

RESOLUTION

Whereas, the Hampshire County Commission at its regular meeting on the 12<sup>th</sup> day of March 2019, proposed revision of the Hampshire County Emergency Ambulance Service Fee Ordinance. Proposed revisions to the Ordinance were made available on the following day on the Commission website and in paper form. The aforesaid Ordinance was initially approved and established on the 13<sup>th</sup> day of February, 2018; and

Whereas, a public hearing was held on the 9<sup>th</sup> day of April, 2019 after proper notice, including publication as a Class II advertisement. The Hampshire County Commission received public comment and gave consideration to the same.

NOW, THEREFORE, BE IT RESOLVED: that the aforesaid Ordinance Revision be, and is hereby approved by the County Commission of Hampshire County, West Virginia on this the 16<sup>th</sup> day of April 2019, becoming effective on April 17, 2019.



Robert Q. Hott, President



David R. Parker, Commissioner



Brian W. Eglinger, Commissioner

## HAMPSHIRE COUNTY

### EMERGENCY AMBULANCE SERVICE FEE ORDINANCE

#### SECTION 1 – PURPOSE AND LEGISLATIVE AUTHORITY

Under the authority of Chapter 7, Article 15 of the Code of West Virginia, as amended, this Ordinance is adopted by the Hampshire County Commission for the purpose of helping to provide emergency ambulance service in order to promote the health and welfare of the citizens of Hampshire County. Emergency ambulance service is a public purpose and a responsibility of government for which public money may be spent.

#### SECTION 2 – DEFINITIONS

**ACCESSORY STRUCTURE** - Any separate structure associated with a billable unit such as a garage, storage shed, workshop or otherwise located on the same parcel shall be included as part of the billable unit and not subject to a separate fee so long as it is not actually used as a separate addressable billable unit. If a dispute arises with regard to whether or not a structure qualifies as accessory structure not subject to a separate fee, the burden is upon the owner to demonstrate that the structure is not a billable unit.

**AGRICULTURAL BUILDING** - Means structures which directly contribute to the operation of a farm and shall include any processing plant, milking parlor, farm equipment storage building, hog or poultry house, barn, silo, grain storage building, winery, and temporary quarters furnished to farm employees without rent to assist in performance of employment duties as part of the terms of their employment.

**BILLABLE STRUCTURE**- means any structure/unit intended for the occupancy of humans whether currently occupied or unoccupied, including but not limited to, single family homes, duplexes, vacation and secondary homes, mobile homes, seasonal campers, hunting, fishing and recreational camps, apartments, condominiums, and rental units. In the case of a structure which contains multiple independent addressable units, such as duplexes and apartments, each addressable unit shall be deemed to be a separate billable unit.

**SEASONAL MOBILE BILLABLE STRUCTURE**- means any camp lot unit in which the unit itself is only on site for 180 days or less during the camp lot season. This shall include any structures/units that are moved off the lot seasonally in accordance to particular camp lot rules or fall under the Hampshire County Flood plain ordinance. This definition shall not include any units that have permanently fixed additions, porches, utilities and are located on site for more than 180 days.

EMERGENCY AMBULANCE SERVICE FEE – Means the fee imposed by the Hampshire County Commission through this Ordinance and collected from the users of emergency ambulance service within Hampshire County.

HCESA-Hampshire County Emergency Services Agency. An emergency ambulance service as provided for in this ordinance.

INHABITABLE- Means any structure in Hampshire County in which humans can be occupants for living or limited part-time recreational purposes. This would include all primary residential structures and any structures that are temporarily inhabited such as, but not limited to, cabins, seasonal camps, seasonal campers, and portable buildings. Structures that may not have running water, electric, or septic still qualify as a billable structure for the purposes of this ordinance if it is inhabited for any amount of time.

OWNER – Means the person, firm or corporation listed in the Hampshire County land records and records of the Assessor of Hampshire County as the owner of the unit as of July 1st of a given year.

UNINHABITABLE- Means any structure in Hampshire County which is not occupied by humans full-time or for a limited amount of time. This may be structures that have deteriorated past repair, are condemned for safety reasons, or are strictly used for storage, or nonhuman dwelling type activities. Proof of such use shall be required by the owner in cases where County records differ from current use, or current use of the structure is unclear.

USER—Any person to whom emergency service is made available.

### SECTION 3- CAMP LOT BILLING

All Camp lot owners shall provide the Hampshire County Tax office and planning office with a list specifying separately all seasonal mobile units and permanently sited units owned by both in state and out of state residents by definition of billable structures/units and seasonal mobile billable structures/units in this ordinance. This list shall include a full name and address for the purposes of billing according to this ordinance. This shall be submitted to the tax collection office by June 1, of every service year. Failure to submit the list accurately and on time, will require the camp lot owner to be billed by the county for all billable camp lots, and the owner will be responsible for collecting the fee from renters, or paying the fee themselves on time, for that service year.

