

RURAL FIRE PROTECTION



FIRE DEPARTMENTS ORGANIZATION PROCEDURES AND INFORMATION



ARKANSAS FORESTRY COMMISSION

NOTE: This complete booklet is now available on the internet at
www.forestry.state.ar.us/ruralfire/rural_overview.html

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PURPOSE

This booklet contains some of the procedures and information that we believe will be helpful when organizing a fire department in Arkansas. Also included are sources of assistance available from other agencies and organizations in the State.

Each month, many communities and new fire departments request assistance from the Arkansas Forestry Commission and other agencies, in organizing, equipping and funding their department or community. Without fire protection in rural areas, many Arkansans' homes, jobs, businesses, farms and timberland are at risk.

Since 1979 when the Rural Fire Protection Program of the Arkansas Forestry Commission was established, the number of departments statewide has increased from 300 to over 1000. The Arkansas Forestry Commission has over 1800 Federal Excess vehicles on loan to fire departments across the State at this time. Last year, over 9 million dollars worth of Federal Excess Property was made available to Arkansas fire departments through our program. We also loaned \$ 418,505.79 interest free for the purchase of fire equipment through our interest free revolving loan program.

By using grants and equipment from the Commission and other sources, most communities have reduced their insurance ratings at least one rating which means a 22-30 percent savings on their homeowner's insurance. Many counties have brought their entire county under fire protection and have reduced insurance ratings much further. We owe a great debt of gratitude to Fire Departments and Volunteer Firemen who freely give of their time, talents, and money to help protect lives and property of their fellow citizens.

**Robert Summerville
Rural Fire Protection Administrator
Arkansas Forestry Commission
P.O. Box 10
Greenbrier, AR 72058-0010
Phone # (501) 679-3183
Fax # (501) 679-3500
E-mail: robert.summerville@arkansas.gov**

**The Arkansas Forestry
Commission offers its programs to
all eligible persons regardless of
race, color, national origin, sex,
age, or disability; and is an Equal
Opportunity Employer.**

INTRODUCTION

Recognizing the need for fire protection throughout the rural areas of the State of Arkansas, the 72nd General Assembly acted on and passed Act #36 of 1979, establishing within the Arkansas State Forestry Commission, a Rural Fire Protection Division.

The purpose of this division was to establish a program to encourage and assist in the establishment, development, and the operation of fire protection districts and associations in rural areas which had little or no fire protection available.

State organizations, in addition to the Arkansas Forestry Commission, such as the Arkansas Dept. of Emergency Management (OES), Arkansas Association of Resource Conservation and Development, Cooperative Extension Services, Department of Rural Services and the State Fire Marshall, State of Arkansas Federal Surplus Property, Arkansas Economic Development Commission, Fire Training Academy, Community Facilities Program, provide sources of support and assistance in order to help communities establish this service, which will help prevent the needless loss of life and major property damage due to fire.

This program requires certain criteria, such as rules and necessary documentation (required by law) and regulations for the administration of a successful program.

This information packet is designed to help meet this criteria. The outlines and samples are designed to assist communities in obtaining the necessary documentation to meet these requirements.

AGENCIES THAT PROVIDE ASSISTANCE

The following is a list of agencies that work with volunteer fire departments and should be considered when needing information or assistance.

Arkansas Forestry Commission, Greenbrier, AR – Contact person, Robert Summerville, (501) 679-3183.

1. Has a \$ 910,000.00 revolving fund to loan money interest free to volunteer and municipal fire departments in Arkansas. This loan may be used for the purchase of fire fighting equipment or vehicles.
2. Has available information package on procedures for organizing fire departments and will go out to the departments at night to help them organize.
3. Provides Federal Excess equipment and vehicles free of charge to fire departments on a 50 year no cost lease based upon request forms. (See Page 66). There are presently over 1800 Federal Excess vehicles on loan to fire departments statewide. Usually there is a waiting list for most equipment. Last year \$ 9,000,000.00 worth of Federal Excess property was made available to volunteer fire departments at no cost to them.
4. Administers the Volunteer Fire Assistance Grant for the U.S. Department of Agriculture, U.S. Forest Service every year. Providing \$ 1,000.00 grants to fire departments statewide to purchase fire fighting equipment. Grant information is usually available in June.

5. Provides the 8-hour Wildland Fire Suppression Training Course to firemen state-wide. Contact Tammi Rossi, at (501) 679-3581 to schedule classes.

State of Arkansas Federal Surplus Property, North Little Rock, AR – Contact person, James H. Smith, Jr., Manager, (501) 835-3111, (501) 834-5240 FAX#.

Federal Surplus Property (FSP) is an agency in the Department of Workforce Education. Congress established the Surplus Property Program 50 years ago. FSP property is property that has been declared surplus or excess by the Federal Government. They obtain the property from federal offices, military installations, and from the overseas program. FSP “donates” property to about 800 donees participating in the program. Of a potential number of 2,700 donees, about 1,750 are currently approved. Donees include public agencies, (cities, counties, airports, police departments, hospitals, and state agencies), private non-profit health and educational institutions and shelters for the homeless. FSP is self-supporting and receives no state or federal funding. Fees are assessed on property donated to cover expenses. The agency uses the term donate or issue. FSP does not actually “sell” property and operates as a service agency. Inventory in the FSP warehouse includes a wide range of items, i.e.; hand tools, office furniture and equipment, medical supplies and equipment, cars, trucks, and trailers.

1. Provides at a small cost Federal Surplus vehicles and equipment including trucks, desks, protective equipment, hose, generators, compressors, chairs, etc., to fire departments or other government entities.

Arkansas Dept. of Emergency Management (OES), Conway, AR, Contact person, Jimmy Woods (501) 730-9750, or jimmy.woods@adem.state.ar.us.

1. Administers the Act 833 of 1991 Program which provide insurance turnback money to certified fire departments.
2. Helps fire departments with certification paperwork and information.
3. This is one of the largest sources of money to rural or volunteer departments in the State. In 1997, \$4,954,854.08 was distributed to certified fire departments.
4. Hosts and chairs the Arkansas Fire Advisory Board meetings.

§ 12-75-109. Arkansas Department of Emergency Management – Establishment – Personnel.

- (a) The Arkansas Department of Emergency Management is established as a public safety agency of the State of Arkansas.
- (b) The department shall have a director appointed by the Governor, with the advice and consent of the Senate, who shall serve at the pleasure of the Governor.
- (c) (1) The department shall have such professional, technical, secretarial, and clerical employees and may make such expenditures within the appropriation therefore or from any federal or other funds made available to it from any source whatsoever for the purpose of emergency services, as may be necessary to carry out the purposes of this chapter.
(2) All such employees shall be in job positions as approved by the Merit System Council.
- (d) The present Office of Protection Services, established under § 20-22-805, as amended, and the State Office of Hazardous Materials Emergency Management established under § 12-84-101 et seq., as amended, are abolished as independent and separate offices and reestablished with personnel, duties, and responsibilities as functional programs within the Arkansas Department of Emergency Management.

History. Acts 1973, No. 511, § 5; 1977, No. 408, § 1; 1985, No. 687, § 4; 1985, No. 978, § 4; A.S.A. 1947, § 11-1938; Acts 1999, No. 646, § 15.

Dept. of Rural Services, Little Rock, AR, Contact number, 1-888-787-2527. (Note: Only areas with 3000 or less population will qualify.)

1. Has a grant for the purchase of fire fighting equipment or building materials. Incorporated cities and towns and unincorporated communities in rural areas (less than 3,000 population) are eligible to apply for assistance for this matching incentive grant. Projects are funded to enhance the quality of life with the development of local strategic planning and visioning efforts such as communications, fire protection and public safety, economic and leadership development, land management, conservation and parks, recreation and tourism.
2. Applicants may apply for up to \$ 15,000 in state matching funds which can be in the form of like kind such as cash and/or property. The match must be derived locally and can be appropriated in full by the local governing body (city council or county quorum court), donated by local businesses and citizens, or a combination thereof.

Arkansas Association of Resource Conservation and Development Councils – Rural Fire Protection Program, Contact person, Charles Gangluff, (501) 868-8483, Fax # 501-868-9657.

The Arkansas Association of Resource Conservation and Development Councils, Inc., is an authorized United States Department of Agriculture program that is initiated and directed at the local level by volunteers.

The program is a regional one that encompasses multiple communities, various units of government, municipalities, and grassroots organizations.

There are seven Resource Conservation and Development Areas covering the entire state of Arkansas. Resource Conservation and Development Areas Councils are led by volunteer representatives from municipalities and counties, and state and community based organizations. Conservation and Development Councils are not a federal or state agency. Resource Conservation and Development Councils are established for the following purpose:

Encourage and improve the capability of state and local units of government, and local non-profit organizations in rural areas to plan, develop and carry out programs of resource conservation and development.

1. Cost shares help with County Master Fire Plans (county wide).
2. Has funding available to help with dry hydrants, tankers and other water supply and delivery programs.

At present, this program is conducting seminars on ISO ratings at locations around the state.

Arkansas Fire Training Academy, Camden, AR, Contact person,
Rachel Nix, (870) 574-1521.

The Arkansas Fire Academy (AFA) is a training division of Southern Arkansas University Tech located in the Highland Industrial Park at East Camden, Arkansas. The Academy was created by the Arkansas Legislature and is the official fire training agency for municipal and volunteer fire fighters in the state of Arkansas. It provides municipal, volunteer and industrial fire and emergency training to first responders in the state. The training programs reach nationwide. The fifteen member advisory board is appointed by the Governor of Arkansas.

1. Provides training for fire fighters at Camden and other regional sites. Training is free of cost.
2. Responsible for the Arkansas Fire Incident Reporting System.

Arkansas Fire Marshall, Lt. Lindsey Williams, (501) 618-8604, (501) 618-8621 FAX#
LINDSEY.WILLIAMS@ASP.STATE.AR.US

1. Provides assistance in fire prevention and investigation of arson related fires. Also, a good source of information regarding anything fire related.

County Fire Services Coordinator

1. This person usually works for the County Judge and can help with any fire related problem in the county. Should have available maps of Fire Districts, can set up Wildland Fire Suppression Course for the county; a very good source of information regarding fire service in the county.

Community Facilities Program, (Formally FHA), call (501) 301-3256, Contact Barbara Owens.

1. Contact your local Rural Development Office. Provides direct and guaranteed loans and grants to rural communities to construct, enlarge or improve fire departments. Can be used to purchase land, pay professional fees, purchase fire engines.

AGENCY INFORMATION

Arkansas Forestry Commission
 Rural Fire Protection
 P.O. Box 10
 Greenbrier, AR 72058-0010
 Contact: Robert Summerville
 (501) 679-3183
 (501) 679-3500 FAX#
robert.summerville@arkansas.gov

Arkansas Dept. of Emergency Management
 P.O. Box 758
 Conway, AR 72033
 Contact: Jimmy Woods
 (501) 730-9750
 (501) 730-9754 FAX#
jimmy.woods@adem.state.ar.us

Dept. of Rural Services
 101 E. Capitol, Suite 202
 Little Rock, AR 72201
 Contact: Bruce Campbell, Director
 1-888-787-2527
 (501) 682-6014 FAX#

Arkansas Fire Training Academy
 SAU Tech Station
 Camden, AR 71701
 Contact: Rachel Nix
 (870) 574-1521
 (870) 574-0817 FAX#
rnix@sautech.edu

State of Arkansas
 Federal Surplus Property
 8700 Remount Road
 North Little Rock, AR 72118
 Contact: James H. Smith, Jr.
 (501) 835-3111
 (501) 834-5240 FAX#

Arkansas Assoc. of Resource
 Conservation and Development
 12623 Hwy 300
 Roland, AR 72135
 Contact: Charles Gangluff
 (501) 868-8483
 (501) 868-9657 FAX#
aarcd@ipa.net

Arkansas State Police Fire
 Marshall's Office
 #1 State Police Plaza Drive
 Little Rock, AR 72209
 Contact:
 (501) 618-8604
 (501) 618-8621 FAX#
Lindsey.Williams@asp.state.ar.us

Community Facilities Program
 Federal Building, Room 3416
 700 West Capital Avenue
 Little Rock, AR 72201-3225
 Contact: Barbara Owens
 (501) 301-3256

ORGANIZING A FIRE DEPARTMENT

Prior to a community becoming eligible for federal or state grants or for the procurement of fire fighting apparatus and equipment from the Arkansas Forestry Commission, or to be eligible for Federal Excess Property and most other Federal or State grants, the community must become legally organized. Fire Departments can organize in several ways. This may be as a :

1. **NON-PROFIT ORGANIZATION, Page 21-26**
2. **FIRE PROTECTION DISTRICT, Page 31-35**
3. **SUBORDINATE SERVICE DISTRICT, Page 28-30**
4. **CITY ORDINANCE**

There are situations whereby a small corporate community will provide fire protection to its citizens, therefore, bringing the fire department under city council jurisdiction. When this occurs, it is necessary to pass a (4) CITY ORDINANCE, to this effect, this eliminates the requirement for the fire department to seek non-profit organization status on its own behalf.

The most common way for a rural area to organize a fire department is as a non-profit organization. In order to become incorporated as a non-profit organization, the following must be achieved:

- The community must desire fire protection. Usually they advertise and hold a community meeting.
- They must hold a community meeting with a good representation of the community in attendance.
- If the desire of the community is to proceed, a vote should be taken to organize. A majority vote rules.
- If the community votes to organize, then they must form the organization with no less than three (3) or no more than fifteen (15) board members. These board members will act on behalf of the community in organizing and running the department.
- They must draft a Constitution & By-Laws of the organization.
- They must file approved organization and By-Laws with the Secretary of State.
- They will receive a Certificate of Incorporation back from the Secretary of State. They are then legally organized.
- A fire department however must have an area to protect. In order to complete the organization process, an area of protection must be drawn and approved by the County Quorum Court. A Constitution and By-Laws must be written and approved by the Board of Directors. Most state agencies will not provide funds, assistance, or training until the boundaries are settled and the department has developed policies and procedures to operate by.

The Arkansas Forestry Commission, Greenbrier office, if requested, will send an employee to the initial meeting of a rural fire department to help in the above procedure.

Most Fire Departments formulate a fire protection plan and establish training requirements for their departments.

The fire protection plan is basically a plan of implementation. The plan is used in conjunction with the constitution and by-laws along with the laws of the State of Arkansas, and can serve as a guide for the future of a successful organization.

