

ORDINANCE NO. 2018-11

AN ORDINANCE CREATING A JOHNSON FIRE DEPARTMENT AS A DEPARTMENT OF THE CITY, CREATING THE DEPARTMENT HEAD POSITION OF FIRE CHIEF AND SETTING FORTH THE DUTIES THEREOF IN ORDER TO PROVIDE FIRE SERVICE TO THE CITY OF JOHNSON ON JANUARY 1, 2019, AND THEREAFTER.

WHEREAS, THE City of Johnson has for many years contracted with the Johnson Area Volunteer Fire Department, Inc. (hereinafter JAVFD) to provide fire services to the residents of, visitors to and the City of Johnson;

WHEREAS, The JAVFD has received substantial sums from the City pursuant to those contracts, it has proven increasingly difficult to provide the level of service needed for the City with a largely volunteer organization;

WHEREAS, JAVFD Board of Directors has voted to dissolve their department effective 12-31-2018, and is planning to transfer all equipment and apparatus, along with the land and improvements to the City as a jumpstart for the Johnson Fire Department (JFD); and,

WHEREAS, there is significant work to be accomplished between November 1, and the operational date of January 1, 2019, the Council desires to evidence its support and commitment to the JFD by enacting this legislation now to facilitate planning and preparation for the new department of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF JOHNSON, ARKANSAS, That:

Section 1: The Johnson Fire Department is hereby created. Following the appointment of Fire Chief as hereinafter authorized and empowered, such Fire Chief shall coordinate with the officials of the Johnson Area Volunteer Fire Department, Inc. so as to have the Johnson Fire Department fully organized, staffed, trained and prepared to be fully operational to provide fire service by 00:00 on Tuesday, January 1, 2019.

Section 2: The separate office of Chief of the Fire Department of the City is hereby created, effective November 1, 2018, to be filled in the manner hereinafter provided. The position of Fire Chief shall be either full or part time as provided by his/her appointment.

The Fire Chief shall:

- 1) Be administrative head of the department and promulgate such rules, regulations and procedures as may be necessary to ensure a modern and efficient fire department.
- 2) Be commander of the whole fire force, under the superintendence of the City Council.
- 3) Be the custodian of, and responsible for, all property of the fire department. Be the administrative head of the office of building inspections and promulgate such rules, regulations and procedures as may be necessary to ensure effective and efficient operations.
- 4) Be the chief fire code official responsible for updating the code as editions or revisions of relevant fire codes are made and published.
- 5) Make a monthly report to the City Council as to the number and type of incident responses and the staff hours spent attending incidents, vacation, comp time and training.
- 6) Be nominated by the Mayor and confirmed by the City Council
- 7) Either the Chief or his/her designee shall serve on the City of Johnson Personnel Committee to insure that all statutory provisions concerning fire department personnel are incorporated into future editions of the City of Johnson Personnel Handbook.
- 8) Perform such other duties as are assigned to him by the Mayor or City Council.

Section 3: The Mayor or Fire Chief, with the confirmation of the Council, may enter into mutual aid agreements with other municipalities, firms, corporations or individuals for the rendering of fire service. The Mayor or Fire Chief may, in discretion, aid in extinguishing fires in another city or town, public institution, corporation or other property within a reasonable distance from the city, or on property immediately adjacent to the city in which there is a possibility of the fire spreading within the corporate limits, under the following conditions:

- (1) A request from a city or incorporated town for assistance must come only from the Mayor, Fire Chief or such other person as may be designated by mutual agreement.
- (2) Calls may be responded to only by such apparatus which, in the judgment of the Mayor, Fire Chief or deputy fire chief, can be safely sent without unduly impairing fire protection within the City, and when highways and weather conditions are favorable.

Section 4: As used in this ordinance, the term "special services" shall mean that extraordinary work, labor or service which may be provided only by the fire department due to the specialized training and equipment of the fire department, which shall be available within the corporate limits of the City and the surrounding area to the degree the provision of such work, labor or service is reasonable and practicable in the judgment of the officials supervising the operation of the service. Special services shall include hazardous materials and technical rescue response and cleanup. The fire

department may provide certain special services within and without the city at the discretion and supervision of the Mayor or Fire Chief. Fire department personnel and apparatus may be used to perform the special services.

The special services authorized by this ordinance shall be provided at the rates and charges as currently established or as hereafter adopted by resolution of the City Council from time to time. The recipient of the special services shall pay:

- 1) All replacement costs of expendable equipment and supplies which includes equipment damaged or made unusable by contamination.
- 2) The cost of any labor, materials or supplies provided by third parties at the request of the fire department and any other costs necessary to provide the special services.

The Fire Chief or his designated representative shall collect charges due the City for the provision of special services, and the Fire Chief or his designated representative shall:

- 1) Prepare and issue statements for charges to persons who are provided special services under this article.
- 2) With Council approval, file suit to collect delinquent charges due within legally allowed time after the special service is provided.
- 3) Maintain adequate records containing the date, cash collected, accounts receivable, unpaid charges, and such other information as may be required by officials of the city.

PASSED AND APPROVED this 11th day of September, 2018.



CHRIS KEENEY, Mayor

ATTEST:



JENNIFER ALLEN, Recorder-Treasurer