

**CITY OF BAY CITY, OREGON**

**ORDINANCE NUMBER 697**

**AN ORDINANCE AUTHORIZING THE CITY TO BILL FOR CERTAIN FIRE AND EMERGENCY SERVICES AND ESTABLISHING EXCEPTIONS AND ADOPTION OF RECOVERY FEES BY RESOLUTION**

**WHEREAS**, the City's fire and emergency service personnel and volunteers regularly respond to emergency incidents occurring both inside and outside City boundaries, including on Transportation Routes and in Unprotected Areas, and such responses sometimes serve persons who are not taxpaying patrons or residents of the City; and

**WHEREAS**, the City desires to recover from non-residents or non-taxpayers the actual costs of providing certain emergency and fire response services, including responses on Transportation Routes within the City, responses outside City limits, or responses in Unprotected Areas outside City; and

**WHEREAS**, the City also desires to recover the actual cost of providing other fire and emergency response services which place an undue burden on City resources, such as the cost of responding to repeated False Alarms; and

**WHEREAS**, such responses require costly equipment and personnel and some of the persons served by such responses have not shared in the costs; and

**WHEREAS**, ORS 221.410 authorizes a city to take all action necessary or convenient for the government of its local affairs, which includes: 1) charging fees for the billing of certain fire and emergency response services to persons who do not reside within City limits or pay City taxes; and 2) charging fees for fire and emergency response services which place an undue burden on the City's Fire Department; and

**WHEREAS**, the Bay City Council has examined the current Oregon State Fire Marshal's Standardized Cost Schedule from the Oregon Fire Service Mobilization Plan and has determined that such costs would reasonably and satisfactorily reimburse the Fire Department for actual costs incurred in responding; and

**WHEREAS**, the Bay City Council has examined the fees proposed to be charged under this Ordinance and has determined that they accurately reflect the actual costs of providing the services; and Fees will be under a separate Resolution and can be increased to be consistent with the Oregon State Fire Marshal's Standardized Cost Schedule; and

**WHEREAS**, the Bay City Council has determined that it is fair, reasonable, and appropriate to adopt this cost recovery mechanism to collect the actual costs of providing such services to non-residents or non-taxpayers as long as such fees are limited to cost recovery only and will not be used to generate revenue; and

**WHEREAS**, the City may choose to delegate the assessment and collection of such fees to a responsible and experienced third party, as long as the collection and use of such fees comply with this Ordinance; and

**WHEREAS**, the fees and charges authorized by this Ordinance are not taxes subject to property tax limitations of Article XI, Section 11(b) of the Oregon Constitution;

**WHEREAS**, when the State Fire Marshal's Standardized Cost Schedule is modified, Bay City will review those changes to ensure continued compliance with those fees and any statutory changes; and


**WHEREAS**, the City has determined to adopt the fee schedule by separate Resolution to allow periodic amendments as needed to ensure consistency with the Oregon State Fire Marshal's Standardized Cost Schedule; and

**WHEREAS**, members of the public were allowed to comment on the fees at a City Council Public Hearing held on February 8, and March 8, 2022;


**NOW, THEREFORE, THE CITY OF BAY CITY ORDAINS AS FOLLOWS:**

Section 1. The recovery fees for fire and emergency services for non-residents or non-taxpayers and for additional, specified fire and emergency services will hereafter be identified and adopted by Resolution.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 8th  
DAY OF March 2022

  
David McCall, Mayor  
3/8/22  
Date

ATTEST:

  
Lindsey Gann, City Recorder

3/8/22  
Date