

APPLEGATE VALLEY FIRE DISTRICT

Board Agenda Item: Introduction of Proposed Ordinances

Topic: Introduction and Consideration of Four Proposed Fire District Ordinances

Presented by: Fire Chief Chris Wolfard

Date: November 19, 2025

Action Requested: Review and discussion; no formal adoption at this meeting.

Background

In response to the Board's request for a comprehensive cost recovery program, as well as increasing demands on district resources and the need to promote responsible community practices, staff have prepared four proposed ordinances for the Board's review and consideration.

These ordinances are intended to strengthen accountability, support cost recovery where appropriate, and align district policy with Oregon Revised Statutes governing rural fire protection districts. They were developed under the authority of ORS Chapter 478, and reference related statutes where applicable (including ORS 476, ORS 468A, and ORS 153). Each has been formatted for consistency and clarity, and is presented for initial review and feedback prior to moving forward to a formal process involving public input, legal review, hearings, and eventual adoption.

The development of these ordinances follows prior discussions at previous Board meetings regarding the need for a comprehensive cost recovery framework and improved accountability for preventable or non-emergency incidents.

Summary of Proposed Ordinances

A brief summary of each proposed ordinance is provided below for reference.

Unauthorized or Illegal Burning Ordinance

Addresses unauthorized outdoor burning that violates existing state regulations. Provides for escalating fines and the ability to recover response costs associated with illegal burns conducted during restricted periods, involving prohibited materials, or unsafe practices.

False Alarm Ordinance

Aims to reduce unnecessary emergency responses caused by repeated or negligent false alarms. Establishes escalating penalties and encourages responsible alarm maintenance to preserve district readiness for true emergencies.

Misuse of Emergency Services Ordinance

Targets repeated or willful misuse of 911 or emergency response systems for non-emergency issues. Seeks to protect limited resources and ensure emergency personnel remain available for legitimate incidents, while maintaining fairness and due process.

Emergency Response Cost Recovery Ordinance

Allows the District to recover reasonable costs incurred in response to incidents resulting from negligence, recklessness, willful misconduct, or inherently dangerous activities. Reinforces accountability and ensures taxpayer-funded resources are not diverted to cover avoidable costs.

Purpose and Intent

The collective purpose of the proposed ordinances is to:

- Protect operational readiness and ensure emergency resources remain available for true emergencies;
- Reinforce personal and community responsibility;
- Establish consistent cost-recovery and enforcement mechanisms;
- Ensure alignment with applicable Oregon statutes; and
- Enhance fairness, transparency, and fiscal accountability within the District's operations.

Next Steps

With the Board's approval, staff will seek public input. It is anticipated that, after receiving Board and public input, staff will revise and forward the proposed ordinances to legal counsel for their review. We will then schedule two public hearings and, pending any necessary revisions, proceed to formal adoption consideration. Upon adoption, each ordinance will be filed with Jackson and Josephine Counties in accordance with ORS 198.550–198.560 and published as required by law.

APPLEGATE VALLEY FIRE DISTRICT

ORDINANCE NO. [____]

UNAUTHORIZED OR ILLEGAL BURNING ORDINANCE

SECTION 1. PURPOSE

The purpose of this ordinance is to protect public safety, property, and natural resources by addressing unauthorized outdoor burning and reducing preventable emergency calls. The intent is to prevent unnecessary dispatch of fire resources to avoidable or non-emergency incidents, not to create an additional revenue source.

When the District is required to respond to burning that violates existing state, county, or local regulations, those responses reduce available resources, increase operational costs, and place personnel and equipment at unnecessary risk. This ordinance provides a means for the District to mitigate those impacts and ensure accountability for violations of established burning rules and restrictions.

This ordinance is adopted pursuant to ORS 478.260, which authorizes rural fire protection districts to enact regulations necessary for the prevention and suppression of fire and protection of life and property. In alignment with ORS 476.380, this ordinance seeks to mitigate local impacts from unauthorized burning.

SECTION 2. DEFINITIONS

For the purposes of this ordinance:

Illegal or Unauthorized Burning means any outdoor burning conducted in violation of existing restrictions established by state, county, or local authorities, including but not limited to:

- Burning during declared fire season when burning is prohibited, as defined under ORS 476.390.
- Burning during periods when air-quality restrictions or hazardous-weather conditions prohibit burning.
- Burning of prohibited materials, including but not limited to: household garbage, plastic, wire insulation, automobile parts, asphalt, petroleum products or treated materials, rubber, asbestos, animal remains, animal or vegetable matter resulting from the handling, preparation, cooking or service of food, or any material which emits dense smoke or noxious odors.
- Burning outside of designated daylight hours.

