Chapter 478

1973 REPLACEMENT PART

Rural Fire Protection Districts

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DEFINITIONS

478.001 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Board of directors" or "district board" means the governing body of a district.

(2) "County" means the county in which the district, or the greater portion of the taxable assessed value of the district, is located.

(3) "County board" means the county court or board of county commissioners of the county.

(4) "District" means a rural fire protection district proposed to be organized or organized under, or subject to, this chapter.

(5) "Owner" or "landowner" means a legal owner of real property or the vendee of a contract of purchase of real property, if any, to the exclusion of the vendor.

(6) "Voter" means a registered voter resident in the district.

[1969 c.667 §2]

FORMATION

478.002 Status of districts existing in 1957. (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) A rural fire protection district may be formed in the manner set forth in ORS 478.010 to 478.100.

(2) A district may not include:

(a) Territory within a city unless otherwise authorized by law.

(b) Territory within a water supply district organized under ORS chapter 264 if the district has previously been authorized by its voters to exercise the fire protection powers prescribed by ORS 264.340.

(c) Forest lands included within a forest protection district under ORS 477.205 to 477.291 unless the owner consents and notifies the rural fire protection district, however, forest land protected pursuant to ORS 477.205 to 477.291 and not exceeding five acres in one ownership shall be included in the rural fire protection district without the owner's consent if the ownership includes any structures subject to damage by fire. Forest land included in a rural fire protection district under this subsection subjects the forest land to assessments for fire protection by the rural fire protection district and the forest protection district.

(d) Railroad rights of way or improvements thereon or rolling stock moving thereover unless the owner of such property consents.

(e) Ocean shore lands as defined by subsection (2) of ORS 390.605.

[Subsection (2) enacted as 1953 c.144 §1; 1969 c.651 §3; 1969 c.667 §§3, 69; 1971 c.727 §137; 1973 c.124 §1; 1973 c.337 §1a]

Note: Chapter 124, Oregon Laws 1973, applies to districts existing on July 1, 1973.

478.020 [Amended by 1967 c.610 §2; 1969 c.667 §4; repealed by 1971 c.727 §203]

478.030 [Amended by 1967 c.610 §3; 1969 c.667 §5; repealed by 1971 c.727 §203]

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

478.041 [1957 (s.s.) c.10 §5 (enacted in lieu of 478.040); 1959 c.68 §1; 1961 c.523 §1; 1961 c.549 §1; 1969 c.667 §6; repealed by 1971 c.727 §191]

478.050 Qualifications for directors. A director of a district shall be a voter or an owner within the district.

[Amended by 1963 c.299 §1; 1969 c.667 §7; 1971 c.647 §109; 1971 c.727 §§139, 197; 1973 c.618 §1]

478.060 [Amended by 1963 c.299 §2; repealed by 1971 c.647 §149 and by 1971 c.727 §203]

478.070 [Amended by 1961 c.549 §2; 1969 c.667 §8; repealed by 1971 c.727 §203]

478.080 [Amended by 1961 c.549 §3; 1969 c.667 §9; repealed by 1971 c.647 §149; 1971 c.727 §203]

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 board establishing a 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 board, 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 in the district, required to sign the petition for organization, where there is entered upon the records of the county board an order or proclamation establishing or legally forming such district.

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

[Amended by 1969 c.667 §10]

478.110 [Repealed by 1969 c.667 §70]

478.120 Inclusion of forest land in district. The authority to include forest land within a rural fire protection district pursuant to paragraph (c) of subsection (2) of ORS 478.010 applies to forest land within the exterior boundaries of an existing district and to forest land on which structures subject to damage by fire have been added after July 20, 1973.

[1973 c.337 §3]

478.130 Certain structures subject to fire damage to be added to tax rolls. Any land upon which structures subject to damage by fire have been built after July 20, 1973, shall be added to the assessment roll for the assessment year beginning January 1 following the calendar year in which construction on the structure was begun.

