ORDINANCE NO. 2004-05

AN ORDINANCE AMENDING CHAPTER 7.40 OF THE ATKINS MUNICIPAL CODE PERTAINING TO THE RATES TO BE ASSESSED FOR FIRES AND FOR ASSISTING IN THE CONTAINMENT OF HAZARDOUS MATERIALS AND SUBSTANCES WITHIN THE CITY OF ATKINS AND WITHIN THE ATKINS FIRE PROTECTION DISTRICT AND PROVIDING FOR CHARGES TO BE ASSESSED FOR FALSE FIRE ALARMS AND FOR INSPECTIONS AND FOR OTHER PURPOSES

WHEREAS, there is a pressing need to amend the fees to be charged for all types of fires occurring within the Atkins Fire Protection District and the City of Atkins; and

WHEREAS, there is a need to set fees to be charged for false fire alarms and for fire inspections. and

WHEREAS, there is a need to set fees for assisting in the containment of hazardous materials and substances.

NOW THEREFORE, be it ordained by the City Council for the City of Atkins as follows:

Section 1. Section 7.40.03 Fire Protection for Atkins Fire Protection District; city of Atkins of the Atkins Municipal Code is hereby amended to read as follows:

7.40.03 Fire Protection and Containment of Hazardous Materials and Substances for the Atkins Fire Protection District and the City of Atkins

1. Hazardous Materials, Substances or Waste are any chemical, substance, material or waste material, capable of causing harm to the health or safety of any person, plant, animal, or the environment to whom or to which it could be exposed.

2. Extremely Hazardous Substances are any chemical, substance, or other product that has a high degree of toxicity.

The City of Atkins Fire Department shall provide aid in the containment and extinguishing of fires and in assisting in the containment or extinguishing of hazardous materials, substances, waste, and extremely hazardous substances for those individuals, firms, corporations, partnerships, or other entities who own or possess real or personal property located within the Atkins Fire Protection District and the corporate limits of the City of Atkins.

The Atkins Fire Department shall respond to all such fires or situations as described above with equipment and men sufficient to meet the minimum requirements of the Arkansas Insurance Services Office for the Class of Fire Protection approved for the City of Atkins or the Atkins Fire Protection District at the time of the fire or other situation.

Section 2. Section 7.40.05 Charges assessed for fires occurring within the Atkins Fire Protection District is hereby amended to read as follows:

7.40.05 Charges Assessed for Fires or Fire Related Incidents or For Assisting in the Containment or Extinguishing of Hazardous Materials, Substances, or Waste, or Extremely Hazardous Substances Within the Atkins Fire Protection District

The following rates shall be charged by the Atkins Fire Department when its assistance is required within the Atkins Fire Protection District by the owner or possessor of the affected land or personal property located within the Atkins Fire Protection District during instances in which such owner or possessor of the land or personal property has not paid the annual fees as set forth above at the time of the incident, to-wit:

A. **All Fires Or Fire Related Incidents:**

A minimum of Two Hundred Fifty Dollars ($250.00); provided however the total charges assessed for any fire or fire related incident involving only personal property and which was not insured against loss, the total charges assessed shall be limited to no more than three hundred dollars ($300.00).

B. **Containment of Hazardous Materials, Substances, or Waste or Extremely Hazardous Substances :**

A minimum of Five Hundred Dollars ($500.00).

Section 3. Section 7.40.06. Charges assessed for fires pertaining to personal property within the city is hereby amended as follows:

Section 7.40.06. Charges Assessed for Fires or Fire Related Incidents Within the City of Atkins or For Assisting in the Containment or Extinguishing of Hazardous Materials, Substances or Waste, or Extremely Hazardous Substances Within the City of Atkins.

Charges will be assessed to those who are not residents of the City of Atkins and who do not own real property within the city limits of the City of Atkins but who own or possess personal property which was involved in a fire or fire related incident or in assisting in the containment or extinguishing of hazardous materials, substances or waste, or extremely hazardous substances within the boundaries of the City of Atkins at the same rates as specified in Section 7.40.05. except that there are no limitations on the maximum charges to be assessed for fires involving personal property only.

Section 4. A section shall be added to read as follows:

7.40.07 Inspection Fees.

A charge of Twenty Five Dollars ($25.00) shall be assessed to the owner or possessor of any structure located within the Atkins Fire Protection District or the City of Atkins for inspections performed by the Atkins Fire Department, required by law or performed at the request of the owner or possessor of the structure.

Section 5. A new section shall be added to read as follows:

7.40.08 Penalties for False Fire Alarms

A false fire alarm whether inside the City of Atkins or inside the Atkins Fire Protection District shall occur when a mechanical or electrical fire alarm system defaults or otherwise fails because of mechanical or electrical problems or lack of maintenance causing the Atkins Fire Department to respond to the call. In such an instance when an owner or possessor of real property in the Atkins Fire Protection District has failed to pay the annual dues, the Atkins Fire Department shall assess a penalty of Two Hundred Fifty Dollars ($250.00) against the offender when a false fire alarm occurs. In the instance where such an event occurs in the City of Atkins or in the Atkins Fire Protection District and the member has paid annual dues for that year, there shall be assessed a penalty of one hundred dollars ($100.00) for each false alarm exceeding three (3) annually.

Section 6. Emergency Clause

An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

DATED this 13th day of July, 2004.

THE CITY OF ATKINS

By: _____
JERRY DON BARRETT, Mayor

_____
BRENDA GRAVES, City Clerk

(SEAL)