### SECTION 4 – RATES and LATE CHARGES

There is hereby imposed an emergency ambulance service fee as set out herein. The Emergency Ambulance Service Fee imposed under this Ordinance shall be for emergency ambulance services in Hampshire County for each Fiscal Year beginning July 1 and ending June 30.

The Emergency Ambulance Service Fee established by this Ordinance shall be set by the County Commission at \$100.00 for each billable structure and \$50.00 for each seasonal mobile billable structure.

The Fee imposed under this ordinance shall be the responsibility of the record owner of the unit, (except under exemption E Section 5 of this ordinance) as of July 1st, each year. The Fee assessed and levied under the provisions of the ordinance shall be a personal obligation of the owner of the unit (except under exemption E Section 5 of this ordinance).

The first half or full amount of the fee shall be due and payable September 1st of each year for billable units/users as of July 1st for services to be rendered in the fiscal year. The second half shall be due and payable March 1, of each year for billable units/users as of July 1, for services to be rendered in the fiscal year. On or before, July 15, of each year, a bill shall be mailed to the owner's/users mailing address on record with the Assessor of Hampshire County. An owner of more than one unit subject to this ordinance, may receive a single consolidated billing statement for the various units. All users, as defined by this County Ordinance, have the responsibility to pay on time, failure to obtain the billing notice, billing reminder, or late notice in no way exempts one from the responsibility of the original fee or subsequent late fees.

Any first half fee due received after October 1, of the service year shall increase by an additional 10 dollars. Any second half fee due received after April 1, of the service year shall also increase by 10 dollars. Any full amount fees paid after April 1, of the service year shall be charged an additional 20 dollars. Any unit falling under the definition of seasonal mobile billable structure shall pay the entire \$50 fee by September 1, of each year with a 10\$ late fee applied for any fees received after October 1 and a 20\$ late fee for fees received after April 1. Seasonal mobile unit bills will not be separated to first and second half amounts.

Fees delinquent on or after July 1, the year after they became due and payable shall be reviewed by the County Commission. The County Commission, in its sole discretion, may collect unpaid fees through civil action filed in a court of competent jurisdiction. Such suit need not be brought in the same fiscal year the fee was filed. In any suit for collection of delinquent fees, the Hampshire County Commission is authorized to recover its reasonable costs of collection, including court costs, attorney's fees, service costs and statutory interest.

If any person believes he or she was erroneously charged an emergency service fee, the County Commission shall provide, upon the person's request, an exemption form. The form shall be completed and returned to the County Commission no later than September 1, of the Fiscal Year for which the fee applies. The County Commission shall, within a reasonable time, investigate any request for exemption. The County Commission shall, at its next regular meeting after completion of the investigation, consider each written request for exemption and staff's recommendation regarding the exemption request. If good cause for exemption is found by the County Commission, the Commission shall exempt or modify the imposed charges, and shall notify the person in writing of its actions. If the Commission does not exempt or modify as requested by the applicant, the person requesting exemption may appeal to the Circuit Court of Hampshire County. The appeal must be filed within 30 days of the Commission decision upon the exemption.

## SECTION 5-QUALIFIED FEE EXEMPTIONS OR MODIFICATIONS

- A. Any structure determined to be uninhabitable according to the definitions in this ordinance.
- B. Any full time Hampshire County Resident who has paid a fee for their primary residence and owns an additional camp, cabin or vacant structure that is strictly used for their own recreational use or storage shall be exempt for the additional fee. However, this exemption shall not apply to any additional owned structure that is rented, leased, currently for sale, temporarily vacant, or being occupied by someone full time for any reason.
- C. Any structure which has been physically removed and not relocated within the county, torn down, or lost due to fire or acts of nature since the last billing cycle.
- D. Structures used for business in Hampshire County are exempt. Home based businesses or a business with living quarters attached that have not been billed for the ambulance fee do not qualify for this exemption.
- E. Any Governmental Public Housing Agency claiming WV Code Part 16-15-14(a)(b) exempts the Housing Authority from paying such fees. However, this ordinance also clearly defines a user of the ambulance services provided by the County, therefore; any Governmental Housing Agency claiming exempt status for this ordinance shall provide the County by no later than June 1, of the service year, a complete and accurate list of billable occupants, as these occupants are not exempt, and are clearly potential users of the service by rules of this Ambulance Fee Ordinance.

## SECTION 6 – RATE CHANGES

The service of ambulance protection shall be continued, maintained, and improved by the Hampshire County Commission at the charge and expense of the owners of all billable units within the county. The fee is to help establish, maintain and improve emergency ambulance services in Hampshire County. This fee does not entitle anyone to free emergency ambulance service. Users of emergency ambulance services are responsible for any charges and costs imposed by such service providers.

The County Commission retains sole discretion in approving, denying or modifying any fee change. Procedures set forth in Article 15, Chapter 7, Section 17 of the Code of West Virginia for the setting of the initial fee shall be followed by the County Commission in the event an increase is sought.

## SECTION 7 – EFFECTIVE DATE

This Ordinance shall become effective \_\_\_\_\_. The fee assessed and levied by this ordinance shall be for services to be rendered from October 1, 2018 to June 30, 2019 and for each fiscal year July 1 to June 30 thereafter. Any amendments to this ordinance shall be in accordance with SECTION 14 of the current ordinance and will become effective that following

service year.