[1973 c.337 §4]

478.140 Procedure for adding land to district by consent of owner. Any owner consenting to add his forest land to the district under paragraph (c) of subsection (2) of ORS 478.010 shall do so on forms supplied by the Department of Revenue. The owner shall file the original with the district. The district shall forward a copy to the assessor of each county in which the land is located, within 20 days of receipt.
[1973 c.337 §5]

478.150 Conference with State Forestry Department required prior to formation of district or annexation of territory. Prior to the formation of any rural fire protection district or the annexation of any territory to an existing rural fire protection district of any territory within the exterior boundaries of a forest protection district established pursuant to ORS chapter 477, the petitioners of the proposed district or annexation shall confer with the State Forestry Department in determining the boundaries and lands to be included within the rural fire protection district.
[1973 c.337 §6]

POWERS AND DUTIES

478.210 Directors; organization; term; oath. (1) The power and authority given to the district, except as otherwise provided, is vested in and shall be exercised by a board of five directors. Except as provided by subsection (3) of this section, directors shall be elected to serve for terms of four years.

(2) Within 10 days after receiving their certificates of election, the members of the first board of a district shall meet and organize by first taking and subscribing an oath of office.

(3) They shall first determine by lot the length of term each shall hold office. Of the members of the board first elected, one shall serve until the next July 1 and one shall serve until one year, one until two years and two until three years, after the July 1 following.
[Amended by 1969 c.667 §11; 1971 c.727 §140; 1973 c.796 §67]

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

478.221 Election of directors. A general election shall be held in the district each year, on the date fixed by ORS 259.240, to elect one or more directors to succeed any director whose term expires the following July 1 and to elect a director to fill any vacancy which may then exist.
[1957(s.s.) c.10 §7 (enacted in lieu of 478.220); 1969 c.667 §§13, 66; 1969 c.669 §12; 1971 c.647 §111; 1973 c.796 §68]

478.230 [Amended by 1953 c.369 §2; 1967 c.609 §11; 1969 c.667 §14; repealed by 1971 c.647 §149]

478.240 Special elections; qualified voters. (1) At any regular meeting, the district board may call a special election.

(2) At all elections the voters shall be registered voters resident within the district; however, in any district in which there are no registered voters and the property is used for business, industrial or farming purposes and is nonresidential in character, all owners of property located 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.
[Amended by 1969 c.667 §15; 1971 c.647 §112; 1973 c.618 §2]

478.245 [1955 c.617 §1; repealed by 1969 c.325 §4 and 1969 c.667 §70]

478.250 Meetings and officers of board. (1) The district board shall hold meetings at such time and place within the district as it determines. It shall hold at least one regular meeting in each month on a day fixed by the board, and may hold special meetings under such rules as it may make.

(2) At the organizational meeting the board shall choose from the members a president, vice president, secretary and a treasurer. The board may choose as secretary and treasurer the same person. 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. 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 board shall transact all business pertinent to the establishment, equipment and maintenance of the district and its properties.
[Amended by 1969 c.344 §7; 1969 c.345 §11; 1969 c.667 §§16, 67]

478.260 Fire chief and assistants; headquarters; acquisition of site; fire and first-aid apparatus and equipment. (1) The district board shall select a fire chief qualified by actual experience as a fire fighter and fire precautionist, or otherwise, and assistants,

volunteer or otherwise, and fix their compensation. The fire chief shall be responsible for the equipment and properties of the district. Under the direction of the board, he shall be responsible for 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. Such sites shall be chosen with a view to the best service to the residents and properties of the whole district and may be acquired by purchase or exercise of the powers of eminent domain in the manner provided by ORS chapter 35. The board may purchase apparatus and equipment as needed by the district, and provide a water system, ponds or reservoirs for the storage of water for fire-fighting purposes. Or the board may contract with 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) Any district may, when authorized by the voters, operate or acquire and operate, or contract for the operation of ambulances, first-aid and rescue equipment and vehicles. The equipment shall be utilized only within the district unless used in accordance with mutual aid pacts between fire districts. The requirement of prior voter approval does not apply to a district that was providing ambulance services on June 30, 1973.