The Board of Directors are responsible for the drafting and implementation of this plan; it should include, but not necessarily be limited to the following:

FIRE PROTECTION PLAN

- A. The Fire Protection Situation**
 - 1. Description and map of organization boundaries – check with the 911 Coordinator or Quorum Court before establishing boundaries
 - 2. Population of area and number of households
 - 3. Anticipated five (5) year growth
 - 4. Existing hazard areas (Industry, gas plants, etc.)
 - 5. Existing communications
 - 6. Existing fire protection
 - a) water supply
 - b) fire hydrants
 - c) fire fighting apparatus
 - d) etc.
 - 7. Existing fire fighting manpower availability (Trained and untrained)
- B. Fire Protection Goals and or Objectives**
 - 1. List of basic goals or objectives
 - 2. How to achieve these goals or objectives
- C. Program of Action – (Approach)**
 - 1. Communications system
 - 2. Apparatus and Equipment
 - 3. Manpower and Training
 - 4. Mutual Aid Agreements
 - 5. Operations
 - 6. Inspections Program
 - 7. Record Keeping and Reports
 - 8. Organization

- D. **Plan Implementation**
 - 1. **Expected Results and Benefits – (Reduction in Insurance Rates)**
 - 2. **Areas of Responsibility**
 - 3. **Policies and Procedures**
 - 4. **Financial Resources – Sources of Funding**
 - 5. **Cost of Operations - Budget**
 - 6. **Implementation Schedule**
- E. **Duties and Responsibilities of Fire Chief, Board Member, Training Officer, etc.**

A plan such as this is basically a plan of action or a guide for an organization. Much information can be obtained from other older established departments.

Remember, a plan of action or a guide for an organization can be modified and updated periodically. Do not allow a too simple or a too complicated plan to be the downfall of a good fire department.

POLICIES AND PROCEDURES

A written list of operational policies and procedures will help the department in everyday operations. This should include:

- 1. **Chain of Command**
- 2. **Organizational Chart**
- 3. **Articles of Incorporation**
- 4. **Duties of Chief, Assistant Chief, Training Officer, Firefighter, Driver, Secretary, Treasurer, Cadet**
- 5. **Policies and Procedures regarding disciplinary actions, grievances, and general rules and regulations**

TRAINING

A continuous and on going training program is one of the most essential tools in the fire service as we know it today.

A poorly or improperly trained department can be detrimental to themselves and their community. Good practices in the use of equipment and a continuous on going training program cannot be over emphasized. Class 9 requires 2 hours of training every 2 months.

Three (3) courses totaling 28 hours are suggested for beginning fire fighters. They are the 12 hour “Introduction to Fire Protection” course, 12 hour “Protective Equipment Training” course offered by the Arkansas Fire Training Academy and the 8 hour “Wildland Fire Suppression” course, given by the Arkansas Forestry Commission. Arrangements for these three courses can be made by contacting the agencies listed on the following page. These courses are required for certification for Act 833 funds.

**Arkansas Forestry Commission
Rural Fire Protection
P.O. Box 10
Greenbrier, AR 72058-0010
Contact: Tammi Rossi
(501) 679-3581
(501) 679-3500 FAX#**

**Arkansas Fire Training Academy
SAU Tech Station
Camden, AR 71701
Contact: Rachel Nix
(870) 574-1521
(870) 574-0817 FAX#**

Training should be continued in the fire department at the rate of 2 hours of training every two (2) months per member. One member may take additional training and become a certified Training Officer. He can then handle much of the training for his department. Additional courses recommended are the “Emergency Vehicle Driving Course”, offered by the Arkansas Fire Training Academy. The Fire Chief will need additional training which is offered by the Training Academy periodically.

Newly formed fire departments may ask other departments in the area for help in training when they first organize. Training officers from other fire departments may help with training in the beginning.

FUNDING

Many departments charge a fee of from \$ 25.00 to \$ 65.00 per year per household to be a member of their fire department. Any fees should be established by the Board of Directors and the amount stated in their By-Laws. The departments are required to respond to all fires within their area (usually 5 road miles from the station), if they accept any funds, grants, aid, equipment from most governmental agencies. Many departments have raffles, fish fries, and different types of fund raising projects. Act 833 is one of the best sources of funding, provided the department is certified. Requirements for certification are included in this package. (See Page 49)

We usually recommend a department plan a budget of at least \$ 2500.00 – \$ 3000.00 per year to maintain a station and 1 truck. If 100 households join at \$ 25.00 per household, this need can be met. Fund raisers and donations usually cannot be depended upon as a steady source of funding. One fire truck meeting Class 9 requirements or NFPA 1901 requirements should be the first priority. (See Page 15)

Act 833 money is the only source of dependable income, however, it will usually not be available until the department qualifies under the criteria required. (See Act 833 rules and regulations). Contact Tim Gehring at the Department of Emergency Management office at Conway for information (501) 730-9857. Departments may charge up to \$ 300 for responding to fires involving personal property of non-members, see page 46.

BOUNDARIES

Most fire departments establish boundaries at least 5 road miles from their station in order to be able to offer reduced insurance ratings to those who live inside that area. When other departments' boundaries are already established, they should be respected and overlapping of boundaries avoided. The County Judge or County Fire Services Coordinator usually has maps of established fire boundaries. 911 systems must know which department to notify when a fire occurs. Mutual aid between departments is encouraged. County Quorum courts are required to establish service areas of fire protection districts (Page 46), and furnish a map of the area. Boundary disputes between departments are to be resolved by the Arkansas Forestry Commission (Page 60).

EQUIPMENT

We suggest that a fire department have at least the following equipment to begin fighting fires.

1. Fire Truck with at least a 300 gallon tank and a pump capable of pumping 50 G.P.M. at 150 P.S.I. More water would be desirable. This truck should be housed in a building that will protect it from the weather and vandalism and keep it from freezing. A two (2) bay building that can be heated is recommended. Approximately 40' x 50' in size.
2. Turnouts (Protective Coats and Pants) for all personnel who are fighting fires. Boots, helmets and gloves for each firefighter. Also, eye and face protection for each.
3. At least 2 self-contained breathing apparatus (SCBA's), and 2 extra bottles.
4. Hoses, nozzles, spanner wrenches, fire extinguishers, fire rakes, swatters, ladders should be available, similar to the list on the last page of this document.

GOALS

Most fire departments plan on acquiring equipment, personnel and training in order to lower the Fire Insurance rating of homeowners in their community. A community with no fire protection or with inadequate personnel, equipment and training is classified as a “Class 10” by the insurance rating company (Insurance Services Office). The savings in lowered homeowner insurance ratings can be a good selling point for your Fire Department. Local insurance ratings should be checked, but an example of the savings that could be expected are as follows.

FIRE INSURANCE RATING SAVINGS

One advantage of establishing a fire department is to reduce homeowners insurance rates for the residents of the community. The following are requirements for a fire department going from no fire protection (Class 10) to a Class 9 or Class 8. Class 10 is no protection and Class 1 is the best you can get.

Our program is designed primarily to get a fire department organized, equip and train them to reduce their fire insurance rates from a Class 10 to a Class 9.

A sample of the savings that a homeowner can expect on a \$ 100,000.00 home are as follows:

BRICK		FRAME	
Insurance Rating	Rate/Year	Insurance Rating	Rate/Year
10	\$ 1342.00	10	\$ 1551.00
9	843.00	9	977.00
8	719.00	8	853.00
7	612.00	7	676.00

From these rates, you can see that a community with a truck equipped to qualify them for Class 9 rating, and trained personnel will save the homeowners \$ 499.00 per year on a brick home and \$ 564.00 per year on a frame home. Many of the insurance companies will not write insurance on a home not covered by a fire department.

You may contact the Insurance Services Office at 1-800-711-6431 for information about your rating.

Class 8 and Class 9 Requirements are as follows:

INSURANCE SERVICES OFFICE, INC

FIRE INSURANCE CLASSIFICATION EVALUATIONS

Insurance Services Office, Inc. evaluates municipal fire protection facilities for the purpose of assigning a fire insurance classification for insurance companies using this service.

The classification is determined by making a field review of the fire protection facilities in the community and comparing them with the standards contained in the ISO Fire Suppression Rating Schedule.

The classifications range from Class 1, the highest, to Class 10, being little or no recognized protection.

The FSRS lists standards in three categories:

- Fire Alarm Facilities
- Fire Department
- Water Supply

ISO Change
 The current telephone number for contacting ISO is 1-800-930-1677. They will put you in contact with the appropriate person. If you need to correspond in writing, the new address is:
 Insurance Services Office, Inc.
 111 N. Canal Street, Suite 950,
 Chicago, IL 60606-7270
 FAX# 1-800-711-6431

Capacity of the water system is determined by witnessing actual water supply tests flowing water from hydrants at various points in the water system.

The final classification is determined by the total of the credit points in all three categories. At least 20 points of credit are needed for Class 8.

The following table shows the credit points needed for each class.

<u>Credit Points</u>	<u>Class</u>	<u>Credit Points</u>	<u>Class</u>
90.0 –100	1	40.0 –49.9	6
80.0 –89.9	2	30.0 –39.9	7
70.0 –79.9	3	20.0 –29.9	8
60.0 –69.9	4	10.0 –19.9	9
50.0 –59.9	5	00.1 –9.91-	10

MINIMUM REQUIREMENTS FOR CLASS 9 PROTECTION

In order to be considered for Class 9 protection, the following minimum facilities must be available:

A. Organization

The fire department shall be organized on a permanent basis under applicable state or local laws. The organization shall include one person responsible for operation of the department, usually with the title of chief. The fire department must serve an area with definite boundaries. If a city is not served by a fire department solely operated by or for the governing body of that city, the fire department providing such service shall do so under a legal contract or resolution. When a fire department's service area involves one or more cities, a contract should be executed with each city served.

B. Membership

The fire department shall have sufficient membership to assure the response of at least 4 members to alarms. The "alarms" considered are first alarms for fires in structures. The chief may be one of the responding members.

C. Training

Training for active members shall be conducted at least 2 hours every 2 months.

D. Alarm Notification

Alarm facilities and arrangement shall be such that there is no delay in the receipt of alarms and the dispatch of firefighters and apparatus.

E. Apparatus

The fire department shall have at least one piece of apparatus meeting the general criteria of NFPA 1901, Automotive Fire Apparatus. The apparatus shall have a permanently mounted pump capable of delivering 50 gpm or more at 150 psi, and a water tank with at least 300 gallon capacity.

F. Records

Records should indicate date, time and location of fires, the number of responding members, meetings, training sessions, and maintenance of apparatus and equipment. A roster of fire department members should be kept up-to-date.

G. Equipment

The following equipment shall be provided:

1. At least two 150' lengths of ¾" or 1" fire department booster hose, 1-1/2" preconnected hose, or the equivalent, each with a nozzle capable of discharging either a spray or a straight stream.
2. Two portable fire extinguishers suitable for use on Class A, B, and C fires. The minimum size should be 20BC rating in dry chemical, 10BC rating in CO₂, and 2A rating in water-type extinguishers.
3. One 12' ladder with folding hooks.

4. One 24' extension ladder.
5. One pick-head axe.
6. Two electric hand lights.
7. One pike pole.
8. One bolt cutter.
9. One claw tool.
10. One crowbar.

H. Housing

Apparatus shall be so housed as to provide protection from the weather.

GENERAL GUIDELINES FOR A CLASS 8 COMMUNITY
(Note: Variations in the following facilities may also result

FIRE ALARM

The fire alarm system should be a reliable method of : (a) receiving fire alarms by telephone at one or more locations, assured of constant attendance, and (b) promptly notifying firefighters of alarms.

Some of the types of alarm systems in use now include:

1. Telephone system with emergency number reserved for reporting fires. The emergency telephone number should be listed in the emergency section of the cover and in the white pages. For maximum credit, a separate business number should be provided for non-emergency fire department business.

And a method to notify firefighters, such as:

1. Multiple telephones connected to the emergency number so that several telephones will ring when the emergency number is called. There are both "phone bar" systems and multiple extension systems in use. OR
2. Combination siren and telephone system that notifies firefighters by outside sounding siren. Siren is immediately activated by those that answer the fire call. A telephone is available at the fire station for firefighters to use to determine location of fires. OR
3. Tone activated receivers carried by firefighters with tones sounded from the fire alarm receipt point, such as the sheriff 's department.

FIRE DEPARTMENT

An organized fire department consists of a chief and about 12 firefighters available for immediate response. Firefighter response to structural fires should average at least 9.

TRAINING

Regular meetings and structural firefighting drills should be conducted at least monthly. Records should be kept of all meetings and drills. The records should note the date, subjects covered, name of those attending and length of the meeting or drill.

Subjects that are included in the training program will vary according to the specific needs of the fire department. For additional information concerning fire department training programs contact: your state training coordinator.

APPARATUS:

At least one fire department type pumper of 500 gpm or larger capacity, meeting the general requirements of National Fire Protection Association Standard 1901. Note: usually fire apparatus designed for fire service use, and carrying at least 300 gallons of water, will satisfy these requirements, provided the pump meets the minimum rated capacity of 500 gpm. The pump shall be capable of delivering rated capacity at 150 psi, 70% of capacity at 200 psi, and 50% of capacity at 250 psi.

The pumper should be equipped with various types of tools such as shown on the attached list. The items represent equipment that could be carried on a pumper in a Class 8 community. Please note that the Fire Suppression Rating Schedule lists a variety of items that can receive credit points. The list included here is only a partial list.

The minimum hose load should be 1200' of 2-1/2" hose, 400' of 1-1/2" hose, and 200' booster hose.

If response is provided outside the city, such as provided by rural fire departments response, additional equipment may be needed. In general, an additional unit that satisfies the minimum requirements for Class 9 will be required where rural classification is desired. The attached sheet explains the equipment that is needed for Class 9.

FIRE STATION:

Apparatus should be adequately housed to protect the equipment from the weather.

PUMPER EQUIPMENT

<u>TYPE</u>	<u>NUMBER</u>
Nozzles	
2-1/2" playpipe with shutoff	1
2-1/2" straight stream and spray with shutoff	1
1-1/2" straight stream and spray with shutoff	2
3/4" or 1" booster hose nozzle	1
Breathing equipment (self-contained), 30 minute minimum	2
Extra cylinders (carried)	2
Salvage covers (12'x18')	2
Electric handlight (4 v.wet, 6 v dry)	2
Gated wye (2-1/2" x 1-1/2" x 1-1/2")	1
Radio:	
Mounted	1
Ladders:	
12' or 14' roof	1
24' extension	1

SERVICE COMPANY EQUIPMENT

May be carried on the pumper or a separate unit.

Smoke ejector	1
Power saw (all purpose type)	1
Pike poles: 8'	2
Ladder:	
10' collapsible	1

WATER SUPPLY

The water supply, in general, must provide at least 20% of the required fire flow as determined by an analysis of the structures in the community or fire district being evaluated.

Requirements will vary for each community; however, to be considered for a classification better than Class 9, the system should be capable of delivering at least 250 gpm for a 2-hour duration, in addition to maximum domestic consumption.

The following types of water systems will usually provide a water supply in the Class 8 range.

1. An elevated tank of at least 50,000 gallon capacity having sufficient height to produce at least 50 psi pressure at fire hydrants throughout the city.

