



Town of Huachuca City

The Sunset City

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ORDINANCE NO. 17-01

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 2 “ADMINISTRATION AND PERSONNEL,” CHAPTER 2.65 “VOLUNTEER FIRE DEPARTMENT,” SECTION 2.65.070 “PROVIDING FIRE PROTECTION OUTSIDE THE TOWN,” TO AUTHORIZE THE FIRE DEPARTMENT TO RESPOND TO CALLS FOR SERVICE OUTSIDE THE TOWN’S JURISDICTIONAL LIMITS AND TO CHARGE FEES FOR THOSE SERVICES.

WHEREAS, the Town Council of the Town of Huachuca City has adopted by Resolution No. 84-002 a code known as the Town Code of the Town of Huachuca City, Arizona [the “Code”], and has amended and republished the Code from time to time, as authorized by A.R.S. 9-240 (B) (28); and

WHEREAS, pursuant to Chapter 2.65 of the Code, the Town is served by a volunteer fire department [“Fire Department”]; and

WHEREAS, the Town Council has determined that it would be in the best interests of the Town and its residents to allow the Fire Department to respond to calls for services outside of the Town’s jurisdictional limits; and

WHEREAS, pursuant to A.R.S. 9-500.20 and 28-677 (C), the Town may charge fees to recover its costs for providing those services; and

WHEREAS, as required by the Code, section 2-5-4, this Ordinance was first read at a public meeting of the Town Council on April 13, 2017, and at a subsequent meeting on April 27, 2017.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Huachuca City, as follows:

SECTION 1. The Code, Title 2, Chapter 2.65, section 2.65.070 “Providing fire protection outside the town” is amended as follows, with deletions in ~~striketrough~~ and additions in underlined text:

2.65.070 Providing fire protection outside the town.

A. The council may enter into agreements or contracts to furnish fire protection outside the town or enter into mutual aid agreements, and the fire department is authorized to render ~~fire-fighting~~ firefighting service pursuant to the terms of such agreements or contracts. In addition, the fire

department may provide services or assist in providing services outside the town when those services are unavailable or are provided at the request of any law enforcement agency, fire district, fire department or private person, and may receive reimbursement for the costs of providing the emergency services. The person receiving the services, or on whose behalf the services are provided, is liable to the town for the costs, and these costs constitute a debt of that person and may be collected by the town.

~~B. The fire department will be used only within the town limits or under the agreements as specified in this section.~~ The costs of providing services are those costs set forth in resolutions adopted by the town council establishing fee schedules for emergency response, standby charges, fees for fire cause determination or any other fee that may be required or appropriate to provide services outside of the town's corporate limits. The town council may engage a service provider to pursue collection of the fees, or may refer them to the Town Attorney for collection.

SECTION 2. As provided in the Code, Section 15.80.010, any person found guilty of violating any provision of this Ordinance, shall be guilty of a class one misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed two thousand five hundred dollars or by imprisonment for a period of not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

SECTION 3. All ordinances, parts of ordinances, resolutions, parts of resolutions, policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.

SECTION 4. If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

SECTION 5. The Town Clerk is hereby directed, pursuant to the Code, sections 2-5-8 and 2-5-9, to post this Ordinance in three or more public places within the Town, and to publish this Ordinance as required by A.R.S. 9-812 and 39-204.

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 27th DAY OF APRIL, 2017.


Ken Taylor, Mayor

ATTEST:


Tammy Mitchell, Town Clerk/Administrator

Approved as to Form:


Thomas Benavidez, Town Attorney