

ORDINANCE NO. 2005-01

AN ORDINANCE AUTHORIZING THE CHEROKEE VILLAGE FIRE DEPARTMENT TO PROVIDE FIRE PROTECTION OUTSIDE THE CITY LIMITS OF CHEROKEE VILLAGE PURSUANT TO CERTAIN CONDITIONS; ESTABLISHING THE CONDITIONS PURSUANT TO WHICH FIRE PROTECTION OUTSIDE THE CITY LIMITS MAY **BE** PROVIDED; PROVIDING A METHOD FOR APPLICATION FOR FIRE PROTECTION FOR CERTAIN PARTIES OUTSIDE THE CITY LIMITS; PROVIDING FEES FOR THE SERVICES PROVIDED HEREBY; DECLARING AN EMERGENCY; **AND** FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHEROKEE VILLAGE, **ARKANSAS:**

SECTION 1. Any person, firm, or corporation having an interest in property which is surrounded by the City of Cherokee Village is hereby granted the privilege of applying to the Cherokee Village Fire **D** epartment for limited fire fighting equipment protection as to such property. The Mayor, with the concurrence of the Fire Chief, at his discretion, may approve or reject any such application. Upon approval of an application, the fire fighting facilities of the City of Cherokee Village shall then be available to the applicant on the following conditions:

- A. Agreement. An agreement shall be signed by the applicant, which agreement shall state that the City agrees only to furnish limited fire fighting equipment and that the applicant agrees that any portion or all of this equipment may be recalled at any time by the City when, in the judgment of the Mayor or Fire Chief, such equipment is necessary for fire protection within the City of Cherokee Village. This agreement shall further provide that the City does not undertake to guarantee any fire fighting results and that the City offers only such reasonable equipment as is consistent with conditions prevailing at the time. Further, this agreement shall state that the applicant agrees that no claims of any kind or nature shall ever be asserted against the City as a result of the use and/or operation of the fire fighting equipment.
- B. Fee. The applicant shall pay in advance to the City Clerk/Treasurer a fee of \$100 annually, pro rata, per living unit for the limited fire fighting service herein provided, and in addition thereto, the applicant agrees to pay a usage fee of \$100.00 per hour or fraction thereof for each fire fighting company which responds to false alarms due to an alarm malfunction. The Fire Chief may waive the usage fee one time per 12-month period per applicant.
- C. Purpose and intent. The purpose of this ordinance is to offer service to separate properties subject to fire damage. The grouping of one or more properties shall not be allowed for the purposes of this ordinance. The removal of fire fighting equipment outside of city limits is expressly prohibited without the permission of the Mayor or Fire Chief, except pursuant to the provisions of this ordinance; provided, however, fire alarms to public buildings supported and maintained by taxation and to churches within the area shall be answered when, in the judgment of the Fire Chief or his designee, fire fighting equipment is not needed for fire protection within the City of Cherokee Village.

- D. Fire hydrant. No application shall be considered unless and until a fire hydrant has been installed within 1,000 feet, by accessible road, of the applicant's building. If a ready source of water is unavailable to the applicant, then the application of the applicant shall be rejected.
- E. Failure to pay fee. Failure of the applicant to pay any fee provided for above within 30 days after receiving due notice from the City Clerk/Treasurer shall have the effect of rendering void all agreements between the applicant and the City relating to fire protection.

SECTION 2. The Mayor, with the concurrence of the Fire Chief, is hereby authorized to enter into mutual fire fighting aid agreements with neighboring fire departments of the City of Cherokee Village. The Fire Chief or his designee may provide mutual fire fighting aid at the request of fire departments for which there is a current mutual aid agreement in place, provided such communities maintain in service quality fire fighting equipment capable of mutually aiding the Cherokee Village Fire Department. This section is intended to include neighboring volunteer fire departments of the City of Cherokee Village.

SECTION 3. This ordinance is enacted pursuant to ACA 14-53-102 and is hereby incorporated and made applicable to the City of Cherokee Village Fire Department and to the City of Cherokee Village.

SECTION 4. If any part of this ordinance shall be held to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of the ordinance.

SECTION 5. The Council has found and determined that to provide limited fire protection to certain parties outside the city limits is necessary for the protection of property belonging to such persons and is in the best interest of the City of Cherokee Village. THEREFORE, an emergency is hereby declared to exist, and this Ordinance will be in full force and effect from and after its passage and approval by a majority of aldermen of the City Council of Cherokee Village.

PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL.

DATED: January 20, 2005

APPROVED:

