

SPONSOR:

Smith/Brown

ORDINANCE NO. 35-10

AN ORDINANCE AUTHORIZING THE CITY OF JACKSON, OHIO TO ENTER INTO AN AGREEMENT WITH THE BOARD OF TRUSTEES OF FRANKLIN TOWNSHIP, JACKSON COUNTY, OHIO, FOR FIRE PROTECTION, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Jackson, Ohio operates and maintains a volunteer fire department to provide fire protection services to its residents; and

WHEREAS, Franklin Township, Jackson County, Ohio does not have a fire department; and

WHEREAS, the City of Jackson, Ohio and the Board of Trustees of Franklin Township, Jackson County, Ohio, desire to enter into an Agreement wherein the City of Jackson will provide fire protection service to Franklin Township.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF OHIO, as follows:

Section One. The Mayor is hereby authorized and directed to execute on behalf of the City of Jackson, Ohio, an agreement between the City of Jackson, Ohio and the Board of Trustees of Franklin Township, Jackson County, Ohio, in order to provide fire protection service to Franklin Township. A copy of the Agreement is attached hereto as Exhibit "A" and is incorporated herein by reference.

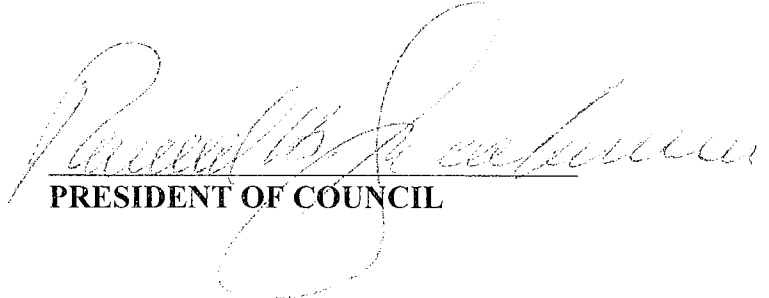
Section Two. This Ordinance is hereby declared to be an emergency Ordinance necessary for the immediate preservation of the public peace, health, or safety in that it is necessary to enter into this agreement as soon as possible so that there will be no lapse in fire protection services to Franklin Township, Jackson County, Ohio. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

Section Three. In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause and shall take effect at the earliest time permitted by law.

Section Four.

This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Date: 6/14/10



PRESIDENT OF COUNCIL



CLERK OF COUNCIL

Approved:

Date: 6/18/10



MAYOR

AGREEMENT

This AGREEMENT is made and entered into this _____ day of _____, 20____, by and between the City of Jackson, Ohio, an Ohio municipal corporation, and the Board of Trustees of Franklin Township, Jackson County, Ohio,
WITNESSETH:

WHEREAS, the Council of the City of Jackson, Ohio, has authorized the City to enter into a contract with the Board of Trustees of Franklin Township, Jackson County, Ohio, in accordance with Ordinance No. _____, on the adoption of a Resolution by the Board of Trustees of Franklin Township providing therefore, for furnishing Fire Protection to the Franklin Township Fire District and the inhabitants of Franklin Township for a period of five (5) years, commencing on March 1, 2011, on the terms and conditions in said Ordinance set forth; and

WHEREAS, by Resolution duly adopted by the Board of Trustees of Franklin Township, Jackson County, Ohio, on _____, 20____, said Trustees were authorized to enter into an Agreement with the City of Jackson, Ohio, for such services.

NOW, THEREFORE, the City of Jackson, Ohio, and the Board of Trustees of Franklin Township, Jackson County, Ohio, hereby agree as follows:

The City of Jackson, Ohio, through its Division of Fire, will answer all fire calls from Franklin Township Fire District and its inhabitants and send fire apparatus and firemen thereto for the purpose of extinguishing fires in the Franklin Township Fire District in like manner as fire calls are answered and fires extinguished in the City of Jackson, Ohio, except grass, brush and forest fires that do not immediately endanger improved property. In the event a fire call is received and responded to in the southern portion of the Franklin Township Fire District, at a point to be determined and agreed upon by the parties, the Jackson City Fire Department shall automatically request mutual aid.