The source of supply should be capable of meeting maximum consumption demands to avoid drawing appreciably from storage.

Distribution system should be made of 4" or larger mains serving 4" or larger fire hydrants. Distribution system should be capable of delivering at least 500 gpm in business and public building areas, at least 250 gpm should be provided in residential areas. Fire flows should be available at a minimum pressure of 20 psi.

Hydrants should be spaced for effective use by the fire department. Usually hydrants spaced 300'-500' apart in commercial areas and 500'-800' apart in residential areas will result in Class 8 range.

2. An alternate method for providing fire protection water supply is to use large diameter hose lines from a supply source using relay pumpers.
3. A third method, more common than method (2), is to provide a **fire protection water** supply using a tanker shuttle system.

In both methods (2) and (3), a minimum of 250 gpm must be developed within the first 5 minutes of arrival at the fire scene.

Please note that a combination of the systems described above may also be used.

If additional information is needed on the tanker shuttle system, please contact our office.

**Insurance Services Office,
111 N. Canal St., Suite 950
Chicago, IL 60606-7270
FAX# 1-(800) 771-6431**

WATER SUPPLY REFERENCES

1. The Fire Department Water Supply Handbook, by William F. Eckman
\$ 46.95, Fire Engineering, 1-800-752-9768
2. Rural Firefighting Operations – Book Two, The First Encyclopedia of Water Supplies and
Water Delivery Techniques, by Larry Davis. \$ 31.95, Fire Engineering, 1-800-752-9768
3. Water Supplies for Suburban and Rural Fire Fighting, NFPA 1231,
\$ 22.25, National Fire Protection Association, 1-800-344-3555
4. Water Supplies for Fire Protection, IFSTA
\$ 25.00, Oklahoma State University Fire Protection Publications, 1-800-654-4055

Title 4. Business and Commercial Law.
Subtitle 3. Corporations and Associations.
Chapter 33. The Arkansas Nonprofit Corporation Act of 1993.
Subchapter 1. General Provisions.
§ 4-33-101. Short title.

Part B – Filing Documents

§ 4-33-120. Filing requirements.

- (a) A document must satisfy the requirements of this section, and of any other section that adds to or varies these requirements, to be entitled to filing by the Secretary of State.
- (b) This chapter must require or permit filing the document in the office of the Secretary of State.
- (c) The document must contain the information required by this chapter. It may contain other information as well.
- (d) The document must be typewritten or printed.
- (e) The document must be in the English language. However, a corporate name need not be in English if written in English letters or Arabic or Roman numerals, and the certificate of existence required of foreign corporation need not be in English if accompanied by a reasonably authenticated English translation.
- (f) The document must be executed:
 - (1) by the presiding officer of its board of directors of a domestic or foreign corporation, its president, or by another of its officers;
 - (2) if directors have not been selected or the corporation has not been formed, by an incorporator; or
 - (3) if the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary.
- (g) The person executing a document shall sign it and state beneath or opposite the signature his or her name and the capacity in which he or she signs. The document may, but need not, contain:
 - (1) the corporate seal;
 - (2) an attestation by the secretary or an assistant secretary; or
 - (3) an acknowledgment, verification, or proof.
- (h) If the Secretary of State has prescribed a mandatory form for a document under § 4-33-121, the document must be in or on the prescribed form.
- (i) The document must be delivered to the Office of the Secretary of State for filing and must be accompanied by one (1) exact or conformed copy (except as provided in §§ 4-33-503 and 4-33-1509, the correct filing fee, and any franchise tax, license fee, or penalty required by this chapter or other law.

History. Acts 1993, No. 1147, § 120.

§ 4-33-121. Forms.

The Secretary of State may prescribe and furnish on request, forms for: (1) an application for a certificate of existence; (2) a foreign corporation's application for a certificate of authority to transact business in this state; and (3) a foreign corporation's application for a certificate of withdrawal. If the Secretary of State so requires, use of these forms is mandatory.

Title 4. Business and Commercial Law.
Subtitle 3. Corporations And Associations.
Chapter 33. The Arkansas Nonprofit Cooperation Act of 1993.
Subchapter 1. General Provisions.
§ 4-33-122. Filing, service, and copying fees.

§ 4-33-122. Filing, service, and copying fees.

(a) The Secretary of State shall collect the following fees when the documents described in subsection are delivered for filing:

DOCUMENT	FEE
(1) Articles of incorporation	\$50.00
(2) Application for use of Indistinguishable name	no fee
(3) Application for reserved name	\$25.00
(4) Notice of transfer of reserved name	\$25.00
(5) Application for registered name	\$50.00
(6) Application for renewal of registered name	\$25.00
(7) Corporation's statement of change of registered agent or registered office or both	\$25.00
(8) Agent's statement of change of registered office for each affected Corporation not to exceed a total of	\$125.00
(9) Agents statement of resignation	no fee
(10)	\$50.00
(11) Restatement of articles of incorporation with amendments	\$100.00
(12) Articles of merger	\$200.00
(13) Articles of dissolution	\$50.00
(14) Articles of revocation of dissolution	\$150.00
(15) Certificate of administrative dissolution	no fee
(16) Application for reinstatement following administrative dissolution	\$ 50.00
(17) Certificate off reinstatement	no fee
(18) Certificate of judicial dissolution	no fee
(19) Application for certificate of authority	\$ 300.00
(20) Application for amended certificate of authority	\$300.00
(21) Application for certificate of withdrawal	\$ 300.00
(22) Certificate of revocation of authority to transact business	no fee
(23) Articles of correction	\$30.00
(24) Application for certificate of existence or authorization	\$15.00
(25) Any other document required or permitted to be filed by this chapter.	\$25.00

- (b) The Secretary of State shall collect a fee of twenty-five dollars (\$25.00) upon being served with process under this chapter. The party to a proceeding causing service of process is entitled to recover the fee paid the Secretary of State as costs if the party prevails in the proceeding.
- (c) The Secretary of State shall collect the following fees for copying and certifying the copy of any filed document relating to a document or foreign corporation.
- (1) Fifty cents (\$00.50) a page for copying; and
 - (2) Five dollars (\$5.00) for the certificate.

SAMPLE

**BY-LAWS AND CONSTITUTION OF
VOLUNTEER FIRE DEPARTMENT**

A NON-PROFIT CORPORATION

These are the By-Laws and Constitution of the _____ Volunteer Fire Department, a non-profit corporation, organized to provide fire protection for its members consistent with the laws of the State of Arkansas and the efforts, training, and ingenuity of its members, employees and associates.

This corporation is formed for the mutual aid, benefit, and safety of its members, all of which organize and gather to provide a safer and better quality of life for its members through fire protection.

The By-Laws and Constitution are effective upon ratification by a majority of the membership.

**ARTICLE I.
NAME**

SECTION 1. The name of this corporation shall be the _____
Volunteer Fire Department.

SECTION 2. The principal office of the corporation shall be located at _____.

SECTION 3. The resident agent for said corporation shall be _____ and the registered office of the corporation shall be _____.

**ARTICLE II.
PURPOSE**

SECTION 1. The purpose of this corporation shall be to provide fire protection for its members and to acquire and own fire apparatus for use by the corporation in the protection of persons and property from injury, loss, damage, or destruction by fire or fraud; to acquire land and to construct and erect buildings for corporate purposes, for the use of the members of the corporation in connection with the housing of fire apparatus and for providing of a place of meeting for the members of the corporation. Further, the fire department will respond to all calls within a five-mile radius. The department can charge no more than \$300 for response to non-members calls. This protection will be rendered on a first come first basis with a structure fire taking dominion over a grass fire and will rendered to the best of our ability being trained in fire protection.

SECTION 2. The further object of this corporation shall be to foster the desires of its members in such a manner as in Section 501 (c) (3) of the Internal Revenue Code.

SECTION 3. No part of the net earnings of the corporation shall inure to the benefit of or be distributed to its members, trustees, officers, or other private person except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes authorized by law to organizations that qualify as exempt organizations under Section 501 (c) (3) of the Internal Revenue Code of 1954 (or to the corresponding provisions of any future Internal Revenue law).

SECTION 4. The corporation shall not issue share of stock or other instruments or documents entitling any person to receive dividends arising from the activities of the corporation.

SECTION 5. Fire truck and apparatus may be taken out of our area at the fire fighters discretion when needed to fight fire and when called upon by others.

ARTICLE III BOARD OF DIRECTORS

SECTION 1. The responsibility and authority for administration of the affairs of the corporation shall be vested in a Board of Directors to consist of no less than five (5) members or no more than fifteen (15). The initial Board of Directors shall be those persons listed in the Articles of Incorporation, The Board of Directors shall be those persons listed in the Articles of Incorporation, The Board of Directors shall have the authority to elect additional members to the Board, up to a maximum number authorized by the By-Laws, at any time during the year.

SECTION 2. Directors shall serve for a period of one (1) year and until their successors are duly elected and qualified. Directors may succeed themselves from year to year and will be residents of the community and a member of this corporation.

SECTION 3. Directors shall meet with the membership at least once annually, at which annual meeting, in addition to other appropriate business, a new Board of Directors shall be elected by the membership. Meetings of the Board of Directors shall be held upon call of any four directors, upon two days notice (unless waived in writing by all directors).

SECTION 4. A majority of the directors shall constitute a quorum for the transaction of business at any director's meetings. Any act taken by a majority of the directors, including the removal of any director, and appointment of his successor, shall constitute any act of the Board of Directors. In the event of a vacancy on the Board caused by death, resignation, or removal of a director, the Board shall promptly appoint a successor to fill such vacancy until the next annual meeting of directors.

SECTION 5. The corporation shall sponsor and encourage all forms of instruction, training, and expertise in the area of fire protection, fire fighting, and fire training. Any person may attend meetings of and become a part of the corporation upon signing as a member and making an annual donation of a minimum of \$25.00. For record purposes, the membership shall consist of those persons who request to have their names placed on the membership list of the corporation, which shall be a reasonably current at the principal office of the corporation.

SECTION 6. The Board of Directors may elect from among its members of the corporation, an Advisory Board of Directors to consist of not more than six (6) persons. The Advisory Board shall serve such term and perform such duties and exercise such responsibilities as may be determined from time to time by the Board of Directors.

ARTICLE IV OFFICERS

SECTION 1. The primary officers of the corporation shall be a president, a vice president, a secretary and a treasurer. These officers shall be elected by the membership of the fire department.

SECTION 2. Each officer of the corporation shall serve (1 – 3) years or until his successor is duly elected and qualified. Officers may succeed themselves from year to year. Officers will be residents of the community and members of the corporation.

SECTION 3. The Board of Directors may appoint such other officers as they deem to be in the best interest of the corporation.

ORGANIZATION

The fire department shall consist of the following positions:

- (1) Chief (elected by the membership or appointed by the Board of Directors).
- (2) Assistant Chief (appointed by the Chief and approved by the Board of Directors).
- (3) Training Officer (appointed by the Chief and approved by the Board of Directors).
- (4) Secretary (nominated by the department, approved by the Board, voted annually by the entire department membership).
- (5) Treasurer (same as secretary).
- (6) Minimum of 10-12 volunteer firemen.

**ARTICLE V
DUTY AND AUTHORITY OF OFFICERS**

SECTION 1. The president shall serve as the Chairman of the Board of Directors and shall be vested with the normal authority of a principal executive officer of any ordinary business corporation. Without limiting the general nature of his authority, he shall have authority to act on behalf of the corporation and to bind the corporation, subject to the approval of the Board of Directors, if required as the case may be, He shall preside at all meetings of the Board of Directors.

SECTION 2. The vice-president shall assist the president and perform such duties and have such responsibilities as necessary to perform such tasks.

SECTION 3. The secretary shall keep all minutes of all meetings, maintain all attendance and training records and a current membership list. She signs all checks with the treasurer.

SECTION 4. The treasurer shall be charged with the responsibility of maintaining the financial books and records of the corporation, and shall be authorized, with the secretary or any other Board Member to withdraw and distribute and disburse funds of the corporation in such banks as chosen by the Board of Directors. Receipts are to be made for any and all donations.

SECTION 5. On fund raiser activities the money will be counted by at least two board members at or during the activity.

**ARTICLE VI
AMENDMENTS**

SECTION 1. The Articles may be altered, amended, modified, or repealed by two-thirds (2/3) of the Board of Directors at any regular meeting or special meeting called for that purpose.

SECTION 2. In the event any provisions contained herein are deemed to conflict with the provisions of Section 501 (c) (3) of the Internal Revenue Code of 1954, or any lawful and proper regulation adopted thereunder, then such conflicting provisions shall be automatically amended to conform to such law or regulations.

**ARTICLE VII
MISCELLANEOUS**

SECTION 1. When any notice is required to be given under the laws of the State of Arkansas, the Articles of Incorporation or these By-Laws, such notice may be waived in writing by the director, either before or after the affected meeting or time of taking action in request to such notices to be given.

SECTION 2. The existence of this corporation shall be perpetual.

SECTION 3. The initial Board of Directors shall consist of the same persons signing the Petition for Incorporation and their names and addresses are as follows:

SECTION 4. Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all liabilities of the corporation, dispose of all assets of the corporation to such corporations or organizations operating exclusively for charitable, educational, religious, or scientific purposes and qualifying as an exempt organization under Section 501 (c) (3) of the Internal Revenue Code of 1954 (or such corresponding provisions of any future United States Internal Revenue Law). Assets not so disposed of shall be disposed by the Circuit Court of the District in which the principal office of the corporation is located.

SECTION 5. In the event land is donated, at the dissolution of the fire department, land shall be returned to the land owner or their heirs.

APPROVED and signed the _____ day of _____, 19 _____

STATE OF ARKANSAS)
 ss VERIFICATION

COUNTY OF)

State of Arkansas – Office of Secretary of State

Articles of Incorporation

OF

We, the undersigned, acting as incorporators of a corporation under the Arkansas Non-profit Act (Act 1147 of 1993), adopt the following Articles of Incorporation of such corporation:

First: The name of the corporation shall be:

Second: This corporation is one of the following:

- (A) **Public – Benefit Corporation ;**
- (B) **Mutual – Benefit Corporation ;**
- (C) **Religious Corporation**

Third: Check whether this corporation will have members:

yes

no

Filing Fee \$ 50.00

NPD-01 Rev. 12-93

Title 4. Business and Commercial Law.
Subtitle 3. Corporations And Associations.
Chapter 28. Nonprofit Organizations.
Subchapter 2. Arkansas Nonprofit Corporation Act.
§ 4-28-206. Articles of incorporation generally.

§ 4-28-206. Articles of incorporation generally.

