

ORDINANCE NO. 3010

TITLE: An Ordinance establishing a general policy for fire protection to property outside the corporate limits of the City of Albany as the same pertains to individuals or rural fire protection districts, providing for the contracting of services for fire protection, establishing a charge for fire protection for property not covered by agreements, establishing a period for fire protection agreements and declaring an emergency.

THE PEOPLE OF THE CITY OF ALBANY, OREGON, DO ORDAIN AS FOLLOWS:

Section 1: GENERAL POLICY

It shall not be the policy of the city to furnish fire protection to any property outside of the corporate limits, excepting property owned by governmental agencies or covered by fire protection agreements made pursuant to this article, and excepting the rendering of aid to a rural fire protection district pursuant to the terms of a mutual-aid agreement entered into between the city and any such district.

Section 2: APPLICATION GENERALLY - - BY INDIVIDUALS, ETC.

In case fire protection is sought for property situated outside the corporate limits of the city, which property is owned by an individual, firm or corporation, the application therefor shall be made in writing, shall be subscribed by the applicant and shall set forth the location of the property and the particular nature thereof for which fire protection is sought. In case of real property, which shall include buildings and structures attached thereto and a part thereof, the assessed valuation thereof, as it appears on the latest assessment roll made by the assessor of the county in which the property is situated, shall be set forth. Also, the true cash value of all personal property for which fire protection is sought shall be set forth. In case buildings or other real property for which fire protection is desired do not appear on any such assessment roll, the application shall set forth the true cash value thereof.

Section 3: SAME - - BY ORGANIZED OR RURAL FIRE PROTECTION DISTRICTS

When an application for fire protection under this article is made by an organized or rural fire protection district, the application shall be made and signed by the authorized officers of such district. It shall set forth the location of the district and its boundaries, and the assessed valuation of all real and personal property within the district.

Section 4: GRANTING OR REJECTION OF APPLICATION

No agreement for outside fire protection shall be made until the application therefor has been granted by the council. The council may, in its discretion, reject any such application.

Section 5: AGREEMENT GENERALLY

In case an application for outside fire protection is granted, the city manager and mayor, on behalf of the city, shall enter into an agreement with the applicant for such fire protection service, which agreement shall set forth, among other things, the fees or compensation to be paid for such service, and shall contain a provision that the agreement may be revoked by the city at any time on notice to the applicant. This agreement shall also contain a provision that the applicant shall not hold the city or its officers, agents or employees responsible for failure to answer any fire alarm call to the property mentioned in the application or to any property located in the district, if the application is that of an organized or rural fire protection district, or for failure to provide adequate or sufficient equipment fire-fighting apparatus and personnel, or for any act of commission or omission in connection with the use, misuse or lack of use of any such fire-fighting equipment, apparatus or personnel. No agreement shall be made for a term longer than five (5) years.

Section 6: FEES - - FOR INDIVIDUALS, ETC.

In case an application for outside fire protection is granted and is one from an individual, firm or corporation for the protection of specific property owned by or in possession or charge of the applicant, the applicant shall, at the time the contract is made, pay to the city an amount not less than three (3) mills on each dollar of assessed value, as such value appears on the county assessor's roll, on the real property for which fire protection is to be furnished and the applicant shall pay a like rate on the estimated assessed valuation of any real property not appearing on any such assessment roll, such estimated assessed value to be determined by applying the ratio of the assessment value fixed by the latest such ratio or equalization made by the state tax commission for property within such county.

Section 7: SAME - - FOR ORGANIZED OR RURAL FIRE PROTECTION DISTRICTS

In case the fire protection agreement is with an organized or rural fire protection district, the fee shall be an amount equal to not less than three (3) mills on each dollar of assessed value of all real property, but need not necessarily be paid in advance. No agreement made with a rural fire protection district shall be effective unless the district approves the payment of the fees. Agreements with such districts shall not exceed five (5) years.

Section 8: SAME - - FOR PROPERTY NOT COVERED BY AGREEMENT

In case the personnel and equipment of the fire department extend and furnish fire department protection to any property outside the corporate limits which is not covered by an agreement entered into as provided in this article, the owner or tenant of such property shall be charged \$50.00 for the first hour, or fraction thereof, for each piece of fire-fighting equipment answering any fire alarm or call to such property, and \$25.00 for each piece of such equipment for each additional hour.

Section 9: SAME - - TO BECOME PROPERTY OF CITY

Any fees paid pursuant to any agreement under this article shall be retained by and become the money or property of the city, whether any fire alarms are answered or not, such fees being a charge as and for standby service for the fire protection made available to the property covered by the agreement.

Section 10: EXPIRATION AND RENEWAL OF AGREEMENTS

Agreements made pursuant to the provisions of this article shall expire and terminate at the end of five (5) years or such lesser period as shall be provided in the agreement, unless application is made for renewal and such renewal is allowed.

Section 11: EFFECT OF ARTICLE ON MUTUAL-AID, ETC.

This article shall not be construed as terminating any mutual-aid agreement between the city and organized rural fire protection districts which have fire-fighting equipment equivalent to that furnished or available to the City of Albany, or as preventing the making of such mutual aid agreements in the future. In the entering into of mutual-aid agreements between the city and organized rural fire protection districts, consideration shall be given to the type of equipment available by the other contracting party and the agreement may be limited by the City of Albany in agreeing to furnish only such equipment in support of the mutual-aid agreement as is available to the other contracting party in giving aid to the City of Albany.

Section 12: EMERGENCY CLAUSE

Whereas, it is in the betterment of the public health, interest, safety and general welfare of the citizens of the City of Albany that this ordinance shall become immediately effective, therefore, an emergency is hereby declared to exist and this ordinance shall be immediately effective upon its final passage by the council and approval by the mayor.

Passed by the Council: April 25, 1962

Approved by the Mayor: April 25, 1962

W. R. [Signature]
Mayor

Effective Date: April 25, 1962

ATTEST:

Ernest W. [Signature]
City Recorder