Chapter 478

1959 REPLACEMENT PART

Rural Fire Protection Districts

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FORMATION OF RURAL FIRE PROTECTION DISTRICTS

478.002 District created coterminous with each district existing on July 2, 1957, or established after July 2 but before November 22, 1957; districts existing on July 2, 1957, abolished. (1) There hereby is created a rural fire protection district territorially coterminous with each rural fire protection district existing on July 2, 1957, or established after July 2, 1957, and prior to November 22, 1957, if such rural fire protection district was at that time a valid district but for the fact that its electorate was restricted to property owners. In determining the boundaries of districts created by this subsection, full effect shall be given to annexations, withdrawals and consolidations effected by rural fire protection districts prior to November 22, 1957, under ORS chapter 478 or other statutes authorizing or purporting to authorize such action.

(2) Rural fire protection districts territorially coterminous with the districts created by subsection (1) of this section hereby are abolished.

(3) Rural fire protection districts created by this section shall be governed by this chapter. [1957 (s.s.) c.10 §1; 1959 c.344 §1]

478.004 New district succeeds to and replaces abolished district. Each rural fire protection district created by ORS 478.002 shall in all respects succeed to and replace the territorially coterminous rural fire protection district abolished by ORS 478.002. Without limiting the foregoing:

(1) A successor district is:

(a) The owner of the property of the succeeded district, including real property and funds on deposit with the county treasurer or banks.

(b) Successor party to the contracts of the succeeded district.

(c) Successor party to the court proceedings of the succeeded district.

(d) Successor obligor on the indebtedness of the succeeded district.

(2) The rules, regulations, fire protection codes and identification numbers of the succeeded district are the rules, regulations, fire protection codes and identification numbers of the successor district, until changed by appropriate action under this chapter.

(3) The directors and officers of the succeeded district are the directors and officers of the successor district. Each director and officer shall hold office for a term equal to the term of his office in the succeeded district. [1957 (s.s.) c.10 §2]

478.010 Territories that may be included in districts. (1) Contiguous unincorporated territory lying within any county and not incorporated within any rural fire protection district nor within the boundary of any city and not including timberland patrolled by the State Board of Forestry or in accordance with the rules and regulations of the board of forestry and not including railroad rights of way or improvements thereon or rolling stock moving thereover unless the owner of such property consents thereto, may be formed into a rural fire protection district in the manner and under the proceedings set forth in ORS 478.010 to 478.080. Lands otherwise contiguous and separated only by timberlands or by railroad rights of way such as mentioned herein or by highways or other rights of way shall be deemed contiguous and as being in one body.

(2) Any rural fire protection district organized under the provisions of this chapter, may include within its boundaries all or any part of the territory within a municipal water supply corporation organized under the provisions of ORS chapter 264, but shall not include any territory within the boundaries of an incorporated city or town, unless otherwise authorized by law, or another rural fire protection district; provided, however, if a municipal water supply corporation has previously been authorized by its voters to exercise the fire protection powers prescribed by ORS 264.340, no part of its territory may be included within a rural fire protection district. [Subsection (2) enacted as 1953 c.144 §1]

478.020 Petition to form district; order for and notice of hearing. (1) When it appears to the satisfaction of the county court or board of county commissioners of any county that 25 percent or more or 200 or more, whichever is less, of the record owners of real property and of the holders of duly recorded contracts of purchase of real property within the district, have presented a petition to the county court or board of county commissioners of the county setting forth the boundaries of the proposed district, and asking that the district so described be formed into a rural fire protection dis-

trict under the provisions of ORS 478.010 to 478.080, the court or board shall make an order declaring their intention to hold a hearing on the petition to form or organize the territory into a rural fire protection district, naming the district and describing its boundaries.

(2) The order shall fix the time and place for the hearing of the matter, not less than 30 days after the adoption of the order, and shall direct the clerk of the county court or board of county commissioners to publish notice, in the newspaper designated, of the intention of such court or board with respect to the proposed rural fire protection district, and of the time and place fixed for the hearing. The order shall designate some newspaper of general circulation published in the county and circulated in the proposed rural fire protection district, or if there is no newspaper so published and circulated, then some newspaper of general circulation circulated in the proposed district.

(3) The notice shall be headed: "Notice of the Proposed Formation of ..... Rural Fire Protection District, ... County" (stating the name of the proposed district and the name of the county). It shall state the fact that the court or the board has fixed a time and place (which shall be stated in the notice) for a hearing on the matter of formation of a rural fire protection district and shall describe the territory and specify the boundaries of the territory proposed to be organized into a rural fire protection district. The notice shall be published once a week for two successive weeks prior to the time fixed for the hearing designated by the court or board.

478.030 Hearing; change of boundaries; granting or denying petition. At the time and place fixed for hearing, or at any time and place to which the hearing may be continued or postponed, any person interested may appear and present oral or written objections to granting the petition and forming the district. The county court or board of county commissioners shall hear the objections. If, after a full hearing, either one is of the opinion that the boundaries of the district should be changed by reducing the area of the proposed district, or if prior to the date of hearing a petition signed by 50 percent or more of the record owners of real property in any area adjacent to the district and of holders of duly recorded contracts to purchase such real property is filed with the court or board praying for the inclusion of such lands in the proposed district, the county court or board of county commissioners may change the boundaries and, subject to the provisions of ORS 478.041, determine whether the petition shall be granted.

478.040 [Repealed by 1957 (s.s.) c.10 §4 (ORS 478.041 enacted in lieu of ORS 478.040)]

478.041 Special election on formation of district; procedure. (1) Not more than five days after the hearing the county court or board of county commissioners shall provide by order for the holding of a special election within the proposed district and the submission to the qualified electors within the district of the question of forming the district. The order shall set forth the boundaries of the proposed district as described in the petition or as modified by the order of the court or board.

(2) The special election shall be held not less than 31 nor more than 50 days after the date of the order for the holding thereof as the county court or board of county commissioners shall determine. At the election there shall be submitted to the qualified voters of that portion of the county embraced in the limits described in the order the question whether that portion of the county shall be formed as a rural fire protection district.