- (a) Any association of persons desirous of becoming incorporated under the provisions of §§ 4-28-201 – 4-28-206 and 4-28-209 – 4-28-224 shall file with the circuit court of the county in which the main office or principal place of business of the proposed corporation is located or proposed to be located signed and verified articles of incorporation, which shall set forth the following:
- 1) The name of the corporation;
 - 2) The period of duration, which may be perpetual;
 - 3) The purposes for which the corporation is organized;
 - 4) Any provisions, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation, including any provision for distribution of assets on dissolution or final liquidation;
 - 5) The address of its main office or principal place of business, and the name of its registered agent at such address;
 - 6) The number of directors constituting the initial board of directors and the names and addresses of the persons who are to serve as the initial directors;
 - 7) The name and address of each incorporator.
- b) If the circuit court finds that the articles of incorporation conform to law and that the incorporation is for a lawful purpose and is in the best interests of the public, the court may issue an order approving the incorporation of the proposed association of persons.
- c) If the court approves the incorporation, the articles of incorporation in duplicate, signed and verified, and a copy of the order of the court approving the incorporation shall be transmitted to the Secretary of State, who shall, when all fees have been paid as prescribed in §§4-28-201 – 4-28-206 and 4-28-209 – 4-28-224:
- (1) File the original of the articles in his office; and
 - (2) Issue a certificate of incorporation to which he shall affix the other copy of the articles endorsed with the word “Filed” and the month, day, and year of the filing and return the certificate of incorporation to the incorporators or their representative.
- d) A corporation may amend its articles of incorporation, from time to time, provided that the amendments are lawful under §§4-28-201 – 4-28-206 and 4-28-209 – 4-28-224. A copy of all amendments shall be filed with the Secretary of State within thirty (30) days after their passage.

History. Acts 1963, No. 176, §§ 5, 6; A.S.A. 1947, §§ 64-1905, 64-1906.

§ 4-28-207. Charitable, religious, etc., organizations – Amendment of articles of incorporation by operation of law.

Notwithstanding any provision of Arkansas law or in the articles of incorporation to the contrary, the articles of incorporation of each nonprofit corporation organized under the laws of this state which is an exempt charitable, religious, literary, educational, or scientific organization as described in section 501 (c) (3) of the Internal Revenue Code shall be deemed to contain the following provisions:

“Upon the dissolution of the corporation, the board of trustees shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such charitable, educational, religious, literary, or scientific purposes as shall at the time qualify as an exempt organization or organizations under section 501 (c) (3) of the Internal Revenue Code of 1954, or the corresponding provision of any future United States Internal Revenue Law, as the board of trustees shall determine. Any such assets not so disposed of shall be disposed of by the circuit court of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.”

History. Acts 1977, No. 181, § 1; A.S.A. 1947, § 64-1924.

§ 4-28-208. Private foundations – Amendment of articles of incorporation by operation of law.

- (a) Notwithstanding any provision in the laws of this state, including the provisions of the Arkansas Nonprofit Corporation Act §§~~4-28-201 – 4-28-206~~ and ~~4-28-209 – 4-28-224~~, or in the articles of incorporation to the contrary, except as provided in subsection (c) of this section, the articles of incorporation of each corporation which is a “private foundation” as defined in section 509 of the Internal Revenue Code of 1954 shall be deemed to contain the following provisions:

“The corporation shall make distributions at such time and in such manner as not to become subject to the tax on undistributed income imposed by section 4942 of the Internal Revenue Code of 1954; the corporation shall not engage in any act of self-dealing (as defined in section 4941 (d) of the Code) which would subject it to tax under section 4941 of the Code; the corporation shall not retain any excess business holdings (as defined in section 4943 (c) of the Code) which would subject it to tax under section 4943 of the Code; the corporation shall not make any investments in such manner as to subject it to tax under section 4944 of the Code; and the corporation shall not make any taxable expenditures (as defined in section 4945 (d) of the Code) which would subject it to tax under section 4945 of the Code.”

- (b) With respect to any such corporation organized prior to January 1, 1970, subsection (a) of this section shall apply only for its taxable years beginning on or after January 1, 1972.
- (c) The articles of incorporation of any corporation described in subsection (a) of this section may be amended to expressly exclude the application of this section, and in the event of such amendment, this section shall not apply to that corporation.
- (d) Nothing contained in this section shall impair the rights and powers of the courts or any officer, agency, or department of this state with respect to any corporation.
- (e) As used in this section, unless the context requires otherwise, all references to “the Code” are to the Internal Revenue Code of 1954, and all references to specific sections of the Code include future amendments to the sections and corresponding provisions of any future federal tax laws.

History. Acts 1971, No. 728, §§ 1,3; A.S.A. 1947, §§ 64-1922, 64-1923.

§ 4-28-209. Powers.

Each corporation shall have power:

- (1) To have perpetual succession by its corporate name unless a limited period of duration is stated in its articles of incorporation;
- (2) To sue and be sued, complain, and defend in its corporate name;
- (3) To purchase, take, receive, lease, take by gift, devise, or bequest, or otherwise acquire, own, hold, improve, use, and otherwise deal in and with real or personal property or any interest therein, wherever situated;
- (4) To sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of all or any part of its property and assets;
- (5) To make contracts and incur liabilities, borrow money, issue its notes, bonds, and other obligations, act as a trustee, and secure any of its obligations by mortgage or pledge of all or any of its property, franchises, and income;
- (6) To manage its internal affairs in any desired manner so long as the provisions of §§ 4-28-201 – 4-28-206 and 4-28-209 – 4-28-224 or other law are not violated;
- (7) To do any and all things necessary, convenient, useful, or incidental to the attainment of its purposes as fully and to the same extent as natural persons lawfully might or could do so long as consistent with the provisions of §§ 4-28-201 – 4-28-206 and 4-28-209 – 4-28-224.

History. Acts 1963, No. 176, § 7; A.S.A. 1947, § 64-1907; Acts 1993, No. 1147, § 1801.

§ 4-28-210. Members.

- (a) A corporation may have one (1) or more classes of members, or may have no members, as provided in the articles of incorporation.
- (b)
 - (1) If a membership fee is collected, a serially numbered certificate evidencing the membership fee shall be issued.
 - (2) The records of the corporation shall clearly indicate the amount of the fee collected for each serially numbered certificate of membership.
 - (3) If honorary membership certificates are issued, the records of the corporation shall reflect each and every one issued.

Title 14. Local Government.**Subtitle 2. County Government.****Chapter 14. County Government Code.****Subchapter 7. Service Organizations.****§ 14-14-708. Subordinate service districts generally.****§ 14-14-708. Subordinate service districts generally.**

- (a) **Authority to Establish.** Subordinate service districts to provide one (1) or more of the services authorized to be provided by county governments may be established, operated, altered, combined, enlarged, reduced, or abolished by the county quorum court by ordinance.
- (b) **Area Served.** A subordinate service district may include all, or any part, of the jurisdictional areas of county government. Two (2) or more county governments may create a joint subordinate service district by interlocal agreement.
- (c) **Purposes of District.** A subordinate service district is defined as a county service organization established to provide one (1) or more county services or additions to county services and financed from revenues secured from within the designated service area through the levy and collection of service charges. These districts may be created for the following purposes:
 - (1) Emergency services, including ambulance services, civil defense services, and fire prevention and protection services;
 - (2) Solid waste services, including recycling services, and solid waste collection and disposal services;
 - (3) Water, sewer, and other utility services, including sanitary and storm sewers and sewage treatment services, water supply and distribution services, water course, drainage, irrigation, and flood control services;
 - (4) Transportation services, including roads, bridges, airports and aviation services, ferries, wharves, docks, and other marine services, parking services, and public transportation services.
- (d) **Financing.** Notwithstanding any provisions of law requiring uniform taxation within a county, a quorum court, by ordinance, may establish subordinate service districts and levy service charges to provide and finance any county service or function which a county is otherwise authorized to undertake.

History. Acts 1981, No. 874, § 1; 1983, No. 233, § 2; A.S.A. 1947, § 17-4109.

§ 14-14-709. Establishment of subordinate service districts.

- (a) **Procedure Generally.** A subordinate service district may be established by ordinance of the quorum court in the following manner:
 - (1) Upon petition to the quorum court by twenty-five percent (25%) of the number of realty owners within the proposed subordinate service district, the owners of twenty-five percent (25%) of the realty in the area of the proposed subordinate service district, and the owners of twenty-five percent (25%) of the assessed value of the realty within the proposed subordinate service district, the quorum court shall set a date for a public hearing and shall give notice of the hearing on the petition to form the proposed subordinate service district. Following the public hearing, the court may either adopt an ordinance creating the subordinate service district or refuse to act further on the matter.
 - (2) If hearings indicate that a geographic area desires exclusion from the proposed subordinate service district, the quorum court may amend the boundaries of the proposed subordinate service district to exclude the property in that area.

(3) Where an ordinance is adopted establishing a subordinate service district, the quorum court shall, in addition to all other requirements, publish notice of the adoption of the ordinance. The notice shall include a statement setting out the elector's right to protest. If within thirty (30) days of the notice, twenty-five percent (25%) or more of the number of realty owners within the proposed subordinate service district, the owners of twenty-five percent (25%) of the realty in the area of the proposed subordinate service district, and the owners of the twenty-five percent (25%) of the assessed value of the realty within the proposed subordinate service district file a written protest, by individual letter or petition, then the ordinance creating the subordinate service district shall be void.

(b) **Ordinance Requirements.** An ordinance to establish a subordinate service district shall include:

- (1) The name of the proposed district;
- (2) A map containing the boundaries of the proposed district;
- (3) The convenience or necessity of the proposed district;
- (4) The services to be provided by the proposed district;
- (5) The estimated cost of services to be provided and methods of financing the proposed services. Service charges adopted by a quorum court shall be equally administered on a per capita, per household, per unit of service, or a combination of these methods. Service charges adopted by the court on a per capita or per household method shall be administered equally without regard to an individual or household availing themselves of the service; and
- (6) The method for administering the proposed district.

(b) **Initiative and Referendum.** All provisions of Arkansas Constitution, Amendment 7, shall apply to the establishment of county subordinate service areas.

History. Acts 1981, No. 874, § 1; 1983, No. 233, § 2; A.S.A. 1947, § 17-4109; Acts 1993, No. 317, § 1.

§ 14-14-710. Modification or dissolution of subordinate service districts.

- (a) **Modification.** A quorum court may, after adoption of an ordinance, with notice and public hearing:
- (1) Increase, decrease, or terminate the type of services that the subordinate service district is authorized to provide unless fifty percent (50%) of the electors residing in the district protest;
 - (2) Enlarge the district to include adjacent land if fifty percent (50%) or more of the electors residing in the proposed addition do not protest;
 - (3) Combine the subordinate service district with another subordinate service district unless fifty percent (50%) of the electors in either district protest;
 - (4) Abolish the subordinate service district unless fifty percent (50%) of the electors in the district protest;
 - (5) Reduce the area of a district by removing property from the district unless fifty percent (50%) of the electors residing in the territory to be removed from the district protest;
 - (6) Change the method for administering the subordinate service district unless fifty percent (50%) of the electors in the district protest;
 - (7) All changes in subordinate service districts may be submitted to the electors of the existing or proposed district, whichever is larger, by initiative or referendum.

(b) **Dissolution.** As provided in this section, a quorum court may abolish or combine subordinate service districts by ordinance. Dissolution or any combination of service districts shall provide for the following considerations:

- (1) The transfer or other disposition of property and other rights, claims, and assets of the district;
- (2) The payment of all obligations from the resources of the district;
- (3) The payment of all costs of abolishing or combining a district from the resources of the districts involved;
- (4) The honoring of any bond, debt, contract, obligation, or cause of action accrued or established under the subordinate district;
- (5) The provision for the equitable disposition of the assets of the district, for adequate protection of the legal rights of employees of the district, and for adequate protection of legal rights of creditors; and
- (6) The transfer of all property and assets to the jurisdiction of the county court.

History. Acts 1981, No. 874, § 1; 1983, No. 233, § 2; A.S.A. 1947, § 17-4109.

§ 14-14-711. Administration of subordinate service districts.

- (a) **Generally.** A subordinate service district may be administered directly as a part of the office of the county judge, as a part of a department with or without an advisory or administrative board, or as a separate department with or without an advisory or administrative board;
- (b) **Budget.** The budget for each subordinate service district shall be appropriated as other funds of the county;
- (c) **Tax Lists.** Upon request, the county assessor shall provide the quorum court with the assessed or taxable value of all property in a proposed established subordinate service district and a list of property owners and residential structures based on the last completed assessment roll of the county;
- (d) **Service Charges.** (1) Service charges for subordinate service districts shall be entered on tax notices and are to be collected with the real and personal property taxes of the county. No collector of taxes shall accept payment of any property taxes where such taxpayer has been billed for services authorized by a subordinate service district unless the service charge is also receipted. If a property owner fails to pay the service charge, it shall become a lien on the property.
(2) A subordinate service district may choose to forgo county collection of its annual service charges and instead collect its service charges on a suitable periodic basis if the subordinate service district provides its own billing and collection service.
- (e) **Use of Funds.** Funds raised through service charges for a subordinate service district may be used only for subordinate service district purposes. These public funds shall be maintained in the county treasury and accounted for as an enterprise fund. Disbursements of all subordinate service district funds shall be made only upon voucher or claim presented to and approved by the county judge, acting in his capacity as the chief executive officer of the county, unless otherwise provided by ordinance establishing the district.

SUBORDINATE SERVICE DISTRICTS

ACT 874 INFORMATION

A subordinate service district does not have to include all of the county. It can apply to just one fire district. You can have a county wide district, if all areas of the county will be within five (5) miles of a fire station. With a county wide district, there will only be one five person board for the entire county.

In some counties, fire districts are formed by petition, the more signatures you can get on your petitions the better chance you have of little or no opposition. See page 5, section 14-14-709 for the procedures for a petition. Note paragraph 3 on what it will take to protest the formation of the district.

Just follow the guidelines in Act 874 for the information needed on your petition.

In writing the legal description, it is better to work in Sections, half sections and Quarter sections if possible (this makes it easier to put the district on the county books). We try to avoid splitting a road down the center if possible. This can be done by specifying the road and stating that it will include any home served by this road. (Most of the time 200 to 300 ft. will do). I would recommend having a map with the proposed district outlined with you when you circulate the petitions. Also a list of the proposed service fees, and stress this is a SERVICE FEE not a tax.

See section 14-14-705 on the establishment of administrative boards. The Fire District can make recommendations to the quorum court. The County Judge and quorum court appoints the board members. (You need people on the board that support the district and not try to cause problems.)

The board should keep up with the terms of appointment, and each year sent a letter of request to the county each year for a new board member. Each new member will serve a five (5) year term and can serve two consecutive terms for a total of ten (10) years of service.

The board must give the county a proposed budget the first of January and a financial report at the end of December as to where the money was spent. The Fire Chief should make budget recommendations to the board and the board should with the chief's input, prepare a budget for the department.

We normally try to have 2 to 3 members of the fire department on the board and the balance is from the outside the department. (this is not part of the law but we find this works well for us.)

