

Hampshire County

Emergency Ambulance Service Fee Ordinance

SECTION 1-LEGISLATIVE AUTHORITY

This Ordinance concerns the imposition and collection of a special emergency ambulance service fee and is adopted under the authority of Chapter 7, Article 15, Section 17 of the Code of West Virginia, as amended.

SECTION 2-PURPOSE

This Ordinance is enacted by the Hampshire County Commission for the purpose of providing career Paramedics, Emergency Medical Technicians (EMT), and drivers to provide support to the volunteer emergency ambulance system within the geographic boundaries of Hampshire County, West Virginia. An adequate emergency system is necessary to promote the health and welfare of the citizens of Hampshire County. Emergency ambulance service is a public purpose and a responsibility of the government for which public money may be spent.

SECTION 3-DEFINITIONS

RESIDENTIAL UNIT- Means any habitable structure intended for residential use, whether occupied or unoccupied, including but not limited to, single-family homes, duplexes, vacation and secondary homes, mobile homes, apartments, condominiums and rental units. In the case of a structure which contains multiple independent addressable dwelling units, such as apartments, each addressable unit shall be deemed to be a separate residential unit.

COMMERCIAL UNIT- Means commercial business, industrial activity or non-residential activity conducted for a profit, including but not limited to, any store, automotive service facility, hotel, motel, bed and breakfast, entertainment venue, club, bar, restaurant, industrial facility, warehouse, flea market, amusement park, camp ground, institutional living arrangement with centralized services such as a nursing home or an assisted living or similar arrangement. In the case of commercial activity that occurs outdoors, such as a flea market or amusement park, such business shall be assessed a fee as a commercial unit unless a permanent structure associated with the use is already subject to the commercial fee at the same location. In the case of a commercial complex with more than one structure, such as a shopping center or business complex, each separate addressable structure shall be deemed a separate commercial unit and assessed a separate fee. Camp grounds must be registered with the Hampshire County Health Department and lot assessments will be based on that registration and may be prorated due to seasonal usage.

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, barn, silo, grain

storage building, livestock housing structure, and temporary quarters furnished to farm employees without rent to assist in performance of employment duties as part of the terms of their employment. Agricultural buildings shall be exempt from any fee assessed under this Ordinance. However, the agricultural exemption does not apply to any ordinary residential unit located on a farm, including tenant quarters, such units shall be subject to the standard residential unit fee. In addition, any structure which houses a retail commercial enterprise open to the general public, including but not limited to a distillery, butcher shop, winery, bed and breakfast, or retail nursery, shall be subject to the standard commercial unit fee even if located on a farm. The warehousing, processing, drying, storage, distribution and marketing of agricultural products for the wholesale market, (when those activities are conducted in conjunction with, but are secondary to, husbandry or production conducted on the farm), shall be exempt from the fee. If a dispute arises with regard to whether or not a structure qualifies as an exempt agricultural building, the burden is upon the owner to demonstrate that the structure contributes to the operation of a farm and is not a commercial or residential unit.

HCESA- Hampshire County Emergency Services Agency (HCESA), will be a committee with no less than five (5) members, appointed by the Hampshire County Commission, with the appointment and number of members to be decided at the discretion of the Commission. This committee will be created after the passage of this Ordinance.

SPECIAL 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.

USER-Means any person, firm or corporation to whom emergency ambulance transport service is made available.

SECTION 4-RATES

The fee imposed under this ordinance shall be the responsibility of the owner of record of any unit as of November 1st, each year. The Fee assessed and levied under the provisions of this ordinance shall be a personal obligation of the owner of the unit. The Fee shall be due and payable November 1st of each year for taxable units owned as of November 1st for services to be rendered in the fiscal year. Annual billing is expected to occur on or before, November 1st of each year, a bill shall be mailed to the owner's mailing address on record with the Assessor of Hampshire County.

The fee's will be as follows, residential fee \$65.00 annually as defined in Section 3, commercial fee \$130.00 annually as defined in Section 3.

New addresses that would be issued by the Hampshire County Geographic Information System (GIS) Department will be charged a pro-rated amount based on the issuance date of the address in a given year.

