

ORDINANCE NO. 116

**AN ORDINANCE REPEALING ORDINANCES NO. 53 AND NO. 67,
GRANTING THE GOSHEN FIRE DISTRICT ASSOCIATION
THE EXCLUSIVE RIGHT AND PRIVILEGE TO PROVIDE
FIRE PROTECTION WITHIN THE CITY LIMITS OF
GOSHEN, ARKANSAS; AND TO DECLARE AN
EMERGENCY AND FOR OTHER PURPOSES**

WHEREAS, the City Council of the City of Goshen adopted Ordinance No. 53 on April 12, 2005 granting the Goshen Fire District Association the exclusive right and privilege to provide fire protection within the corporate limits of the City of Goshen; and

WHEREAS, the City Council of the City of Goshen adopted Ordinance No. 67 on November 14, 2006, deeming it necessary and appropriate to readopt the provisions of Ordinance No. 53 inasmuch as the contract mentioned therein was not finalized and executed by the parties; and

WHEREAS, Goshen Fire District Association is a not-for-profit corporation organized and existing pursuant to the laws of the State of Arkansas, organized as a volunteer fire department and serves a geographic area which includes the corporate limits of the City of Goshen; and

WHEREAS, the City of Goshen recognizes the valuable service provided to its citizenry by the Goshen Fire District Association and desires to grant exclusive rights to the Goshen Fire District Association in order that the Association may continue to serve the residents and inhabitants of the City of Goshen and thereby provide fire protection to all residents and inhabitants.

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Goshen, Arkansas:

SECTION 1. That the City of Goshen hereby grants to Grantee the right and privilege within the present and all future expansions of the corporate limits of the City of Goshen (1) to provide the service of fire protection to all residents and inhabitants within said limits; and (2) subject to the terms, conditions and stipulations mentioned in this ordinance and permission is hereby given to Grantee of providing such services to the public and using public rights-of-way, including streets, highways, or other public places of any kind whatsoever within the corporate limits of the City of Goshen and for any related purpose of providing fire protection to the residents or inhabitants of said City.

SECTION 2. Grantee is expressly given the right and privilege to use the streets,

avenues, roads, highways, alleys, sidewalks and other public places, as now laid out, or hereafter to be established, of any kind whatsoever within municipal boundaries, for the purpose of providing fire protection to the public from any point within the City or to any point beyond the corporate limits of the City, or to any other point, through and beyond the corporate limits of the City.

SECTION 3. It is hereby mandated that each residence and business within the corporate limits shall be required to utilize the fire protection services as provided by the Goshen Fire District Association pursuant to this grant of rights and privileges. Grantee shall report those residences and businesses who have not contracted with it for fire protection services.

SECTION 4. The Grantee shall fully indemnify and save harmless the City from any and all claims for damage for which the City shall or might be made or become liable by reason of the granting of these rights and privileges, or any negligence or carelessness on the part of said Grantee or because of any act or omission of the Grantee in the provision of fire protection.

SECTION 5. Fire Protection shall be provided by the Goshen Fire District Association under the terms and conditions herein specified and pursuant to state law, related to the provision of fire protection. The rates which are to be charged by Grantee for fire protection shall be set by Grantee in its discretion. Upon request, Grantee shall make available to the proper authorities for review by the City Council its rate structure and all rules and regulations related to the provision of fire protection service by Grantee.

SECTION 6. The Grantee shall furnish to the proper authorities any and all information, including but not limited to, rate structure and rules and regulations, which may be asked for by them in regard to the provision of fire protection by Grantee. Whenever the word, "Grantor," occurs in this ordinance, it shall mean and it shall be understood to be the City of Goshen, Arkansas. Whenever the word, "Grantee," occurs in this ordinance, it shall mean and it shall be understood to be the Goshen Fire District Association, and whenever the words "authorities" or "proper authorities" occur in this ordinance they shall mean and shall be understood to mean the authorized officer or officers, committee or board representing the City of Goshen, Arkansas, or Grantor.

SECTION 7. The rights and privileges granted to Grantee shall take effect on the date this ordinance is approved.

SECTION 8. After the effective date hereof, no person or entity other than Grantee shall be permitted to provide fire protection within the corporate limits of the City of Goshen.

SECTION 9. The City of Goshen made a contribution to the Goshen Fire District Association in the amount of \$2,500 on July 10, 2013 and the amount of \$3,000 on June 11, 2014. These contributions are specifically ratified and approved.


SECTION 10. The Mayor of the City of Goshen is hereby authorized, in the future, to make additional contributions to the Goshen Fire District Association, as the Mayor perceives is needed by the Goshen Fire District Association up to the amount of his spending authority as provided by city ordinance, without approval by the City Council, such contributions being reported to the City Council, at the next meeting after such contribution. The City Council also shall be authorized to initiate and approve a contribution, as the Council perceives is needed by the Goshen Fire District Association, by motion or resolution approved by a majority at any meeting of the Council.

SECTION 11. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional.

SECTION 13. Any and all ordinances in conflict herewith, including specifically Ordinances 53 and 67, are hereby repealed.

SECTION 14. EMERGENCY CLAUSE: Because fire protection is vital to the safety and welfare of each resident and business owner within the City of Goshen, and because the grant of exclusive rights to the Goshen Fire District Association will provide stability to the Association as it plans its future and the fire protection it can provide to the citizens of Goshen, it is hereby declared that based on the conditions set forth herein, an emergency exists and this ordinance, being necessary for the immediate protection of the health, safety, and welfare of the citizens in Goshen, Arkansas, shall be in effect immediately upon its passage, approval and publication.

PASSED AND APPROVED this 11th day of November, 2014.



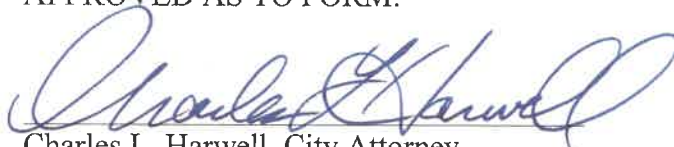
Joe Benson, Mayor

ATTEST:



Sharon Baggett, City Recorder

APPROVED AS TO FORM:



Charles L. Harwell, City Attorney

ROLL CALL VOTE ADOPTING THE ORDINANCE

Names Of Those Voting YEA

Names Of Those Voting NAY

Paula Anderson
Brian Buell
Andy Bethell
Max Poye
Lanny Samuels
Dick Seddon

ROLL CALL VOTE ADOPTING THE EMERGENCY CLAUSE

Names Of Those Voting YEA

Names Of Those Voting NAY

Paula Anderson
Brian Buell
Andy Bethell
Max Poye
Lanny Samuels
Dick Seddon