The Fire Chief may be a board member, if not, he should be an ex-officio member of the board and attend all meetings.

See section 14-14-711, paragraph (e) use of funds.

In this county, we are allowed to draw the funds as they accumulate in the treasurer's Office. This is done by an authorized Board Member. This can be arranged at the time your ordinance is drawn up.

Our board draws the funds from the county treasurer and placed them in an interest bearing account until they are needed.

We were able to get started on as year behind basis, for example, the money we draw in 1997, we will spend in 1998. This way we know just how much we have to budget for the next year. Presently, there are Seven Subordinate Service districts in some counties operating this way.

When figuring service fees (Service fee schedule must be on petition), you need to do a complete house count of your district. (total homes, mobile homes, businesses and farm complex).

You can multiply the count by your fee list and see if this will generate enough money to operate on. If not, you will have to adjust your fee schedule. An example of the fee rate in that county runs from \$25.00 per house to as much as \$55.00 per house, the less dense the population, the more you will have to charge per unit.

A fee schedule may look like this:

Each house	\$	55.00
Mobile home		40.00
Apartment unit		40.00
Small business		100.00
Large business		175.00
Farm complex		150.00

This is only suggestions, you may have other types of property and need a different schedule.

Note:

The county does not run the board.

The board does not run the department.

The chief runs the department and reports to the board.

IMPROVEMENT DISTRICTS AND FIRE PROTECTION DISTRICTS IN GENERAL

Under Arkansas law, improvement districts are units of government separate from the state, counties, and cities. Usually they are formed solely for the purpose of providing one needed service. They are commonly used for major capital improvements such as streets, drainage, and levees. There are more than 20 different kinds of improvement districts authorized by Arkansas statutes.

The basic principle of most improvement districts in Arkansas is that property owners, owning a majority in value of the property within a proposed geographical area, agree by petition to assess themselves a tax capital improvement. The requirement for a “majority in value” in forming an improvement district means that, the more valuable the land is within the proposed district, the more revenue it will generate for the benefit of the district.

This method of forming an improvement district by petition is available for fire protection districts, as are two other methods. The quorum court may form a fire protection district by ordinance, and the voters of an area may vote to form a fire protection district at a special election.

Improvement districts are run by commissioners, who are appointed by the city or county upon formation of the district. Because their duties are spelled out in detail in the Arkansas statutes, Commissioners have relatively little discretion compared to, say, quorum county members or city council members. Commissioners must perform such tasks as hiring appraisers to make assessments, running appropriate public notices of assessments, and writing checks to pay district expenses.

The statutes governing Fire Protection Districts are found in volume 20 of Arkansas Statutes Annotated §§20-901-948 (Repl. 1968). Improvement district laws are amended by the Arkansas Legislature from time to time, thus the pocket supplement in the back of the statute book should be checked for recent revisions.

Title 14. Local Government.**Subtitle 17. Public Health And Welfare Improvement Districts.****Chapter 284. Fire Protection Districts.****Subchapter 1. General Provisions.****§ 14-284-101. Definition.****§ 14-284-101. Definition.**

- (a) As used in this subchapter, unless the context otherwise requires, wherever the words “majority in value” are used, it shall be construed to mean a majority in assessed value as shown by the latest county assessment records for general taxes.
- (b) As used in this chapter, unless the context otherwise requires, “contractor” means any person, firm, partnership, copartnership, association, corporation, or other organization, or any combination thereof, who, for a fixed price, commission, fee, or wage, attempts to or submits a bid to construct, or contracts or undertakes to construct, or assumes charge, in a supervisory capacity or otherwise, or manages the construction, erection, alteration or repair, or has or have constructed, erected, altered, or repaired, under his, their, or its direction, any fire station, building, or any other improvement or structure for the benefit or use of a district created under this chapter.

History. Acts 1939, No. 183, § 16; A.S.A. 1947, § 20-916; Acts 1995, No. 426, § 1.

§ 14-284-102. Purpose of district.

The purpose of the district shall be the building, equipping and operating of a fire station or stations equipped with a fire truck or fire trucks, fire hose, chemical fire extinguishers, and other equipment for extinguishing fires. The district may provide other emergency services, like hazardous and toxic materials response, search and rescue, emergency medical, ambulance, and patient transport services, and such other functions as may be assigned to or reasonably expected of a local fire services agency and which it is trained and qualified to perform.

History. Acts 1939, No. 183, § 1; 1973, No. 302, § 1; 1979, No. 486, § 1; A.S.A. 1947, § 20-901; Acts 1995, No. 426, § 2; 1997, No. 1093, § 1.

§ 14-284-103. Petition generally.

- (a) Upon the petition of majority in value of the owners of real property in any designated area, no part of which is more than three (3) miles, except as provided in subsection (e) of this section, from a lot or plot of ground not exceeding a square acre in area on which the fire station is located or is to be located, the location of which lot or plot of ground must be definitely fixed in the petition, and which area defined in the petition contains not less than one hundred (100) residences, exclusive of garages and other buildings, it shall be the duty of the county court to lay off into an improvement district the territory described in the petition and to name five (5) commissioners of the district who are resident property holders in the district.
- (b) Portions of incorporated towns may be included in the districts, provided the town has no equipped fire fighting station.

- (c) If any part of the district, as defined in the petition therefor or the court order establishing the district, shall be found to be more than three (3) miles from the designated location of the fire station, it shall not affect the validity of the district, but the portion of the district in excess of three (3) miles from the designated location of the fire station shall be excluded.
- (d) However, any tract of land not exceeding three hundred thirty square feet (330 sq. ft.) which equals one-sixteenth (1/16) of a section in length and breadth, any part of which shall be within three (3) miles of the fire station of the district, may be included in the district.
- (e) A fire protection district having a radius of five (5) miles may be created in any county having a population of not less than fifteen thousand three hundred (15,300) and not more than fifteen thousand five hundred (15,500) according to the 1970 Federal Decennial Census in the same manner and for the same purposes as provided in this subchapter for a fire protection district having a three-mile radius.
- (f) The petition shall state the purpose or purposes for which the district is to be formed, and the judgment establishing the district shall give it a name which shall be descriptive of the purpose. The district shall also receive a number to prevent its being confused with other districts for similar purposes.

History. Acts 1939, No. 183, §§ 1, 2; 1973, No. 302, § 1; 1979, No. 486, § 1; A.S.A. 1947, §§ 20-901, 20-902.

§ 14-284-104. Petition – Notice and hearing.

- (a) Upon the filing of the petition, it shall be the duty of the county clerk to give notice of the filing thereof; describing the territory to be affected and calling upon all persons who wish to be heard upon the question of the establishment of the district to appear before the county court on a day to be fixed in the notice.
 - (1) The notice shall be published one (1) time a week for two (2) weeks in some newspaper published and having a bona fide circulation in the county where the lands affected are situated.
 - (2) This notice may be in the following form:
 “Notice is hereby given that a petition has been filed praying for the formation of an improvement district for the purpose of Said petition is on file at the office of the county clerk of County, where it is open to inspection. All person desiring to be heard on the question of the formation of said district will be heard by the county court at m, on the day of, 19.... The following lands are affected: (Here give description of lands affected; the same may be described by using the largest subdivisions possible).
 County Clerk:
- (b) Any number of identical petitions may be circulated, and identical petitions with additional names may be filed at any time until the county court acts.
- (c) On the day named in the notice, it shall be the duty of the county court to meet and to hear the petition and to ascertain whether those signing the petition constitute a majority in value.
 - (1) If the county court determines that a majority in value have petitioned for the improvement, it shall enter its judgment laying off the district as defined in the petition and appointing the commissioners.
 - (2) If it finds that a majority has not signed the petition, the county court shall enter its order denying the petition.

- (d) Any petitioner or any opponent of the petition may appeal from the judgment of the county court creating or refusing to create the district, but the appeal must be taken and perfected within thirty (30) days. If no appeal is taken within that time, the judgment creating the district shall be final and conclusive upon all persons.

History. Acts 1939, No. 183, § 2; A.S.A. 1947, § 20-902.

§ 14-284-105. Board of commissioners – Appointment – Qualifications.

- (a) The board of commissioners shall be resident property holders in the district and shall be citizens of integrity and good business ability.
- (b) (1) The commissioners shall be appointed to serve for terms of one (1), two (2), three (3), four (4), and five (5) years respectively, and the length of the term of each commissioner shall be stated in the order of the county court making the appointment.
(2) As the terms of the commissioners expire, the county court shall appoint successors to hold office for a term of five (5) years. The county court may reappoint a commissioner whose term is expiring.
- (c) In case of a vacancy on the board of commissioners after the commissioners have organized, the county court shall appoint some resident property holder as his successor who shall qualify in like manner and within a like time.
- (d) The commissioners shall serve without compensation and until their successors are appointed and qualified.

History. Acts 1939, No. 183, §§ 1-3; 1973, No. 302, § 1; 1979, No. 486, § 1; A.S.A. 1947, §§ 20-901, 20-902, 20-903.

Subchapter 2.

Fire Protection Districts Outside Cities and Towns.

§ 14-284-201. Applicability.

- (a) (1) Fire Protection districts established under the provisions of this subchapter shall cover only territory within the county, or within the defined district, outside the corporate limits of cities and towns.
(2) However, if any city or town within the district does not have an organized or volunteer fire department and desires to be included within the fire protection district, upon the adoption of an ordinance therefor by the governing body of the city or town, addressed to the county judge and quorum court, the area covered by the fire protection district may be extended to provide fire protection within the city limits of the city or town by ordinance adopted by the quorum court.
- (b) In order to avoid duplication of fire protection services, fire protection districts established under this subchapter shall be established for the primary purpose of providing fire protection in rural areas for buildings, structures, and other man-made improvements. In addition, fire protection districts may provide other emergency services, like hazardous and toxic materials response, search and rescue services, emergency medical, ambulance, and patient transport services, and such other functions as may be assigned to or reasonably expected of a local fire services agency and which it is trained and qualified to perform. Nothing in this subchapter shall be construed to relieve the Arkansas Forestry Commission of responsibility for providing for fire protection for forest lands.

History. Acts 1979, No. 35, § 3; A.S.A. 1947, § 20-925; Acts 1997, No. 1093, § 2.

§ 14-284-202. Provisions supplemental.

The provisions of this subchapter are supplemental to any other laws and procedures for the establishment, funding, and operation of fire protection districts and shall not be construed to modify, amend, supersede, or otherwise affect other laws and procedures.

§ 14-284-203. Methods of establishment.

Fire protection districts may be established to serve all or any defined portion of any county in any of the following ways:

- (1) By the quorum court by ordinance enacted after notice and public hearing.
- (2) By the county court pursuant to an election of the qualified electors of the proposed district initiated, called, and conducted as provided in this subchapter;
or
- (3) By the county court pursuant to a resolution of a suburban improvement district, approved by unanimous vote of its board of commissioners, to convert to a fire protection district to be administered under this subchapter.

History. Acts 1979, No. 35, § 1; A.S.A. 1947, § 20-923; Acts 1997, No. 323, § 2.

(2) The question of the issuance of bonds by a fire protection district established by ordinance of the quorum court may be submitted to the electors of the district at an election called by the county court either at the request of the board of commissioners of the district or upon petition signed by ten percent (10%) of the electors of the district as determined by the number of votes cast by the electors of the district for all candidates for Governor at the last preceding general election.

Title 14. Local Government.
Subtitle 3. Municipal Government.
Chapter 53. Municipal Fire Departments.
§ 14-53-101. Establishment in cities.

§ 14-53-101. Establishment in cities.

- (a) The city council shall establish fire departments and provide them with proper engines and such other equipment as shall be necessary to extinguish fires and preserve the property of the city and of the inhabitants from conflagration.
- (b) The council shall promulgate such rules and regulations to govern the department as it shall deem expedient.

History. Acts 1875, No. 1, § 6, p.1; C & M. Dig., § 7595; Pope's Dig., § 9681; A.S.A. 1947, § 19-2101.

§ 14-53-102. Fire fighting beyond municipal limits.

- (a) In order to prevent the destruction by fire of property located outside the corporate limits of cities and towns and in order to lessen the loss caused on account of insufficient means to combat fires and as a protection against such loss, the city council or other governing body of any city or town having an organized fire department may, by ordinance, provide that the fire fighting machinery and equipment, with the necessary fire fighters to operate it, may be used to combat fires beyond the corporate limits or any city or town, upon such terms, conditions, and restrictions as may be prescribed in the ordinance.
- (b) (1) When the organized fire department of a city or town combats a fire beyond the corporate limits of the city or town, a reasonable effort must be made for ninety (90) days to obtain compensation or reimbursement for the services from the property owner involved.
 If the city or town is unable to obtain payment or reimbursement from the property owner for the services within the ninety-day period, the county wherein the property is located may reimburse the municipality for the service in an amount not to exceed two hundred dollars (\$200.00).
- (c) (1) Neither the municipality nor any municipal official or fire department official or employee involved in combatting the fire shall be liable for any damages or loss that occurs while the department is combatting the fire outside the corporate limits of the city or town.
 (2) The fire fighters shall have the same coverage as they have if they are injured while outside the city limits.
- (d) All members of the fire department of any city or town, when engaged in fighting fire beyond the corporate limits of the city or town under the terms of any ordinance as authorized in this section, shall be considered to be acting within their line of duty and in discharge thereof. No member of the department shall lose or forfeit any right or benefit in rank, pay, disability, or retirement payments and benefits on account of out-of-city or out-of-town activities.

Title 14. Local Government.**Subtitle 17. Public Health and Welfare Improvement Districts.****Chapter 284. Fire Protection Districts.****Subchapter 2. Fire Protection Districts Outside of Cities and Towns.****§ 14-284-207. Quorum court to establish fire protection service area – Furnishing of maps.****§ 14-284-207. Quorum court to establish fire protection service area – Furnishing of maps.**

- (a) (1) The quorum court of each county wherein is located a fire protection district formed for fire protection purposes shall establish the service area of the fire protection districts to not exceed a radius of five (5) miles from each fire station.
- (2) For the purpose of this subdivision, five (5) miles means a distance of five (5) miles by straight line, not road or highway miles.
- The quorum courts shall furnish the fire protection organizations with a map indicating their service area.

Title 20. Public Health And Welfare.**Subtitle 2. Health And Safety.****Chapter 22. Fire Prevention, Protection, and Safety.****Subchapter 9. Volunteer Fire Departments.****§ 20-22-901. Duty to respond to fires.****§ 20-22-901. Duty to respond to fires.**

Upon receipt of a report of an uncontrolled fire or a 911 or other emergency call reporting a fire, it shall be the duty of volunteer fire departments operating within the State of Arkansas to respond to, attempt to control, and put out all fires occurring within their respective districts involving any real or personal property, whether that property is owned by members or nonmembers of the fire district. However, unless a fire is in violation of a county-wide fire ban, or as may be otherwise provided in an agreement between a nonmember owner of forested lands, cut-over lands, brush lands, or grasslands and a volunteer fire department, the volunteer fire department shall have not duty or authority to respond to or attempt to control and put out any fire which occurs on forest lands owned by a nonmember and which does not pose an immediate threat to life or to the real or personal property of a person or entity other than the owner of the land on which the fire occurs. In the event the property is owned by a nonmember of the fire district, then the volunteer fire department shall be entitled to recover from the nonmember property owner the reasonable value of its services not to exceed the fair market value of the services rendered, except that a claim for services in responding to a fire involving only personal property shall be allowed only for personal property of nonmembers and the claimed amount shall not exceed three hundred dollars (\$300.00).

