

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 26- EMERGENCY MEDICAL SERVICES; ADDING SECTION 26-11, ESTABLISHMENT OF AN OUTSIDE OF THE CITY FIRE SUBSCRIPTION PROGRAM, SECTION 26-12, OUT OF THE CITY FIRE SUBSCRIPTION PROGRAM AND FEES, SECTION 26-13, NONPARTICIPATION ELECTION, SECTION 26-14, COLLECTION OF FIRE SUBSCRIPTION PROGRAM FEES, SECTION 26-15, PERSONS NOT COVERED BY THE FIRE SUBSCRIPTION PROGRAM, SECTION 26-16, INSURANCE PROVISION, SUBROGATION, AND ASSIGNMENT, SECTION 26-17, LIMITATION OF OBLIGATION OF CITY, REPEALING ALL ORDINANCES TO THE CONTRARY; AND DECLARING AN EMERGENCY**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW:**

**SECTION I.** That Chapter 26- Emergency Medical Services, Section 26-11, Establishment of an Outside of the City Fire Subscription Program shall be added to read as follows:

Chapter 26 - EMERGENCY MEDICAL SERVICES AND OUTSIDE THE CITY FIRE SUBSCRIPTION PROGRAM

**Sec. 26-11. – Establishment of an Outside of the City Fire Subscription Program.**

There is hereby established an Outside of the City Fire Subscription Program, to be known as BAFD Fire Subscription, which consists of the services, equipment, expertise and costs of the Fire Suppression services provided by the City of Broken Arrow. The purpose of the BAFD Fire Subscription program is to serve the residents of the city by providing for Fire Suppression services to properties outside the city limits, but within the City of Broken Arrow Fence Line at a reduced cost by offering an annual fee for each property owner participating in the program. Therefore, the BAFD Fire Subscription program provided by this ordinance shall be deemed a no out-of-pocket service supplemental to insurance coverages entitled by this ordinance.

**Sec. 26-12. –Out of the City Fire Subscription Program and Fees.**

- (a) All properties located within the City of Broken Arrow fenceline, but not within the corporate limits of the city, may elect to participate in the Fire Subscription program by submitting a form approved by the director to the city and by paying an annual fee as set forth in the Manual of Fees on or before the beginning of the program year.

**Sec. 26-13. - Nonparticipation election.**

- (a) Any property located within the City of Broken Arrow fence line, but not within the corporate limits of the city whose owner elects not to participate in the program for the next program year shall make a declaration of nonparticipation during the election period. Such declaration shall be made on forms prescribed and approved by the director and submitted to the city. A property owner's election of nonparticipation shall remain in effect for succeeding program years until the customer affirmatively elects to join the program. Any

succeeding election must be made prior to a fire department's response to the property to be eligible for the waiver of out-of-pocket fees and expenses. Annual Fire Subscription fees may be pro-rated by the director.

- (b) If a property owner elects not to participate in the fire subscription program, the owner shall be subject to all fees, expenses, and associated costs for fire department services as set forth in the Manual of Fees.

**Sec. 26-14. - Collection of Fire Subscription program fees.**

- (a) The fees for the Fire Subscription program set forth in the Manual of Fees shall be billed to each property owner annually, and shall be due before the end of the program year defined in Section 26.2.
- (b) In the event any Fire Subscription account shall become delinquent, program participation may be terminated by the city until all delinquent charges shall be paid in full. The property owner shall be immediately subject to all fees, expenses, and associated costs for fire department services as set forth in the Manual of Fees.

**Sec. 26-15. - Persons not covered by the Fire Subscription program.**

All persons who do not participate in the Fire Subscription program shall pay all charges for such fire suppression services as are set forth in the Manual of Fees. These charges shall include, but not be limited to, expendable supplies and materials (including water or other suppression agents), personnel expenses, apparatus repairs, mutual aid fees, other agency expenses, and other fees.

**Sec. 26-16. - Insurance provision, subrogation, and assignment.**

All persons subscribing to the city's Fire Subscription program shall provide information on their homeowners, commercial, or other property insurance coverage and/or or other applicable third-party payers. It is the property owner's responsibility to provide the City of Broken Arrow, Broken Arrow Fire Department, or assignees thereof, with homeowners' insurance or third-party payer information pertaining to the property and/or structures, vehicles or other appurtenances located thereon. In consideration and payment of the subscription fee, property owners assign to the City of Broken Arrow, Broken Arrow Fire Department, or assignees thereof, all applicable benefits from insurance or other third-party payer for services provided under the Fire Subscription program. The City of Broken Arrow, Broken Arrow Fire Department, or other assignees thereof, will accept this assignment as payment in full for firefighting services provided. The City of Broken Arrow, Broken Arrow Fire Department, or assignees thereof, will file claims and is entitled to receive payment from all insurance or other third-party payers up to the amount of the usual charges for services provided.

**Sec. 26-17. - Limitation of obligation of city.**

Under no condition shall the city be obligated to pay any sum of money to any person eligible for the benefits conferred by this chapter. When any person uses any fire suppression service other than that provided by the city, the city shall have no liability or obligation to pay such person any benefits therefore. When the city is for any reason unable to provide fire suppression services as contemplated by this chapter, no person failing to receive fire suppression services at such time shall be entitled to make any claim or demand against the city,

or receive any benefits from the city and the operation of the fire suppression services by the city is hereby declared to be a governmental function of the city for the health and welfare of all persons for whom benefits are provided by this chapter.

The Fire Subscription program provides for payment of all financial obligations by property owners for fire incidents. It shall be the discretion of the Broken Arrow Fire Department to determine the manner and priority of what resources (equipment and personnel) are assigned to respond to a fire incident at a subscriber's property. Fire incidents do not include incidents involving hazardous material spills, emissions, or contaminations. Property Owners are responsible for any related monetary charges assessed by any other federal, state, or local governmental agency, or by any private person, firm, or corporation. The Fire Subscription program is a financial benefit only and in no way represents a specific contract for response by the Broken Arrow Fire Department.

**SECTION II.** Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

**SECTION III.** An emergency exists for the preservation of the public health, peace and safety and therefore this ordinance shall become effective from the time of its passage and approval.

**PASSED AND APPROVED** and the emergency clause ruled upon separately, this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
(SEAL) City Clerk

APPROVED:

\_\_\_\_\_  
Deputy City Attorney