

ORDINANCE NO – 21-1395

ORDINANCE TO ESTABLISH THE WOODBURN – NEW HAVEN FIRE & EMS PROTECTION TERRITORY AND TO ADOPT THE WOODBURN – NEW HAVEN FIRE & EMS PROTECTION TERRITORY AGREEMENT, AND TO ESTABLISH AN EQUIPMENT REPLACEMENT FUND

WHEREAS, IC 36-8-19 permits two (2) or more participating units of local government to establish a fire protection territory to provide fire protection services to those participating units; and,

WHEREAS, Adams Township (“Adams”), Milan Township (“Milan”), Jefferson Township (“Jefferson”), the City of New Haven, (“New Haven”), the City of Woodburn (“Woodburn”) and Maumee Township (“Maumee”), currently contract with each other to provide or receive fire protection and emergency medical services within New Haven, Woodburn, Maumee, Jefferson, and the unincorporated areas of Adams and Milan; and,

WHEREAS, Adams, Milan, Jefferson, New Haven, Maumee and Woodburn are contiguous to one another; and,

WHEREAS, in the formation of a Territory, the participants are permitted to establish an Equipment Replacement Fund pursuant to IC 36-8-19-8.5; and,

WHEREAS, the Trustee and Township Board of Maumee, the Trustee and Township Board of Jefferson, the Trustee and Township Board of Adams, the Trustee and Township Board of Milan, the Mayor and Common Council of Woodburn and the Mayor and City Council of New Haven have determined that it will be in the best interests of the citizens of those units of government to enter into an agreement to form a fire protection territory; and,

NOW THEREFORE, IT IS HEREBY RESOLVED THAT:

1. The Trustee and Township Board of Adams, hereby joins together with the Trustee and Township Board of Jefferson, the Trustee and Township Board of Maumee, the Trustee and Township Board of Milan, the Mayor and City Council of Woodburn and the Mayor and City Council of New Haven, all of Allen County, Indiana, under the provisions of IC 36-8-19 to establish a fire protection territory.

2. The fire protection territory shall include the entire area of Maumee which includes the entire area of Woodburn, the entire area of Jefferson, the entire area of New Haven, and the unincorporated areas of Adams and Milan.

3. The provider unit shall be the City of New Haven, Allen County.

4. The participating units shall be Maumee, Adams, Jefferson, Woodburn, Milan, and New Haven.

5. Upon the adoption of this Ordinance by Woodburn; the corresponding Ordinance by New Haven, and Resolutions by Adams, Maumee, Milan, and Jefferson, the participating units agree that the property tax rates imposed on all taxable property in Maumee, including Woodburn, the unincorporated areas of Adams and Milan, New Haven, and Jefferson, for the services provided by the fire protection territory shall be the same.

6. The agreement to establish the fire protection territory shall include the creation of a Fire Protection Territory Fund by New Haven, from which all expenses of operating and maintaining the fire protection services within the territory, including repairs, fees, salaries, depreciation on all depreciable assets, rents supplies, contingencies, and other expenses lawfully incurred within the territory shall be paid. The funds and money in the fund may not be used for any other expense or purpose, including the payment of debt service or lease rentals on obligations issued or entered to finance buildings or equipment. The money in the fund may be used to repay any advances made by New Haven to the fund, if any, or to transfers to the Fire Protection Equipment Replacement Fund.

7. The budget for the Fire Protection Territory Fund shall be approved by New Haven, subject to the procedures detailed in the Agreement titled the “Woodburn – New Haven Fire & EMS Protection Territory Agreement.” (“Interlocal Agreement”) The budget shall be set in an amount sufficient to meet the expenses of operation and maintenance of fire protection services within the territory and to maintain an appropriate operating reserve. After adoption of the fire protection budget, the participating units shall establish the tax levy required to fund the budget, as estimated by the provider unit, subject only to any applicable property tax levy controls.

8. The agreement shall include the establishment of a Fire Protection Equipment Replacement Fund, to be used to purchase fire protection equipment, including housing. There shall be a separate levy, on all taxable property. The property tax rate for the Equipment Replacement Fund levy may not exceed three and thirty-three hundredths cents (\$0.0333) per one hundred dollars (\$100) of assessed value.

9. The Interlocal Agreement provides for the establishment of an executive board which shall perform certain administrative, planning, and operating business of the territory with the involvement of all the Participating Units subject to the terms of the Interlocal Agreement.

10. The Participating Units designate and establish the Provider Unit through its Fire Department the enforcing authority for any uniform fire and building codes of the County or State of Indiana, any ordinances or resolutions of the participating units designated by such participating units, ambulance fee schedule, fireworks or amusement permitting and inspection procedures to be enforced throughout the Territory, including but not limited to IC 36-8-17-7 and to collect any fines or penalties payable to the Territory for violations of any such laws or ordinances.

11. The Interlocal Agreement shall also authorize the participating units to do all other acts provided under the provisions of IC 36-8-19 not otherwise agreed upon or limited by the Interlocal Agreement.

12. All prior Resolutions, Ordinances or parts thereof that are inconsistent with any provisions of this Ordinance are hereby repealed.

13. A copy of the Interlocal Agreement is attached hereto and included as part of and incorporated by reference into this Ordinance and enforceable as an Ordinance of the City of Woodburn, Indiana, and pursuant to the laws of the State of Indiana.

14. This Ordinance is hereby adopted at the duly noticed meeting of the Common Council of the City of Woodburn, Indiana, held this 1st day of March, 2021.

< SIGNATURES ON NEXT PAGE >

WAIVER OF SECOND READING

On motion duly made and seconded, the second reading of the foregoing Ordinance was unanimously waived. After a motion to adopt the Ordinance was properly made, the results of which are below, the Ordinance was deemed effective as of the date of passage due to a majority vote of yea and approval of the Mayor.

COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA

By: _____ YEA _____ NAY _____ ABS _____
Michael Voirol, Councilman

By: _____ YEA _____ NAY _____ ABS _____
Michael Martin, Councilman

By: _____ YEA _____ NAY _____ ABS _____
Tonya Thompson, Councilman

By: _____ YEA _____ NAY _____ ABS _____
Dean Gerig, Councilman

By: _____ YEA _____ NAY _____ ABS _____
Daniel Watts, Councilman

ATTEST:

By: _____
Timothy Cummins, Clerk-Treasurer

The foregoing ordinance passed by the Council is signed and approved () / not approved () by me on the same date.

By: _____
Joseph Kelsey, Mayor for the City of Woodburn