

Letter to Mr. Wren

July 31, 1959

Honorable Laurance T. Wren
 County Attorney, Coconino County
 P. O. Box 1161
 Flagstaff, Arizona

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Mr. Wren:

The Attorney General acknowledges receipt of your letter of July 15, 1959, which involves an interpretation of A.R.S. § 9-1007.02, Laws 1959, Chapter 125, Section 1.

Your letter states that the City of Flagstaff recently annexed the greater portion of the East Flagstaff Volunteer Fire District, which had theretofore been organized and operated in an unincorporated area.

You request the Attorney General's opinion as to whether the assets of the East Flagstaff Volunteer Fire Company, as well as the company itself, are merged and transferred to the City of Flagstaff; and also the applicability of the remaining provisions of the section involved arising out of the partial annexation.

In solving the question presented, it is also necessary to consult A.R.S. § 9-1007.01, Laws 1958, Chapter 6, Section 1. Subsection A of that section provides:

"When any part or all of the territory of any volunteer fire company is annexed to any city or town *** such annexed territory shall be excluded from the jurisdiction of the volunteer fire company."

Subsection B then provides:

"Upon the effective date of the annexation no assessment or tax levy against the residence of the annexed area shall thereafter be made."

A.R.S. § 9-1007.02A provides:

"When an area having a voluntary fire company *** is entirely annexed to a city or town, the volunteer fire company of the area annexed and all of its assets of whatever description shall be merged

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and become a part of the fire department of the annexing city or town upon the effective date of annexation. (Emphasis supplied)

Construing A.R.S. § 9-1007.01 and A.R.S. § 9-1007.02 together, it is clear that the assets of a volunteer fire company shall be merged and become a part of the fire department of the annexing city or town only when the area of a volunteer fire department is entirely annexed to a city or town. Here, only a part of the area comprising the East Flagstaff Volunteer Fire District was annexed to the City of Flagstaff and consequently, under the foregoing statutes, construed together, the assets of that company are not transferred to the City of Flagstaff, nor do they become a part of the fire department of the City of Flagstaff but will continue to remain as assets of the volunteer fire department until its entire area is annexed to the City of Flagstaff, or until it is dissolved.

A contrary construction of the statutes involved would have the effect of depriving the area not annexed of fire protection, which is difficult to conceive the Legislature intended.

Very truly yours

WADE CHURCH
The Attorney General

LESLIE C. HARDY
Chief Assistant Attorney General

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