These prohibitions mirror those established under ORS 468A.550 through 468A.620 and related DEQ administrative rules (OAR 340-264).

Open Burning Hours: Open burning is restricted to daylight hours, from 7:30 a.m. until two hours before sunset.

SECTION 3. PROHIBITED CONDUCT

No person shall cause, allow, or maintain unauthorized or illegal burning as defined in this ordinance within the District.

This section is adopted under the authority granted by ORS 478.260(3).

SECTION 4. PENALTIES

Violations of this ordinance shall be subject to the following escalating penalties:

- First Violation: \$100 fine. The Fire Chief (or their designee) has the discretion to issue a written warning and suspend the first fine.
- Second Violation: \$150 fine. If the Fire Chief previously issued a warning for the first violation, that suspended fine shall also be levied at this time, resulting in a total penalty of \$250 for the second violation.
- Third Violation: \$300 fine.
- Each Subsequent Violation: \$500 fine.

Each violation shall constitute a separate offense.

Citations for violations may be issued in accordance with ORS 153.058. Penalties assessed under this ordinance are in addition to any cost recovery authorized under ORS 478.965.

SECTION 5. REFERRAL AND COORDINATION

The Fire Chief may refer cases involving violations of this ordinance to regulatory authorities or law enforcement for investigation or enforcement under applicable

ordinances, laws, statutes, or administrative rules. Such referrals may include, but are not limited to, enforcement actions under ORS 476.390 and ORS 468A.555.

SECTION 6. AUTHORITY

The Fire Chief, or their designee, is authorized to enforce this ordinance.

Authority for enforcement is derived from ORS 478.260 and ORS 478.965.

SECTION 7. APPEALS

Any person cited under this ordinance may appeal in writing to the Board of Directors within 30 days of issuance. Appeals shall be conducted consistent with District policy and the authority granted under ORS 478.260. The Board shall render the final decision.

SECTION 8. EFFECTIVE DATE

This ordinance shall take effect upon passage by the Board of Directors of the Applegate Valley Fire District and supersedes any prior provisions inconsistent herewith.

Approved and adopted by the Applegate Valley Fire District Board of Directors
this ____ day of _____, 2026.

Board President

Board Member

APPLEGATE VALLEY FIRE DISTRICT

ORDINANCE NO. [____]

FALSE ALARM ORDINANCE

SECTION 1. PURPOSE

The purpose of this ordinance is to promote responsible maintenance and operation of fire alarm systems and to reduce the number of unnecessary emergency responses resulting from false alarms. False alarms can divert limited fire district resources, increase operational costs, and delay response to genuine emergencies. This ordinance is intended to improve community safety and operational readiness, not to generate revenue.

(Authority derived from ORS 478.260 and ORS 478.300, granting rural fire protection districts the power to adopt ordinances necessary for carrying out district functions.)

SECTION 2. DEFINITIONS

For the purposes of this ordinance:

False Alarm means the activation of any fire alarm system or device that results in a response by the Fire District when no emergency exists. This includes alarms caused by equipment malfunction, improper maintenance, negligence, or human error. Alarms triggered by weather, power surges, or other unavoidable events are not considered false alarms if verified as such by the Fire Chief or their designee.

Responsible Party means the property owner, occupant, tenant, or other person or entity having control over the premises or alarm system that caused the false alarm.

SECTION 3. RESPONSIBILITY

It is the responsibility of each property owner or responsible party to maintain alarm systems in good working order, test systems regularly, and ensure proper use by occupants and staff. The Fire District may provide guidance or education regarding alarm maintenance upon request.

SECTION 4. PENALTIES

Violations of this ordinance shall be subject to the following escalating penalties:

- First Violation: \$100 fine. The Fire Chief (or their designee) has the discretion to issue a written warning and suspend the first fine.
- Second Violation: \$150 fine. If the Fire Chief previously issued a warning for the first violation, that suspended fine shall also be levied at this time, resulting in a total penalty of \$250 for the second violation.
- Third Violation: \$300 fine.
- Each Subsequent Violation: \$500 fine.

Each violation shall constitute a separate offense.

(Penalties established under the authority of ORS 478.260 and ORS 478.965, permitting rural fire protection districts to recover costs or impose penalties related to emergency responses. Civil penalty enforcement per ORS 153.005 to 153.121.)