(3) The ballot title to be used at the election shall be written as follows: "Shall that portion of.....County, State of Oregon, described as ..... (insert description) and not now included as a rural fire protection district under the laws of Oregon be so organized?" The affirmative of the measure on the official ballot shall be number 300 and the negative shall be number 301, both in numerals. The official ballot shall be prepared by the county clerk in accordance with this section and the existing laws relative to annexation.

(4) The county clerk shall appoint three judges and three clerks of election who shall be electors within the district. The county clerk shall also name the place or places for holding the election, which places shall be within the boundaries of the proposed district. Should any of the judges or clerks so appointed fail to attend, their places shall be filled in the manner provided by law in case of general elections. The polls shall be

kept open between the hours provided for in the case of general elections.

(5) The county clerk shall give notice of the election by causing a copy of the order for the holding thereof referred to in subsection (1) of this section, together with the date of and the place or places for holding the election, to be:

(a) Posted for four successive weeks prior to the election in each of three public places within the proposed district; and

(b) Published once a week for four successive weeks prior to the election in a newspaper of general circulation in the proposed district, or if there is no such newspaper, in some newspaper published and of general circulation in the county.

(6) The procedure for such elections, except as otherwise herein specifically set out, shall be as provided for in cases of general election. [1957 (s.s.) c.10 §5 (enacted in lieu of ORS 478.040); 1959 c.68 §1]

478.050 First directors to be elected; petitions for candidates; qualifications. At the same special election at which the question of organization of a proposed rural fire protection district is submitted to voters of the district, there shall be elected five directors of the district, each of whom shall be a qualified voter and freeholder within the district. Petitions for candidates to be voted for as director shall contain the names of not less than 15 voters entitled to vote at such election and shall be filed with the official who makes up the ballot not less than 10 days before the election before the name proposed can be placed upon the ballot. However, in any district in which 60 percent or more of the property is used for business, industrial or farming purposes and is nonresidential in character, property owners, or the authorized officers or representatives of any corporation owning property in the district, shall be qualified to serve as directors.

478.060 Candidates; placing names on ballot. The county clerk at the time of making up the official ballot shall place thereon to be voted at election for formation of the district, the names of all electors petitioned for as directors whose petitions have been filed at the office of the county clerk not less than 10 days before date of election.

478.070 Return of canvass of vote; proclamation of formation of district; certificate of election of first directors. (1) The judges and clerks shall return the canvass of the vote together with the ballots cast to the county clerk of the county in which the election is held. On the seventh day after the election the county court or board of county commissioners shall order a special session and proceed to canvass the vote. If upon the canvass, it appears that the majority of the votes cast at the special election is in favor of the formation of a rural fire protection district, the court or board shall have entered upon the journal of the court or board the proclamation substantially as follows:

Whereas, at an election duly and regularly held on the ..... day of ....., 19....., within that portion of ..... County, Oregon, described in (insert description) there was submitted to the legal voters thereof the question whether all that portion of ..... County, Oregon, as above described shall be formed into a rural fire protection district under the provisions of the laws of Oregon; and

Whereas, at the election so held ..... votes were cast in favor of formation of a rural fire protection district and ..... votes were cast against such formation; and

Whereas, formation of a rural fire protection district received the affirmative vote of the majority votes cast at that election;

Now, therefore, the county court (or board of county commissioners) of ..... County, Oregon, proclaims and declares that all that part of ..... County, Oregon, hereinbefore described has been duly and legally formed into a rural fire protection district under the name of ....., pursuant to and with the powers vested in such rural fire protection district by virtue of the laws of Oregon.

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(2) The county court or board of county commissioners shall also canvass votes for directors and have the county clerk issue certificates of election to the five candidates receiving the highest number of votes.

478.080 Compensation of judges and clerks of election; deposit to pay expenses of election. Each judge and clerk of the election shall receive $4 for his services and shall be paid by the county clerk from the fund for that purpose. At the time of filing the petition for the formation of the district the petitioner shall deposit $30 with the county clerk to pay the expenses of the election.

478.090 Effect of 1939 Act on districts then existing. Nothing in this chapter shall

be construed as impairing the legality or organization of any rural fire protection district existing on June 14, 1939, nor to exclude from such districts any lands then included therein, nor the legality of any act of such district done in accordance with the prior law, nor shall it be deemed to affect the legality of the election of any officer of any such existing rural fire protection district. Nor shall anything in this chapter be deemed in any way to affect any indebtedness or financial obligation lawfully created by any fire protection district existing on June 14, 1939, and such existing rural fire protection district is confirmed and for the purpose of continued and future operation shall be deemed as organized under the terms and conditions of this chapter and entitled to all benefits and clothed with all the rights, powers and duties as by this chapter provided.

478.100 Immaterial defects in organization not to invalidate district organization; validation of districts existing in 1949. (1) No final order of a county court or board of county commissioners establishing a rural fire protection district shall be set aside, or annulled upon appeal or review, on account of any defect or irregularity in the petition asking for organization of such district, or notice thereof, which does not materially affect the substantial rights of an interested party. The following irregularities are declared to be immaterial defects:

(a) Errors of description of the intermediate points, courses or distances of the exterior boundaries of the proposed district set out in the petition for organization or as changed at the hearing by the county court or board of county commissioners, when the exterior boundaries can be otherwise definitely determined.

(b) Errors in posting notices where it can be shown that all persons objecting to the proceedings had actual notice thereof prior to the hearing.

(c) Errors in or omissions of the names of petitioners or number thereof, or in the percentage thereof of property owners or holders of duly recorded contracts of purchase of real property in the district, required to sign the petition for organization, where there is entered upon the records of the court or board an order or proclamation establishing or legally forming such district.

(2) The boundaries of every rural fire protection district established, defined or recorded before July 16, 1949, are validated.

(3) In so far as any other matter to which this section relates is or may be affected, the members of the board of directors of every rural fire protection district elected or appointed and acting as such before July 16, 1949, are declared legally appointed or elected, qualified and acting members of such board or officers of such district.

478.110 Construction of certain sections. The provisions of ORS 478.010 to 478.110, 478.210 to 478.240, 478.250 to 478.310, 478.410 to 478.470, 478.510 to 478.560, 478.610 and 478.810 to 478.830 shall be liberally construed to effect the purposes thereof.

