

**Resolution No. 2013-01**  
**CHARGES FOR RESPONDING TO EMERGENCIES THAT EITHER**  
**THREATEN OR COULD THREATEN THE HEALTH AND SAFETY OF PERSONS,**  
**PROPERTY, OR THE ENVIRONMENT**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE IMMOKALEE FIRE CONTROL DISTRICT AUTHORIZING THE IMMOKALEE FIRE CONTROL DISTRICT TO CHARGE FEES FOR EXPENSES INCURRED WHILE PROVIDING EXTRAORDINARY SERVICES; PROVIDING DEFINITIONS; PROVIDING FOR ADMINISTRATION; PROVIDING FOR CHARGING FEES FOR COSTS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Immokalee Fire Control District was created by a special act of the Florida Legislature, Chapter 2000-393, Laws of the State of Florida, as amended by Chapter 2001-330, Laws of the State of Florida, and is an "independent special district"; and

**WHEREAS**, the Board of Fire Commissioners is authorized by section 191.009(3), Florida Statutes, to provide a reasonable schedule of charges for responding to or assisting or mitigating emergencies that either threaten or could threaten the health and safety of persons, property, or the environment; and

**WHEREAS**, the Immokalee Fire Control District is often called to respond to incidents and provide services that are in addition to or above the basic normal services historically provided by fire departments, which may include, but are limited to, the services cited herein; and

**WHEREAS**, response to these incidents to provide these extraordinary services result in extraordinary expenses incurred by the Immokalee Fire Control District; and

**WHEREAS**, the cost of responding to these incidents and providing these extraordinary services may not be fully contemplated within the budgeted expenditures of the Immokalee Fire Control District nor provided for within the revenue generated by ad valorem taxes, non-ad valorem assessments, and other user fees; and

**WHEREAS**, certain federal, state, county, and local laws, regulations, ordinances, rules, and standards assign responsibility to property owners and their designees, lessees, assignees, etc., for all types of property, real, personal, corporate, etc.; and

**WHEREAS**, the Board of Fire Commissioners find that it is in the best interest of the citizens and residents of Immokalee to adopt this Ordinance.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF FIRE COMMISSIONERS OF IMMOKALEE, FLORIDA**, that Resolution 2013-01, relating to charges for responding to or assisting or mitigating emergencies that either threaten or could threaten the health and safety of persons, property, or the environment is hereby adopted. This ordinance and its fees shall take effect immediately upon its adoption.

**BE IT FURTHER RESOLVED**, that this resolution be recorded as part of the official minutes of this Board.

**SECTION ONE: TITLE**

This Ordinance is titled and should be cited as the "Immokalee Fire Control District Charges for Responding to Emergencies That Either Threaten or Could Threaten the Health and Safety of Persons, Property, or the Environment Ordinance".

**SECTION TWO: DEFINITIONS**

As used herein, the following terms shall have the specified meanings unless another meaning is clearly required by the text:

**Extraordinary expense** means that expense, and those related costs and fees, that are incurred by the Fire District for extraordinary service, including but not limited to, the District's actual cost of labor and materials associated with the use of any equipment or materials that are employed to extinguish, confine, neutralize, contain, or clean up any hazardous or regulated material, or product in transport, that is or may be involved in a fire, accidental spill or leak, or the threat of any fire or accidental spill or leak, as well as responding to or assisting or mitigating emergencies that either threaten or could threaten the health and safety of persons, property, or the environment, to which the district has been called.

**Extraordinary service** means a service performed by the Immokalee Fire District that is in addition to or above the normal services provided by the District. "Extraordinary services" may include, but are limited to, the abatement and disposition of hazardous materials spills or leaks, fuel spills or leaks, or the threat of spills or toxic chemicals, utility line breaks or leakage's, spills or leaks of products in transport, special operations responses, technical or specialized rescue responses and services, and other imminent, perceived, or possible threats to the health, safety, or welfare of persons, property, or the environment that may be contemplated by this section and/or those instances where a property owner has been previously warned about violations of Code that, in the judgment of the District staff, are a particular threat to the health, safety or welfare of persons, property, or the environment, and for which the owner (or owner's agent, or person in charge of the property) has neglected to comply or has refused to comply therewith. An extraordinary service also includes Immokalee Fire District personnel and/or units responding to or assisting or mitigating emergencies that either threaten or could threaten the health and safety of persons, property, or the environment.

**Official response** means when any firefighter, rescue, fire prevention, or other emergency services personnel responds by traveling to the scene which results in the Extraordinary expense or extraordinary service.

**Owner** means owner of the property involved, including each co-owner of co-owned property, including, and not limited to each tenant by entireties, each joint tenant, and each tenant in common.