This Agreement shall be for a period of five (5) years, beginning March 1, 2011, and ending February 28, 2016.

In consideration for which, the Board of Trustees of Franklin Township, Jackson County, Ohio, agrees to pay the City of Jackson, Ohio, for said services, in accordance with the following schedule:

- o \$29,851.20, due and payable before March 1, 2011.
- o \$30,746.73, due and payable before March 1, 2012.
- o \$31,669.13, due and payable before March 1, 2013.
- o \$32,619.20, due and payable before March 1, 2014.
- o \$33,597.78, due and payable before March 1, 2015.

The Board of Trustees of Franklin Township, Jackson County, Ohio, hereby further agrees that it shall and will comply with all of the terms of Chapter 733 of the Codified Ordinances of the City of Jackson, Ohio. It is further agreed that Chapter 733 of the Codified Ordinances of the City of Jackson, Ohio, shall be attached hereto and made a part of this Agreement. The Board of Trustees of Franklin Township, Jackson County, Ohio, specifically agrees, among other provisions of Chapter 733 of the Codified Ordinances of the City of Jackson, Ohio, that should the City receive false alarms during the term of this Agreement, that after three (3) officially chargeable false alarms in any one (1) year period, then the Board of Trustees of Franklin Township, Jackson County, Ohio, shall and will pay to the City of Jackson, Ohio, the sum of One Hundred Dollars (\$100.00) for each officially chargeable false alarms in any one (1) year period. The Board of Trustees of Franklin Township, Jackson County, Ohio, further agrees to be bound by and comply with all other provisions as set forth in Chapter 733 of the Codified Ordinances of the City of Jackson, Ohio.

It is mutually understood and agreed that, in no case, shall the City of Jackson, Ohio, be liable in damages to the Board of Trustees of Franklin Township, Jackson County, Ohio, or any of the inhabitants of Franklin Township, for failure to answer any fire calls, for lack of speed in answering any such call, or for any inadequacy of equipment, negligent operation of apparatus, failure to extinguish any fire, or any cause whatsoever growing out of this Agreement or use of fire equipment and the personnel of the City of Jackson, Ohio.

It is mutually understood and agreed that either party hereto may cancel and terminate this Agreement before the expiration date thereof by giving a ninety (90) day written notice to the opposite party of its' intentions.

IN WITNESS WHEREOF, the said parties have caused their names to be subscribed hereto by their property officers duly authorized in the premises as hereinafter set forth, on the day and year first written.

BOARD OF TRUSTEES OF
FRANKLIN TOWNSHIP,
JACKSON COUNTY, OHIO

CITY OF JACKSON, OHIO

By: _____
TRUSTEE

By: _____
MAYOR

By: _____
TRUSTEE

By: _____
TRUSTEE

CHAPTER 733
Alarm Systems

733.01	Definitions.	733.05	Suspension, revocation and appeals procedure for permits.
733.02	Alarm permits.	733.06	Liability of City.
733.03	Automatic dialing devices.	733.07	Exemptions.
733.04	Equipment maintenance; inspection.	733.99	Penalty.

733.01 DEFINITIONS.

As used in this chapter:

- (a) "Alarm permit" means a permit issued by the Chief of Police to any owner or other person in control of a building, property or part thereof, located in the City, to install and maintain an alarm system.
- (b) "Alarm system" means any assembly of equipment and devices which signals, so as to be seen or heard outside the protected building or space, the presence of fire, smoke, robbery, burglary, vandalism or unauthorized intrusion.
- (c) "Interconnected alarm system" means an alarm system which directly or indirectly, automatically or manually, uses a telephone line to transmit an alarm or message upon activation of the alarm system.
- (d) "Local alarm system" means an alarm system that when activated only sounds a horn, bell, buzzer or other type of audible or visible alarm that is designed to be audible or visible beyond the premises being served, but which does not result in the transmission of a signal to any other location.
- (e) "Alarm permitholder" means a person, organization or company who has a permit issued to him by the Chief of Police.
- (f) "Appropriate Chief" means the City of Jackson Chief of Police or the City of Jackson Fire Chief.
- (g) "Automatic dialing device" means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice, message or code signal an emergency message indicating a need for emergency response.