478.120 to 478.200 [Reserved for expansion]

POWERS AND DUTIES OF DIRECTORS AND DISTRICTS

478.210 Directors; organization; term; oath. (1) The power and authority given to the rural fire protection district organized under the provisions of ORS 478.010 to 478.080, except as otherwise provided, is vested in and shall be exercised by a board of five directors.

(2) Within 10 days after issuance of the proclamation provided under ORS 478.070, the directors who received the highest vote at the election for organization of the district shall meet and organize by first taking and subscribing an oath of office to the effect that they will support the Constitution of the United States and of Oregon and the laws thereof, and will faithfully discharge the duties of director to the best of their ability.

(3) They shall first determine by lot the length of term each shall hold office, the shortest term being until January 1 of the following year and the longest term of four years after January 1 of the following year. The terms shall be so arranged that the term of one member expires each year.

478.220 [Repealed by 1957 (s.s.) c.10 §6 (ORS 478.221 enacted in lieu of ORS 478.220)]

478.221 Election of directors; qualifications. (1) A general election shall be held in the rural fire protection district on the first Monday in December of each year for the

election of one director who shall take office the following January 1 and serve for a term of five years and to elect a director to fill any vacancy which may then exist, such director to serve out the unexpired term of the director whose place he was elected to fill. In case of a vacancy, the board of directors may name a successor to serve until the next general election.

(2) At all elections the voters shall have the qualifications of electors of Oregon; provided, however, that in any district in which 60 percent or more of the property is used for business, industrial or farming purposes and is nonresidential in character, all property owners within the district may vote, and the authorized officer or representative of any corporation owning land in the district may vote for the corporation landowner. [1957 (s.s.) c.10 §7 (enacted in lieu of ORS 478.220)]

478.230 Board of election; ballots; conduct of election. (1) At the regular meeting of the directors in November, or, if the regular meeting is less than 15 days before the election, at a special meeting of the directors in November, they shall select three judges of election, who shall be electors at the election and who shall constitute a board of election of the district, and shall also select the polling place for the regular election and shall have notice given of the place of holding the election and the names of the judges of election, which notices shall be posted in three public places in the district at least 10 days prior to the day of election. The secretary of the directors shall prepare sample and official ballots upon which shall be printed the names of all persons nominated for directors whose petitions contain the names of not less than 15 electors in the district, which petitions have been filed with the secretary not less than 15 days before the election. The election shall be conducted and the votes counted and canvassed by the directors and certificates of election issued the same as in general, state and county elections, except as otherwise provided.

(2) At all elections subsequent to the election on the question of the establishment of the district, the polls shall be open from 2 p.m. to 8 p.m. on election day. However, the board may provide by resolution that the polls shall be open from 8 a.m. to 8 p.m. on said day. The notice of such election shall specify the hours during which the polls shall be open. [Amended by 1953 c.369 §2]

478.240 Special elections. The directors, at any regular meeting of the board of directors, may call a special election of the electors of the district, notices of which special election the directors shall have posted in three conspicuous places within the district for not less than 10 days prior to the date of holding the special election.

478.245 Recall of director. (1) Every director of a rural fire protection district organized under this chapter is subject to recall by the legal voters of the district for which he is elected or appointed.

(2) Upon the filing with the secretary of a rural fire protection district of a petition signed by a number of legal voters of the district equal to 15 percent or 150, whichever is less, of the number of legal voters of such district demanding a director's recall, the legal voters of a district may recall a director. The petitioners shall set forth in said petition the reasons for the recall. If the director shall offer his resignation it shall be accepted. If he shall not resign within five days after the filing of the petition, the board of directors of such district shall call a special election to be held not later than 25 days after the filing of the petition, at which election there shall be submitted to the legal voters of such district the question of whether such director shall be recalled. On the ballot at such election there shall be printed in not more than 200 words the reasons for demanding such recall and also in not more than 200 words any defense of his official conduct offered by the director whose recall is sought. Such election shall be called and notice of the same given as provided in ORS 478.240. [1955 c.617 §1]

478.250 Meetings and officers of board; bonds. (1) The directors shall hold meetings at such time and place within the district as they may from time to time determine upon, but shall hold at least one regular meeting in each month on a day to be fixed by them, and may hold special meetings under such rules as they may make.

(2) They shall, at the time of their organization, choose from their number a president, vice president, secretary and a treasurer; provided, however, that the board may choose as secretary and treasurer the

same person. These officers shall hold their offices until the first regular meeting in January following or until their successors are elected and qualified. They shall have the powers and perform the duties usual in such cases and shall be known as president, vice president, secretary and treasurer of the rural fire protection district. In the absence of the president, the vice president or, in the absence of both, any other member of the board may preside at any meeting.

(3) The treasurer shall give bonds as such to the rural fire protection district conditioned for the paying over by him of all moneys coming into his hands as treasurer. The amount of the bond shall be, from time to time, fixed by the directors, based upon the amount of money in his hands or liable to come into his hands as treasurer. All expenses incident to giving such bonds, if any, shall be paid by the rural fire protection district out of its general funds.

(4) The board shall transact all business pertinent to the establishment, equipment and maintenance of the district and its properties. No director or other officer of the district shall be interested directly or indirectly in any contract with or on behalf of the district.

478.260 Fire chief and assistants; headquarters; acquisition of site; fire and first-aid apparatus and equipment. (1) The board shall select a fire chief qualified to fill the position by actual experience as a fire fighter and fire precautionist, or otherwise, and such assistants, volunteer or otherwise, deemed necessary, and fix their compensation. The fire chief shall be held responsible for the equipment and properties of the district, subject to the approval of the board, as well as the conduct of the department.

(2) The board, with advice and counsel of the fire chief, shall select the location of the fire house or houses or headquarters of the fire department of the district, which shall be chosen with a view to the best service to the residents and properties of the whole district and may acquire a site or sites for the same either by purchase or exercise of the powers of eminent domain, which right of eminent domain is to be exercised in the manner provided by law for cities and towns. The board may purchase such apparatus and equipment as is deemed most needed by the district for the purpose intended, and provide a system of water mains and hydrants or ponds or reservoirs for the storage of water for fire fighting purposes as the needs may be and funds permit. Or the board may contract with existing water companies or districts, or both, for water service and facilities at a rate of compensation mutually agreed upon. The board also may divide the district into zones or subdivisions and provide an adequate system or code of fire alarms or signals by telephone, bell, whistle, siren or other means of communication.