[Amended by 1953 c.369 §2; 1959 c.658 §1; 1967 c.348 §1; 1969 c.667 §17; 1973 c.192 §1]

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

(2) The State Fire Marshal shall cooperate in the formation, operation and administration of districts. The State Fire Marshal shall prepare and make available uniform forms for reports required by this section and other uniform forms and blanks he considers advisable.

[Amended by 1969 c.667 §18]

478.280 Employment of assistants. The board of directors may employ assistants as necessary or convenient in carrying on the work of the district and fix their compensation. The expenses of directors actually incurred in the service of the district may be paid by the board.

[Amended by 1969 c.667 §19]

478.290 Additional authority of districts within 10 mile radius of city of 100,000 or more. Districts situated within a radius of 10 miles of a city of over 100,000 population may, in addition to the powers granted by ORS 478.210 to 478.280, install, maintain and operate systems of street, road or highway lights. The lights shall be maintained upon the streets, roads or intersections as the board considers is needed to furnish the best lighting service to the residents and properties in the district.

[Amended by 1969 c.667 §20]

478.300 Contracting with others for consolidation, cooperation or facilities; annexation; open burning. (1) In addition to the authority to enter agreements under ORS chapter 190, a district, city, municipal corporation or other governmental agency, may contract with any person for the purpose of affording fire fighting, protection or prevention facilities or road-lighting facilities and services, or both, to such person.

(2) When any contract is entered into pursuant to ORS chapter 190 or subsection (1) of this section to provide fire protection service, the district, city, municipal corporation or governmental agency providing such service shall have authority over open burning and the issuance of fire permits in the area served, and may in accordance with this chapter make reasonable rules and regulations relating thereto.

[Amended by 1965 c.602 §27; 1969 c.667 §21]

478.305 Contracting with others for mutual communication system; contracts in other states. (1) Any district 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 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; 1969 c.667 §22]

478.310 Response to fire outside its own territory by district or municipality. When a fire occurs outside the limits of a district or of a city and help is asked of the district or city, the fire-fighting apparatus and force of the district or city may, with or without a contract to do so, be used for extinguishing the fire in the other unprotected or inadequately protected district or territory. However, the district or city so responding shall be paid the contract or reasonable value for use, including repairs and depreciation, of the apparatus and equipment so used and other expenses reasonably incurred in furnishing the fire-fighting service.

[Amended by 1969 c.667 §23]

BENEFITS FOR DISTRICT EMPLOYES

478.325 District may levy taxes for purposes of ORS 478.335 to 478.370. Expenses incurred by a district in establishing programs or providing benefits authorized by ORS 478.335 to 478.370 are expenses for which a district may levy taxes as provided by ORS 478.410.

[1963 c.366 §8]

478.335 Contracts for medical and hospital services or insurance. (1) A district board may enter into contracts for medical and hospital services or insurance covering employes of the district for remedial care and hospital benefits. Failure to obtain insurance or service contracts shall not be construed as negligence or lack of diligence on the part of the board or the members thereof.

(2) As used in this section "remedial care" includes services rendered by a person licensed to practice one or more of the healing arts within the scope of his license or any other remedial care recognized under the law of this state.

[1963 c.366 §1; 1969 c.667 §24]

478.340 Payment of premiums or charges on contracts; employe contributions; multiple contracts. (1) The district may agree to pay none, part or all of the premiums or charges on insurance or service contracts, and it may collect from the salary of any employe covered by the contract the percentage of the premiums or charges the employe is required to provide pursuant to the contract. Contributions for premiums or charges by employes shall be only on a voluntary basis.

(2) The board may negotiate more than one contract with one or more companies or associations if necessary to obtain optimum coverage at minimum cost.

(3) No premium or other periodic charge on any insurance or service contract shall be paid unless the insurer or hospital association issuing such policy or contract is authorized to transact business as an insurance company or hospital association in this state.

[1963 c.366 §2]

478.355 Establishment of employes' retirement system; provisions of plan. (1) A district may establish an employes' retirement system pursuant to ORS 478.355 to 478.370. The board may enter into agreements necessary to establish the system and carry out the plan and may agree to modifications of such agreements from time to time.

