

# MONONGALIA COUNTY COMMISSION

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COURTHOUSE  
MORGANTOWN, WEST VIRGINIA 26505

Eldon A. Callen, Commissioner  
Tom Bloom, Commissioner  
Edward A. Hawkins, Commissioner



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## Monongalia County Billing Ordinance for Volunteer Fire Departments

AN ORDINANCE OF MONONGALIA COUNTY, STATE OF WEST VIRGINIA, AUTHORIZING THE VOLUNTEER FIRE DEPARTMENTS IN MONONGALIA COUNTY/FIRE BOARD, TO CHARGE AND RECOUP THE COSTS OF CERTAIN EMERGENCY RESCUE SERVICES, EQUIPMENT AND TRAINING, PURSUANT TO WEST VIRGINIA CODE 7-1-3D.

The County Commission of Monongalia County, West Virginia, pursuant to WV Code 7-1-3d, hereby authorizes each Volunteer Fire Department to charge for services rendered. This authorization allows the Volunteer Fire Departments of Monongalia County to charge the property owners or other persons responsible or liable for payment of such services for equipment and materials used in performing firefighting and inspection services, victim rescues or cleanup of debris or hazardous materials by department personnel.

All Monongalia County Volunteer Fire Departments shall be subject to the provisions in this ordinance.

The rates for any such fees to be charged to property owners or other persons responsible or liable for payment for such services for the first hour are as follows:

- \$75.00 for the provision of a utility truck
- \$150.00 for the provision of an engine/pumper truck/rescue vehicle/water tender
- \$200.00 for the provision of an aerial truck
- \$150.00 False Fire Alarm Response (after 1<sup>st</sup> call in 30 calendar days)

And, \$100.00 per vehicle for every additional hour the vehicles are on scene.

The ordinance shall allow for the repair or replacement cost of expendable items. These costs are limited to actual expense and shall be billed separately. Repair and replacement costs are not considered as part of the cost for provision of a vehicle but additional related expenses.

The maximum charge for any combination of vehicles, or services rendered, for any single incident, accident or fire shall not exceed the limits set by Code 7-1-3d or its future revisions or additions. Exceptions to this limit are all incidents involving hazardous materials and incidents requiring repair or replacement of materials or equipment damaged during the event.

Volunteer Fire Departments responding in their authorized response area as well as mutual aid companies responding in lieu of the authorized volunteer fire department are eligible to bill for charges. Billing for all equipment responding regardless of the department responding from is permitted as long as the equipment is itemized on the billing statement by department.

The County Commissioners of Monongalia County may from time to time establish, revise, amend or rescind the fees set forth here in above for services, tools, equipment, and materials used in said rescue services within the scope of Code 7-1-3d or as approved by Law.

Copies of all bills or spreadsheets detailing billing charged for each service provided, and the total charge shall be submitted to the Monongalia County Commission on a quarterly basis, within 30 business days of the end of the quarter (March, June, September, and December). Failure to do so may result in a hearing before the County Commission, a suspension of privilege of billing and suspension of funding provided by the Commission for a maximum one year period.

An itemized annual financial statement shall be submitted to the Monongalia County Commission 60 business days following the calendar year.

In the event a county Fire Board has been created by the County Commission and is responsible to set rates for a county wide fire fee, in all unincorporated areas of Monongalia County. Those property owners showing proof of payment of their annual fire fee shall be exempt from any fire or rescue service charge. Hazardous materials events are billable regardless of the payment of annual fire fees.

If a property owner or his/her agents fail to pay the authorized response fees or bills for materials and equipment repairs or replacement within 30 calendar days of billing, then the billing fire department may proceed with all remedies available, under the laws of The State of West Virginia, necessary to secure payment, including but not limited to, initiating civil action in the magistrate court system or Circuit Court System in Monongalia County, West Virginia. In the event that the Volunteer Fire Department initiates civil action and is successful in its recovery, the property owner shall reimburse the Volunteer Fire Department for all costs and/or expenses, including but not limited to filling fees, serving fees, and/or attorney fees.

If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutional, illegality or invalidity shall not affect or impair any of the remaining provisions, sentence's, clauses, sections or parts of this ordinance.

This ordinance shall become effective January 20, 2016 after passage and upon adoption by the Monongalia County Commission.

PASSED by the County Commission of Monongalia County, West Virginia on FIRST READING on the 23<sup>rd</sup> day of December, 2015.

A SECOND READING and public hearing was held on the 6<sup>th</sup> day of January, 2016, after notice of a public hearing on said ordinance was published as a Class II Legal Advertisement and upon motion of Commissioner Bloom and seconded by Commissioner Hawkins the hearing was continued for further discussion on the 20<sup>th</sup> day of January, 2016.

Following the THIRD Reading, it is now ordered that the aforesaid ordinance be, and hereby is, Approved and Adopted by the County Commission of Monongalia County, West Virginia.



Eldon A. Callen  
President



Thomas C. Bloom  
Commissioner



Edward A. Hawkins  
Commissioner

ADOPTED: January 20, 2016