

**10 GCA HEALTH AND SAFETY
CH. 72 GUAM FIRE DEPARTMENT**

**CHAPTER 72
GUAM FIRE DEPARTMENT**

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§ 72101. Powers and Duties.

The Guam Fire Department shall have the power and duty to control and extinguish injurious or dangerous fires and to remove that which is liable to cause such fires, and to enforce all laws relating to the preventing or spreading of fires and all laws pertaining to fire control and fire hazards within the Territory.

SOURCE: Added by P.L. 17-78.

§ 72102. Officer in Charge at Scene of Fire.

The Officer of the Fire Department in charge at the scene of any fire shall have full power and authority to direct the operation of extinguishing the same and to take the necessary precautions to prevent the spread thereof. In the course of such operations he may prohibit approach to such fire by any person, vehicle, vessel or thing and may remove or cause to be removed and kept away from such fire any vehicle, vessel or thing and all persons not actually and usefully employed, in the judgment of said officer, in the extinguishing of such fire or the preservation of property in the vicinity thereof.

SOURCE: Added by P.L. 17-78.

§ 72103. Penalty, Obstruction of Operations.

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Any person who shall in any way obstruct the operations of the Fire Department in connection with any such fire or who shall disobey any lawful command of the officer of the Fire Department in charge at the scene of such fire, or of the police in cooperating with them, shall be guilty of a misdemeanor.

SOURCE: Added by P.L. 17-78.

§ 72104. Authority, Fires on Marine Vessels.

Nothing in the Chapter shall be construed to limit the authority of the master or officers of any vessel on fire or in danger from fire, subject to the general authority granted herein of the Fire Department, to control the operations in protection of the public interest.

SOURCE: Added by P.L. 17-78.

§ 72105. Emergency Medical Services.

The Fire Department shall have the power and the responsibility of maintaining an emergency medical and rescue services system. The Department shall employ emergency medical services personnel who have been certified to provide such services under the provisions of Chapter 84, 10 GCA. The Fire Department shall maintain and operate equipment necessary to convey on land and sea an individual who is acutely ill, injured, incapacitated or helpless and requires emergency care. The Fire Department personnel shall provide emergency medical assistance on the scene and enroute to designated emergency medical services facilities to the full extent of their certification by the Emergency Medical Services Commission.

SOURCE: Added by P.L. 17-78.

§ 72105.1. Advanced Life Support Program.

There is hereby established, within the Guam Fire Department, the ‘Advanced Life Support Program’, which shall provide at least the following services:

- (a) Basic life support assessment and intervention;
- (b) Medical impression or diagnosis;
- (c) Manual defibrillation, electrocardiogram (ECG) interpretation;
- (d) Intubation services;
- (e) Administration of intravenous medication;

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(f) Medical control, through drug administration, to include narcotics and standing orders;

(g) Diagnostic service, to include pulse oximetry and glucose testing;

(h) Differential diagnosis; and

(i) Life-saving services identified by the Guam Fire Department as essential to the success of the Program.

SOURCE: Added by P.L. 28-54:2 (June 30, 2005).

§ 72105.2. Rules and Regulations.

The Guam Fire Department shall promulgate rules and regulations for the effective administration and operation of the Advanced Life Support Program. The rules and regulations shall mandate requirements for the operations of the Advanced Life Support Program, to include the education/training certification requirements for assigned personnel to provide program services. Said proposed rules and regulations shall be transmitted to *I Liheslaturan Guåhan* no later than one hundred twenty (120) days after the enactment of this Act.

SOURCE: Added by P.L. 28-54:2 (June 30, 2005).

§ 72105.3. Budget for ALSP.

The Fire Chief shall incorporate into the Guam Fire Department's annual budgetary request the funding requirements for the Advanced Life Support Program, to include personnel, equipment, vehicles, supplies, and other necessities.

SOURCE: Added by P.L. 28-54:2 (June 30, 2005).

§ 72105.4. Emergency Medical Technicians. [Effective Date one year after June 30, 2005].