For each service year, accounts paid on or after January 1st through February 28th the fee shall increase by **\$10.00**. For accounts paid on or after March 1st through April 30th of a given service year, the fee shall increase by an additional **\$20.00**.

Fees delinquent on or after the first day of May the year after they became due and payable shall be forwarded to the County Commission. The County Commission, in its sole discretion, may collect

unpaid fees through civil action filed in a court of competent jurisdiction and/or may choose to utilize the services of a collection agency. Such suit or collection effort need not be brought in the same fiscal year the fee was billed. In any suit for collection of delinquent fees, the Commission is authorized to recover its reasonable costs of collection, including court costs, attorney's fee 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 exoneration form. The form shall be completed and returned to the County Commission no later than January 1st of the Fiscal Year for which the fee applies. The County Commission staff shall, within a reasonable time, investigate any request for exoneration. The County Commission shall, at its next regular meeting after completion of the investigation, consider each written request for exoneration and staff's recommendation regarding the exoneration request. If good cause for exoneration is found by the County Commission, the Commission shall exonerate or modify the imposed charges, and shall notify the person in writing of its actions. If the Commission does not exonerate or modify as requested by the applicant, the person requesting exoneration may appeal to the Circuit Court of Hampshire County. The appeal must be filed within 30 days of the Commission decision upon the exoneration.

SECTION 5-RATE CHANGES

The service of ambulance protection shall be continued, maintained, and improved by the Hampshire County Emergency Services Agency at the charge and expense of the owners of all residential and commercial units within the county. The fees shall be imposed, assessed and collected as set forth in this Ordinance. In the event the HCESA determines a change in the fee imposed by this ordinance is necessary, it shall, by resolution, request the County Commission consider approving the recommended change. The HCESA shall submit copies of its current budget, the future budget developed under Section 7 and any other documentation supporting the proposed change in the fee. 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 initial levy of such a fee shall be followed by the County Commission in the event an increase is sought.

SECTION 6-EFFECTIVE DATE

This Ordinance shall become effective November 1st, 2016. The fee assessed and levied by this ordinance shall be for services to be rendered from November 1st 2016 to October 31st 2017 and each fiscal year thereafter.

SECTION 7-USE AND MANAGEMENT OF FEE PROCEEDS

The proceeds from the imposition and collection of the Special Emergency Ambulance Service Fee shall be deposited in a special fund for the benefit of HCESA held by the Treasurer of Hampshire County and shall be used only to pay reasonable and necessary expenses actually incurred, including personnel, training, supplies and equipment used in providing emergency ambulance service to residents of Hampshire County. The proceeds may be used to pay for, in whole or part, the establishment, maintenance and operation of the Hampshire County Emergency Services Agency. 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.

SECTION 8-BUDGET DEVELOPMENT

The Hampshire County Emergency Services Agency shall hold an annual public hearing for the purpose of receiving written or oral public comments pertaining to the operations of the HCSEA 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 Board of Directors shall make recommendations to the County Commission regarding the need to change or maintain the rates charged for the upcoming year.

SECTION 9-DATA USED FOR ASSESSMENT OF FEES

Upon completion of the annual budget for the Fund, the County Commission shall request the Assessor to provide it with a list of all residential units, commercial units and commercial square footage within the meaning of this Ordinance within the county to be utilized as the data base for billing the Special Emergency Ambulance Service Fee commencing the following November 1st. In addition, GIS shall provide a list of addressable units within each category to assist in the identification and classification of commercial and residential units within the county. The Hampshire County Treasurer's Office will mail out statements of fees owed, including primary notices as well as late fee notices, if necessary, to the owner's mailing address on record.

SECTION 10-COLLECTION OF DELINQUENT ACCOUNTS

In mid-March, letters shall 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 after April 30th. On or about June 1st, all delinquent accounts at that point shall be submitted for collection by either internal or external agencies.

SECTION 11-AMENDMENTS AND SEVERABILITY

This Ordinance may, from time to time, be amended by a majority of the members of the County Commission as they deem it necessary and appropriate.

If a court of competent jurisdiction declares any provisions 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 and effective.

This Ordinance shall become effective upon November 1st, 2016.

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

Given under my hand and seal this ____ day of _____, 20__.

Stephen W. Slonaker

David R. Parker

Robert Q. Hott