

AN ORDINANCE OF NICHOLAS COUNTY, STATE OF WEST VIRGINIA, AUTHORIZING THE VOLUNTEER FIRE DEPARTMENTS IN NICHOLAS COUNTY 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 Nicholas County, West Virginia, pursuant to WV Code 7-1-3d, hereby authorized each Volunteer Fire Department to charge for services rendered. This authorization allows the Volunteer Fire Departments of Nicholas County to charge the property owners or the persons responsible or liable for payment of such services for equipment and materials used in performing fire fighting services, victim rescue or cleanup of debris or hazardous materials by department personnel. This authorization prohibits volunteer Fire Departments of Nicholas County from charging property owners or the persons responsible or liable who do not have insurance coverage for the payment thereof.

All Nicholas County Volunteer Fire Departments shall be subject to the provisions of 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:

<u>APPARATUS</u>	<u>COST PER HOUR or \$500.00 MAX. CHARGE</u>	
Engines (Pumper)	<i>Used</i>	\$150.00 per Hr.
Engines (Pumper)	<i>Not Used</i>	\$ 50.00 per Hr.
Tankers (Water Tenders)		\$100.00 per Hr.
Rescues	<i>Used</i>	\$250.00 per Hr.
Rescues	<i>Not Used</i>	\$100.00 per Hr.
Aerials (Ladder Trucks)		\$250.00 per Hr.
Utility Vehicles		\$ 50.00 per Hr.
Boats		\$ 50.00 per Hr.
Special Operations Units		\$ 50.00 per Hr.
Special Materials		REPLACEMENT COSTS
Special Equipment		At cost, plus operator & transport
Hazardous Material Response		Actual costs incurred
Debris Removal		Actual costs incurred

The ordinance shall also allow for the replacement cost of the expendable items used.

The maximum charge for any combination of vehicles, materials or services for any single incident, accident or fire shall not exceed five hundred dollars, except an incident, accident, or fire involving hazardous materials.

Only the Volunteer Fire Department responding within their authorized territory is eligible to bill for charges.

The County Commissioners of Nicholas County, may, from time to time, establish, revise,

amend or rescind the fees set forth hereinabove for the services, tools, equipment and materials used in said rescue services.

Copies of all itemized bills indicating the amount charged for each service provided and the total charge shall be submitted to the Nicholas County Commission on a quarterly basis withing 30 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 the privilege of billing and suspension of funding provided by the County Commission for a one-year period.

An itemized annual financial statement must be submitted to the Nicholas County commission 60 days following the close of the fiscal year.

In the event a County Fire Board is created and is authorized to charge a fire service fee to residents in the County, those property owners having proof of payment will be exempt from this fire rescue service charge.

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


This ordinance shall be come effective 03-05-2008 after passage and upon adoption by the Nicholas County Commission.

PASSED by the County Commission of Nicholas County, West Virginia upon FIRST READING and public hearing on the 20 day of February, 2008 and upon A SECOND READING and public hearing which was held on the 05 day of March, 2008.

Upon consideration of all of the foregoing, it is now ordered that the aforesaid ordinance be, and hereby is, Approved and Adopted by the County Commission of Nicholas County, West Virginia.


Tom Blankenship
President


Spurgeon Hinkle
Commissioner


Birl O'Dell
Commissioner

ADOPTED: 03-05-2008