**Responsible party** means each owner, owners agent, each 18 years or older occupant in charge of the property, each manager, each tenant and subtenant, each lessee, other persons or entities, if any, that have by written agreement with the owner, agrees to be responsible

### **SECTION THREE: ADMINISTRATION**

(a) Fees and costs for extraordinary expenses or services (including overhead costs), shall encompass all personnel, equipment, apparatus, materials, supplies, and maintenance expenses in such a form as to insure the District's full reimbursement for charges for those services actually rendered.

(b) The fees charged for specified extraordinary expenses or services shall be as is shown in Exhibit 1 to this resolution. Fees charged for expenses not included in the fee schedule adopted herein shall be in accordance with charges established by FEMA (the Federal Emergency Management Agency) and published in FEMA's Schedule of Equipment Rates. A particular cost or fee schedule for expenses other than those included in either the fee schedule adopted herein or the FEMA Schedule of Equipment Rates need not be set forth in this ordinance or elsewhere in the District Ordinances or by further formal action by the Board of Fire Commissioners. The Fire Chief shall establish the fees and costs for expenditures not included in those fee schedules. The Board of Fire Commissioners' approval of this Ordinance shall constitute authorization for the Fire Chief (or his designee) to collect all such fees and costs (including overhead costs) pursuant to related expenditures.

(c) Within thirty (30) days of the date of the extraordinary, dangerous, or threatening occurrence giving rise to the extraordinary service or expense, the Fire Chief shall compile all extraordinary service related costs, fees, charges, and expenses. At such time as all costs, fees, charges and expenses related to extraordinary service have been collected and reviewed by the Fire Chief, but in any case not later than sixty (60) days from the date of determining the cost of rendering of the extraordinary services, the Fire Chief or his designee shall cause a bill to be sent for such costs, fees, charges and expenses, to the property owner, agent or manager with a demand that a full remittance be made within thirty (30) days of receipt of any bills. In the unusual circumstances that the Fire Chief is not able to determine all the costs associated with the incident within a reasonable time, a partial billing may be made. Interest at the rate of 8% per annum will be charged on all unpaid balances past due over 30 days. At the discretion of the Fire Chief, materials used by the District may be replaced, in kind, by the person(s) responsible for the incident, in lieu of cash payment.

(d) It is also contemplated that local, state, or federal agencies may bill, fine, or penalize the District for matters (including but not limited to, cleanup costs, fees, or expenses) relating to an extraordinary or dangerous occurrence. The Fire Chief shall, if possible, include any and all such costs or fees in the consolidated bill sent to the property owner. The District shall not, however, waive any right to collect such local, state, or federal costs if they are not charged to the property owner or his agent within the consolidated billing (60) days period. In this regard, the Fire Chief shall expect reimbursement of all local, state, or federal costs within thirty (30) days of the owners (or owner's agents) receipt of the bill for these particular costs, fees, and charges.

(e) In cases of hardship, or where circumstances are such that a full remittance cannot be made to the City within the thirty (30) day period, the Board of Fire Commissioners shall hereby authorize the Fire Chief or his designee to enter into negotiations with the property owner or his agent for an extended payback period of time not to exceed six (6) months.

#### **SECTION FOUR: ENFORCEMENT AND LITIGATION PROVISIONS**

The District may enforce the provisions of this section by civil actions in a court of competent jurisdiction, for the collection of any amounts due hereunder plus attorney's fees, or other relief that may be appropriate. Further, the District may impose a lien for such expense or service on any real property, motor vehicle, marine vessel, aircraft, or rail car for any charge assessed under this subsection, which lien may be recorded in the public records without the necessity of first bringing suit.

#### **SECTION FIVE: EMERGENCY SERVICES NOT TO BE REFUSED FOR NON-PAYMENT**

Nothing in this ordinance shall authorize the delay of any emergency service to any person, firm, organization or corporation, that has not reimbursed the District, or that owes the District for previous extraordinary services.

#### **SECTION SIX: CONFLICT AND SEVERABILITY**

If any provision of this fee or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provision of application of this ordinance which can be given effect without the invalid provision or application.

**THE FOREGOING RESOLUTION WAS OFFERED BY COMMISSIONER Anderson WHO MOVED THE RESOLUTION'S ADOPTION. THE MOTION WAS SECONDED BY COMMISSIONER Deyo AND, UPON BEING PUT TO A VOTE, THE VOTE WAS AS FOLLOWS:**

Commissioner Terry Heath	<u>NO</u>
Commissioner Travis Anderson	<u>Yes</u>
Commissioner Bonnie Keen	<u>Yes</u>
Commissioner Edward Olesky	<u>NO</u>
Commissioner Eva Deyo	<u>Yes</u>

Duly passed and adopted on this 18<sup>th</sup> day of July, 2013.

