

CHAPTER 16
FIRE DISTRICT ESTABLISHED

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Adopted: December 19, 1996 Signed: _____
Donna M. Waters, Clerk

CHAPTER 16
FIRE DISTRICT ESTABLISHED

16-101 Purpose. As provided for in Article IX, Section II, Paragraph VI of the Constitution of the State of Georgia, there is hereby established a Special District to be known as the “Bryan County Fire District” and consisting of the area of the County of Bryan located without the limits of incorporated municipalities therein as the same shall from time to time exist.

16-102 Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in Webster’s New Collegiate Dictionary, current edition, and to give this ordinance its most reasonable application. Words used in the singular shall include the plural, and the plural the singular; words used in the present tense shall include the future tense. The words “shall”, “will” and “must” are mandatory and not discretionary. The word “may” is permissive.

1. Business Premises. Any place of business operation including, but not limited to, offices, warehouses, sheds, stores, and any other such location where commercial activity takes place.

2. Dwelling. Any building or structure or part thereof used and occupied for human habitation or intended to be so used, including but not limited to Manufactured Homes, relocatable homes or Mobile Homes.

3. Parcel. A lot or tract of land situated in Bryan County located without the limits of incorporated municipalities therein and which has been assigned a property identification number by the Bryan County Tax Assessor for the year in which the special fire assessment authorized herein is made.

4. Manufactured Home. A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a Dwelling with or without a permanent foundation when connected to the required utilities; except that such term shall include any Structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

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5. Mobile Home. A Structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a Dwelling with or without a permanent foundation when connected to the required utilities and manufactured prior to June 15, 1976.

6. Improvement. Any Structure attached to or situated on real property, including but not limited to office buildings, stores, factories, barns or garages.

7. Fire Fighting Services. The transportation of fire department equipment to a Parcel and the actions of fire department personnel to extinguish a fire on said Parcel.

16-103 Fire prevention and fighting services provided. Within the Bryan County Fire District, the County shall provide fire prevention, Fire Fighting Services and Fire Fighting Operations as it may from time to time determine, including but not limited to the provision of such services by contract or in cooperation with any municipalities within the County or with any other fire protection entity.

16-104 Disposition of proceeds of special fire assessment. Proceeds from the special fire assessment so levied shall be deposited in a special fund and accounted for separately from other tax funds of the County and shall be used exclusively for operation of fire departments, including, but not limited to, the acquisition of realty, the construction of buildings, the acquisition of equipment, the payment of personnel services and administrative costs, the performance of Fire Fighting Services, and the maintenance, repair, remodeling, improvement, and replacement of land, buildings and equipment as the same from time to time shall be deemed necessary (collectively “Fire Fighting Operations”); provided, however, that the County may from time to time determine to use revenue sharing or other tax revenues and grants to defray the cost of any of such items either in whole or in part.

16-105 Billing.

1. The cost of fire prevention, Fire Fighting Services and fire fighting operations as defined herein shall be established annually for the Bryan County Fire District by the Board of Commissioners of Bryan County (“Board”) and shall be an assessment against all Parcels of real property in the Bryan County Fire District upon which one or more Dwellings or Business Premises are situated (“Taxable Parcels”). If more than one Dwelling or Business Premises is situated on a Taxable Parcel, then the amount of special fire assessment shall be assessed against all such Dwellings or Business Premises.

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2. Notwithstanding anything contained herein to the contrary, when the Manufactured Home, relocatable home or Mobile Home situated on a Taxable Parcel is not owned by the owner of such Taxable Parcel, the special fire assessment shall be assessed against the owner of such Manufactured Home, relocatable home or Mobile Home and no permit required pursuant to County or state law shall be issued for such Manufactured Home, relocatable home or Mobile Home for which such permit is sought until the special fire assessment due thereon has been paid in full. (Amended Addition as of December 19, 1996)

3. If a Dwelling is not situated within the County on January 1, of any calendar year commencing January 1, 1997, or if construction of a Dwelling is not completed and the Dwelling occupied on January 1 of any calendar year commencing January 1, 1997, then the owner of the Taxable Parcel on which said Dwelling is situated or, in the case of a Manufactured Home, Mobile Home or relocatable home described in subparagraph (2) above, the owner of such Manufactured Home, Mobile Home or relocatable home, shall pay a portion of the special fire assessment due on such Dwelling as determined as follows depending on the date of which such Dwelling is either moved into the County or completed and occupied, as the case may be: (Amended Addition as of December 19, 1996)