(3) The board may operate or acquire and operate first-aid and rescue equipment and vehicles. The aforementioned equipment shall not compete or interfere with any privately owned ambulance service and shall be utilized only in the area for which tax support is provided, with due consideration to mutual aid pacts between fire districts. [Amended by 1953 c.369 §2; 1959 c.658 §1]

478.270 Reports of directors; State Fire Marshal to cooperate and furnish blank forms. (1) The board of directors shall render an accounting of its administration and financial affairs of the district to the county court or board of county commissioners as of June 30 each year, which shall be filed not later than July 15 next following, and shall render monthly a report to the State Fire Marshal, upon forms prescribed and provided by him, containing such information as he may require, and shall, at any time, upon his request furnish such further report or information as may be required by him.

(2) The State Fire Marshal and his deputies shall cooperate in the formation and administration of the rural fire protection districts and their operation under the terms of this chapter. The State Fire Marshal shall prepare and make available uniform forms for reports required by this section and such other uniform forms and blanks as he may deem advisable for the administration of this chapter.

478.280 Employment of assistants. The board of directors may employ such assistants as may be found necessary or convenient in carrying on the work of the district, and at such rate of remuneration as they may deem just, and may pay the expenses of directors actually incurred by them in the service of their district.

478.290 Additional authority of districts within 10 mile radius of city of 100,000 or more. Rural fire protection districts which are situated within a radius of 10 miles of any city of over 100,000 population may, in addition to the powers and authorities granted by ORS 478.210 to 478.280, under the direction of the board of directors, install, maintain and operate systems of street, road or highway lights, the lights to be maintained upon such streets, roads or intersections as in the judgment of the board will furnish the best lighting service to the residents and properties of the rural fire protection district.

478.300 Contracting with other agencies, municipalities, persons or corporations for consolidation, cooperation or facilities, including road lighting facilities; annexation of district. (1) Any rural fire protection district, established under the provisions of this chapter may enter into a contract with another rural fire protection district, or with any city or municipal corporation or governmental agency or private person to consolidate or cooperate for mutual fire fighting, protection and prevention and road lighting purposes, or may enter into a contract with or become annexed to any incorporated city or other governmental agency already provided with fire fighting and protection equipment and fire protection service and road lighting facilities upon terms which may be mutually agreed upon.

(2) Any city, municipal corporation or governmental agency may contract with a rural fire protection and road lighting district, or either, established and maintained under the provisions of this chapter for the purpose of affording such district fire fighting, and protection equipment and service or fire prevention facilities or lighting facilities and service, or both. In so contracting the district, city, municipal corporation or other governmental agency shall be deemed for all purposes to act within its governmental capacity.

(3) Any rural fire protection district established and maintained under the provisions of this chapter, or any city, municipal corporation or other governmental agency, may contract with any person for the purpose of affording fire fighting, protection or fire prevention facilities or lighting facilities and services, or both, to such person. Such contractual relation shall be deemed for all purposes to be within the governmental power of the rural fire protection district, city, municipal corporation or other governmental agency.

478.305 Contracting with other districts or cities for mutual communication system; contracts with persons or agencies in other states. (1) Any rural fire protection district established and maintained under the provisions of this chapter may contract with other rural fire protection districts or cities operating a fire department for the establishment and maintenance of a mutual communication system for fire prevention and protection and may, in cooperation with the other contracting party or parties, provide for a joint board of control composed of representatives of the contracting parties, to control the operations of such communication system.

(2) Any rural fire protection district any portion of whose boundary coincides with the boundary of this state may contract with any public agency of, or person in, an adjoining state for the purpose of receiving or furnishing fire protection or for the purpose of water supply for fire fighting. [1955 c.579 §1]

478.310 Response to fire outside its own territory by district or municipality. Whenever a fire occurs without the limits of a rural fire protection district or of an incorporated city and help is asked of the rural fire protection district or incorporated city, the fire fighting apparatus and force of the latter may, whether with or without a contract so to do, respond and be used for extinguishing the fire in the other unprotected or inadequately protected district or territory; provided the fire district, or incorporated city so responding shall be paid the contract or reasonable value for use and the repairs and depreciation upon the apparatus and equipment so used and such other expenses as are reasonably incurred in furnishing the fire fighting service. Such services on the part of a rural fire protection district or incorporated city shall be deemed for all purposes to be within the governmental capacity of the rural fire protection district or incorporated city.

478.320 to 478.400 [Reserved for expansion]

REVENUES AND FINANCES OF DISTRICTS

478.410 Power of district to levy taxes, borrow money, sell bonds. (1) To provide funds for defraying expenses for the establishment, equipment and maintenance of the district and to pay the indebtedness, the officers and board of directors may provide for a tax not exceeding six mills on the dollar per annum upon all assessable property within the district. When a district in a county having a population of more than 300,000 has established a tax base, it may continue to levy the amount of the tax base without a vote of the people and without regard to the said limitation.

(2) The board, upon approval of the majority of the legal voters of the district voting at a special election called for such purpose, after notice as provided in ORS 478.240, may levy a special tax of not to exceed 10 mills on the dollar for that purpose. To carry into effect any of the powers granted to the district, the district, when authorized by a majority of the legal voters voting at an election called for that purpose by the board pursuant to notice, as provided in ORS 478.240, may borrow money and sell and dispose of general obligation bonds, which bonds shall never in the aggregate exceed five percent of the assessed valuation for state and county purposes of all property within the limits of the district which is by law assessable for state and county purposes. [Amended by 1959 c.520 §1]

478.420 Sale of bonds; notice. (1) The bonds mentioned in ORS 478.410 shall be issued from time to time by the directors as authorized by the electors of the district; provided, however, they shall not bear interest exceeding in any event the rate of six percent per annum, and they shall be so conditioned that the district shall therein agree in consideration of the premises and be held to pay at a place therein named, to the bearer, the sum named therein in lawful money of the United States, with interest at the rate named therein, payable half-yearly on January 1 and July 1 in each year, in accordance with the tenor and terms of interest coupons attached.