Every Guam Fire Department firefighter shall obtain and maintain Emergency Medical Technician Basic (EMT-B) certification, after which he may undergo advanced training to earn either an Emergency Medical Technician-Intermediate (EMT-I) or Emergency Medical Technician-Paramedic (EMT-P) certification subject to the written authorization of the Fire Chief of the Guam Fire Department.

SOURCE: Added by P.L. 28-62:2 (June 30, 2005) with the effective date one year from the date of enactment per P.L. 28-62:7.

§ 72105.5. Untitled.

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Immediately after the Director of Administration makes recommendations pursuant to 4 GCA § 6232, the Guam Fire Department shall provide in its budget funding for the salary adjustments for firefighters as recommended by the Director.

SOURCE: Added by P.L. 28-62:3 (June 30, 2005).

COMMENT: Effective January 1, 2006, reference to the “Civil Service Commission,” amended to “Director of Administration” pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

§ 72106. Fire, Life and Medical Emergency Fund (‘FLAME’).

(a) Creation of Fire, Life and Medical Emergency Fund (“FLAME”). There is hereby created the Fire, Life and Medical Emergency Fund (“FLAME”). Sixty percent (60%) of all monies deposited within the Fund shall be used to purchase essential emergency rescue and firefighting vehicles, emergency life support and medical equipment, and training for Emergency Medical Technician and Paramedic certifications. Forty percent (40%) of all monies deposited within the Fund shall be used to pay for emergency medical and paramedic certified firefighter salary adjustments required by 4 GCA § 6223 and § 6231 and 10 GCA § 72105.3. The Fund shall be under the control of the Guam Fire Department and the Director of Administration (the Director). The Director shall administer the Fund and release the necessary monies upon request by the Fire Chief for expenditures authorized by this Section. The Director shall report on a quarterly basis to the Speaker of *I Liheslaturan Guåhan* the revenues collected and expended from this Fund and post the same on the Department’s website.

(b) Authorization to Collect Fees for Services and Fines. The Guam Fire Department shall establish, in accordance with the Administrative Adjudication Law, *no later than August 1, 2006*, a schedule of (i) fees for the following services: non-emergency use of an ambulance primarily for transportation as opposed to emergency medical care under circumstances where the person ordering the same does *not* reasonably believe that a *bona fide* medical emergency condition exists, making building inspections, or issuing burning permits; and (ii) fines for creating fire hazards, disobeying permit conditions, failing to correct hazardous conditions reported as a result of building inspections, or non-compliance with the Fire Code. All fees and fines collected under such approved schedule shall be deposited in the Fund.

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(c) No Transfer Authority by *I Maga'lahren Guåhan*. *I Maga'lahren Guåhan* may *not* use his transfer authority to utilize any monies deposited in the Fund.

SOURCE: Added by P.L. 22-52:2 (12/2/93). Amended by P.L. 28-068:II:II:20 (Sept. 30, 2005).

§ 72107. Rendering Appointments Permanent.

A Guam Fire Department employee who has occupied the position of Firefighter II or Fire Service Specialist on a temporary basis for more than five (5) years shall be deemed to be promoted to and occupy said position on a permanent basis. The Director of Administration shall execute the necessary personnel actions to document such promotions.

SOURCE: Added by P.L. 28-068:II:II:23 (Sept. 30, 2005).

§ 72108. Authorization to Borrow.

(a) *I Maga'lahren Guåhan* is authorized by this Section to enter into a debt agreement on behalf of the Government of Guam for the *sole* purpose of financing the purchasing and shipping of equipment for the Guam Fire Department and to secure such loan by proceeds from the FLAME Fund (10GCA §72106). *I Maga'lahren shall* enter into such an agreement subject to the concurrence of the Legislature by statute, and the members *shall not* incur any personal liability for any loan agreement lawfully entered into. The debt agreement *shall* become effective as of the date the Legislature concurs by statute. 12 GCA 2103(k) *shall* apply to the loan obtained pursuant to this Chapter. The term of the debt agreement *shall not exceed* ten (10) years. For purposes of this Section, the form of the debt instrument for the “debt agreement” may be a loan, bond *or* other form of debenture. The choice of the debt instrument *shall* be the instrument with the lowest cost of funds in terms of *net present value* of the origination costs and future payments.”

