

Hoodland Fire District #74

Ordinance No 2020-1

An Ordinance for Out-of-District Billing and Cost Recovery and In-District Cost Recovery for Transportation Corridor Billing and Non-Taxed Properties that Lie Within District Jurisdictional Boundaries

WHEREAS, ORS 478.310(1) authorizes fire districts to recover costs for fire or public safety incidents occurring outside the limits of a district, including fires occurring in unprotected areas pursuant to ORS 476.280 and 476.290; and

WHEREAS, ORS 478.310(2) authorizes fire districts to recover costs arising from an incident involving an airplane crash or an occurrence on a transportation route within a fire district or non-taxed public locations; and

WHEREAS, the above emergency incidents that occur outside the boundaries of Hoodland Fire District #74 (hereafter the "District") or on transportation routes within District boundaries involve persons who are not taxpaying patrons, and who are not residents of the District who indirectly pay taxes to the District; and

WHEREAS, such incidents require equipment and personnel for medical, fire and life safety or environmental safety response; and

WHEREAS the District's Board of Directors (hereafter the "Board") has reviewed the costs scheduled by the Oregon State Fire Marshal's Office and has determined those costs to be fair and reasonable and to fairly represent the costs to be incurred on behalf of the District; and

WHEREAS, the cost of maintaining equipment and personnel to be available for immediate response have been reviewed, and the Board has determined that the costs reflected herein, reflect actual costs on behalf of the District, for the provisions of the services provided; and

WHEREAS the Fire District Board of Directors has adopted a policy addressing the Cost Recovery for Response to Fire or other Public Safety Incidents;

THEREFORE, BE IT ORDAINED that the Board does hereby adopt the following rate charges as outlined in Hoodland Fire District Policy which may be amended from time to time for all responses whether outside of the District boundaries, within the District boundaries to airplane crashes or to public safety incidents on transportation routes, including any roadway, waterway, railroad right-of-way or public non-taxed location such as parks and recreation areas in which no taxes or assessments are levied by the District, all of which shall involve persons who are not residents of the District or who do not own property within the boundaries of the District; and

BE IT FURTHER ORDAINED by the Board that the fees and costs to be charged do not constitute taxes subject to the Oregon Constitution's property tax limitations and are calculated in accordance with the Office of Oregon State Fire Marshal's Standardized Costs Schedules set forth in Appendices "C" and "D" to the Oregon Fire Service Mobilization Plan, as amended, issued pursuant to OAR 837-130-0000 to 837-130-0020, and that such schedules are hereby incorporated herein by this reference; and

BE IT FURTHER ORDAINED by the Board that the following procedure shall be used for billing:

1. The Incident Commander or Fire Chief shall make a determination that the response is either out-of-district or on a transportation route, or involves an aircraft accident or the has occurred in district on a transportation route, railroad right-of-way or public non-taxed recreation area AND the person or persons receiving service do not reside in or pay taxes to the District.
2. The Incident Commander or Fire Chief shall obtain the name, address, telephone number, and pertinent billing information for those receiving service.
3. The District will make every effort to send all bills within thirty (30) days of providing service. If arrangements for payment are not made within a sixty (60) day period, a fifteen (15) day overdue notice will be sent to the responsible party. After that time, with no response, the account will be considered delinquent and may be forwarded to a collections agency.

First READ by title at a meeting of the Hoodland Fire District #74 Board of Directors on October 13, 2020

REREAD by title and ADOPTED by majority vote at a meeting of the Hoodland Fire District #74 Board of Directors on **xxxxx**

Ayes: _____

Nays: _____

Mary Ellen Fitzgerald, Secretary/Treasurer

Certification of Copy

I hereby certify that this is a true and complete copy of the original foregoing ordinance on file with Hoodland Fire District #74.

Shirley Dueber, Chairperson