(2) The bonds shall be sold only at public sale and after notice thereof is given by the board of directors by publication in a newspaper of general circulation published in the county in which the district is situated. The notice shall be published at least once a week for two successive weeks. The bonds shall not be sold for less than par value.

478.430 Ad valorem tax. The board of directors shall ascertain and levy annually, in addition to all other taxes, a direct annual ad valorem tax on all the taxable property in the rural fire protection district, sufficient to pay the interest accruing and the principal maturing on the bonds promptly when and as they become due.

478.440 Gifts; sinking fund. The district may receive from any source whatever, gifts, donations, bequests, money or property for any purpose consistent with the terms of this chapter. The district may from time to time provide from its current revenue or the benefits of any special tax levied as provided in ORS 478.410, create or set up sinking funds to be applied to authorized expenditures contemplated to be made beyond the current tax year.

478.450 Tax for road lighting; method. To provide funds for defraying expenses for the installation, maintenance and operation of the road lighting service to the district, the officers and board of directors may provide for a tax not exceeding four mills on the dollar per annum upon all the assessable property within the district, and upon approval of the majority of the legal voters of the district voting at a special election called for such purpose after notice as provided in ORS 478.240, may levy a special tax of not to exceed 10 mills on the dollar for this purpose.

478.460 Disposition of moneys received. All funds collected on behalf of the district through the levy of taxes, all donations, contributions, bequests or annuities and all borrowed money received by or on behalf of the district shall be deposited with the county treasurer to the credit of the district fund and shall be drawn out only upon proper order and warrant or check, such warrant or check to bear the signature of the treasurer and the countersignature of the president of the district.

478.470 Interest on unpaid warrants; limitation on amount of warrants. All warrants for the payment of any indebtedness of a rural fire protection district which are unpaid for want of funds shall bear interest at a rate to be fixed by the board of directors but in no event to exceed six percent per

annum from the date of the registering of such unpaid warrants with the county treasurer, provided that the amount of such warrants shall not exceed the revenue provided for the year in which the indebtedness was incurred.

478.480 to 478.500 [Reserved for expansion]

DISTRICTS FORMED FROM LAND IN TWO OR MORE COUNTIES; ORGANIZATION, DIRECTORS, TAXES

478.510 Territory in two or more counties, formation of district. Contiguous unincorporated territory lying within two or more counties and not lying within the boundaries of any incorporated city and not including timberland patrolled by the State Board of Forestry and in accordance with the rules and regulations of the Board of Forestry and not including railroad rights of way and improvements thereon or rolling stock moving thereover unless the owners of the property consent thereto, may be formed into a rural fire protection district in the manner provided by ORS 478.010 to 478.080, excepting as otherwise provided. Lands otherwise contiguous and separated only by timberlands or by railroad rights of way as mentioned herein, shall be considered and deemed contiguous and as being in one body.

478.520 Proceedings; territory included. The proceedings to form a district, as provided in ORS 478.510, shall be carried out separately in that portion of the territory in each county in the manner now provided for the formation of districts in single counties. If established by the county court in each of the counties, the district shall be deemed to have been formed to include the territory as proposed in all counties joining. If the qualified voters in that portion of the proposed district in any county reject the proposal, that territory shall not be included in the district.

478.530 Election of directors. Upon formation of the district five directors shall be elected. The election therefor may be called and the judges and clerks selected by the county court or board of county commissioners of any county having territory in such district. The result shall be returned to and canvassed by the county court or board of county commissioners. If the district is formed from territory in two counties, two directors shall be qualified voters and freeholders within the territory from each county and the fifth director shall be elected at large. If the district is formed from territory in more than two counties then that portion of that territory in each county shall be entitled to one director and the remaining director shall be elected at large. Reelection of directors shall be had as provided by law and by this section. The directors shall notify the county court of each county having territory in the district of the names and addresses of the directors following each election.

478.540 Apportionment of tax. Whenever a tax is levied by the district organized as provided in ORS 478.510, the same shall be certified to the county clerk and assessor in each county in which lands in the district lie, together with the total assessed valuation of the district and of the assessed valuation of the property lying in each of the counties. The taxes shall then be extended on the basis of the proportion which the assessed valuation of property in such county and within the district, bears to the total assessed valuation of all the property in the district.

478.550 District reports. Any reports required by law to be made by the district to the county court or board of county commissioners, and the State Fire Marshal, shall be made to the county court or board of county commissioners of each county having territory in such district, and to the State Fire Marshal.

478.560 Funds, deposit and withdrawal. All funds accruing to a district, organized as provided in ORS 478.510, from any source shall be deposited in a bank whose deposits are insured pursuant to federal statute and shall be drawn out only upon proper order and warrant or check, such warrant or check to bear signature of the treasurer and a countersignature of the president of the district.

478.570 to 478.600 [Reserved for expansion]

ANNEXATION AND WITHDRAWAL OF TERRITORY

478.610 Joinder of contiguous territory to district; proceedings. (1) Any territory contiguous to a fire protection district and

not within the boundaries of an incorporated city or other rural fire protection district, may join such district to obtain fire fighting protection or prevention facilities by petition of 15 percent or more of the holders of land or evidence of title to lands lying in one body and whose names appear upon the last county assessment rolls or the holders of duly recorded contracts of purchase of real property within such contiguous territory and filed with the county clerk of the county in which the contiguous territory is located and by proceedings thereafter in the county court or board of county commissioners. The proceedings and the rights, powers and duties of petitioners and objectors shall be the same as in the original proceedings to form a rural fire protection district. The petition, however, shall be approved by the board of directors of the rural fire protection district by endorsement thereon.

(2) Should the petition be signed and acknowledged by the owners of all lands to be included and all persons holding recorded contract to purchase such lands, specifically describing the lands, an election in the territory and a hearing on the petition shall be dispensed with and the county court or board of county commissioners shall enter its order incorporating the territory within the existing fire protection district. However, no order shall be entered incorporating additional territory as a part of an existing fire protection district unless the board of directors of the district certifies to the county court or board of county commissioners that an election has been held in the district on such question and that a majority of the votes cast was favorable to the inclusion of such contiguous territory.