(b) Equipment to be purchased:

Item	Quantity Estimate (ea)	Cost	Cost Total
Highrise Apparatus – Ladder Truck Extension	1	1,300,000	\$1,300,000
Highrise Apparatus – Elevated Platform	1	1,300,000	1,300,000
Fire Trucks (fully equipped)	4	500,000	2,000,000

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Tankers (5,000 Gallons)	2	300,000	600,000
Ambulances (fully equipped)	4	275,000	1,100,000
Rescue Boats (fully equipped)	2	390,000	780,000
Heavy Duty trucks (tow boats)	2	50,000	100,000
District Commander Vehicles	2	40,000	80,000
Jet Skis (fully equipped)	3	20,000	60,000
Special Rescue Vehicles (ALS)	3	50,000	150,000
Defibrillators (one for each fire truck)	10	30,000	300,000
Emergency Equipment (Jaws of Life, etc.)			80,000
Total			\$7,850,000

SOURCE: Added by P.L. 29-113:VI:51 (Sept. 30, 2008).

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CH. 72A COMMUNITY FIREFIGHTER RESERVE PROGRAM**

**CHAPTER 72A
COMMUNITY FIREFIGHTER RESERVE PROGRAM**

SOURCE: Added by P.L. 27-67.

§ 72107A. Community Firefighter Reserve Program.

§ 72107B. Same: Allowance.

§ 72107C. Same: Eligibility and Oath

§ 72107D. Rules and Regulations.

§ 72107A. Community Firefighter Reserve Program.

(a) Creation. There is hereby created within the Guam Fire Department of the government of Guam the ‘Community Firefighter Reserve Program,’ hereinafter referred to as the ‘Program.’ The Program shall be administered by the Chief of the Guam Fire Department, hereinafter referred to as the ‘Fire Chief.’ The Fire Chief, shall be responsible for carrying out the purpose of this Chapter, and shall have such additional duties and responsibilities as authorized herein.

(b) Functions and Duties. The general functions and duties of the Guam Firefighter Reserve Program shall be to provide backup manpower and support augmenting the regular, full-time Firefighters or Emergency Medical Technicians within the Guam Fire Department, to include the following: control and extinguish injurious or dangerous fires, to remove that which is liable to cause such fires, enforce laws relating to the prevention and spread of fires and all laws pertaining to fire control and fire hazards within the community, maintain an emergency medical and rescue service, and other such related duties as may be designated by the Fire Chief.

The Fire Chief shall formulate a program whereby the Firefighter Reserve shall adhere to the functions and duties herein prescribed. The Fire Chief shall annually review, revise, and update the functions and duties of the Guam Firefighter Reserve to insure an amicable discharge of responsibilities and duties of regular personnel.

(c) Recruitment. The Fire Chief shall recruit, on an entirely volunteer basis, persons who desire to make available their services to assist the Guam Fire Department in carrying out its fire control, emergency medical, and rescue functions. The Fire Chief shall further promulgate rules and regulations consistent with requirements of hiring regular firefighters.

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(d) Training, Equipping and Maintenance of Records. The Fire Chief shall devise a program whereby the fire divisions of the Guam Fire Department, the Civil Defense Office, Office of Homeland Security, and other pertinent government entities provide the members of the Guam Firefighter Reserve training in fire prevention and control, emergency medical and rescue services, and operational techniques and procedures for natural and man-made emergencies. The Guam Firefighter Reserve Program shall maintain a roster of volunteers who have received the training prescribed herein. In order to maintain membership in the Firefighter Reserve Program, each member must keep up with the scheduled and required training and no reserve member may remain in the Reserve Program, if he or she is unable to keep up with, or otherwise absorb the training. Additionally, basic supplies and equipment shall be provided to assure the constant operability of the Community Firefighter Reserve Program, including a continuing program for replacement.

(e) Firefighter Reserve: Authority. Whenever the fire units of the Community Firefighter Reserve Program, and the members thereof are rendering assistance to the regular firemen, such reserve firefighters shall have the same powers, duties, rights (including coverage under the Worker's Compensation Act), privileges and immunities, as full-time Firefighters or Emergency Medical Technicians of the Guam Fire Department, except that they shall earn recruitment credit for services performed as reserve firefighters.

