

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.

Section 1.1. The County Commission of Nicholas 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 duly authorized to provide service within Nicholas County to charge the property owners or the persons responsible or liable for payment of such services for fire department-owned equipment and materials used in the performing fire rescue services, to include, but not be limited to, the following: firefighting, victim rescue, motor vehicle accidents, cleanup of debris of such accidents or incidents, hazardous material incidents, et al.

Section 1.2. All Nicholas County Volunteer Fire Departments, or any fire department servicing an area of Nicholas County yet physically located outside of Nicholas County, shall be subject to the provisions of this Ordinance as relating to incidents within Nicholas County.

Section 1.3. The rates for any such fees to be charged to property owners or other persons responsible or liable for payment shall not exceed \$1500.00 for any one incident or billable event, as set forth by West Virginia Code 7-1-3D, except for any incident involving hazardous materials, extended duration search and rescue or water rescue, where such shall allow for billing of actual costs incurred. The rates for such services are as follows:

APPARATUS/EQUIPMENT	RATE PER HOUR	ADDITIONAL HOUR(S) RATE
Engine/Pumper	\$350.00	\$350.00
Tanker/Water Tender	\$350.00	\$350.00
Rescue Apparatus	\$350.00	\$350.00
Aerial/Ladder Truck	\$550.00	\$550.00
Utility Vehicle	\$200.00	\$200.00
Boats	\$200.00	\$200.00
UTV/ATV	\$100.00	\$100.00
Man-Hour Rate per Unit	\$25.00	\$25.00
Special Materials/Equipment	Actual Cost	Actual Cost

Section 1.4. The maximum charge for any combination of apparatus, equipment, services rendered, materials, et al for any single incident, accident or fire shall not exceed fifteen hundred dollars (\$1500.00) except any such incident, accident, fire, et al involving hazardous materials or any incident involving extended duration search and rescue or water rescue.

Section 1.5 Only the Volunteer Fire Department responding within their authorized territory is eligible to bill for charges for each specific incident, excluding such incidents whereby the primary fire department is unable to respond. In such event, the first fire department to arrive on-scene and establish command and control of the incident shall be authorized to charge billable rates as allowed by this ordinance.

Section 1.6 The County Commission of Nicholas County may establish, revise, amend or rescind the fees set forth hereinabove for the services, apparatus, equipment, et al as deemed necessary.

Section 1.7 Copies of all itemized bills indicating the amount charged for each service provided and the total amount charged for any billable incident shall be submitted to the Nicholas County Commission as requested within thirty (30) days of any such request in writing. Failure to do so may result in a hearing before the Nicholas County Commission, a suspension of the privilege of billing and suspension of any funding provided by the Nicholas County Commission until such time as the matter in question is resolved.

Section 1.8 An annual financial statement shall be submitted from each Volunteer Fire Department to the Nicholas County Commission within sixty (60) days of the end of the county fiscal year, ending June 30 of each year.

Section 1.9 In the event that a County Fire Board is created and is authorized to charge a fire protection and/or public safety fee to residents and businesses of Nicholas County, those residents and owners having proof of payment of such shall be exempt from the billable rates as set forth by this ordinance. This shall not preclude the billing of the owner of record or the insurance company of record for certain exempt incidents as described in Section 1.3 and Section 1.4 of this ordinance as pursuant to WV Code 7-1-3D and as follows: any incident involving hazardous materials, extended duration search and rescue and water rescue.

Section 1.10 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 parts of this Ordinance. This Ordinance shall amend and revise the original Ordinance, as adopted the 5th day of March, 2008

This Ordinance shall be effective as of March, 6, 2019 after passage and upon adoption by the Nicholas County Commission.

Passed by the County Commission of Nicholas County upon:

First Reading: February 6, 2019

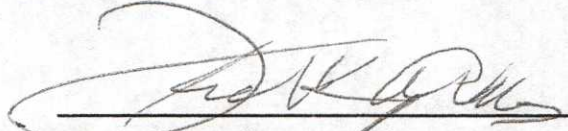
Second Reading: February 20, 2019

Public Comment: March 6, 2019

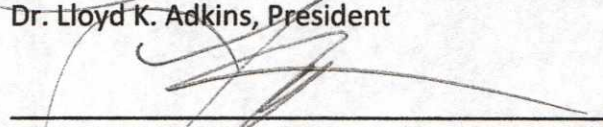
Third Reading: March 6, 2019

NOW, THEREFORE, BE IT SO ORDERED, that the aforesaid Ordinance be, and hereby is, Approved and Adopted by the County Commission of Nicholas County, West Virginia.

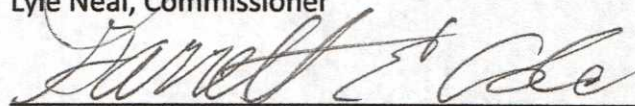
Adopted this 6 day of March, 2019



Dr. Lloyd K. Adkins, President

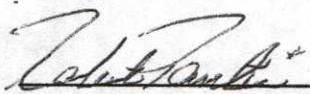


Lyle Neal, Commissioner



Garrett Cole, Commissioner

ATTEST:



Robert Painter, II