(3) Should the petition be signed and acknowledged by the owners of only a part of the lands to be included in the order or by the holders of recorded contracts of purchase of such lands, the order of the county court or board of county commissioners shall not be entered unless the board of directors of the existing fire protection district and county clerk of the county in which the contiguous territory sought to be included is situated each verifies to the county court that an election has been held in the rural fire protection district and in the contiguous territory, on such question, and that a majority of the votes cast in the existing rural fire protection district, and a majority of the votes cast in the contiguous territory were favorable to the inclusion of the contiguous territory.

(4) Upon entry of the order of the county court or board of county commissioners incorporating such contiguous territory with the existing fire protection district the territory shall become subject to the indebtedness, bonded or otherwise, of the existing district in like manner as the territory in the district. [Amended by 1959 c.658 §2]

478.614 Annexation of cities or towns incorporated from territory within district. Whenever any city or town has been incorporated and the territory included within such city or town, or the major portion thereof, was formerly within the boundaries of and a part of a rural fire protection district organized under the provisions of this chapter, such city or town, upon the approval of the majority of the legal voters thereof at an election called for the purpose, may elect to be annexed to and become a part of such rural fire protection district for the purpose of furnishing fire protection to the inhabitants of such city or town. The election shall be called and held in the manner provided by the charter of the city, and if such city has no charter provisions governing elections, such election may be called and conducted in accordance with section 1a, Article IV, Oregon Constitution. [1953 c.165 §1]

478.616 Procedure for annexation of city or town under ORS 478.614; limitations on future withdrawal. (1) Upon the canvassing of the vote on the question of annexing said territory to the rural fire protection district, the city, through its appropriate officers, shall certify to the county court or board of county commissioners in which the city lies the fact of the approval by the legal voters of the proposition to include the territory of said city or town in the rural fire protection district and shall present such certificate to the board of directors of said rural fire protection district, who, if they approve the same, shall indorse on such certificate the fact that the annexation of such territory is approved by said board of directors and shall call a special election in the rural fire protection district at which election the question of the annexation of the territory of the city to the rural fire protection district shall be submitted to the legal voters of the district for their approval or rejection. Such election shall be held within

50 days of the receipt by the board of directors of the district of the result of the election in the city.

(2) If the voters of the district approve the annexation, the board of directors shall attach to the certificate of the city their own certificate setting forth the results of the election and shall transmit both certificates to the county court or board of county commissioners as the case may be. Said county court or board of county commissioners shall thereupon at its next meeting make and enter an order to the effect that the territory included in such city or town is annexed to the rural fire protection district. Thereafter the city territory, together with any territory thereafter annexed to said city, shall be included in the boundaries of such district and shall be subject to all liabilities of said district in the same manner and to the same extent as other territory included therein for the purpose of furnishing fire protection to the inhabitants. No other function of the city shall be deemed in any way limited or abated by such annexation.

(3) If after the inclusion of such territory in the rural fire protection district, said district shall issue general obligation bonds of the district for the purpose of providing fire protection, said city or town, or the inhabitants thereof, may not, while any of such bonds are outstanding and unpaid, withdraw said territory from said rural fire protection district. [1953 c.165 §2]

478.620 Withdrawal of contiguous area from district; petition; notice of hearing. (1) The real property owners resident within a rural fire protection district may petition the county court or board of county commissioners of the county wherein the district is located or, where the district lies within two or more counties, of the county having the greatest proportion of the assessed valuation of all property in the district, for withdrawal of a designated and described contiguous area lying along the boundary of and included in the district.

(2) The county court or board of county commissioners, where it appears to the satisfaction of either that the petition has been signed by 10 percent or 100, whichever is less, of the real property owners resident within the rural fire protection district, shall fix a time and place for hearing the petition, which time shall be not less than 31 nor more than 50 days from the date of receipt thereof and, at least 10 days prior to hearing, shall publish a notice thereof by two insertions in a newspaper of general circulation in the district.

478.630 Deposit of expenses by petitioners. At the time of filing the petition for withdrawal, the petitioners shall deposit with the county clerk a sum of money sufficient to defray all the costs of publication and of holding an election in the rural fire protection district and the expenses of preparing and filing with the county court the description of the boundaries of the district remaining, should such designated area be withdrawn, and shall have notice of the filing thereof given in writing to the secretary of the board of directors of the rural fire protection district and shall furnish the secretary with a copy of the petition as filed within five days after it is filed.

478.640 Entry of order in absence of objections; election; ballot. If at the time and place set for hearing upon the withdrawal petition no objection or remonstrance is filed, either orally or in writing, the county court or board of county commissioners shall enter an order withdrawing the designated and described contiguous area from the rural fire protection district. If at the hearing any remonstrance is filed or objections are made, either orally or in writing, to the withdrawal of that area from the district, the county court or board of county commissioners shall call an election in the rural fire protection district upon the matter of the withdrawal of that area. The election shall be held in the same manner and under the same conditions and restrictions provided for an election for the formation of a rural fire protection district, except that ballots for the withdrawal election shall state in substance the following proposition:

Shall that portion of the rural fire protection district comprising the following area, to wit:

(description of area)

be withdrawn from the district?

Yes.

No.

478.650 Entry of order withdrawing area upon favorable vote; entry of result of election where vote unfavorable. If at the election the majority of the legal votes cast is in favor of the withdrawal of the designated area from the rural fire protection district, the county court or board of county

commissioners shall enter an order upon its records withdrawing the area from the district. If the majority of the votes cast is not in favor of withdrawal, the county court or board of county commissioners shall have the result of the election entered upon its records.

478.660 Freedom of withdrawn area from assessments and taxes; taxation for indebtedness. The designated and described contiguous area so withdrawn shall, from the date of entry of the order, be free from assessments and taxes levied by the rural fire protection district, except that the area shall be taxed for its proportionate share of any bonded or other indebtedness existing at the time of the order, the proportionate share to be based on the assessed valuation of all the property in the entire rural fire protection district as shown on the books of the county assessor.

478.670 to 478.700 [Reserved for expansion]

CONSOLIDATION OF DISTRICTS

478.710 Consolidation of districts with adjoining boundaries permitted. Two or more rural fire protection districts, whose boundaries adjoin, may be consolidated to a single rural fire protection district as provided in ORS 478.710 to 478.750.

