehicle may be redeemed.

26 § 28070. Towing Notification.

27 At each entrance to the property where fire lanes have been designated, signs
28 shall be posted as set forth in this article, in a clear, conspicuous location, and shall
29 clearly state "Vehicles parked in Fire Lanes shall be towed and impounded." They shall

1 also state the name, telephone number, and address of the towing company where the
2 vehicle may be redeemed.

3 § 28071. Enforcement.

4 (a) A police officer from the Department of Public Safety or a firefighter from the
5 Department of Fire and EMS shall immediately remove, or cause the removal of, a
6 vehicle in violation of any provision in this article.

7 (b) A police officer or firefighter shall issue a citation to the registered owner of
8 the vehicle for a violation of this article.

9 § 28072. Regulations.

10 The enforcement of this article shall not commence until the ~~Commissioner~~ Fire
11 Chief of Fire and EMS has promulgated reasonably necessary regulations for the
12 removing, towing, impoundment, storage, and release of vehicles in violation of this
13 article. The regulations may include reasonable administrative fees to implement the
14 regulations.

15 § 28073. Fire Lane Revolving Fund.

16 There is hereby established a Fire Lane Revolving Fund separate and apart ~~of~~
17 from the General Fund. The fines and fees collected pursuant to this article and any
18 regulations promulgated by the ~~Commissioner~~ Fire Chief shall be deposited in the Fire
19 Lane Revolving Fund; the funds shall be used for the purpose of establishing and
20 maintaining fire lanes, the enforcement of this article and all operations, and training of
21 the Department of Fire and Emergency Medical Services. The funds shall not lapse and
22 shall be available without fiscal year limitation. The ~~Commissioner~~ Fire Chief shall be
23 the expenditure authority of the Fire Lane Revolving Fund.”

24 **Section 3. Severability.** If any provision of this Act or the application of any
25 such provision to any person or circumstance should be held invalid by a court of
26 competent jurisdiction, the remainder of this Act or the application of its provisions to
27 persons or circumstances other than those to which it is held invalid shall not be affected
28 thereby.

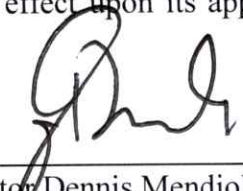
29 **Section 4. Savings Clause.** This Act and any repealer contained herein shall not

1 be construed as affecting any existing right acquired under contract or acquired under
2 statutes repealed or under any rule, regulation, or order adopted under the statutes.
3 Repealers contained in this Act shall not affect any proceeding instituted under or
4 pursuant to prior law. The enactment of the Act shall not have the effect of terminating,
5 or in any way modifying, any liability, civil or criminal, which shall already be in
6 existence on the date this Act becomes effective.

7 **Section 5. Effective Date.** This Act shall take effect upon its approval by the
8 Governor or becoming law without such approval.

Date: 4/10/25

Introduced By:



Senator Dennis Mendiola

Reviewed for Legal Sufficiency by:



Senate Legal Counsel