

.ORDINANCE NO. 16-02

AN ORDINANCE ENABLING CHILOQUIN – AGENCY LAKE RURAL FIRE PROTECTION DISTRICT, dba CHILOQUIN FIRE AND RESCUE (CF&R) TO RECOVER COSTS ASSOCIATED WITH THE DELIVERY OF SERVICES.

Whereas, the Board of Directors, (hereinafter referred to as “the Board”), of Chiloquin – Agency Lake Rural Fire Protection District, (hereinafter referred to as “the District”), being aware of the need to develop adequate policies and regulations that enable the District to recover costs for services provided by District personnel; and

Whereas, the District occasionally is asked to respond outside its boundaries to provide public safety services to unprotected or inadequately protected areas; and

Whereas, the District may respond to aircraft incidents and incidents on transportation routes which could create considerable cost burden upon the district taxpayers; and

Whereas, the District, pursuant to ORS 478.310, shall be paid the contract or reasonable value for use of apparatus and equipment and other expenses reasonably incurred in furnishing services; and

Whereas, the District can use service cost recovery as a financial disincentive to encourage individuals and business owners to correct fire code violations and limit unnecessary impacts on District response and enforcement resources; and

Whereas, the District pursuant to ORS 478.410, has the statutory authority to adopt an ordinance creating a fee for any service provided by the district; and

Whereas, a fee created under ORS 478.410 may not exceed the cost to the District of providing the service; and

Whereas, the District pursuant to ORS 478.965, has the statutory authority to recover costs of suppressing unlawful fires; and

Whereas, fees and charges imposed by this resolution are not taxes subject to property tax limitations of Article XI, Section 11(b) of the Oregon Constitution; and

Whereas, after consideration, the Board is of the opinion and belief that it is appropriate to recover the costs of providing service by District personnel.

The District finds it necessary to adopt the following ordinance; therefore

THE DISTRICT DOES ORDAIN AS FOLLOWS:

SECTION I – PURPOSE

A. The purpose of this ordinance is to recover the costs of providing service in those instances deemed appropriate by direction of Board policy, as set out in Section V.

B. Furthermore, the purpose of this ordinance is to establish a system of cost-recovery which recognizes the Districts costs for providing services and attempts to recover those costs through a practical billing structure;

C. Furthermore, the purpose of this ordinance is to establish and maintain a plan for identifying those entities, (either persons, for-profit business, not-for-profit businesses, governmental units, or other organizations) from whom costs should be recovered;

D. Furthermore, the purpose of this ordinance is to create economic disincentives for unnecessary impact upon District resources;

E. Furthermore, the purpose of this ordinance is to protect the District from financial burden in the event of major incidents requiring considerable District resources.

SECTION II -DUTIES AND POWERS

A. The regulations adopted as part of this ordinance shall be enforced by the Fire Chief of the District, who shall have the authority to determine whether, and how much, to recover from those requiring services.

B. The Board adopts as part of this ordinance the fee schedule in Appendix A attached hereto, which outlines typical fees and methods of cost recovery calculation for approved services.

C. This ordinance as hereby adopted, shall be filed in the record of the District. This ordinance is the Cost Recovery Ordinance, hereinafter referred to as the Cost Recovery Ordinance of Chiloquin – Agency Lake Rural Fire Protection District, is adopted pursuant to ORS 478.310, 478.410 and 478.965.

SECTION III – DEFINITIONS

Fire District or The District: Chiloquin – Agency Lake Rural Fire Protection District, dba Chiloquin Fire and Rescue (CF&R)

Board of Directors or Board: The Board of Directors of Chiloquin – Agency Lake Rural Fire Protection District.

Fire Chief: The Fire Chief of Chiloquin – Agency Lake Rural Fire Protection District or authorized representative.

NFIRS: The National Fire Incident Reporting System.

Response: Apparatus, equipment or personnel dispatched to an incident location and the alarm

is acknowledged via radio or telephone with 911/Fire dispatch. Cancelled en-route incidents are considered billable events since resources were deployed and thus an NFIRS incident report must be generated.

Transportation Route: A roadway, waterway, railroad right-of-way or airplane route.

Unprotected or Inadequately Protected Area: A territory outside the boundaries of Chiloquin – Agency Lake Rural Fire Protection District which is unprotected or inadequately protected by public safety services.

SECTION IV – APPEALS

Appeals by either persons, for-profit businesses, not-for-profit businesses, governmental units, or other organizations shall be presented to the Fire Chief in writing within 30 days from the date of the invoice being received. The decision of the Fire Chief with respect to any such appeal shall be final and binding.

SECTION V - COST RECOVERY FEES

The Fire Chief, or his/her designee, shall be responsible for reviewing cost recovery invoices and determining whether and how much to recover for services.

