

OFFICE OF THE ATTORNEY GENERAL



94-00010

JIMMY EVANS
ATTORNEY GENERAL
STATE OF ALABAMA

OCT 20 1993

ALABAMA STATE HOUSE
11 SOUTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205) 242-7300

Honorable Gordon H. Massey, Sr.
Mayor, Town of Argo
8885 Gadsden Highway
Trussville, AL 35173

Fire Departments - Volunteers
- Fire Protection - Police
Jurisdiction

The Town of Argo may enter into a contract with the City of Trussville, or with the residents of the area in question, with the agreement of the City of Trussville, to furnish fire protection to the residents in a particular area in the police jurisdiction of the City of Trussville.

Dear Mayor Massey:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTION

May the Volunteer Fire Department of the Town of Argo provide fire protection to an area outside the town limits and, in particular, an area in the police jurisdiction of the City of Trussville?

FACTS, LAW AND ANALYSIS

You stated that the property is adjacent to the city limits of Trussville, and that the Argo Volunteer Fire Department would have to cross the Trussville city limits to answer the calls.

Code of Alabama 1975, § 11-43-142 states:

"The governing body of any city or town may, in its discretion, authorize or require the fire department thereof to render aid in cases of fire occurring beyond their corporate limits and police jurisdiction, and may prescribe the conditions on which such aid may be rendered and may enter into a contract or contracts with other cities or towns, with counties or county boards, manufacturing or industrial concerns or residential or business areas for rendering aid in fire protection in such places on such terms as may be agreed upon by such governing body and the governing body of such city or town, county or county boards, or the management of such manufacturing or industrial concerns or the residents of such residential or business areas, and when the fire department of any city or town is operating under such permission or contract or contracts on any call beyond the corporate limits and police jurisdiction of the city or town, it shall be deemed to be operating in a governmental capacity and subject only to such liability for injuries as it would be if it were operating within the corporate limits and police jurisdiction of such city or town."

It was concluded in an opinion of the Attorney General to Honorable Patrick H. Tate, Town Attorney, Geraldine, dated May 3, 1983, A.G. No. 83-00293, that pursuant to § 11-43-142, the Town of Geraldine could enter into contracts with residents outside its corporate limits (in the town's trade area) to furnish fire protection to such residents for a monthly fee.

Honorable Gordon H. Massey, Sr.
Page 3

Considering § 11-43-142, the Volunteer Fire Department of the Town of Argo may enter into a contract with the City of Trussville, or with the residents of the area in question, with the agreement of the City of Trussville, to furnish fire protection to the residents in a particular area in the police jurisdiction of the City of Trussville. In any event, there should be cooperation between the City of Trussville and the Town of Argo if the Argo Volunteer Fire Department provides fire protection in this area.

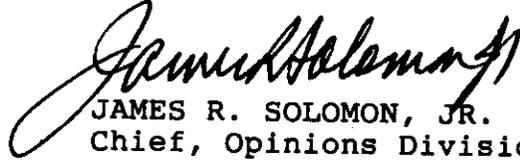
CONCLUSION

The Town of Argo may enter into a contract with the City of Trussville, or with the residents of the area in question, with the agreement of the City of Trussville, to furnish fire protection to the residents in a particular area in the police jurisdiction of the City of Trussville.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General
By:


JAMES R. SOLOMON, JR.
Chief, Opinions Division

JE/LKO/jho
M8.93