History. Acts 1987, No. 836, § 1; 1997, No. 1150, § 1.

§ 20-22-902. Fire on nonmember's property – Reimbursement from insurance proceeds.

When a volunteer fire department responds to a fire occurring or responds to a 911 or other fire emergency call within its district and the property which is the subject of the alarm is owned by a nonmember and insured in case of any damage resulting from a fire, the insurance company insuring the property against loss shall pay to the volunteer fire department the reasonable cost of its services from the insurance proceeds. The insurance company shall obtain a written and signed release from the fire chief of the volunteer fire department prior to disbursing the remaining proceeds to any other person, financial institution, company, or corporation which has a legal interest in the proceeds.

History. Acts 1987, No. 836, § 2; 1997, No. 1150, § 2.

§ 20-22-903. Authority of Arkansas Forestry Commission not affected.

This subchapter and § 23-88-102 shall in no way modify or limit the existing authority of the Arkansas Forestry Commission, nor shall it be construed as repealing any law applicable to the Arkansas Forestry Commission.

History. Acts 1987, No. 836, § 4.

§ 20-22-904. Lien on uninsured nonmember's property.

- (a) If the property which is the subject of the alarm is owned by a nonmember and not insured and the volunteer fire department has not been paid for the services rendered, then the volunteer fire department shall have an absolute lien on the real and personal property which is the subject of the alarm for the work and labor performed in responding to or fighting the fire to secure the payment of the work and labor performed.
- (b) The lien on real property shall attach to the real estate upon which the property is located and all improvements thereon.
- (c) The lien on personalty shall attach to all personal property owned by the nonmember located within the county in which the alarm occurred.

History. Acts 1987, No. 836, § 3; 1997, No. 1150, § 3.

§ 20-22-905. Filing and enforcement of lien.

- (a) The volunteer fire department shall give ten (10) days notice before the filing of the lien to the owner or agent that it holds a claim against the property setting forth the amount and from whom it is due. The notice may be served by an officer authorized by law to serve process in civil actions. When served by an officer, his official return endorsed on it shall be proof of service.
- (b) Whenever property is sought to be charged with a lien under this subchapter and § 23-88-102 and the owner is not a resident of this state, or conceals himself or absents himself from his usual place of abode so that the required notice cannot be served upon him, the notice may be filed with the clerk of the circuit court of the county in which the property to be charged with the lien is located. When filed, the lien shall have like effect as if served upon the owner or his agent and shall be received in all courts of this state as evidence of the service of the notice.
- (c) The volunteer fire department shall file with the clerk of the circuit court of the county in which the property to be charged with the lien is located, and within one hundred twenty (120) days after the work and labor have been furnished and performed, a just and true account of the amount due and owing, after all allowing all credits, and contained a correct description of the property to be charged with the lien, verified by affidavit.

- (d) All liens created by this subchapter and § 23-88-102 shall be enforced in the circuit court of the county wherein the property on which the lien is attached is located.
- (e) All actions under this subchapter and § 23-88-102 shall be commenced within fifteen (15) months after the filing of the lien. No lien shall continue to exist by virtue of the provisions of this subchapter and § 23-88-102 for more than fifteen (15) months after the lien shall be filed, unless within that time an action shall be instituted thereon.
- (f) The pleadings, practice, process and other proceedings shall be the same as in ordinary civil actions and proceedings in circuit courts. The petition shall allege the facts necessary for securing a lien under this subchapter and § 23-88-102 together with a complete description of the property on which the lien is attached.

Title 23. Public Utilities and Regulated Industries.

Subtitle 3. Insurance

Chapter 88. Property Insurance.

Subchapter 1. General Provisions.

§ 23-88-103. Rate credits or reduced rates in rural fire protection districts or areas.

§ 23-88-103. Rate credits or reduced rates in rural fire protection districts or areas.

- (a) (1) It is found and determined by the General Assembly that:
 - (A) Rural fire protection districts are beneficial to all property owners in the districts;
 - (B) Many of the districts are financed wholly or in part by dues or subscription payments made by members of the district;
 - (C) Some owners of property in the districts fail to refuse to become members of and pay the dues or subscription charges to the district and that under present law insurance companies are permitted to give nonmember property owners the same rate credit as is granted to paying members of the district;
 - (D) The giving of equal rate credit to paying and nonpaying property owners in the district is most inequitable and should be corrected.
- (2) Therefore, it is the intent and purpose of this section to prohibit insurers from giving nonpaying property owners in rural fire protection districts the rate credit given paying members of the district.
- (b) Any property or casualty insurance company which gives any rate credit or any special reduced rates on risks located in a rural fire protection district or in any area protected by a rural fire department, which district or department is wholly or partially funded by assessments, dues or subscription payments paid by owners of property located in the district or property owners who are members of an association supporting the rural fire department, shall give the rate credit or reduced rate only on risks insured by persons who pay the appropriate assessment, dues, or subscription payments for support of the district or department.
- (c) It is unlawful for any insurance agent or company to knowingly write an initial policy of fire insurance coverage on any risk located in a rural fire protection district or in any area protected by a rural fire department at any special reduced rate or with any rate credit based on the location of the risk in such a district or area without having first obtained from the insured or from the fire department providing service in the district or area evidence showing that a current assessment, dues, or subscription payments for the property to be insured have been paid to the fire department serving the area in which the insured property is located. The evidence required by the insurer may be, but is not limited to, a receipt, canceled check, or other valid proof of payment provided by the insured.

If any agent is found by the Insurance Commissioner to have violated the provisions of this subsection, the agent shall be liable for an administrative penalty of one hundred dollars (\$100) for the first violation and five hundred dollars (\$500) for the second violation. For any subsequent violation, the agent shall be liable for an administrative penalty of five hundred (\$500) dollars plus an amount equal to the difference between the amount of the premium actually charged on the particular policy involved based on the special rate and the amount of premium which would have been charged if the special rate had not been applied.

CERTIFICATION OF FIRE DEPARTMENTS

In order to be a certified Fire Department, a department must have the following items:

- 1. Arkansas Fire Incident Reporting System I.D. Number. This number is assigned by the Arkansas Fire Training Academy.**
- 2. The Fire Department must be legally organized as a Non-profit organization, Subordinate Service District or Municipal department.**
- 3. The Fire Department must have a Certified Training Officer – Requirements available from the Arkansas Fire Training Academy, Phone # (870) 574-1521. Certified Training Officer may be shared between departments when first organized.**
- 4. All personnel in the department must be covered by Workman’s Compensation.**
- 5. The Department must have a minimum of 6 certified active firefighters. Each certified active firefighter should have personal protection equipment including helmets, with face protection, boots, coats, pants, and gloves.**
- 6. Records of Training – physical health and emergency information, must be kept.**
- 7. Training required is 6 hours per quarter and firemen must have Introduction to Firefighting (12 hours), Protective Equipment (12 hours), Wildland Fire Suppression (4 hours), unless supervised by an experienced firefighter.**
- 8. The Fire Department must have Fire Suppression Apparatus (truck meeting NFPA 1901), other vehicles should comply to NFPA standards.**
- 9. All certified firemen must have the following training:**
 - 1. Introduction to Firefighting – 12 hours**
 - 2. Protective Equipment – 12 hours**
 - 3. Wildland Fire Suppression – 8 hours**
 - 4. 24 hours per year of In-house training.**
- 10. An inventory list of all apparatus must be maintained.**

Title 14. Local Government.**Subtitle 17. Public Health And Welfare Improvement Districts.****Chapter 284. Fire Protection Districts.****Subchapter 4. Insurance Premium Taxes.****§ 14-284-401. Legislative findings.****§ 14-284-401. Legislative findings.**

It is hereby found and determined by the General Assembly of the State of Arkansas that additional funding is needed to improve the fire protection services in this state. It is further found and determined that the public policy of this state is to provide adequate fire protection services for property of citizens through the use of properly trained and equipped fire fighters, and that the provisions of § 26-57-614 and this subchapter, are necessary in furtherance of the public health and safety.

History. Acts 1991, No. 833, § 1.

§ 14-284-402. Construction.

The provisions of § 26-57-614 and this subchapter are intended to be supplemental to current provisions of Arkansas law, and shall not be construed as repealing or superseding any other laws applicable thereto.

History. Acts 1991, No. 833, § 8.

§ 14-284-403. Apportionment of funds.

(a) (1) These premium tax moneys are assessed for disbursement from the Fire Protection Premium Tax Fund by the Department of Finance and Administration to the counties in the following percentages:

Arkansas County – 0.78%, Ashley County – 1.39%, Baxter County – 1.78%, Benton County – 3.86%, Boone County – 1.46%, Bradley County - .052%, Calhoun County – 0.51%, Carroll County – 0.97%, Chicot County – 0.51%, Clark County – 1.13%, Clay County – 1.10%, Cleburne County – 1.11%, Cleveland County – 0.66%, Columbia County – 1.24%, Conway County – 1.04%, Craighead County – 2.91%, Crawford County – 1.98%, Crittenden County – 1.32%, Cross County – 0.84%, Dallas County – 0.45%, Desha County – 0.71%, Drew County – 0.80%, Faulkner County – 2.30%, Franklin County – 0.97%, Fulton County – 0.84%, Garland County – 3.12%, Grant County – 1.13%, Greene County – 1.39%, Hempstead County – 1.89%, Hot Spring County – 1.46%, Howard County – 0.75%, Independence County – 1.90%, Izard County – 0.91%, Jackson County – 0.95%, Jefferson County – 2.32%, Johnson County – 1.05%, Lafayette County – 0.71%, Lawrence County – 0.96%, Lee County – 0.73%, Lincoln County – 1.12%, Little River County – 0.77%, Logan County – 1.06%, Lonoke County – 1.70%, Madison County – 0.95%, Marion County – 1.00%, Miller County – 1.44%, Mississippi County – 1.77%, Monroe County – 0.53%, Montgomery County – 0.66%, Nevada County – 0.58%, Newton County – 0.67%, Ouachita County – 1.37%, Perry County – 0.62%, Phillips County – 1.12%, Pike County – 0.87%, Poinsett County – 1.14%, Polk County – 1.01%, Pope County – 1.73%, Prairie County – 0.83%, Pulaski County – 5.99%, Randolph County – 0.96%, St. Francis County – 1.45%, Saline County – 3.00%, Scott County – 0.59%, Searcy County – 0.73%, Sebastian County – 2.06%, Sevier County – 0.82 %, Sharp County – 1.30%, Stone County – 0.77%, Union County – 2.01%, Van Buren County – 1.18%, Washington County – 3.46%, White County – 2.71%, Woodruff County – 0.47%, Yell County – 1.11%.

The moneys shall be apportioned by each quorum county to the districts and municipalities within the county based upon population unless the County Intergovernmental Cooperation Council notifies the quorum court of the fire protection needs of the districts and municipalities, in which case the moneys shall be apportioned by the quorum court based on those needs. Such funds shall be distributed to municipalities and those certified departments in districts which are in compliance with this subchapter and §§ 20-22-801 – 20-22-809. Fire departments which are not certified by the Office of Fire Protection Services pursuant to §§ 20-22-801 – 20-22-809 shall also be eligible to receive moneys disbursed under this section so long as all moneys received or spent directly on equipment, training, capital improvements, or other expenditures necessary for upgrading the service provided by the department.

(b) Disbursements shall be made on forms prescribed by the Department of Finance and Administration.

History. Acts 1991, No. 833, § 3; 1992 (1st Ex. Sess.), No. 10, § 4.

§ 14-284-404. Use of funds to defray training expenses and for purchase and improvement of equipment.

(a) (1) Such funds shall be used to defray training expenses of fire fighters at the Arkansas Fire Training Academy and fire training centers certified by the Arkansas Fire Protection Services Board, for the purchase and improvement of, or for pledging as security for a period of not more than ten (10) years in the financing of the purchase and improvement of, fire fighting equipment and initial capital construction or improvements of fire departments.

Municipalities, fire departments, and districts must expend or allocate for expenditure all funds received under the provisions of this subchapter on or before the expiration of twelve (12) months from the date of receipt.

Any excess or surplus funds which are not expended or allocated for expenditure within such twelve-month period shall be remitted to the fund no later than sixty (60) days following the expiration of such twelve-month period.

(b) Such equipment shall be used by the municipalities and departments located in fire protection districts which have been duly formed or established under the provisions of § 14-284-201 et seq.

History. Acts 1991, No. 833, § 3.

§ 14-284-405. Payment to rural volunteer fire departments.

(a) No rural volunteer fire department or district shall receive payments or disbursements from the Fire Protection Premium Tax Fund unless the county quorum court and the board of commissioners of the fire protection district designate the current county fire service coordinator or designate a county fire service coordinator who shall be responsible for seeing that standard guidelines established by the Arkansas Fire Protection Services Board pursuant to § 20-22-801 et seq. are followed.

(b) No funds shall be paid to any certified rural volunteer fire department or fire protection district until a written proposal stating the following information has been approved by the quorum court and the Arkansas Fire Protection Services Board:

- (1) Amount of funds requested;
- (2) Purpose of which funds will be expended;
- (3) Plans for training of fire fighters; and
- (4) Anticipated time of completion of project.

- (c) (1) Rural volunteer fire departments and fire protection districts shall supply such statistical and operational information to the Arkansas Fire Protection Services Board and quorum court as required.
- (2) The quorum court of each county shall file reports on January 15 annually with the State Auditor and Department of Finance and Administration stating how such funds were expended during the preceding twelve (12) months.
- (3) Each rural volunteer fire department and fire protection district which receives such funds shall file reports on December 1 annually with the quorum court stating how such funds were expended during the preceding twelve (12) months.
- (4) If any quorum court, rural volunteer fire department, or fire protection district fails to make such reports, the fire department or district shall not be eligible for new or additional funds until the reports are filed.
- (5) Any rural fire department or district which fails to expend funds in due compliance with the provisions of this subchapter shall not be eligible for new or additional funds from the Fire Protection Premium Tax Fund until the department or district reimburses the fund in the exact amount of those moneys improperly retained or expended.

Title 14. Local Government.

Subtitle 17. Public Health And Welfare Improvement Districts.

Chapter 284. Fire Protection Districts.

Subchapter 4. Insurance Premium Taxes.