733.03 AUTOMATIC DIALING DEVICES.

(a) The City may subscribe to one or more telephone lines for burglar alarms, or for fire alarm purposes, or for similar purposes; and when any line is designated as provided for above, persons may, upon proper application and compliance with applicable laws, be granted a permit to install a device or devices which automatically select the designated telephone line for the purpose of playing a recorded message or to otherwise report an intrusion or other emergency.

(b) No person shall use or cause to be used, any telephone device or telephone attachment that automatically selects any telephone line allocated by the telephone company to the City or any of its departments or divisions, except a telephone line which shall be specifically designated by the Service Director for such purpose.

(c) All automatic dialing devices shall be reprogrammed to use the designated telephone line within ten days of notification of designation of the Service Director; additionally the message format shall be approved by the appropriate Chief prior to interconnection. (Ord. 83-89. Passed 11-13-89.)

733.04 EQUIPMENT MAINTENANCE; INSPECTION.

(a) All equipment used in installations for which a permit is required shall meet the applicable standards of the Underwriters Laboratories of the United States and of Canada, Factory Mutual, the National Fire Protection Association or other recognized industry standard. An applicant may be required to submit evidence of the reliability and suitability of the equipment to be installed.

(b) The Chief of Police and the Fire Chief or their designated representative shall have the authority, at reasonable times, and upon oral notice, to enter upon any premises within the City, to inspect only the installation and operation of an alarm system, the purpose of which is to report an emergency to the Police or Fire Departments. In the event the premises to be inspected is a private dwelling, such inspection shall only be done between the hours of 8:00 a.m. and 8:00 p.m. and only if the notice is in written form addressed to the permitholder and presented to a responsible adult. Under this chapter, such residences are only subject to the above inspection after three false alarms have originated from them. The written notice shall cite the specific false alarm history of that permit. Failure to allow reasonable inspection of such alarm system may be grounds for revocation of the alarm permit.

(c) The Chief of Police or Fire Chief may require that repairs or adjustments be made whenever he has determined that such are necessary to assure proper operation. Failure to make such repairs or adjustments may be grounds for revocation of the alarm permit. (Ord. 83-89. Passed 11-13-89.)

(b) No alarm permitholder shall allow more than two chargeable false alarms to be transmitted to the City's Emergency Police Communications Center during the immediate preceding two-year period. An alarm shall be classified as false if the responding police or fire personnel see no evidence of fire, smoke, robbery, burglary, vandalism or unauthorized intrusion. If the permitholder proves that the alarm was caused by an event not reasonably foreseeable and which could not have been prevented by the proper adjustment or presetting of the sensor threshold, the alarm shall be designated a nonchargeable false alarm. Violation of this section shall be a minor misdemeanor.

(c) After three officially chargeable false alarms in any permit year, the permitholder shall be charged one hundred dollars (\$100.00) each for the next three officially chargeable false alarms in any permit year. After a total of six false alarms in any permit year, the Chief of Police or the Fire Chief shall review the alarm holder's permit and recommend to the Service Director continuance of the permit or revocation of the permit for up to a maximum of six months. The alarm permitholder may appeal the City Service Director's decision to Council as provided for in Section 733.05. Council's decision shall be final. The Chief of Police or Fire Chief may order the disconnection of any alarm system upon forwarding a recommendation of suspension or revocation of an alarm permit to the City Service Director pending his review and any appeals. No permitholder shall fail to disconnect his alarm system upon order of the appropriate Chief as set forth herein. Violation of this section shall be a minor misdemeanor.

(d) No alarm permitholder shall knowingly allow his alarm system to be used by any person to create a false alarm as defined in Section 509.07. Violation of this section shall be a misdemeanor of the fourth degree. In addition to any other penalty prescribed by Section 501.99, the alarm permit held by such permitholder may be suspended or revoked for up to one year.

(Ord. 83-89. Passed 11-13-89.)