

ORDINANCE NO. 2009-01

AN ORDINANCE ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE USER FEES FOR THE DEPLOYMENT OF PUBLIC SAFETY SERVICES RENDERED BY THE NEVADA CITY FIRE DEPARTMENT

WHEREAS, the Emergency Services response activity to incidents on the highways continues to increase each year; Environmental Protection requirements involving equipment and training, and Homeland Security regulations involving equipment and training, creating additional demands on all operational aspects of Fire and Rescue Services; and

WHEREAS, the Fire and Rescue Services has investigated different methods to maintain a high level of quality of emergency service capability throughout times of constantly increasing service demands, where maintaining an effective response by the Fire and Rescue Services decreases the costs of incidents to insurance carriers through timely and effective management of emergency situations, saving lives and reducing property damage; and

WHEREAS, raising real property tax to meet the increase in service demands would not be fair to the property owners, when a majority of Motor Vehicle Accidents (MVA) involve individuals not owning property or paying taxes in the jurisdiction; and the ability of Fire and Rescue Services to effectively respond decreases the liability of insurance companies by saving lives and minimizing vehicle damage; and

WHEREAS, the City Council of the City of Nevada City desires to implement a fair and equitable procedure by which to collect said MVA fees and shall establish a billing system in accordance with applicable laws, regulations and guidelines; Now, Therefore

**BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF NEVADA CITY:**

SECTION 1: The City of Nevada City Fire and Rescue Services shall initiate user fees for the delivery of Fire and Rescue Services, personnel, supplies and equipment to the scene of motor vehicle accidents and other incidents on the highways. The rate of user fees shall be that which is usual, customary and reasonable (UCR), which may include any services, personnel, supplies, and equipment and with baselines established by addendum to this document. These user fees will only apply to persons not residing within the city limits of City of Nevada City as the residents within the city boundaries currently subsidize emergency service costs through special tax measures. Responses involving intoxicated drives would be subject to all applicable fees regardless of residency.

SECTION 2: The user fee shall be claimed against the motor vehicle insurance carrier, representing an add-on cost of the claim for damages of the vehicles, property and/or injuries. In the event services are required relating to utilities causing safety problems to highway areas, and if the area is deemed unsafe by emergency responders, the same billing process shall apply to said utility, whose equipment related problems cause for an emergency services response. The claim costs shall be filed to the insurance coverage of the owner of a vehicle, owner of property, or responsible parties.

SECTION 3: The City Council of the City of Nevada City may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, not consistent with this Section, as they may deem necessary or expedient in respect to billing for these fees or the collection thereof.

SECTION 4: All amounts collected as a result of this Ordinance shall be placed into a fund as established by the City Finance Director to be used exclusively for personnel, supplies and equipment of the Nevada City Fire Department.

SECTION 5: It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in accordance with all legal requirements, and the Codified Ordinances of City Council.

SECTION 6: This Ordinance shall take effect at the earliest time permitted by law.

PASSED AND ADOPTED at a regularly scheduled meeting of the City Council of Nevada City held on this 14th day of January 2009 by the following vote:

AYES: COFFMAN, SENUM, BERGMAN, MCKAY, HARRIS

NOES: NONE

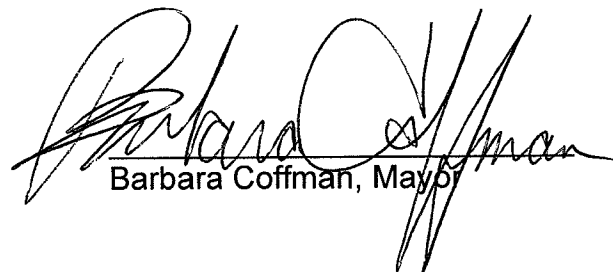
ABSENT: NONE

ABSTAIN: NONE

ATTEST:



Niel Locke, City Clerk


Barbara Coffman, Mayor

Fire and Rescue Services Billing Fees (non-hazardous materials incidents)

Level 1 - \$435.00

Scene Safety and Investigation (including traffic control, patient contact, hazard control). This will be the most common billing level. This occurs almost every time a Fire Department responds to an accident.

Level 2 - \$495.00

Includes Level 1 services as well as Cleanup and Material Used (Sorbents used, hazardous clean-up and disposal. We will bill at this level if the department has to clean up any gasoline or other automotive fluids that are spilled as a result of the accident.

Level 3 – CAR FIRE - \$605.00

Scene Safety, Fire Suppression, Breathing Air, Rescue Tools, Hand Tools, Hose, Tip Use, Foam, Structure Protection, and clean up gasoline or other automotive fluids that are spilled as a result of the accident.

Level 4 - \$1,800.00

Includes Level 1 & 2 services as well as Extrication (heavy rescue tools, ropes, airbags, cribbing etc.). We will bill at this level if the department has to free/remove anyone from the vehicle(s) using any equipment. We will not bill at this level if the patient is simply unconscious and department is able to open the door to access the patient. This level is to be billed only if equipment is deployed.

Level 5 - \$2,100.00

Includes Levels 1, 2, & 3 services as well as Air Care (multi-engine company response, mutual aid, helicopter). We will bill at this level any time a helicopter is utilized to transport the patient(s).