478.720 Petition for consolidation; election. Whenever a petition, signed by not less than 15 percent of the number of legal voters voting for the office of director at the last preceding general election held in each of the districts which it is desired to consolidate, is presented to each board of directors of the districts named in the petition as the districts to be consolidated, each of the boards shall at their next ensuing regular meeting call a special election in their respective districts at which election there shall be submitted to the electors of each district the question of whether or not the districts shall be consolidated into a single rural fire protection district, stating the name by which the consolidated district shall be known. The elections shall be called and held in the same manner as elections provided for in ORS 478.220 to 478.240. The board of directors of each district shall at its first regular meeting following the date of the election canvass the vote on the measure and certify the result to the board of directors of each of the districts which are sought to be consolidated.

478.730 Meeting of district boards upon favorable vote; election of new board; resolution; transfer of funds. (1) If at the special elections a majority of the legal voters voting in each district votes in favor of consolidation, the board of directors of the district having the highest assessed valuation of property for tax purposes shall call a joint meeting of the boards of directors of each of the districts concerned. The meeting shall be held at a time and place designated by the board calling the meeting, not later than 10 days after the canvass of the vote in the district last canvassed. The secretary of the board calling the meeting shall give notice by registered mail of the time and place of the meeting to each member of the boards of directors of all the districts concerned. The notice shall be mailed at least five days prior to the meeting. At the joint meeting, a majority of the number of the board of directors of each of the districts affected shall constitute a quorum for the transaction of business. The directors so assembled shall thereupon from among their number elect five persons to serve as directors of the consolidated districts until the next general election.

(2) The board of directors of the consolidated district so elected shall then immediately meet and organize as provided in ORS 478.210 and 478.250 and shall by resolution declare the districts consolidated and shall transmit to the county clerk of the counties where the consolidated district is situated, a copy of the resolution together with a copy of the certification of vote in each district voting on the question. From the time of adoption of such resolution the consolidation shall be deemed complete.

(3) The board of directors and officers of the former existing districts included within the consolidated district shall turn over to the board of directors of the consolidated district all funds, property, contracts and records of the prior existing districts.

478.740 Election of officers; term of office. At the first general election to be held in the consolidated district on the first Monday in December following consolidation there shall be elected five directors whose terms of office shall be determined in the manner provided by ORS 478.210 for the directors of newly organized rural fire protection districts.

478.750 Consolidated district as acquiring rights and obligations of consolidated districts. Upon completion of consolidation, the consolidated district shall succeed to all the property, contracts, rights and powers of the districts consolidated, and shall constitute and be a regularly organized rural fire protection district as if originally organized in the manner provided by ORS 478.010 to 478.080. The district shall become liable for all the obligations, legal or contractual of the prior existing districts which were consolidated.

478.760 to 478.800 [Reserved for expansion]

DISSOLUTION OF DISTRICTS

478.810 Petition to dissolve district; hearing; notice; election; ballot. Any rural fire protection district may be dissolved upon the election of a majority of the residents and real property owners of the district and petition, signed by a majority of the electors entitled to vote at election in the district, to the county court or board of county commissioners requesting dissolution. The county court or board of county commissioners shall fix the time and place for hearing the petition, which shall be not less than 10 nor more than 30 days from the receipt thereof, and shall, at least seven days prior to hearing, publish a notice of the hearing by one insertion in a newspaper of general circulation in the district. At the hearing the county court or board of county commissioners shall hear and pass upon the petition, together with any objections which may be made by any person interested. The court or board shall pass upon the same and may either grant or deny the petition or call an election upon the proposition of dissolution. The election shall be held in the same manner and under the same conditions and restrictions provided for an election for the formation of a rural fire protection district, except that the ballots for the dissolution election shall state in substance the following proposition: Shall ——— Rural Fire Protection District be dissolved? Yes. No.

478.820 Vote favorable to dissolution; disposition of property; payment of indebtedness. If, at the election, a majority of the votes cast is in favor of dissolution the county court or board of county commissioners shall enter an order upon its records providing for dissolution. The property of the district shall remain the property of the county in which the district was located and may be used, together with any money remaining in the fund of the district, for general fire fighting or protection purposes throughout the county; or the property may be sold, loaned or leased to another rural fire protection district or incorporated city. The proceeds of the sale or lease shall first be applied to payment of any existing indebtedness of the district. Any funds remaining shall be paid to the county treasurer for the benefit of the general fund of the county. If the liquidation of the assets of the district are insufficient to pay the indebtedness, the district shall continue to exist until the indebtedness is liquidated. The last lawfully elected board of directors of the district may levy taxes within the limitations of ORS 478.410 to 478.440 for the liquidation of such indebtedness.

478.830 Dissolution of districts with land in two or more counties. Districts formed as authorized in ORS 478.510 may be dissolved as provided by law except that a petition therefor shall be made to the county court or board of county commissioners of the county having the greatest proportion of the assessed valuation of all property in the district. Upon liquidation, the assets of the district shall be paid to the county treasurer of each county having territory in the district in the proper proportion.

478.840 to 478.900 [Reserved for expansion]

FIRE PREVENTION CODE; FIRE PERMITS

478.910 Election to determine adoption of fire prevention code. The board of directors of any regularly organized rural fire protection district may at any general election held in the district or at any special election called for the purpose, submit to the legal voters of such district for adoption or rejection at such election a fire prevention code. Notices of the election shall be given as provided in ORS 478.240.

478.920 Scope of fire prevention code. The fire prevention code may provide reasonable regulations relating to:

(1) Prevention of fires.

(2) Storage and use of combustibles and explosives.

(3) Construction, maintenance and regulation of fire escapes.

(4) Means and adequacy of exit in case of fires in factories, asylums, hospitals, churches, schools, halls, theaters, amphitheaters, all buildings, except private residences, which are occupied for sleeping purposes, and all other places where large numbers of persons work, live or congregate from time to time for any purpose.

(5) Requiring the issuance of permits by the chief of the fire department of the district before burning trash or waste materials.

(6) Providing for the inspection of premises by officers designated by the board of directors of the district, and requiring the removal of fire hazards found on premises at such inspections.