(2) The retirement plan may provide for retirement benefits measured on the basis of services rendered or to be rendered by an employe, either before or after the date on which such employe first becomes a member of the retirement plan. The retirement plan may provide for a minimum of years of service and a minimum and maximum age of retirement for the employe.

[1963 c.366 §§3, 4; 1969 c.667 §25]

478.360 Fund to provide retirement benefits. The district may budget and provide for payment into the fund of the retirement plan an amount sufficient:

(1) To provide, on an actuarial reserve basis, the amortized level premium cost of the retirement benefits which, under the provision of the retirement system, are to be provided by the district to its employes who attain the retirement age or retire in accordance with the terms of the retirement plan.

(2) To meet the actuarially computed costs of retirement benefits measured on the basis of services rendered or to be rendered by an employe before or after the date on which such employe becomes a member of the retirement plan.

[1963 c.366 §6]

478.365 Employe contributions to retirement fund. The district may collect, as a contribution from any employe, that percentage of the salary received by the employe which is necessary to fund on an actuarial reserve basis the cost of retirement benefits which the employe is required to provide pursuant to the provisions of a retirement plan.
[1963 c.366 §5]

478.370 Retirement benefits not to be funded for individual not employe of district when membership in system created. Nothing in ORS 478.325 and 478.355 to 478.370 authorizes the district to budget, provide for payments or collect contributions to fund retirement benefits for an individual who is not in the employment of the district at the time of the creation of a membership status under a retirement plan.
[1963 c.366 §7]

REVENUES AND FINANCES

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, the district board may provide for a tax not exceeding four-tenths of one percent (.004) of the true cash value of all taxable property within the district, computed in accordance with ORS 308.207.

(2) To carry into effect any of the powers granted to the district, the district, when authorized by a majority of the voters voting at an election called for that purpose, may borrow money and sell and dispose of general obligation bonds. The total outstanding general obligation bonds, together with liabilities outstanding incurred under rental or lease-purchase agreements authorized by subsection (4) of this section, shall at no time exceed one and one-fourth percent (.0125) of the true cash value of all taxable property within the district, computed in accordance with ORS 308.207.

(3) The tax limitation provided by subsection (1) of this section shall not apply to taxes levied to pay principal or interest on outstanding bonds.

(4) The board may enter into rental or lease-purchase agreements to rent, lease or acquire real or personal property, or both, required for fire-protection purposes. No agreement shall run for more than 10 years or be subject to renewal. The aggregate principal obligations under such agreements, and under other like agreements, with outstanding bonded indebtedness, shall not exceed the limitation imposed by subsection (2) of this section. The provisions of ORS 294.305 to 294.555 shall not affect or restrict the right of any district to enter into such an agreement.
[Amended by 1959 c.520 §1; 1963 c.9 §30; 1967 c.235 §1; 1969 c.667 §26]

478.420 Sale of bonds; notice; registration. (1) Bonds authorized under ORS 478.410 shall be issued from time to time by the board. The bonds shall bear interest at not to exceed a net effective rate of seven percent per annum. They shall be so conditioned that the district agrees to pay at the place named, which may be at the office of the county treasurer, to the bearer, the sum named in lawful money of the United States, with interest at the rate named, payable semiannually each year, in accordance with the terms of interest coupons attached.

(2) The bonds shall be sold only at public sale and after notice thereof is given by the board by publication in a newspaper of general circulation published in the county. 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. Each bond payable at the office of the county treasurer shall be registered in compliance with ORS 208.200 in the office of the county treasurer of the county.
[Amended by 1969 c.667 §27; 1969 c.694 §18; 1971 c.36 §7]

478.430 Ad valorem tax; deposit of revenue. (1) A district board shall ascertain and levy annually, in addition to all other taxes, an ad valorem tax on all the taxable property in the district, sufficient to pay the interest accruing and the principal maturing on the bonds promptly as they become due.