SECTION 5. REFERRAL AND COORDINATION

The Fire Chief may refer cases involving violations of this ordinance to regulatory authorities or law enforcement for investigation or enforcement under applicable ordinances, laws, statutes, or administrative rules.

(In accordance with ORS 478.930, authorizing fire districts to enforce ordinances and coordinate enforcement with other public bodies.)

SECTION 6. AUTHORITY

The Fire Chief, or their designee, is authorized to enforce this ordinance.

(Authority conferred by ORS 478.300 and 478.310, granting district officers authority to administer and enforce district ordinances.)

SECTION 7. APPEALS

Any person cited under this ordinance may appeal in writing to the Board of Directors within 30 days of issuance. The Board shall render the final decision.

(Appeals heard in accordance with ORS 478.940, providing for board powers and procedures.)

SECTION 8. EFFECTIVE DATE

This ordinance shall take effect upon passage by the Board of Directors of the Applegate Valley Fire District and supersedes any prior provisions inconsistent herewith.

Approved and adopted by the Applegate Valley Fire District Board of Directors this ____ day of _____, 2026.

Board President

Board Member

Approved and adopted by the Applegate Valley Fire District Board of Directors this ____ day of _____, 2026.

Board President

Board Member

APPLEGATE VALLEY FIRE DISTRICT

ORDINANCE NO. [____]

MISUSE OF EMERGENCY SERVICES ORDINANCE

SECTION 1. PURPOSE

The purpose of this ordinance is to reduce preventable, non-emergency calls for service and to ensure that emergency resources remain available for true emergencies. While the Fire District is committed to providing compassionate service to all residents, a growing number of non-emergency 911 calls—including repeated or willful misuse—has placed unnecessary strain on personnel, equipment, and response capability.

This ordinance is intended to promote personal responsibility, preserve district readiness, and improve accountability for misuse of emergency services, not to generate additional revenue. (pursuant to ORS 478.940)

SECTION 2. DEFINITIONS

For the purposes of this ordinance:

Misuse of Emergency Services means the knowing, habitual, or negligent request for emergency response or 911 activation when no true emergency exists, or when the situation could be reasonably resolved through non-emergency means (see ORS 403.105–403.250). Examples include, but are not limited to:

- Calling 911 for assistance with routine personal care, transportation, or domestic tasks;
- Requesting non-emergency assistance such as unlocking doors, caring for animals, or performing welfare checks that are not emergent in nature;
- Using 911 or district resources to report issues of personal dispute or nuisance between neighbors when no threat to life, health, or property exists; or

- Repeatedly calling 911 in bad faith or after prior advisement that the issue is not an emergency.

Responsible Party means any individual or entity that knowingly or repeatedly initiates a non-emergency 911 call or request for service as described above.

SECTION 3. PROHIBITED CONDUCT

No person shall knowingly or repeatedly misuse emergency services or 911 resources as defined in this ordinance. Each separate call or incident may be considered a distinct violation. (pursuant to ORS 162.375 and ORS 165.570)

SECTION 4. PENALTIES

Violations of this ordinance shall be subject to the following escalating penalties:

- First Violation: \$100 fine. The Fire Chief (or their designee) has the discretion to issue a written warning and suspend the first fine.
- Second Violation: \$150 fine. If the Fire Chief previously issued a warning for the first violation, that suspended fine shall also be levied at this time, resulting in a total penalty of \$250 for the second violation.
- Third Violation: \$300 fine.
- Each Subsequent Violation: \$500 fine.

Each violation shall constitute a separate offense. (pursuant to ORS 478.965 and ORS 478.940(2))

SECTION 5. REFERRAL AND COORDINATION

The Fire Chief may refer cases involving violations of this ordinance to regulatory authorities or law enforcement for investigation or enforcement under applicable ordinances, laws, statutes, or administrative rules. (pursuant to ORS 478.930)

SECTION 6. AUTHORITY

The Fire Chief, or their designee, is authorized to enforce this ordinance. (pursuant to ORS 478.940(1))

SECTION 7. APPEALS

Any person cited under this ordinance may appeal in writing to the Board of Directors within 30 days of issuance. The Board shall render the final decision. (pursuant to ORS 478.940(3))

SECTION 8. EFFECTIVE DATE

This ordinance shall take effect upon passage by the Board of Directors of the Applegate Valley Fire District and supersedes any prior provisions inconsistent herewith. (pursuant to ORS 198.550–198.560)

Approved and adopted by the Applegate Valley Fire District Board of Directors this ____ day of _____, 2026.