From January 2 through March 31	-	\$75.00 (R-11/5/02)
From April 1 through June 30	-	\$56.25 (R-11/5/02)
From July 1 through September 30	-	\$37.50 (R-11/5/02)
From October 1 through December 31	-	\$18.75 (R-11/5/02)

16-106 Collection. The special fire assessment shall be collected by the Tax Commissioner of Bryan County or such other official as the Board shall designate and may be enforced by the issuance of fi.fas. Or executions for said assessments in the same manner and with the same lien dignity and priority as fi.fas. Executions are issued for State and County taxes. Notwithstanding anything contained herein to the contrary, the Tax Commissioner or such other official as the Board shall designate shall be authorized to enforce the collection of the special fire assessment in the same manner as authorized by Chapter 3 of Title 48 and Code Section 48-2-44 of the Official Code of Georgia Annotated for the collection and payment of taxes, fees, or assessments. The Board may also establish additional charges for late payment and assess any costs incurred in collecting delinquent assessments and may establish and compel compliance with reasonable rules and regulations for the provision of Fire Fighting Operations and Fire Fighting Services.

16-107 Use of special fire assessments restricted. No part of the revenues derived from the special fire assessments levied upon property located in the Bryan County Fire District shall be used for any purpose other than those specified in this Chapter and no part of the ad valorem revenues derived by the County from property located within the corporate

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limits of municipalities shall be used for such purposes. It is the intent of the Board that neither property located within the limits of municipalities nor the owners thereof shall in any wise be required to support the Fire Fighting Operations without the corporate limits of such municipalities.

16-108 Special fire assessment levy determined annually. The amount of special fire assessment levy to be made for the purpose of Fire Fighting Operations shall be determined annually by the Board and shall be assessed equally against all Dwellings and Business Premises situated on Taxable Parcels located within the Bryan County Fire District, commencing with the calendar year 1995.

16-109 Accounting for revenues. The Board shall establish and maintain separate accounting for revenues derived from special fire assessment levies made for Fire Fighting Operations and shall not commingle the same with any other funds of the County. If, at the end of any fiscal year, there remain any funds unexpended in the account so established, the same shall not lapse or revert to the general funds of the County, but shall be maintained exclusively for the purposes specified in this Chapter.

16-110 Parcels with No Dwellings Situated Thereon. An owner of a Parcel on which no Dwelling or Business Premises is situated thereon ("Parcel with no Dwelling or Business Premises") may, by written notice received by the Board prior to February 1, of each calendar year, elect to pay the special fire assessment on such Parcel. The form for such notice shall be prepared by the Board and made available to the residents of Bryan County.

16-111 Special Fire Assessment on Parcel with No Dwelling or Business Premises.

A. If Fire Fighting Services are performed on a Parcel with No Dwelling or Business Premises, the owner of such Parcel shall, upon receipt of a notice from the Board, pay Bryan County one of the following as a special fire assessment on a Parcel with No Dwelling or Business Premises.

1. Three Hundred Dollars (\$300.00), if Fire Fighting Services were performed on an Improvement.
2. One Hundred Fifty Dollars (\$150.00), if Fire Fighting Services were performed on vacant land.

B. The special fire assessment on a Parcel With No Dwelling or Business Premises shall be collected in the same manner as authorized for the collection of special fire assessments in Section 13-106 above.

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16-112 Repeal of Conflicting Ordinances or Resolutions. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

16-113 Conflict with Other Laws. Whenever the requirements of this Ordinance are more restrictive than the standards required in or under any other statute, ordinance, or resolution, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute, ordinance, or resolution are more restrictive standards than those of this Ordinance, the provisions of said statute, etc. shall govern.

16-114 Severability. Should any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part or provisions thereof, other than the part so decided to be invalid or unconstitutional.

16-115 Effective Date. This Ordinance shall become effective January 1, 1995. Adopted this 22nd day of December, 1994. This Amendment shall become effective January 1, 1996. Adopted this 19th day of December, 1995.

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