(2) The county treasurer shall keep all taxes levied under subsection (1) of this section to pay bonds payable at his office.
[Amended by 1969 c.667 §28; 1969 c.694 §19; 1971 c.36 §8]

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 district board may provide for a tax not exceeding one-tenth of one percent (.001) of the true cash value of all taxable property within the district, computed in accordance with ORS 308.207. Upon approval of the majority of the voters voting at a special election called for such purpose the board may levy a special tax of not to exceed one-fourth of one percent (.0025) of the true cash value of all taxable property within the district for this purpose, computed in accordance with ORS 308.207.
[Amended by 1967 c.293 §33; 1969 c.667 §29]

478.460 Deposit and disbursement of funds. Except as provided by ORS 478.420 and 478.430, 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, in the discretion of the board, either with the county treasurer to the credit of the district fund or in one or more banks to be designated by the board. Funds shall be drawn out only upon proper order and warrant or check, bearing the signature of the treasurer and the countersignature of the president of the district. The board may designate a treasurer pro tem and a president pro tem who may sign warrants or checks in behalf of the treasurer and president respectively.
[Amended by 1965 c.540 §1; 1969 c.667 §30; 1969 c.694 §20; 1971 c.36 §9]

478.470 Interest on unpaid warrants; limitation on amount of warrants. All warrants for the payment of any indebtedness of a district which are unpaid for want of funds shall bear interest at a rate to be fixed by the district board but not to exceed six percent per annum from the date of the registering of the unpaid warrants with the county treasurer. The amount of warrants outstanding shall not exceed the revenue provided for the year in which the indebtedness was incurred.
[Amended by 1969 c.667 §31]

478.510 [Amended by 1969 c.667 §32; repealed by 1971 c.727 §203]

478.520 [Amended by 1969 c.667 §33; repealed by 1971 c.727 §203]

478.530 [Amended by 1969 c.667 §34; repealed by 1971 c.647 §149; 1971 c.727 §203]

478.540 [Amended by 1969 c.694 §21; repealed by 1971 c.727 §203]

478.550 [Repealed by 1969 c.667 §70]

478.555 [1969 c.694 §23; repealed by 1971 c.727 §203]

478.560 Deposit and disbursement of funds of districts located in two or more counties. Except as provided by ORS 478.430, funds accruing to a district, located in two or more counties, 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 bearing the signature of the treasurer and a countersignature of the president of the district. The board may designate a treasurer pro tem and a president pro tem who may sign warrants or checks in behalf of the treasurer and president respectively.
[Amended by 1965 c.540 §2; 1969 c.667 §35; 1969 c.694 §24; 1971 c.36 §10; 1971 c.727 §141]

WITHDRAWAL OF TERRITORY

478.610 [Amended by 1959 c.658 §2; 1963 c.299 §3; 1967 c.610 §1; 1969 c.79 §4; 1969 c.667 §36; repealed by 1971 c.727 §203]

478.614 [1953 c.165 §1; 1961 c.682 §1; 1969 c.667 §37; repealed by 1971 c.727 §203]

478.616 [1953 c.165 §2; 1969 c.667 §38; repealed by 1971 c.727 §203]

478.618 [1969 c.79 §6; 1969 c.667 §68; repealed by 1971 c.727 §203]

478.620 [Amended by 1969 c.667 §39; repealed by 1971 c.727 §203]

478.630 [Amended by 1969 c.667 §40; repealed by 1971 c.727 §203]

478.640 [Amended by 1969 c.667 §41; repealed by 1971 c.727 §203]

478.650 [Amended by 1969 c.667 §42; repealed by 1971 c.727 §203]

478.660 [Amended by 1969 c.667 §43; repealed by 1971 c.727 §203]

478.665 Withdrawal of territory from district; inclusion in forest protection district; assessment. In addition to any other method of initiating proceedings to withdraw territory from a district, the county board may, after appropriate proceedings, order the withdrawal of forest land from a district if:

(1) Written request for the withdrawal is submitted to the county board by the district board;

(2) Inclusion of the withdrawn forest land within a forest protection district under

ORS 477.205 to 477.291 is agreed to by the State Forester;

(3) A public hearing for the landowners concerned is held regarding the withdrawal by the county board; and

(4) Any lands so withdrawn and transferred to a forest protection district for purposes of fire protection shall be assessed for this purpose under ORS chapter 477 and, except as provided by ORS 198.880, shall no longer be assessed for fire protection by the rural fire protection district.