The Fire Chief may, at his/her discretion, waive or modify fees and other rules in a particular instance.

A. Transportation Route Responses:

Cost recovery fees may be imposed for response to incidents on or related to transportation routes. Transportation route incidents include but are not limited to: incidents occurring on roadways, railroad rights-of-way, aircraft routes, and waterways. District residential taxpayers will not normally be billed for these services.

B. Unprotected or Inadequately Protected Areas:

Cost recovery fees may be imposed for any service provided in unprotected or inadequately protected areas outside of Chiloquin – Agency Lake Rural Fire Protection District boundaries.

C. Fire Code Enforcement:

Cost recovery fees may be imposed for any re-inspection of fire and life safety occupancy. Cost recovery enforcement fees will not be imposed for an initial fire and life safety occupancy inspection or the first subsequent re-inspection for identified fire code violations.

The second re-inspection (third visit to occupancy) and all subsequent re-inspections for previously noted fire code violations will result in cost recovery enforcement fees being imposed.

D. Automatic Monitored Fire and Medical Alarm Responses:

Cost recovery fees may be imposed for repetitive false (nuisance) responses to fire and medical alarms. No cost recovery fee will be imposed for the initial three (3) fire alarm or medical responses to any residential or commercial occupancy during a calendar year. No cost recovery fee will be charged if the fire alarm is a result of a fire. No cost recovery fee will be charged if the medical alarm results in medical treatment and/or transport by EMS personnel.

E. Open Burning Violation Responses:

Cost recovery fees may be imposed for any response to open burning violations.

F. Fees and Charges:

Fees for service will normally be limited to cost recovery. Methods of calculating the cost of services shall be identified and generally based upon the actual cost of providing the service unless otherwise stated. The Fire District will calculate fees for specific services when the response is longer than 30 minutes. Cost calculations will include direct costs (apparatus, personnel, and any miscellaneous supplies and services) and indirect costs (administrative overhead). Cost calculation methodology will be made available upon request.

Invoices will be addressed to the registered property owner, responsible party contacted at the scene, or occupant as determined by the Fire Chief or his/her designee.

SECTION VI - COLLECTION PROCEDURES

Fees will normally be billed within sixty (60) days of the service delivery date. If arrangements for payment are not made within sixty (60) days of billing, the invoice will be considered delinquent and the District may proceed with collections as deemed appropriate by the District and/or Fire Chief. All costs related to collection procedures shall be in addition to Fire District invoiced fees when collection services are required.

SECTION VII - SEVERABILITY AND VALIDITY

If any section, subsection, sentence, clause or phrase of this ordinance or codes or standards herein referenced is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board hereby declares that it would have passed all other portions of this ordinance irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases is declared invalid or unconstitutional.

SECTION VIII - DATE OF EFFECT

This Ordinance shall be effective the 30th day following its second reading and adoption by majority vote of the Board of Directors pursuant to ORS 198.550 (1) and (2). This Cost Recovery Policy shall apply within each city and county within the District when approved pursuant to ORS 478.924.

This Ordinance was read during a regular meeting of the Board of Directors on the 8th day of November, 2016. This ordinance was re-read during a regular meeting of the Board of Directors on the 13th day of December, 2016 and adopted by the affirmative vote of a majority of the Board of Directors of Chiloquin – Agency Lake Rural Fire Protection District.

BY:

Board President David Burnett

Date

ATTEST:

Board Secretary Anna Fowler

Date

**Chiloquin – Agency Lake Rural Fire District
COST RECOVERY POLICY**

FEE SCHEDULE - APPENDIX A

Cost calculations will include direct costs (apparatus, personnel, and any miscellaneous supplies and services) and indirect costs (administrative costs and overhead). Cost recovery calculation methodology for specific responses provided upon request.

The Office of State Fire Marshal has established a standardized schedule of costs associated for apparatus and response (OAR 837-130 & Conflagration Act) resource typing and reimbursement. The latest edition of this model will be used, when applicable, to guide establishment of response costs. All responses billed under these rules are subject to a 30-minute minimum response charge.