§ 14-284-406. Areas with no rural volunteer fire department or fire protection district.

§ 14-284-406. Areas with no rural volunteer fire department or fire protection district.

- (a) (1) Pursuant to § 14-284-201 (a) (2), in any area in any county, in which there is no rural volunteer fire department or fire protection district which qualifies for funds under the provisions of this subchapter, the quorum court is authorized, in its discretion and with the approval of the Arkansas Fire Protection Services Board to designate any unincorporated area of the county to be served by a municipal fire department, if approved by the governing authorities of such municipality.
- (2) In addition to the funds the municipality is otherwise entitled to under this subchapter, the municipality serving any such designated area shall receive the funds which the rural volunteer fire department or fire protection district would have been eligible to receive, and such funds shall be used by the municipality to provide training and to purchase equipment necessary to provide fire protection in the designated unincorporated area in compliance with this subchapter.
- (b) No municipality shall receive funds under this subchapter unless it is willing to provide fire protection through mutual aid agreements in areas within five (5) miles of its corporate limits. Such municipalities shall not be required to respond when, in the opinion of proper municipal authorities, municipal property or fire classification rating would be jeopardized.

History. Acts 1991, No. 833, § 3.

§ 14-284-407. Fire protection services organization of volunteer fire department or district after January 1, 1992.

Nothing in this subchapter shall be construed to prevent the organization of a volunteer fire department or district pursuant to the provisions of Arkansas law. If such a volunteer fire department or district is organized after January 1, 1992, the Department of Finance and Administration shall distribute funds provided by § 26-57-614 and this subchapter upon due compliance by the volunteer fire department and district with the eligibility requirements of this subchapter and §§ 20-22-801 – 20-22-809.

History. Acts 1991, No. 833, § 4.

§ 14-284-408. Direct contributions – Provision of water.

- (a) Nothing in this subchapter shall be construed to prevent quorum courts and governing bodies of municipalities from contributing funds directly to any volunteer fire department or district serving such county or municipality.
- (b) Nothing in this subchapter shall be construed to prevent county, municipal, or local water utilities or associations from contributing water free of charge for fire fighting and training activities to volunteer fire departments and districts.

§ 14-284-409. Maintenance of real property of rural volunteer fire department.

The quorum court of any county is hereby authorized and empowered, in its discretion, to grade, gravel, pave, and maintain real property of a rural volunteer fire department, including roads or driveways thereof, as necessary for the effective and safe operation of such rural volunteer fire department. Any action taken by the quorum court under the authority of this section shall be specified upon the minutes of the quorum court when the work is authorized.

History. Acts 1991, No. 833, § 7.

§ 14-284-410. Certification of fire department required.

No fire department shall receive funds under this subchapter after January 1, 1998, unless the fire department is certified by the Arkansas Fire Protection Services Board.

History. Acts 1987, No. 510, § 5; 1997, No. 385, § 1.

Chapter 28.
Volunteer Public Safety Workers.

Sec.

14-28-101. Definitions.

14-28-102. Worker's compensation coverage generally.

14-28-103. Terms of coverage.

§ 14-28-101. Definitions.

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

- (1) "Volunteer public safety organization" means:
 - (A) A county organization for emergency services formed pursuant to the Arkansas Emergency Services Act, § 12-75-101 et seq.;
 - (B) A sheriff's auxiliary formed pursuant to § 12-9-301 et seq.;
 - (C) An ambulance service or rescue squad formed pursuant to § 14-282-101 et seq. or any other improvement district law of this state or formed as a subordinate service district of the county; or

(D) A rural volunteer fire department formed as a subordinate service district of the county or as an improvement district, or a subscription fire service department formed as a nonprofit organization under the laws of this state.

(2) “Volunteer public safety worker” means an active volunteer member of a volunteer public safety organization.

History. Acts 1987, No. 527, § 1.

§ 14-28-102. Worker’s compensation coverage generally.

- (a) The county governments of this state are authorized to provide worker’s compensation coverage pursuant to this chapter for personal injury, disability, or death of volunteer public safety workers while actually engaged in performing volunteer public safety duties.
- (b) Any volunteer public safety organization desiring worker’s compensation coverage for volunteer public safety workers for worker’s compensation coverage under this chapter. By majority vote, the quorum court may elect to include the volunteer public safety workers as county employees for the sole purpose of worker’s compensation coverage under the provisions of this chapter and §§ 14-60-101 – 14-60-104 and subject to the limitations of this chapter. The action by the quorum court shall not entitle the volunteer public safety workers to any benefits from the county other than worker’s compensation coverage.
- (c) At its discretion, the quorum court may require as a condition for coverage that a volunteer public safety organization requesting worker’s compensation coverage under this chapter pay the premium for that coverage from any public funds available to the organization or that the quorum court make a deduction in the amount of the cost of the coverage from any amounts which the county would normally provide to the volunteer public safety organization.
- (d) Volunteer public safety workers covered by worker’s compensation pursuant to this chapter shall be deemed to have received such wages as will qualify them for minimum benefits applicable with respect to injury, disability, or death.

Title 26. Taxation.

Subtitle 1. General Provisions.

Chapter 3. Property Subject To Taxation And Exemptions.

Subchapter 3. Exemptions from Taxation.

§ 26-3-309. Fire protection equipment and emergency equipment.

§ 26-3-309. Fire protection equipment and emergency equipment.

- (a) The gross receipts or gross proceeds derived from purchases of or repairs to fire protection equipment and emergency equipment to be owned by and exclusively used by volunteer fire departments are hereafter exempt from the taxes levied under the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq., the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq., and all other state, local, and county sales and use taxes.
- (b) The gross receipts or gross proceeds derived from purchases of supplies and materials to be used in the construction and maintenance of volunteer fire departments; including improvements and fixtures thereon, and property of any nature appurtenance thereto or used in connection therewith are exempt from the taxes levied under the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq., the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq., and all other state, local, and county sales and use taxes.

History. Acts 1995, No. 1010, § `; 1997, No. 441, § 1.

Chapter 4.
Tax Incentives.

Subchapter 1. General Provisions. [Reserved.]

Subchapter 2. Motion Pictures.

- 26-4-201. Title.
- 26-4-202. Purpose.
- 26-4-203. Definitions.
- 26-4-204. Penalties.
- 26-4-205. Registration.
- 26-4-206. Tax incentive.
- 26-4-207. Expiration date.
- 26-4-208. Application for incentive.
- 26-4-209. Disbursement of benefit.

Title 14. Local Government.

Subtitle 2. County Government.

Chapter 27. County Intergovernmental Cooperation Councils.

§ 14-27-104. Annual review of services.

- (a) At least one (1) time annually, the county intergovernmental cooperation council shall review the delivery of services by the various local government subdivisions within the county in the following areas:
 - (1) Law enforcement services;
 - (2) Fire protection services;
 - (3) Jail facilities and correctional services;
 - (4) Ambulance and emergency medical services;
 - (5) Library services;
 - (6) Motor vehicle liability insurance;
 - (7) Worker's compensation coverage;
 - (8) Solid waste management services;
 - (9) Street, road, and highway repair and construction;
 - (10) Parks and recreation facilities and services;
 - (11) Planning and zoning services;
 - (12) Health and sanitation services;
 - (13) Public transit and transportation services; and
 - (14) Any other service area of local government.
- (b)
 - (1) The annual review of various services can occur at any or all meetings of the council during the year.
 - (2) Each service area shall be examined to determine whether or not the employees, equipment, or facilities of service areas could be shared to reduce cost or eliminated to avoid the duplication of services and whether or not the goods and services purchased individually in each of these areas could be purchased jointly or cooperatively to reduce the unit cost to all local governments within the county.
 - (3) If it is determined by the cooperation council that duplicative services exist and can be eliminated or that joint purchases could be made at reduced costs, this determination shall be reported to the governing body of the local government jurisdictions involved along with any recommendations for consolidation of services or purchases.

History. Acts 1987, No. 510, § 4.

§ 14-27-105. Annual report to General Assembly.

- (a) By January 31 of the year following the close of each calendar year's deliberations by the council, the secretary of the cooperation council in each county shall prepare a report of the determinations and recommendations, if any, of the council in each of the required service areas of review.
- (b) Each county's report shall be compiled by the secretary and forwarded to the House and Senate Interim Committees on City, County and Local Affairs for their consideration.
- (c) This annual report must be received by the committee no later than April 1 of each year.

Title 20. Public Health And Welfare.**Subtitle 2. Health and Safety.****Chapter 22. Fire Prevention, Protection, and Safety.****Subchapter 10. Arkansas Comprehensive Fire Protection Act.****§ 20-22-1002. Policy and purpose.****§ 20-22-1002. Policy and purpose.**

Because of the existing and increasing occurrence of fires that damage and destroy the public and private property of the citizens of Arkansas and because of the increase in population and structures that form the residences, businesses, and institutions of this state and its business, industrial, and environmental resources and threaten the safety, health, and welfare of its citizens, it is hereby found and declared to be necessary:

- (1) To facilitate the cooperation and efficient coordination of the current state functions related to fire prevention, training, and management through the Office of Fire Protection Services for more effective and economical use of existing personnel, equipment, facilities, and resources;
- (2) To provide a fire services management system to be responsive to local government for current and future fire services needs related to continued population and economic growth;
- (3) To direct the designation of fire protection services liaisons within each affected state department or agency and each local government; and
- (4) To prepare, develop, formulate, and engage in a comprehensive program for the orderly coordination, cooperation, and development of fire protection services resources of the State of Arkansas and its local governments, to be referred to as the "Arkansas Fire Protection Services Resources Plan".

History. Acts 1993, No. 1303, § 2.

§ 20-22-1003. Definitions.

As used in this subchapter, unless the context otherwise requires:

- (1) "Fire services" means those functions of fire fighting, fire prevention, fire mitigation, fire training, and fire administration performed by rural or municipal, volunteer or paid professional fire fighters and fire departments created in accordance with the laws of the State of Arkansas;
- (2) "Fire prevention" means, but is not limited to, those actions taken directly or indirectly by an entity of state, county, or municipal government to prevent the occurrence of fire, whether the result of accident or through arson;
- (3) "Fire mitigation" means, but is not limited to, those activities designed to lessen the impact of fire upon structures, persons, or the natural environment;
- (4) "Fire training" refers to those teaching, educational, or training activities conducted to improve the ability of an individual or a fire department to contain, suppress, or otherwise reduce the danger incurred from fire and includes not only technical training on the use of equipment and resources for fire suppression, but also those administrative, training, fiscal, and other programs designed to enhance an individual's or a fire department's ability to perform his or its assigned duties;

- (5) “Adjunct services” refers to those activities related to, or performed by, a fire services agency, such as hazardous and toxic materials response and recovery, search and rescue, and such other functions as may be assigned to or reasonably expected of a local fire services agency; and
- (6) “Local government” means a county, city of the first class, city of the second class, or an incorporated town, a fire protection district, a subordinate services district of a county, an improvement district organized to provide fire services, or any other fire department created in accordance with the laws of the State of Arkansas.

History. Acts 1993, No. 1303, § 3.

§ 20-22-1005. Arkansas Fire Advisory Board.

- (a) There shall be established by this subchapter the Arkansas Fire Advisory Board. The Arkansas Fire Advisory Board shall consist of thirteen (13) members, to be composed of:
 - (1) Nine (9) members of the Arkansas Fire Protection Services Board who shall be appointed and whose terms shall be as provided for in § 20-22-803;
 - (2) Four (4) members, consisting of two (2) persons representing municipal fire services and two (2) persons representing rural volunteer fire services, who shall be appointed by the Governor for a term of three (3) years; and
 - (3) One (1) member who is the Director of the State Office of Emergency Services and who shall serve as chairman of the board.
- (b) The advisory board shall advise the Director of the State Office of Emergency Services and the Director of the Office of Fire Protection Services on matters concerning the training, certification, and standards related to fire services in the State of Arkansas and advise the Office of Fire Protection Services in the development and formulation of the Arkansas Fire Protection Services Resources Plan.
- (c) The advisory board shall periodically review and evaluate current and proposed national and international activities related to the improvement and upgrading of fire services to ensure that the state maintains the maximum possible standards of fire protection for its citizens and standards for training for its fire fighters.

History. Acts 1993, No. 1303, § 5.

§ 20-22-1006. Arkansas Fire Protection Services Resources Plan.

- (a) The Office of Fire Protection Services shall facilitate and coordinate, with the cooperation and assistance of the fire services agencies listed in § 20-22-1004(c), the development and formulation of a comprehensive program for the orderly coordination, cooperation, and development of resources of the State of Arkansas and its local governments, to be referred to as the “Arkansas Fire Protection Services Resources Plan”. The Arkansas Fire Protection Services Resources Plan shall include plans:
 - (1) For providing fire services in the various rural areas of this state which do not have available the benefits or services of an organized or voluntary fire fighting program ;
 - (2) For updating and improving fire services in urban, suburban, and rural areas which have fire services, but need improvements, and to assist existing organized or volunteer fire fighting services in making those improvements ;
 - (3) On the type, needs, and means to procure fire fighting vehicles and equipment for fire services agencies of local governments ;
 - (4) On developing training programs designed to instruct and train fire fighters at the Arkansas Fire Training Academy to be employed or used by both urban and rural organized and volunteer fire services agencies;
 - (5) To coordinate the efforts of all state and local government fire services agencies for the purpose of making maximum use of the services and resources for the prevention and mitigation of injury and damage caused by fire and other hazards;
 - (6) To measure the prompt and effective response to fires and other hazards and disasters;
 - (7) To identify areas particularly vulnerable to fire and hazards and other disasters; and
 - (8) To make recommendations for improvements in the fire fighting, prevention, training, mitigation, and adjunct services for state and local fire services agencies.

Title 14. Local Government.**Subtitle 17. Public Health And Welfare Improvement Districts.****Chapter 284. Fire Protection Districts.****Subchapter 3. Rural Fire Protection Service.****§ 14-284-306. Acquisition and renovation of equipment.****§ 14-284-306. Acquisition and renovation of equipment.**

- (a) The Arkansas Forestry Commission may provide through existing facilities, or such expanded facilities as may be required therefor, a program of acquisition of vehicles which are suitable for conversion to fire fighting equipment, and may repair, refinish, and equip the vehicles for use as fire fighting equipment, including the acquisition and furnishing of tanks, pumps, hoses, and other equipment necessary for fire fighting purposes, and, upon renovation thereof, may make them available to a rural fire protection district or other rural fire protection district or service which operates not for profit, and recover the cost of acquisition and repair or refurbishing of the vehicle, plus a nominal charge to cover departmental overhead for the services performed.
- (b) All moneys acquired from the recovery of the cost of the fire fighting equipment by the Arkansas Forestry Commission shall be deposited as nonrevenue receipts in the Rural Fire Protection Revolving Fund in the State Treasury.

History. Acts 1979, No. 36, § 3; A.S.A. 1947, § 20-946; Acts 1993, No. 1095, § 3.

