

Resolution No. 2013-03
CHARGES FOR SPECIAL EMERGENCY SERVICES, REFUSE FIRES, AND
ILLEGAL BURNS

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE IMMOKALEE FIRE CONTROL DISTRICT AUTHORIZING THE IMMOKALEE FIRE DISTRICT TO CHARGE FEES FOR SPECIAL EMERGENCY SERVICES; AUTHORIZING THE DISTRICT TO CHARGE FOR FIGHTING FIRES OCCURRING IN OR AT REFUSE DUMPS OR AS A RESULT OF AN ILLEGAL BURN; ADOPTING A SCHEDULE OF FEES; PROVIDING DEFINITIONS; PROVIDING FOR ADMINISTRATION; 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)(a), Florida statutes, to provide a reasonable schedule of charges for special emergency services and section 191.009(3)(b), Florida Statutes, to provide a reasonable schedule of charges for fighting fires occurring in or at refuse dumps or as a result of an illegal burn; and

WHEREAS, the Immokalee Fire Control District is often called to respond to incidents and provide special emergency services, as indicated in section 191.009(3)(a) and fight fires as indicated in section 191.009(3)(b), including those occurring outside the district; and

WHEREAS, response to these incidents to provide these special emergency services, and response to fires involving refuse dumps and illegal burns result in expenses incurred by the Immokalee Fire Control District; and

WHEREAS, the cost of responding to these incidents and providing these special emergency services, respond to fires at refuse dumps, and respond to illegal burns 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, 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 COMMISSIONERS OF THE IMMOKALEE FIRE CONTROL DISTRICT, that Resolution 2013-03, relating to charges for special emergency services, refuse fires, and illegal burns, is hereby adopted to the extent set forth by this resolution. This ordinance and its fees shall take effect immediately upon its adoption.

SECTION ONE: TITLE.

This Ordinance is titled and should be cited as the "Immokalee Fire Control District Charges for Special Emergency Services, Refuse Fires, and Illegal Burns Ordinance"

SECTION TWO: DEFINITIONS.

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

Called to render such emergency service / called upon to fight or extinguish means when any firefighter, rescue, fire prevention, or other emergency services personnel responds by traveling to the scene, regardless of response mode.

Illegal burn means fire, dump, or burn, is not authorized by general or special law, rule, regulation, order, or ordinance and which the district is called upon to fight or extinguish.

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, co-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,

Special emergency services means firefighting occurring in or to structures outside the district, motor vehicles, marine vessels, aircraft, or rail cars, or as a result of the operation of such motor vehicles, marine vessels, aircraft, or rail cars, to which the district is called to render such emergency service.

To which the district has been called means when any firefighter, rescue, fire prevention, or other emergency services personnel responds by traveling to the scene, regardless of response mode.

SECTION THREE: ADMINISTRATION.

(a) Fees and costs for special emergency services (including overhead costs), refuse fires, and illegal burns 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 special emergency services, refuse fires, and illegal burns 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 special emergency services, refuse fire, or illegal burn giving rise to the charges, the Fire Chief shall compile all applicable special emergency services, refuse fire, and illegal burn related costs, fees, charges, and expenses. At such time as all costs, fees, charges and expenses related to special emergency services, refuse fires, and illegal burns 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 special emergency services, response to refuse fires, and response to illegal burns, 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 a special emergency services, refuse fire, or illegal burn response. 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

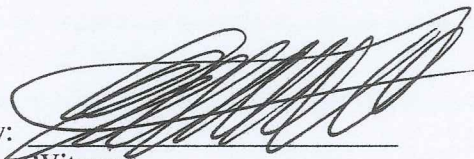
If any provision of this fee or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provision of application of this ordinance which can be given effect without the invalid provision or application.

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

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

Duly passed and adopted on this 18th 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 2013-03
CHARGES FOR SPECIAL EMERGENCY SERVICES, REFUSE FIRES, AND ILLEGAL BURNS
EXHIBIT 1

EMERGENCY SERVICES CHARGES IN DISTRICT

Aircraft fire	\$1,000
Automobile, private van, or pickup truck fire	\$500
Commercial truck or other commercial vehicle fire	\$1,000
Commercial, industrial, or manufacturing structure fire	\$1,000
Ground fire without a permit and/or without responsible person in attendance	\$500
Ground fire with a permit, but requiring extinguishment	\$250
Hotel or motel fire	\$1,000
Single unit residential structure fire	\$500
Multi-family residential structure fire	\$1,000
Power Lines Down Due to Human Act or Omission or Vehicle Crash	\$250
Rubbish fire in an authorized or screened container requiring extinguishment	\$250
Rubbish fire not in authorized or screened container whether or not fire service is required ..	\$500
Train fire	\$1,000

EMERGENCY SERVICES CHARGES OUT OF DISTRICT

Aircraft fire	\$2,000
Automobile, private van, or pickup truck fire	\$1,000
Commercial truck or other commercial vehicle fire	\$2,000
Commercial, industrial, or manufacturing structure fire	\$2,000
Ground fire without a permit and/or without responsible person in attendance	\$1,000
Ground fire with a permit, but requiring extinguishment	\$500
Hotel or motel fire	\$2,000
Single unit residential structure fire	\$1,000
Multi-family residential structure fire	\$2,000
Power Lines Down Due to Human Act or Omission or Vehicle Crash	\$250
Rubbish fire in an authorized or screened container requiring extinguishment	\$500
Rubbish fire not in authorized or screened container whether or not fire service is required ..	\$500
Train fire	\$2,000

Cost assoc. with extended operations \$400 1st 4 hrs + \$25 per 15-minute increment over 4 hrs
 Cost not specified associated with extended operations Actual accumulated cost