SOURCE: Added by P.L. 27-67.

§ 72107B. Same: Allowance.

Each member of the Community Firefighter Reserve Program who successfully completes probationary requirements as established by the Fire Chief and who performs satisfactorily during a month shall receive an allowance of Fifty Dollars (\$50) for that month, to defray the cost of maintenance of their uniforms. The Guam Fire Department shall identify funds within its department appropriations to satisfy the intent of this Section.

For the initial year of its establishment, the Guam Fire Department shall be allotted *no more than* twenty-five (25) Firefighter Reserve positions, and may increase its recruitment of reserve firefighters for the program in any given year thereafter to *no more than* a total of Fifty (50) Firefighter Reserve positions at any time.

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SOURCE: Added by P.L. 27-67.

§ 72107C. Same: Eligibility and Oath.

No person shall be a member of the Guam Firefighter Reserve Program established under this Chapter who advocates a change by force or violence in the constitutional form of the Government of the United States, or this island, or the overthrow of any government in the United States by force, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Every reserve member shall, entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this island, which oath shall be substantially as follows:

I _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the laws of Guam, against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter, and I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the Government of the United States, or of this island, by force or violence; and that during such time as I am a member of the Guam Firefighter Reserve Program I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States, or of this island, by force or violence.

SOURCE: Added by P.L. 27-67.

§ 72107D. Rules and Regulations.

The Fire Chief shall promulgate Rules and Regulations pursuant to the Administration Adjudication Law as may be necessary to carry out the provisions of this Chapter.

SOURCE: Added by P.L. 27-67.

**CHAPTER 73
FIRE PREVENTION**

- § 73101. Theaters, Certificate of Compliance Required.
- § 73102. Same, Fire Equipment.
- § 73103. Same, Freedom from Obstruction.
- § 73104. Same, Admission of Fire Department.
- § 73105. Fire Equipment, Woodworking Establishments.
- § 73106. Woodworking Establishments: Fire Prevention.
- § 73107. Fire Equipment: Garages.
- § 73108. Prohibition, Gas Tank Covers.
- § 73109. Fire Hydrant Inspection.
- § 73110. Penalty.
- § 73111. Uniform Fire Code.
- § 73112. Updating of Uniform Fire Code.
- § 73113. Municipal Solid Waster Incinerators Prohibited.

§ 73101. Theaters: Prohibition.

No manager or other person shall use, or assist in, or countenance the use of, any theater, hall or other building for theatrical purposes, or for public entertainment of any kind where stage scenery and apparatus are employed, without a certificate in writing by the Fire Chief to the effect that the provisions of all existing regulations for the prevention of fires have been complied with to his satisfaction.

SOURCE: Added by P.L. 17-78.

§ 73102. Same: Fire Equipment.

Every manger or other person using any such building shall keep and maintain in good condition therein such fire fighting equipment as the Fire Chief, by regulation, shall prescribe.

SOURCE: Added by P.L. 17-78.

§ 73103. Same: Freedom from Obstruction.

Every manager or other person using any such building shall, at all times during performances, or when such building is open to the public, keep every aisle, passageway, exit, entrance, and stairway open and clear of temporary seats or other obstructions and all doors and gates in or of every such aisle, passageway, exit, entrance and stairway, unlocked and fastened so that they will open freely, and no person shall stand or remain in any such aisle, passageway, exit, entrance, or stairway during performances, or

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while such building is open.

SOURCE: Added by P.L. 17-78.

§ 73104. Same: Admission of Fire Department.

Every manager or person using any such building shall at all times freely admit a detail from the Guam Fire Department in every building used as a theater or place of public amusement, whenever the same shall be necessary in the discretion of the Fire Chief for the purposes of assisting in case of fire or in enforcing the provisions of this Chapter.

SOURCE: Added by P.L. 17-78.

§ 73105. Fire Equipment: Woodworking Establishments.

Sawmills, carpenter shops and other places where wood is sawed, planed or worked in such manner as to cause accumulations of sawdust or shavings, shall maintain in good condition therein such fire fighting equipment as the Fire Chief, by regulation, shall prescribe.