[1969 c.651 §2; 1971 c.727 §142]

478.700 [1965 c.316 §2; 1969 c.667 §44; repealed by 1971 c.727 §203]

478.710 [Amended by 1969 c.667 §45; repealed by 1971 c.727 §203]

478.720 [Amended by 1969 c.667 §46; repealed by 1971 c.727 §203]

478.730 [Amended by 1969 c.667 §47; repealed by 1971 c.727 §203]

478.740 [Amended by 1969 c.667 §48; repealed by 1971 c.727 §203]

478.750 [Amended by 1965 c.316 §4; 1969 c.667 §49; repealed by 1971 c.727 §203]

CONSOLIDATED DISTRICTS

478.760 Tax levy of consolidated district. A district formed by consolidation of two or more districts, in the first fiscal year following the consolidation, shall not levy upon property in the consolidated district a tax greater than the amount, plus six percent thereof, of the sum of the taxes levied by the consolidating districts in any one of the last three years in which a tax was levied. This section does not prohibit a consolidated district from levying a tax in excess of constitutional limitation when such excess levy is authorized by a vote of the people of the consolidated district in the manner prescribed by law.

[1965 c.316 §3; 1969 c.667 §50]

478.810 [Amended by 1969 c.667 §51; repealed by 1971 c.727 §203]

478.820 [Amended by 1969 c.667 §52; repealed by 1971 c.727 §203]

478.830 [Amended by 1969 c.667 §53; repealed by 1971 c.727 §203]

FIRE PREVENTION CODE; FIRE PERMITS

478.910 Adoption of fire prevention code. A district board may, in accordance with ORS 198.510 to 198.600, adopt a fire prevention code.

[Amended by 1969 c.667 §54; 1971 c.268 §19]

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 fire chief of the district before burning trash or waste materials.

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

[Amended by 1969 c.667 §55]

478.930 Violation of code, failure to remove hazards, burning waste without permit prohibited. When a district has adopted a fire prevention code as provided in ORS 478.910:

(1) 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.

(2) No person shall burn waste materials or trash in an unguarded manner without a permit, when a permit is required by the district code or this chapter.

[Amended by 1969 c.667 §56]

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.

478.960 Fire permits; burning schedules. (1) No one, within the boundaries of a district, shall set on fire, or cause to be set on fire, any combustible material, either on his own or the property of another, without first securing a permit from the fire chief of the district and complying with its terms. A deputy of a fire chief has the power to perform any act or duty of the fire chief under this section.

(2) The fire chief shall prescribe conditions upon which any permit is issued and which are necessary to be observed in setting the fire and preventing it from spreading and endangering life or property or endangering the air resources of this state. The Environmental Quality Commission shall notify the State Fire Marshal of the type of and time for burning to be allowed on each day under schedules adopted pursuant to ORS 468.450 and after ORS 468.460 becomes operative under rules as provided in ORS 468.460. The State Fire Marshal shall cause all fire chiefs and their deputies in the affected area to be notified of the type and time for burning to be allowed on each day with updating messages each day as required. A fire chief or his deputy shall issue permits only in accordance with the schedule of the Environmental Quality Commission but may reduce hours to be allowed for burning if necessary to prevent danger to life or property from fire. The State Fire Marshal may refuse, revoke or postpone permits when necessary in his judgment to prevent danger to life or property from fire, notwithstanding any determination by the fire chief.

(3) Nothing in this section relieves a person starting a fire from responsibility for providing adequate protection to prevent injury or damage to the person or property of another. If such burning results in the escape of fire and injury or damage to the person or property of another, such escape and damage or injury constitutes prima facie evidence that the burning was not safe.