Attest by:

Witness

Board of Commissioners of the  
Immokalee Fire Control District

By:

Travis Anderson, Chair

**IMMOKALEE FIRE CONTROL DISTRICT RESOLUTION 2013-01**  
**CHARGES FOR RESPONDING TO EMERGENCIES THAT EITHER THREATEN OR**  
**COULD THREATEN THE HEALTH AND SAFETY OF PERSONS, PROPERTY, OR**  
**THE ENVIRONMENT**  
**EXHIBIT 1**

**Hazardous Materials Emergencies (fees charged back to spiller)**

Cost associated with extended operations .....	Actual accumulated cost
Hazardous Materials Response, \$400 1 <sup>st</sup> 4 hours plus \$25 each 15-minute increment over 4 hours	
Emergency Response Vehicle (Haz Mat Truck, Mobile Command Post) .....	\$150.00 per hour
EMS Unit (medical stand-by for Haz Mat Team) .....	\$50.00 per hour
Haz-Mat Response Staff and Support Staff .....	\$25.00 per person per hour
Fire Apparatus Response	
Ladder Truck .....	\$300.00 per hour
Marine Unit .....	\$50.00 per hour
Pumper or Tanker .....	\$200.00 per hour
Squad Truck .....	\$100.00 per hour
Materials (booms, suits, absorbent, etc.) .....	District cost + 15%
Support or Command Staff Vehicle .....	\$25.00 per hour
Support Trailer .....	\$25.00 per hour

**Charges for responding to or assisting or mitigating other specified emergencies that either threaten or could threaten the health and safety of persons, property, or the environment in district**

Bomb Threat (billed to perpetrator upon conviction, plea of no contest, or adjudication withheld) .....	Billed as Hazardous Materials Incident
Natural Gas Line Ruptured, residential service line .....	\$500
Natural Gas Line Ruptured, commercial service line .....	\$1,000
Natural Gas Line Ruptured, transmission line .....	\$1,500
Power Lines Down Due to Human Act or Omission or Vehicle Crash .....	\$250
Materials, Consumables .....	District cost + 15%
Vehicle Crash Response and assistance not requiring medical assistance (control hazards) .....	\$200
• In multi-vehicle accidents, each vehicle's insurance will be charged the full fee, except in the event of extrication	
Vehicle Crash Response & medical assistance not requiring extrication/special equipment .....	\$500
• In multi-vehicle accidents, each vehicle's insurance will be charged the full fee, except in the event of extrication	
• If occupant of vehicle transported by EMS, FD will charge rate for not requiring medical assistance, as EMS will charge for medical care	
Response and assistance to motor vehicle with extrication / use of specialized equipment .....	\$1,500
Technical or Specialized Rescue Operations .....	\$1,500
Vehicle Extrication .....	\$1,500
Cost assoc. with extended operations .... \$400 1 <sup>st</sup> 4 hrs + \$25 per 15-minute increment over 4 hrs	
Cost associated with extended operations not specified elsewhere .....	District accumulated cost

**Charges for responding to or assisting or mitigating other specified emergencies that either threaten or could threaten the health and safety of persons, property, or the environment outside district**

Bomb Threat (billed to perpetrator upon conviction, plea of no contest, or adjudication withheld)	Billed as Hazardous Materials Incident
Medical Emergency Response Outside District	\$200
Natural Gas Line Ruptured, residential service line	Billed as Hazardous Materials Incident
Natural Gas Line Ruptured, commercial service line	Billed as Hazardous Materials Incident
Natural Gas Line Ruptured, transmission line	Billed as Hazardous Materials Incident
Power Lines Down Due to Human Act or Omission or Vehicle Crash	\$500
Materials, Consumables	District cost + 15%
Vehicle Crash Response and assistance not requiring medical assistance (control hazards)	\$300
<ul style="list-style-type: none"> <li>In multi-vehicle accidents, each vehicle's insurance will be charged the full fee, except in the event of extrication</li> </ul>	
Vehicle Crash Response & medical assistance not requiring extrication/special equipment	\$500
<ul style="list-style-type: none"> <li>In multi-vehicle accidents, each vehicle's insurance will be charged the full fee, except in the event of extrication</li> <li>If occupant of vehicle transported by EMS, FD will charge rate for not requiring medical assistance, as EMS will charge for medical care</li> </ul>	
Response and assistance to motor vehicle with extrication / use of specialized equipment	\$2,500
Technical or Specialized Rescue Operations	\$2,500
Vehicle Extrication	\$2,500
Cost assoc. with extended operations	\$400 1 <sup>st</sup> 4 hrs + \$25 per 15-minute increment over 4 hrs
Cost associated with extended operations not specified elsewhere	District accumulated cost