SOURCE: Added by P.L. 17-78.

§ 73106. Woodworking Establishments: Fire Prevention.

Before a sawmill or woodworking shop is closed for the day, the floors and machinery of the same shall be swept clean of accumulations of wood, dust and shavings, which shall be placed outside the building in trash cans or in a place approved by the Fire Chief for storage of such materials.

No furnace or anvil shall be used or placed nearer than twenty-five (25) feet from any saw, plane, or woodworking machine.

Lumber shall be stored so as not to constitute a fire hazard.

The Fire Chief or his agents may inspect any sawmill or woodworking shop at any time.

SOURCE: Added by P.L. 17-78.

§ 73107. Fire Equipment: Garages.

Every space maintained as a garage for taxis or for commercial repairing, cleaning, upkeep, or storage of automobiles, trucks or gasoline engines, shall maintain in good condition therein such fire fighting equipment as the Fire Chief, by regulation, shall prescribe.

SOURCE: Added by P.L. 17-78.

§ 73108. Prohibition.

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It shall be unlawful for any person to remove the gasoline tank cover of any vehicle in the vicinity of a gasoline pump, while the motor of such vehicle is running.

SOURCE: Added by P.L. 17-78.

§ 73109. Fire Hydrant Inspection.

The Fire Chief shall have all fire hydrants inspected quarterly to see that they are maintained in good working order.

SOURCE: Added by P.L. 17-78.

§ 73110. Penalty.

Violation of any provision of this Chapter is a misdemeanor.

SOURCE: Added by P.L. 17-78.

§ 73111. Uniform Fire Code.

Inspection of premises and areas and relative to the prevention of fires or the spread thereof, shall be in accordance with the Uniform Fire Code issued by the International Conference of Building Officials and the Western Fire Chief's Association. Standards and requirements for fire prevention enforcement as set out in the Uniform Fire Code and its appendices, and in the standards published by the International Conference of Building Officials and by the Western Fire Chiefs' Association shall apply in Guam in the absence of any specific provisions on the subject matter of such standards in this Chapter.

SOURCE: Added by P.L. 17-78; amended by P.L. 20-135:1; further amended by P.L. 22-82:1.

§ 73112. Updating of Uniform Fire Code.

The Uniform Fire Code, along with its appendices, shall automatically be adopted in Guam as such code and its appendices are updated every three (3) years by the International Conference of Building Officials and by the Western Fire Chiefs' Association. The Guam Fire Department (the **AGFD@**) shall transmit copies of such code and its appendices as updated every three (3) years to the Department of Public Works, to the Public Utility Agency of Guam, to the Guam Environmental Protection Agency, to the Guam Contractors Association, and to the Guam Chapter of the American Institute of Architects. The GFD shall develop and promulgate, pursuant to the Administrative Adjudication Law, rules setting forth grace periods within which parties in violation of the Uniform Fire Code may bring their premises up to code. None of the provisions of such code shall

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be enforced so as to prevent the issuance of building or occupancy permits until such rules have been duly promulgated, and no building built prior to promulgation of such rules which is not in compliance with such code shall be condemned for such violation; provided, however, that as such building is renovated or rebuilt, it shall be brought into compliance with such code. The GFD and the other government agencies together with the associations to which copies of such code are transmitted shall work together on a voluntary basis to plan how construction in Guam can be brought into compliance with such code, which plan shall be incorporated into the rules to be promulgated by the GFD; provided, however, that such plan shall be completed and such rules submitted to the Legislature pursuant to the Administrative Adjudication Law within one (1) year of the enactment of this section.

SOURCE: Added by P.L. 22-82:2.

§ 73113. Municipal Solid Waster Incinerators Prohibited.

Notwithstanding any other provision of law, it shall be unlawful for any person to construct or operate on Guam a municipal solid waste incinerator or waste-to-energy facility, as defined by the rules and regulations of the United States Environmental Protection Agency or laws of the United States of America. Nothing in this section shall be construed as prohibiting the construction or operation of hazardous waste incinerators or biomedical incinerators as defined by the rules and regulations of the U.S. Environmental Protection Agency or the laws of the United States of America.

SOURCE: Added by P.L. 25-175:5.