478.930 Violation of code, failure to remove hazards, burning waste without permit prohibited. When any rural fire protection district has adopted a fire prevention code as provided in ORS 478.910, no person shall violate the provisions of the code or fail to remove hazards found on inspection within the time set by the inspecting officer, after written notice to either the owner or occupant of the premises, or burn waste materials or trash in an unguarded manner without a permit, if a permit is required by the code.

478.940 Copies of code to be filed with Fire Marshal and posted at fire stations. Copies of the fire prevention code shall be filed with the State Fire Marshal's office and a copy shall be posted at each fire station within the district.

478.950 [Reserved for expansion]

478.960 Fire permits. (1) Each year between April 1 and December 31, which is designated the closed season, unless otherwise declared by the Governor, no one shall, within the boundaries of any rural fire protection district, set on fire, or cause to be set on fire, any forest land, grass, grain, stubble, or other combustible material, either on his own or the property of another, without first securing a permit from the fire chief of the district or his deputy and complying with its terms.

(2) The fire chief or his deputy may prescribe the conditions upon which the permit is issued and which are necessary to be observed in setting the fire and preventing it from spreading so that life or property may be endangered thereby. However, nothing contained in this section shall require a permit for the burning of grass, grain, stubble and debris in small quantities and under adequate protection outside of and not within one-eighth of a mile of any forest land as defined in ORS 477.001. However, if any such burning results in the escape of fire and injury to the property of another, this shall be prima facie evidence that the burning was not safe and was in violation of this section.

(3) The fire chief or his deputy may refuse, revoke or postpone permits when necessary to prevent danger to life or property. Any permit obtained through wilful misrepresentation is invalid.

(4) Within the boundaries of any rural fire protection district, no person shall, during the closed season, operate any power equipment in forest harvesting operations without first having each piece of equipment provided with a fire extinguisher of sufficient size and capacity as required by the fire chief of the district or his deputy and with such other tools and fire fighting equipment as may be reasonably required by such chief or his deputy.

(5) No person shall at any time within the boundaries of any rural fire protection district dispose of any building or building wreckage by fire without having first secured a permit therefor from the fire chief of the district, or refuse to comply with any reasonable conditions of the permit or the reasonable requirements of the fire chief of the district or his deputy as to the safeguarding of such fire from spreading.

(6) This section is not intended to limit the authority of a rural fire protection district to adopt a fire prevention code as provided in ORS 478.910 to 478.940. [1955 c.469 §§1, 2; 1959 c.363 §16]

IDENTIFICATION NUMBERS FOR DISTRICTS

478.970 Purpose of identification numbers for districts. The purpose of ORS 478.970 to 478.982 is to establish an official identification number for rural fire protection districts, such number to be used for statistical purposes by the State Fire Marshal and in the process of insurance rating. Nothing in ORS 478.970 to 478.982 shall be construed to alter or add to the corporate

title or identification of any rural fire protection district now or hereafter organized or established by law. [1953 c.164 §1]

478.972 Application by district to State Fire Marshal for identification number. (1) The board of directors of any rural fire protection district now or hereafter organized or established by law, shall apply in writing to the State Fire Marshal for an official identification number for its district.

(2) Upon receipt of such written application, the State Fire Marshal shall immediately assign to such district an official identification number and shall notify the board of directors of the district in writing of the number so assigned.

(3) In the case of rural fire protection districts organized or established before July 21, 1953, the application of the board of directors shall be submitted to the State Fire Marshal within 30 days after July 21, 1953. In the case of rural fire protection districts organized or established after July 21, 1953, the application shall be made by the board of directors within 30 days after the act which completes the organization or establishment of the district. [1953 c.164 §2]

478.974 Identification number to consist of zone number and district number. The official identification number to be assigned to rural fire protection districts, as provided in ORS 478.972, shall consist of two elements, the first of which shall be a zone number, and the second of which shall be a district number, for example, "Zone I, District No. 1." Rural fire protection districts in each of the zones provided for in ORS 478.976 shall be numbered consecutively, commencing with the number 1. [1953 c.164 §3]

478.976 Establishment of zones. The following zones, consisting of counties as indicated, are established for the purpose set forth in ORS 478.970.

Zone	Counties
I	Columbia, Washington, Yamhill, Polk, Multnomah, Clackamas and Marion
II	Benton, Linn and Lane
III	Douglas and Coos
IV	Curry, Josephine and Jackson
V	Clatsop, Tillamook and Lincoln
VI	Hood River, Wasco, Sherman, Gilliam, Morrow, Jefferson, Wheeler, Deschutes and Crook
VII	Umatilla, Union, Wallowa, Grant, Baker and Malheur
VIII	Klamath, Lake and Harney

[1953 c.164 §4]

478.978 Zone numbers for districts composed of territory in more than one zone. In the event that a rural fire protection district is composed of territory in two or more zones described in ORS 478.976, the district shall, for purposes of designation by number, be deemed to be in that zone in which the principal fire-fighting equipment of the district is located and housed, and shall be assigned a number as if it were physically located wholly within such zone. [1953 c.164 §5]

478.980 Identification number for consolidated district composed of previously numbered separate districts. In the event of a consolidation of two or more rural fire protection districts which have been assigned official identification numbers as provided in ORS 478.972, a single number shall be assigned to such consolidated district in the manner provided in ORS 478.972, which number may be one of those assigned to any of the districts so consolidated before the act of consolidation. [1953 c.164 §6]

478.982 Re-use of numbers of dissolved districts. In the event of a dissolution or discontinuance of a rural fire protection district which has been assigned an official identification number as provided in ORS 478.972, the number assigned to such district shall be deemed abandoned, and such number shall be available for assignment to another district. [1953 c.164 §7]

478.984 to 478.988 [Reserved for expansion]

PENALTIES

478.990 Penalties. (1) Violation of any provision of ORS 478.930 is punishable, upon conviction, by a fine of not less than $10 nor more than $100 for each offense. Each day's refusal to remove fire hazards after notice by the inspecting officer to the owner of the premises whereon the hazard exists shall constitute a separate offense.

(2) Violation of any of the provisions of ORS 478.960 is a misdemeanor. [Subsection (2) enacted as 1955 c.469 §3]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on November 1, 1959.

Sam R. Haley
Legislative Counsel