

ORDINANCE NO. 2020-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACKWELL, OKLAHOMA, AMENDING PART II, CHAPTER 2 ARTICLE IV, DIVISION 2 ENTITLED "FIRE DEPARTMENT" OF THE BLACKWELL MUNICIPAL CODE 2019 BY THE AMENDMENT OF SECTION 2-114 ENTITLED "CHARGES FOR FIRE INCIDENT RESPONSES MADE OUTSIDE THE CITY LIMITS" AND BY THE ADDITION OF A NEW SECTION 2-115 ENTITLED "FIRE SERVICE SUBSCRIPTION"; PROVIDING FOR AN FIRE SERVICE SUBSCRIPTION PROGRAM FOR SUBSCRIBERS LOCATED OUTSIDE THE CORPORATE LIMITS OF THE CITY AND WITHIN THE BLACKWELL FIRE DEPARTMENT SERVICE AREA; PROVIDING FOR REPEALER; SAVINGS; CODIFICATION; SEVERABILITY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACKWELL, OKLAHOMA:

Section I: Part II, Chapter 2, Article IV, Divisions 2 of the Blackwell Municipal Code 2019 is hereby amended by the amendment of Section 2-114 and the addition of Section 2-115 which shall read as follows:

Section 2-114 Charges for Fire Incident Responses Made Outside City Limits

Except as otherwise provided by Section 2-115, ¶the following charges shall be collected for a fire incident response provided outside the corporate limits of the City :

1. For attendance of each fire apparatus on an incident outside the corporate limits of the City shall be three hundred dollars (\$300.00) per hour;
2. For attendance of any additional City of Blackwell Fire Company, the rate shall be three hundred dollars (\$300.00) per company per hour; and
3. The actual costs of equipment, supplies, materials, and/or contract labor utilized in the mitigation efforts.
4. Material Charge (Foam): \$15.00 per gallon

Section 2-115 Fire Service Subscription

A. Subscription For Fire Service: Persons residing outside the corporate city limits and within the Blackwell Fire Department "service area", as shown on the official map filed with the Kay County Assessor, may subscribe for fire service provided by the Blackwell Fire Department, subject to the following conditions and limitations:

1. The annual fee for the Fire Service Subscription shall be Sixty Dollars (\$60.00) per

subscriber per city fiscal year (July 1 through June 30). Fire Service Subscription shall entitle the subscriber to one fire per city fiscal year. Fees created by this section may be changed by resolution of the City Council from time to time. The handling of hazardous materials incidents will be charged in accordance with Section 2-113.

2. All annual Fire Service Subscriptions payments shall be due by each successive July 1; provided however, the initial Fire Service Subscription may be monthly prorated.

3. A Fire Service Subscription shall entitle the subscriber to one (1) fire service incident at the location as provided in the subscriber's application, and any contiguous location owned or leased by the subscriber, but shall be nontransferable to any other residence, property, structure or territory.

4. The subscriber shall receive no out of pocket charge due to such one (1) fire service incident, excepting any amount that can be recovered from any applicable insurance policy.

B. Fees:

1. All such fire service incident, not covered by a Fire Service Subscription, shall be billed at the rates set forth in Section 2-114.

2. Mutual aid requested by other organized fire services shall not be billed.

Section II. REPEALER. All ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed.

Section III. SAVINGS CLAUSE. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section IV. CODIFICATION. This ordinance shall be codified as herein provided.

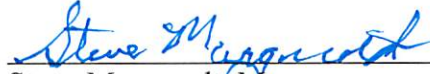
Section V. SEVERABILITY. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Council of the City of Blackwell that this section of the Blackwell Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section VI. EMERGENCY. WHEREAS, it being immediately necessary for the preservation of the peace, health, safety and public good of the City and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect in order immediately provide for this Fire Service Subscription Program; By reason whereof, this Ordinance shall take effect and

be in full force and effect after its passage, as provided by law.

Approved and executed this 15th day of October 2020.

THE CITY OF BLACKWELL, OKLAHOMA



Steve Marquardt, Mayor



Approved as to Content:



Janet Smith, City Manager

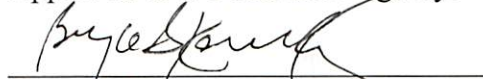
(Seal)

ATTEST:



Traci Hanebrink, City Clerk

Approved as to Form and Legality:



Bryce S. Kennedy, Jr., City Attorney

_NOTICE

On the 15th day of October 2020, the City Council of the City of Blackwell, Oklahoma, approved Ordinance No. 2020-20 which provides for charges for Fire Incident Responses made outside the City Limits and by the addition of a new Section 2-115 providing for a Fire Service Subscription Program for Subscribers located outside the Corporate City limits of the City and within the Blackwell Fire Department Service Area.

A copy of the ordinance is available at City Hall or by calling the City Clerk at 580-363-7250. It is presented for publication by title only:

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THE CITY OF BLACKWELL, OKLAHOMA



Traci Hanebrink, City Clerk