§ 14-284-307. Loans for purchase of vehicles and equipment.

- (a) Rural fire protection districts organized under the laws of this state which operate not-for-profit or any other rural fire protection agency, service, or program which provides rural fire protection to its members or to the public not-for-profit shall be eligible to purchase fire fighting vehicles and equipment from the Arkansas Forestry Commission, if the vehicles and equipment are available, to be used for rural fire protection services.
- (b) The Arkansas Forestry Commission may make loans to eligible rural fire protection districts and other qualified districts, services, or programs which provide fire protection to rural areas not-for-profit, who may apply to the Arkansas Forestry Commission, upon forms and in accordance with rules and regulations promulgated by the Arkansas Forestry Commission, for loans not to exceed seventy-five percent (75%) of the cost of acquiring rural fire protection vehicles or equipment.
- (c) The loans shall be for such period as may be approved by regulation of the Arkansas Forestry Commission, and in no event may any loan be for more than three (3) years.

- (d) The Arkansas Forestry Commission is authorized to establish a system of priorities for determining eligibility for the acquisition of fire fighting vehicles renovated by the department which are available for sale to rural fire protection districts and may also establish a system of priorities for eligibility for loans from the Rural Fire Protection Revolving Fund for a portion of the moneys needed to acquire the vehicles by rural fire protection districts.

Title 14. Local Government.

Subtitle 17. Public Health And Welfare Improvement Districts.

Chapter 284. Fire Protection Districts.

Subchapter 1. General Provisions.

§ 14-284-125. Boundaries of overlapping districts.

The State **Forestry Commission** shall have the authority to adjust the boundaries of fire protection districts having overlapping boundaries. The commission shall adjust the boundaries of overlapping fire districts upon the request of either district. The commission shall adjust the boundaries so that each district receives approximately fifty percent (50%) of the area that is within the boundaries of both districts.

History. Acts 1997, No. 1178, § 2.

**EQUIPMENT THROUGH THE
ARKANSAS FORESTRY COMMISSION**

Federal Excess Property is available through the Arkansas Forestry Commission and can be requested on the form on the following page. This form must be signed by a District Forester before mailing to Greenbrier to be placed on our list. Some items could be available soon, but most are on a waiting list. Some examples of equipment available are:

SCBA'S
Turnouts
Hose

Tankers
Brush Trucks

Equipment Trucks
Municipal Pumpers
Tires for Fire Trucks

All of these items are at no cost, but must be used according to the guidelines on the Rural Fire Protection Equipment Request Form.

ACT # 36 VEHICLES

The Arkansas Forestry Commission also builds complete units described as follows:

Brush Truck – Federal Excess truck (1 ton or 1-1/4 ton) with either a water unit or foam unit. Water unit is 225-gallon poly tank and foam unit is a 230 gallon fiberglass. Cost is from \$ 9000.00 to \$ 12,500.00 dependent on equipment ordered.





Tanker – 2000-gallon steel baffled tank on Federal Excess all-wheel drive 5-ton vehicle. Cost is approximately \$ 5,000.00 each for tank.

These vehicles can be requested by letter only to the Greenbrier Rural Fire Protection office.

Tools and Equipment may be purchased on State Contract for the two (2) Act #36 vehicles pictured above. Prices are attached as last page of this document.

**ARKANSAS FORESTRY COMMISSION
OFFICE DIRECTORY**

<u>UNIT</u>	<u>SUPERVISOR</u>	<u>OFFICE ADDRESS</u>	<u>CITY</u>	<u>PHONE# & FAX#</u>
Rural Fire	Robert Summerville	P.O. Box 10	Greenbrier 72058	(501) 679-3581 – (501) 679-3500
District 1	Joe Friend	UAM, Box 3123	Monticello 71656	(870) 367-6767 – (870) 367-6484
District 2	Mike Whelan	P.O. Box 134	Dierks 71833	(870) 286-2137 – (870) 286-3309
District 3	Robert Zielinske	P.O. Box 468	Forrest City	(870) 663-6693 – (870) 633-6790
District 4	Bill Sprinkle	P.O. Box 158	Stamps 71860	(870) 533-4641 – (870) 533-4468
District 5	H.E. Townsend	207 Airport Road	Malvern 72104	(501) 332-2081 – (501) 332-2570
District 6	Ray G. Wakefield	P.O. Box 522	Clarksville 72830	(479) 754-2701 – (479) 754-2701
District 7	Eric L. Curl	P.O. Box 1290	Mt. View 72560	(870) 269-3441 – (870) 269-5007
District 8	Jody Adams	P.O. Box 26	Ash Flat 72513	(870) 994-2187 – (870) 994-2160
District 9	Charles Collins	P.O. Box 10	Greenbrier 72058	(501) 679-2806 – (501) 679-3018

**ARKANSAS FORESTRY COMMISSION
RURAL FIRE PROTECTION
P.O. BOX 10
GREENBRIER, AR 72058-0010
(501) 679-3183
(501) 679-3500 FAX#**

PURCHASE OF MUNICIPAL FIRE TRUCKS PROCEDURE

As part of the Rural Fire Protection Program for the Arkansas Forestry Commission, loans can be made to departments of up to \$ 15,000.00 for the purchase of municipal-type fire trucks, as long as sufficient funds are available for loans. We require the Fire Department to have this unit checked out first to protect themselves and the Arkansas Forestry Commission. A current Pump test, an inspection of the tank and a road test should all be part of the Department's decision to purchase the equipment. The proper procedure for the purchase of the apparatus is as follows:

1. **Locate the vehicle you desire – checking with more than one source to compare prices and quality.**
2. **When a truck is found, the department should then write a letter to the Arkansas Forestry Commission, Attn: Robert Summerville, at the address above, asking if funds are available in the Revolving Fund, and authorizing the AFC to purchase the Municipal fire truck for their department. A description of the apparatus, picture, price, name and address of the person who owns the truck should be included. At some point, a current pump test will be required. This letter should be signed by the President of the Board, Fire Chief or Mayor. A copy of the Fire Department's Constitutional By-Laws, map of area coverage, and a bill from vendor are required.**
3. **When this letter is received at Greenbrier, a contract will be mailed to the department for signatures showing the amount of the loan, semi-annual payments and length of loan.**
4. **When the paperwork is returned to Greenbrier, we will request the check to be made and mailed to us.**
5. **When the check arrives (approximately 3-4 weeks), we will contact the Fire Department. The check will be made out to the vendor and will be given to the Fire Department and should not be given to the vendor until all items purchased and agreed upon are on the truck and all mechanical equipment, pumps and tank have been checked.**

Before the Forestry Commission will give the check to the department, a 25% down payment will have to be paid to the Forestry Commission. Also required, is a complete updated legal title with the name of the Fire Department on the front, and the Arkansas Forestry Commission as the lienholder on the front also.

Any questions regarding the procedure should be addressed to:

**Robert Summerville
Rural Fire Protection Administrator
P.O. Box 10
Greenbrier, AR 72058-0010
Phone (501) 679-3183
Fax (501) 679-3500, or
E-mail Address: robert.summerville@arkansas.gov**

RURAL FIRE PROTECTION
ACT 36 REQUEST

FIRE DEPARTMENT: _____

ADDRESS/CITY, ST, ZIP CODE : _____

CONTACT PERSON : _____

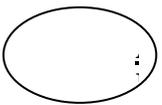
DAY TIME PHONE # : Area Code () _____

Requested Item:

Replacement Brush Truck: Specify Type _____

Paint Truck	yes _____	no _____	Color _____
Service Truck/Tune up	yes _____	no _____	
New Batteries	yes _____	no _____	
Letter Doors	yes _____	no _____	
CAFS Foam System	yes _____	no _____	
250 Gal Water Unit	yes _____	no _____	
Red Light	yes _____	no _____	
Siren & Speaker	yes _____	no _____	

(Spell out exactly how you want it lettered)



VOL. FIRE DEPT.

2000 Gallon Tanker: – Not Plumbed, Bolted Down to Truck w/u-bolts
(We cannot do any further custom work other than items listed below.)

Paint 5 Ton Truck	yes _____	no _____
Service Truck/Tune up	yes _____	no _____
New Batteries	yes _____	no _____
Letter Doors	yes _____	no _____
Metal Top (\$450.00)	yes _____	no _____

Method of Payment:

Finance Total Amount with 25% Down at Delivery	yes _____	no _____
Pay in Full at Delivery	yes _____	no _____

Signature – VFD Fire Chief

Signature – Mayor or Pres. Of Board

RURAL FIRE PROTECTION EQUIPMENT REQUEST

COUNTY _____ AFC UNIT _____

FIRE DEPARTMENT _____

MAILING ADDRESS _____ CITY _____ ZIP _____

FIRE CHIEF _____ TELEPHONE NO _____

TYPE OF EQUIPMENT REQUESTED

TRUCK 3/4 TON _____

TRUCK TANKER - 1000 GAL - 2000 GAL

TRUCK 1 TON _____

TRUCK TANKER - 2000 GAL - 3000 GAL

TRUCK 1 1/4 TON _____

TRUCK TANKER - 5000 GAL

TRUCK 1 1/2 TON (SINGLE AXLE)

MUN. PUMPER (Check one) 500 750 1000 _____

TRUCK TWIN SCREW

OTHER

REQUEST FOR EXCESS PROPERTY OTHER THAN VEHICLE (EXPLAIN) _____

A FIRE DEPARTMENT MUST SUBMIT TO THE DISTRICT FORESTER A TRANSPORTATION TRAFFIC PLAN WHEN REQUESTING TANKERS OF ANY SIZE. (SEE REVERSE SIDE)
ARE STORAGE FACILITIES FOR REQUESTING VEHICLE AVAILABLE?

YES _____ NO _____ (SEE REVERSE SIDE)

PROVISIONS OF THE COOPERATIVE LEASE AGREEMENT HAVE BEEN READ AND UNDERSTOOD?

YES _____ NO _____ (SEE REVERSE SIDE)

LIABILITY AND JUNKING CLAUSES HAVE BEEN EXPLAINED?

YES _____ NO _____ (SEE REVERSE SIDE)

REQUESTED BY: NAME _____ TITLE: _____

SIGNATURE: _____ DATE: _____

COMMENTS OF DISTRICT FORESTER: _____

APPROVED _____

DISTRICT FORESTER _____

DISAPPROVED _____

DATE _____

DATE RECEIVED AT RFP

TRANSPORTATION TRAFFIC PLAN

Upon receipt of a request from a Volunteer Fire Department requesting a tanker truck, a survey of the transportation system of their district is required. The Fire Department will need to locate and catalog all of the bridges in their service area. Each county has or can obtain a Bridge Number Map from the Arkansas Highway and Transportation Department. This map has all county roads and bridges numbered. The Highway Department also has a print-out titled: Bridge Inventory/Posting Certification which every County Judge must sign for his bridges to be certified. From these two pieces of information any bridge that has posted weight limit signs can be identified and the limitations of the bridge noted. This information is updated annually on all posted bridges. With this information the Fire Department can make an adequate traffic plan for their service area. By following these recommendations the fire department can pre-plan alternative routes for heavy tankers. Also, the weight of the truck will be posted on the dashboard and readily visible when approaching a posted bridge.

LEASE AGREEMENT PROVISIONS

- (1) To obtain, prior to operation of said equipment, and continue in effect, for the duration of this agreement, public liability and property damage insurance in the amount required by State law to cover the operation of said equipment.
- (2) To provide the COMMISSION with a copy or certificate of said liability insurance prior to operation of said equipment.
- (3) To insure that add on tanks, pumps, hose reels, etc., will not cause the vehicle in this agreement to exceed the G.V.W. of that vehicle. Add on tanks shall be baffled at each 125 gal. Interval.
- (4) To operate said equipment, at no cost to the State.
- (5) To respond with said equipment, adequately manned, to all fire calls within five (5) miles response distance of the fire station.
- (6) To otherwise equip, outfit, paint and place said equipment in active fire service within a six-month period from the date of delivery and provide shelter adequate to protect it from vandalism and/or the elements. Color of vehicle when painted shall be red, white, or yellow.
- (7) All equipment is limited to fire use and/or fire related activities.

LIABILITY & JUNKING CLAUSES

- (1) Title to the equipment shall remain with the Federal Government.
- (2) The equipment may not be sold, junked or traded, but must be returned to the COMMISSION for final disposition.
- (3) When equipment is returned upon termination of this agreement, said equipment shall have at least the same component parts as it had when the COOPERATOR received said equipment.
- (4) The equipment will be marked with a Rural Fire Decal on each door, that will indicate the cooperation between the COOPERATOR and the COMMISSION.

ARKANSAS FORESTRY COMMISSION**RURAL FIRE PROTECTION****FIRE EQUIPMENT STATE CONTRACT ITEMS**

The State Contract, SP-04-0452, for slip on pump units, engine and pump
and equipment has been awarded and will be in effect
from 08/30/2006 – 06/30/2007.

Engine and Pump ONLY (Hale HP x200-B18 Pump with 18 HP Briggs & Stratton Engine) \$ 2,410.00

225 Gallon Unit with polypropylene tank \$ 7,900.00

<u>ITEM</u>	<u>EQUIPMENT</u>	<u>PRICE</u>
30.	Mini 2 Rotater Light Bar w/mirror, red	73.00
40.	Siren & Speaker, w/whale, yelp, air horn	187.00

01/17/2007

COUNTY-WIDE FIRE DEPARTMENT**§ 14-20-108. Dues for volunteer fire departments.**

- (1) The quorum court of each county may, upon request therefor filed with the court by one (1) or more volunteer fire departments in the county, adopt an ordinance authorizing a designated county official to collect and remit to the department the annual or quarterly dues charged by the department in consideration of providing fire protection to unincorporated areas in the county.
- (2) The ordinance enacted by the court shall set forth the terms and conditions on which such dues are to be collected by the county and for the remission of the dues to the volunteer fire departments.
- (3) Provided, however, active members of the volunteer fire departments whose annual or quarterly dues are collected in this manner may, at the discretion of the volunteer fire department, be exempt from the annual or quarterly dues charged by the department in consideration of providing services to the department.
- (4) The court may, by majority vote, designate the geographical area that a volunteer fire department may serve and may then direct that the property owners of the area pay dues to be established by the court, which shall become a lien upon the property within the geographical area.
- (5) Upon request by a volunteer fire department, the quorum court of each county involved may authorize a volunteer fire department to serve a geographical area to extend across the county boundary lines.
- (6) The court may establish its own countywide fire department, either regular or voluntary.
- (7) This section does not change the authority of intergovernmental cooperation councils to enter into reciprocal agreements or to distribute funds under § 14-284-401 et seq. and 26-57-614.

History. Acts 1977, No. 512, § 1; A.S.A. 1947, § 17-455; Acts 1991, No. 1038, § 1; 1995, No. 744, § 1.