#### SECTION 8 – USE AND MANAGEMENT OF FEE PROCEEDS

The proceeds from the imposition and collection of the Emergency Ambulance Service Fees shall be deposited in a special fund to be held by the Sheriff of Hampshire

County and recognizing that the said fee will not cover all emergency ambulance service costs, the funds so collected shall be used to cover expenses required in the operation of the HCESA at the complete discretion of the County Commission and upon proper approval for providing emergency ambulance service to people in Hampshire County. Funds shall be used for but not limited to paying salaries, purchasing supplies, vehicle maintenance, equipment and new vehicle purchases.

Proceeds not expended in a given Fiscal Year will be maintained in the special fund and may be used in subsequent Fiscal Years as necessary. The County Commission shall ensure that the HCESA services in Hampshire County be staffed by well trained and qualified emergency service personnel to provide essential rescue service to all users of ambulance services in Hampshire County. Funds can be used to pay personnel to prepare and mail Emergency Ambulance Fee invoices, collecting and accounting of such fees and the distribution of these fees to the appropriate emergency medical service entities.

#### SECTION 9 – BUDGET DEVELOPMENT

The HCESA shall hold an annual public hearing for the purpose of receiving written or oral public comments pertaining to the operations of the HCESA within Hampshire County. This public hearing shall be advertised as a Class II legal advertisement in local newspapers within the County.

The required public hearing shall be held no later than the regular December Advisory Board meeting in order to provide HCESA sufficient time to consider any improvements or changes in services and to account for said changes when submitting the annual budget request to the Hampshire County Commission.

As required by the HCESA Ordinance, HCESA shall prepare a financial statement and budget detailing the upcoming fiscal year projections for the special emergency ambulance fund. The Advisory committee shall make recommendations to the County Commission regarding the need to change or maintain the rates charged for the upcoming year.

#### SECTION 10 – DATA USED FOR ASSESSMENT OF FEES

Upon completion of the annual budget for the Fund, the County Commission shall request the County Assessor to provide it with a list of all residential units within the county to be utilized as the data base for billing the Emergency Ambulance Service Fee commencing the following July 1. In addition, Hampshire County 911 addressing services shall provide a list of addressable units within each category to assist in the identification of the residential units within the county. Each residential unit shall have an account established in the name of the owner of that unit and a bill in the amount of

the fee shall be delivered to that unit by US Postal Service on or after July 1 of the Fiscal Year. The Assessor and the Tax Office will further provide monthly updates to County Commission so that the database can be maintained on a current basis.

#### SECTION 11 – COLLECTION OF DELINQUENT ACCOUNTS

Certified letters may be sent to all unpaid accounts as a status reminder including a notice of late fees and charges and a notice that delinquent accounts will be submitted for collection. All delinquent accounts shall be submitted for collection by either internal or external agencies, including all fees and costs that have accumulated.

#### SECTION 12 – QUARTERLY REPORTS TO COUNTY COMMISSION

No later than the 15<sup>th</sup> day of the following month. The director of operations for HCESA under this Ordinance shall provide the County Commission the following information for the previous month:

- A. Dispatched calls for the quarter
- B. Dispatched calls in which the person refused transport
- C. Monthly income and expenditures
- D. Invoices billed
- E. Invoices collected; and
- F. Invoices not collected

#### SECTION 13-QUALITY ASSURANCE

The Commissioners shall appoint at least five members of the community to serve as a HCESA advisory committee. The advisory committee will meet at least once every quarter, and will review the execution of all funds. At a minimum the advisory committee will review:

- A. The number of 911 calls received
- B. The number of calls lacking appropriate EMS response
- C. The average time of response
- D. Community complaints. The advisory committee will make public a mechanism for reporting complaints and will review and implement strategies to address valid concerns of the public.
- E. And other measures this committee would deem appropriate for use as a qualitative measure to enhance public safety.

The advisory committee may recommend to the County Commission the suspension of public funds for non-compliance of any state or federal regulation, or county requirements set forth herein.

SECTION 14 – AMENDMENTS AND SEVERABILITY


The Hampshire County Commission reserves the right to amend this ordinance subject to proper notice and a public hearing.

If a court of competent jurisdiction declares any provision of this Ordinance to be void, invalid or ineffective in whole or in part, the effect of such decisions shall be limited to those provisions which are expressly declared to be void, invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully enforceable



NOW THEREFORE, THIS ORDINANCE IS ENACTED AND ORDAINED BY THE COUNTY COMMISSION OF HAMPSHIRE COUNTY, WEST VIRGINIA.

Given under my hand and seal this 16<sup>th</sup> day of April, 2018.

  
Robert Q. Hott, President  
Hampshire County  
Commission

  
David R. Parker, Commissioner

  
Brian Eglinger, Commissioner

ATTEST:   
Eric Strite, Clerk

Eric W Strite  
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