(4) Within a district, no person shall, during the closed season, operate any power equipment in forest harvesting operations unless each piece of equipment is provided with a fire extinguisher of sufficient size and capacity and with such other tools and firefighting equipment as may be reasonably required by the fire chief of the district.

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

(6) This section is not intended to limit the authority of a district to adopt a fire prevention code as provided in ORS 478.910 to 478.940 or to issue permits when the burning is done by mechanical burners fired by liquid petroleum gas.

(7) The fire chief shall maintain records of all permits and the conditions thereof, if any, that are issued under this section and shall submit at such times, as the Environmental Quality Commission shall require such records or summaries thereof to the commission. The Environmental Quality Commission shall provide forms for the reports required under this subsection.

[1955 c.469 §§1, 2; 1959 c.363 §16; 1967 c.420 §1; 1967 c.438 §1; 1969 c.613 §3; 1969 c.667 §57; 1971 c.563 §9; 1973 c.832 §7b]

478.965 Recovery by district of costs of suppressing unlawful fire. (1) If the firefighting apparatus or personnel, or either of a district, are required to respond and be used actively or on a standby basis in connection with the extinguishment or control of a fire that has been started or allowed to spread in wilful violation of subsections (1) to (5) of ORS 478.960, the person responsible therefor shall be liable to the district furnishing such apparatus or personnel, or both, for the actual costs incurred by the district in controlling, extinguishing or patrolling the fire. Such costs may be recovered in an action prosecuted in the name of the district. If the district prevails in such action, there shall be taxed and allowed to the district, as a part of the costs of the action, a reasonable amount to be fixed by the court as attorney fees for the prosecution of the action.

(2) An itemized statement of the actual costs incurred by the district, certified under oath by the treasurer of the district, shall be accepted as prima facie evidence of such costs in the action authorized by this section.

[1967 c.420 §6; 1969 c.667 §58]

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 identification number for each district 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 a district organized or established by law.

[1953 c.164 §1; 1969 c.667 §59]

478.972 Application by district to State Fire Marshal for identification number. (1) When a district is organized the first board shall apply in writing to the State Fire Marshal for an identification number for the district.

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

(3) The application shall be made by the district board within 30 days after the act which completes the organization or establishment of the district.

[1953 c.164 §2; 1969 c.667 §60]

478.974 Identification number to consist of zone number and district number. The identification number to be assigned to a district 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." Districts in each of the zones provided for in ORS 478.976 shall be numbered consecutively, commencing with number 1.

[1953 c.164 §3; 1969 c.667 §61]

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. If a 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 considered to be in the 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 that zone.

[1953 c.164 §5; 1969 c.667 §62]

478.980 Identification number for district composed of previously numbered separate districts. In the event of a consolidation or merger of two or more districts which have been assigned identification numbers, a single number shall be assigned to the surviving or successor district in the manner provided in ORS 478.972. The number may be one of those assigned to any of the districts so consolidated or merged before the act of consolidation or merger.

[1953 c.164 §6; 1969 c.667 §63; 1971 c.727 §143]

478.982 Re-use of numbers of dissolved districts. In the event of a dissolution of a district, the number assigned to the district shall be available for assignment to another district.

[1953 c.164 §7; 1969 c.667 §64]

PENALTIES

478.990 Penalties; jurisdiction. (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 where the hazard exists is a separate offense.

(2) Burning without a permit required under ORS 478.960 or in violation of a condition thereof is a misdemeanor.

(3) Violation of any rule or regulation made by a district, city, municipal corporation or governmental agency pursuant to subsection (2) of ORS 478.300 is a misdemeanor. Violations may be prosecuted in state or municipal courts when violations occur in the municipality making such rules or regulations. Justice and district courts have concurrent jurisdiction with circuit courts of violations.

[Subsection (2) enacted as 1955 c.469 §3; subsection (3) enacted as 1965 c.602 §28; 1969 c.667 §65; 1971 c.563 §11]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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, 1973.

Thomas G. Clifford
Legislative Counsel