Apparatus and Service Costs

Fire Engine	\$ 100.00	per hour
Brush Unit	\$ 50.00	per hour
Water Tender	\$ 70.00	per hour
Water Rescue	\$ 45.00	per hour
Technical Rescue	\$ 40.00	per hour
Vehicle Rescue/Extrication	\$ 55.00	per hour
Command/Support Vehicle	\$ 35.00	per hour
Staff Vehicle Trip Charge	\$ 35.00	per trip
Extrication Equipment	\$ 200.00	per day

Personnel Costs -Average loaded rates

Suppression Personnel	\$ 34.00	per hour per person
Command Personnel	\$ 48.00	per hour per person
Inspection Personnel	\$ 48.00	per hour per person
Administrative Staff	\$21.00	per hour per person
Volunteer Personnel	\$15-20.00	per hour per person

Ambulance Rates

BLS Transport	\$2400.00	\$25.00 per mile
ALS Transport	\$2400.00	\$25.00 per mile
ALS 2 Transport	\$2400.00	\$25.00 per mile

Note: If overtime is necessary, staffing costs will be billed at 1.5 times the above rates for individuals on overtime.

Apparatus officers, lead firefighters, or EMTs, if on scene, shall complete the billing worksheet for alarms meeting the criteria in this policy.

Miscellaneous Supplies and Services

Disposable supplies used will be billed on specific usage and cost of replacement. Costs of outside vendors or services used will be billed without mark-up.

Administrative Costs and Overhead

There will be a 40.00 minimum charge per processed invoice.

Transportation Route Responses

Transportation route responses will be billed using dispatch time records to determine the commitment of apparatus and personnel. Miscellaneous supplies and services, if applicable, will be based upon scene documentation by the officer, lead firefighter or EMT in charge.

Response to Unprotected, Underprotected Areas

Responses to unprotected areas will be billed on a per hour basis using dispatch time records to determine commitment of apparatus and personnel. Miscellaneous supplies and services, if applicable, will be based upon scene documentation of the officer in charge.

Automatic Monitored Fire and Medical Responses

Nuisance automatic fire and medical alarm responses will be billed on a flat fee basis. The fee shall be **\$125.00** minimum fee which includes first 30 minutes of apparatus and staff time. Responses requiring multiple units and/or lasting longer than 30 minutes may be billed using established hourly rates for all apparatus and staff committed.

Open Burning Violation Responses

Open burning violation responses will be billed on a flat fee basis. A **\$125.00** minimum fee includes first 30 minutes of apparatus and staff time. Responses requiring multiple units, lasting longer than 30 minutes, or requiring additional site visits may be billed using established hourly rates for all apparatus and staff committed.

Extenuating Circumstances -Billing exceptions

The final decision regarding whether or not to bill for services rests with the Fire Chief or his/her designee. Personnel responding to the above situations shall indicate if there are extenuating circumstances justifying that a party involved in the above alarm categories not receive a bill for service, which may include:

- Transportation incident and a party involved is a District resident;
- What appears to be a minor and non-repetitive case of unauthorized burning with a cooperative party;
- Indigent or impoverished condition;
- If the District is cancelled prior to arrival, or scene time of less than 15 minutes.
- Mutual aid where the District is not the primary responder or the only agency on scene.

Billing for mutual aid responses will only occur when the District is the only agency on scene and the party involved is not a resident of the District or any other fire district that the District is providing mutual aid to at that time.

Fire Code Enforcement Fees

If multiple re-inspections are necessary during fire code enforcement activities, these re-inspections will be billed on a flat fee basis. A \$100.00 fee per re-inspection visit will be imposed.

If a commercial establishment denies entry of Fire Code enforcement personnel for inspection purposes, an inspection warrant may be required to proceed. All staff time, trip charges, and other expenses required to obtain the inspection warrant and all subsequent fire inspections to complete the inspection process will be invoiced as cost recovery fees.

Occasionally contractors or business owners request a new construction or maintenance inspection after normal business hours. If staff overtime is required, these activities will be billed using a two-hour minimum at \$100.00 per hour per staff member. This fee will include all trip charges.

Chiloquin Fire and Rescue
Billing Worksheet

Alarm date: Alarm Type: Alarm
Number: Location:
Units on Scene:

General description of services provided and supplies used:

Party #1 Name: Driver's License #: Home address:
Phone number: Insurance Company and policy #:

Party #2 Name: Driver's License #: Home address:
Phone number: Insurance Company and policy #:

Party #3 Name: Driver's License #: Home address:
Phone number: Insurance Company and policy #:

Party #4 Name: Driver's License #: Home
address: Phone number: Insurance Company and policy #:

Billing exception recommended based on: (Circle if appropriate)

1. Transportation route incident and party involved is a District resident
2. What appears to be a minor and non-repetitive case of unauthorized burning with a cooperative party. Document with a burning violation report to track repeat incidents
3. Indigent or impoverished condition
4. CF&R is cancelled prior to or immediately upon arrival. Note: Scene assessment is a service unless # 5 applies
5. Scene time of less than 15 minutes
6. Mutual aid where CF&R is not the primary responder or the only agency on scene. Residents of CF&R or the district being served will not be billed.
7. Other:

Officer signature: _____

Date: _____