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Board President

Board Member

APPLEGATE VALLEY FIRE DISTRICT

ORDINANCE NO. [____]

EMERGENCY RESPONSE COST RECOVERY ORDINANCE

SECTION 1. PURPOSE

The purpose of this ordinance is to ensure fairness and accountability by allowing the Applegate Valley Fire District to recover actual costs incurred in response to emergencies resulting from negligent, willful, or reckless actions—or from inherently dangerous activities.

The primary intent is to protect the District’s ability to respond effectively to true emergencies by ensuring that limited public resources are not diverted to cover the costs of avoidable or high-risk incidents. This ordinance is not designed to generate additional revenue, but to ensure that the costs of preventable or extraordinary responses are borne by those responsible, rather than by taxpayers as a whole.

This ordinance is enacted pursuant to the authority granted to rural fire protection districts under ORS 478.260, ORS 478.300, and ORS 478.965, which authorize the adoption of ordinances and recovery of costs associated with fire protection, emergency services, and enforcement.

SECTION 2. DEFINITIONS

For the purposes of this ordinance:

Emergency Response means any incident to which the Fire District responds involving personnel, apparatus, equipment, or other resources deployed to protect life, property, or the environment.

Negligence, Recklessness, or Willful Misconduct refers to conduct that disregards established safety standards, lawful regulations, or reasonable precautions, resulting in the need for

emergency response. These terms shall be interpreted consistently with standards of conduct defined under Oregon law, including civil and criminal definitions of negligence, recklessness, and willful misconduct as set forth in ORS 31.150 et seq. and ORS 161.085(10).

Inherently Dangerous Activities include, but are not limited to, activities such as extreme recreation, backcountry travel, aviation, water sports, or other pursuits that, by their nature, carry a high risk of injury, entrapment, or the need for rescue.

SECTION 3. COST RECOVERY

The District may recover the actual and reasonable costs associated with any emergency response when such response is required due to:

- Negligence, recklessness, or willful misconduct by an individual or entity;
- Violation of law, ordinance, or administrative rule;
- Failure to comply with lawful direction from emergency personnel; or
- Participation in inherently dangerous activities, whether lawful or not, that result in an emergency response or rescue operation.

Cost recovery under this section is authorized by ORS 478.965 and ORS 476.280.

Costs eligible for recovery include, but are not limited to:

- Apparatus and equipment use (excluding personnel unless specifically authorized);
- Consumable materials, fuel, or specialized supplies;
- Replacement or repair of damaged equipment;
- Contracted support or technical services;
- Administrative and reporting costs directly related to the incident.

Cost determinations shall be based on documented actual expenses in accordance with ORS 294.100 and applicable state and local cost-accounting requirements.

Nothing in this ordinance is intended to prohibit, discourage, or regulate lawful recreational, occupational, or volunteer activities that may be inherently dangerous by nature. The purpose of this ordinance is to ensure that when such activities result in an emergency response—whether from negligence, recklessness, or lawful participation—the responsible parties bear the costs incurred by the District, rather than shifting those costs to taxpayers.

SECTION 4. BILLING AND PAYMENT

The District shall provide written notice of cost recovery to the responsible party, identifying the incident, date, and cost basis. Payment shall be due within 30 days unless an appeal is filed.

Failure to remit payment may result in collection proceedings or legal action as authorized by law. Such enforcement may include actions brought in accordance with ORS 30.310 et seq. and ORS 478.965(3).

SECTION 5. APPEALS

Any person billed under this ordinance may appeal in writing to the Board of Directors within 30 days of billing. The Board shall review the appeal and render a final decision, which shall be binding. The Board's decision shall constitute the District's final administrative determination under ORS 34.010 et seq., subject to judicial review as allowed by law.

SECTION 6. AUTHORITY

The Fire Chief, or their designee, is authorized to administer and enforce this ordinance. This ordinance is enacted under the authority of ORS 478.300 and ORS 478.965, granting the District Board the power to adopt ordinances and enforce cost recovery for emergency responses.

SECTION 7. EFFECTIVE DATE

This ordinance shall take effect upon passage by the Board of Directors of the Applegate Valley Fire District and supersedes any prior provisions inconsistent herewith.

Approved and adopted by the Applegate Valley Fire District Board of Directors this ____ day of _____, 2026.

Board President

Board Member

Approved and adopted by the Applegate Valley Fire District Board of Directors this ____ day of _____, 2026.

Board President

Board Member