

ORDINANCE NO. 0-79-4

AN ORDINANCE PROVIDING FOR THE FURNISHING OF FIRE FIGHTING FACILITIES OF THE CITY OF CONWAY FOR THE PROTECTION OF CERTAIN PROPERTY LOCATED OUTSIDE OF THE CITY LIMITS; PROVIDING REGULATIONS UNDER WHICH SAID FIRE FIGHTING FACILITIES WILL BE USED; PROVIDING FOR A SCHEDULE OF CHARGES FOR SUCH PROTECTION; AND FOR OTHER PURPOSES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

SECTION 1. From and after passage and approval of this ordinance, any person, firm, or corporation located on the following routes (on all weather roads with a gravel base of six (6) inches or asphalt or concrete or seal-coated gravel roads contiguous to the following routes for a reasonable distance): Highway 60 and 286 West to the Arkansas River; Highway 64 West to Cadron Creek; Highway 25 and 65 North to East Fork Cadron Creek; Highway 64 East to Warren (Bentley) Creek; Highway 365 South and Sturgis Road to Gold Creek. Except that the following described area is specifically excluded: Beginning at Conway city limits in the center of Highway 64 East run East to Warren Creek; then South down Warren Creek into Lake Conway; then West following the North End of said lake to Interstate Highway 40; then North along I-40 right-of-way to Conway city limits; then along city limits North to Middle Road; then East along Middle Road to Highway 286; then along city limits to beginning point on Highway 64 East, is granted the privilege of applying to the City Council for limited fire fighting protection. The City Council may, at its discretion, approve or reject any such application.

If the City Council approves any application, the fire fighting facilities of the City of Conway shall then be available to such applicant, but shall be available only upon the following conditions.

1. An agreement shall be signed by the applicant, which agreement shall state that the City of Conway agrees to furnish only limited fire fighting equipment, and the applicant shall agree that any portion or all of this equipment may be recalled at any time by the City, when, in the judgement of the Chief of the Fire Department, such equipment is necessary for fire protection within the City of Conway. Said agreement shall further provide that the City does not undertake to guarantee any fire fighting results, and offers only such reasonable equipment as is consistent with conditions prevailing at the time, and the applicant shall agree that no claims of any kind or nature shall ever be made against the City resulting from the use and/or operation of the equipment.
2. Fire protection offered under the provisions of this ordinance shall be available only to structures located on the premises of applicant.
3. There is hereby established an Annual Fee in the amount of \$50.00. This fee is payable in advance upon application for fire protection or any renewal of said protection and shall be refundable should fire protection be refused by the City only. Inspections shall consist of the determination of accessibility of applicant's premises to fire apparatus, and such other minor inspections as may be necessary in the opinion of the Chief of the Fire Department. Ten Dollars of this fee is designated for the Firemen's Pension Fund.

4. The sole purpose of this ordinance is to offer service to separate properties, and grouping of properties shall not be allowed for the purpose of this ordinance.
5. In addition to the above fee, the applicant shall pay Usage Fee of \$250.00 for each fire fighting company which responds to an alarm on the premises of the applicant, whether the alarm is false or the result of a fire. Only one fire fighting company shall respond to an alarm on the premises of any applicant unless applicant or his agents request additional companies, or the fireman in charge deems it necessary, in which case a further Usage Fee of \$150.00 per additional fire fighting company shall be collected. The City shall not be bound to dispatch, at any time, any equipment needed at the time for fighting fire within the city limits. Dispatch of fire equipment and any regulations necessary to facilitate the fire protection herein designated shall be promulgated by the Fire Chief of the City of Conway with the approval of the Mayor of Conway. All fees of whatever kind shall be the responsibility of the subscriber-applicant and shall be payable immediately after the rendition of said services or as directed by the Fire Chief of the City of Conway.
6. Failure of the applicant to pay any fee set out in this ordinance within Ten (10) days after receiving due notice from the City Collector, shall void all agreements between the applicant and the City.
7. All subscriptions for said fire protection shall commence no sooner than the 16 day of February, 1979, and shall end on March 1, 1980. The City of Conway shall not under any circumstances be responsible for continued fire protection outside the city limits after March 1, 1980.

SECTION 2. It is not the intent of this ordinance to cancel or void any Mutual Aid Program now in effect or created subsequently. Any applicant-subscriber who presently or hereafter becomes geographically located in a fire protection district of whatever kind, is ineligible to participate in this fire protection program on the date said district becomes active regardless whether such subscriber-applicant is enrolled in this fire protection program or not.

SECTION 3. This ordinance and all liability created hereunder by the City of Conway to any person or other legal entity shall be void and have no further effect and shall be hereby repealed on March 1, 1980.

SECTION 4. The City Council hereby finds and declares that confusion and uncertainty has heretofore existed concerning the matters contained herein and that such confusion and uncertainty has been hazardous to the citizens of protection of the public health, safety and welfare, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED the 13 day of February, 1979.

ATTEST: *Robert D. Jones*
CITY CLERK

APPROVED: *Bill Wright*
MAYOR