

ORDINANCE

PRESTON COUNTY, WEST VIRGINIA

**AUTHORIZING VOLUNTEER FIRE COMPANIES TO CHARGE
REASONABLE REIMBURSEMENT FEES**

BE IT ORDAINED AND ORDERED

BY THE COUNTY COMMISSION OF PRESTON COUNTY, WEST VIRGINIA, A PUBLIC BODY CORPORATE OF PRESTON COUNTY, WEST VIRGINIA, AS FOLLOWS:

The Preston County Commission further recognized that under S7-1-3d of the West Virginia Code, as amended, the West Virginia Legislature has granted county commissions the authority to set reasonable reimbursement fees which volunteer fire departments may charge for personnel and equipment used in performing fire-fighting services, victim rescue or cleanup of debris or cleanup of hazardous materials and hazardous waste by department personnel.

**SECTION 1. AUTHORIZATION FOR VOLUNTEER FIRE DEPARTMENTS
TO CHARGE FEES.**

Any volunteer fire department organized in Preston County shall have the authority to charge reasonable reimbursement fees, as hereinafter set, for services performed in connection with fire-fighting, victim rescue or cleanup of debris or hazardous materials by department personnel. Said fees may be charged to insurance companies responsible or liable for payment for such service, or private individuals/businesses who are property owners or other persons responsible or liable for payment for such services; provided that said fees may not be charged to private individuals/businesses who reside or are located in any municipality that collects an annual fire service fee for any such services rendered within the boundaries of such municipality; provided, however, that no fee for any single incident of accident shall exceed five hundred dollars (\$500.00), except for an incident or accident involving hazardous materials and/or hazardous waste clean-up or control. Any fees charged pursuant to this authority must be in writing and be itemized by specific services rendered with the rate for each service shown.

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

Nothing in this ordinance shall be construed as requiring a volunteer fire department operating within this county to charge such fees. Individual volunteer fire departments within Preston County retain the right to charge or not charge for their services.

SECTION 2. SCHEDULE OF FEES

Subject to the provisions of Section 1 above, any volunteer fire department is authorized to charge the following reimbursement fees for each of the services listed:

- (a) Structure fires. \$500.00
- (b) Vehicle accident/vehicle fires.
 - (1) \$250.00 for the first hour.
 - (2) \$125.00 for each additional hour after the first.
 - (3) Debris removal at \$250.00 per hour.
- (c) Extrication services.
 - (1) Jaws of Life and other motorized equipment - \$150.00 per hour.
 - (2) Hand tools - \$25.00

- (d) Hazardous material/waste services (Haz-Mat) \$250. per hour for each vehicle dispatched to incident.
- (e) Special materials and equipment. May be billed at the actual replacement cost to the department.

SECTION 3. SEVERABILITY

Should any section, subsection, fee or provision of this ordinance be declared by court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the ordinance as a whole or any part thereof other than the part so declared invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE OF ORDINANCE

This ordinance shall be effective immediately upon passage.
ENACTED AND ORDAINED THIS 26TH DAY OF JULY, 2004.