

STATE OF SOUTH CAROLINA)
)
CITY OF HARDEEVILLE)
)
ORDINANCE NUMBER: 2004-5-6A) An Ordinance to Amend the City
) of Hardeeville Code of Ordinances
) by Adding to Chapter 8, *FIRE*
) *PREVENTION AND PROTECTION*, a
) new Article VI entitled "Service Fees"

**AN ORDINANCE PROVIDING FOR THE RECOVERY OF COSTS BY FEES FROM
USERS OF FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES**

WHEREAS, the City of Hardeeville in years past has provided services to its citizens through a volunteer service, but has now developed a Fire Department with a full and part-time professional fire fighting staff supplemented with volunteers; and

WHEREAS, the City of Hardeeville has experienced an increasing demand upon its Fire Protection and Emergency Medical Services by virtue of the increased traffic along the Interstate 95 corridor, the appurtenant interchanges, the four and two lane roads which service the Interstate, and those roads with speed limits in excess of 55 miles per hour, both within and without the City limits and the existing City fire district boundaries, by virtue of its mutual and/or automatic aid agreements for fire and emergency medical services; and

WHEREAS, The City of Hardeeville may expand its fire district boundaries as allowed by statute in the future; and

WHEREAS, Section 6-1-330 of the Code of Laws of South Carolina provides authority for a local governing body to adopt service or user fees; and

WHEREAS, Section 5-7-60 of the Code of Laws of South Carolina authorizes a municipality to perform many of its functions and provide many of its services in areas outside the corporate limits by contract and to make charges therefore; and

Fire Service Fee Ordinance 06-01-04 (Revised)

WHEREAS, Section 4-21-10 of the Code of Laws of South Carolina provides authority for a governing body of a county to provide fire protection and ambulance services by contract with municipalities and for the charging of a service fee for services; and

WHEREAS, the City of Hardeeville has or may enter into in the future mutual and/or automatic aid intergovernmental agreements for the provision of services outside of the corporate limits of the City; and

WHEREAS, the City of Hardeeville has conducted a study and determined to a reasonable degree of accuracy the historical costs of providing fire protection and emergency medical (ambulance) services to (1) its residents within the City limits excluding the Interstate 95 corridor, the appurtenant interchanges, the four and two lane roads which service the Interstate, and those roads with speed limits in excess of 55 miles per hour; (2) its residents on the Interstate 95 corridor, the appurtenant interchanges, the four and two lane roads which service the Interstate, and those roads with speed limits in excess of 55 miles per hour; (3) non-residents within and outside the City limits excluding the Interstate 95 corridor, the appurtenant interchanges, the four and two lane roads which service the Interstate, and those roads with speed limits in excess of 55 miles per hour; and (4) non-residents on the Interstate 95 corridor, the appurtenant interchanges, the four and two lane roads which service the Interstate, and those roads with speed limits in excess of 55 miles per hour, such areas being depicted on the attached map and/or description of the City of Hardeeville Fire District and the Hardeeville Rural Fire District (Exhibit 'A') and;

WHEREAS, the City of Hardeeville finds that there is a rational basis for making these classifications, and for adjusting the fees to account for the payment by residents of ad valorem taxes that are used to provide fire protection and emergency medical services within the City limits; and

Fire Service Fee Ordinance 06-01-04 (Revised)

WHEREAS, the City has determined it to be appropriate to provide for service fees for these four classifications reflecting the historical cost of providing services therein to a reasonable degree of accuracy, as well as providing a service fees for extraordinary services, such as hazardous materials response and clean-up and inspection fees, and to make periodic adjustments thereto to reflect changing conditions, costs and personnel and equipment needs; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hardeeville, South Carolina, in council session duly assembled and by the authority of same, that:

ARTICLE 6. SERVICE FEES

Section 1: The City of Hardeeville adopts the attached fee and service schedule styled as Section 4, which may be revised periodically by the adoption of a resolution by the City Council, applicable to the areas as defined in such schedule.

Section 2: As used in the fee and service schedule, the following terms mean:

(A) 'Normally Provided Services' means public fire safety educational services, fire suppression services other than vehicle fires and emergency medical responses not involving hazardous materials, and services directly related to these services.

(B) 'Special Services' means fire code enforcement, fire suppression services involving vehicle fires and extractions of persons from automobiles, trucks, and other vehicles which require the use of specialized equipment, such as the 'Jaws of Life'.

(C) 'Hazardous Materials Response' means a response to an incident involving the presence, spillage, containment or other involvement in the response of hazardous materials as defined by the Federal government or State Department of Health and Environmental Control, including, but not limited to gasoline, kerosene, diesel fuel, industrial chemicals, explosives, radioactive materials, poisons, biologic agent, flammables, corrosives, or other material requiring the use of specialized equipment to contain, neutralize or remove.

(D) 'Inspections' means physical inspection of premises for compliance with the various permitting requirements of local and state governments.

(E) 'Resident' means those persons or entities residing or owning real property within the city limits of Hardeeville.

Section 2: Such fee and service charges shall be in addition to any Development Impact Fee which may be adopted by the City or County of Jasper in the future.

Section 3. The City is authorized to collect such fees in areas beyond the City limits by virtue of the existence of any mutual and/or automatic aid agreement, or other intergovernmental agreement, with any other governmental body, in existence now or in the future.

Section 4: Fees and charges.

A. FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

1. Residents within the City Limits excluding the Interstate 95 corridor, the appurtenant interchanges, the four and two lane roads which service the Interstate, and those roads with speed limits in excess of 55 miles per hour

(a) - All Normally Provided Fire Protection Services - No fee

(b) - Hazardous Material Response - all costs, including, but not limited to actual costs(at the rates for Special Services in Section 4 A (2) (c) and (f) below) for the response, abatement, containment removal and remediation incurred by the City Fire Department and any assisting agency under any mutual, automatic aid or contractual agreement, to include replacement and/or repair of any equipment or materials damage reasonable costs in collecting any reimbursement, including any attorney fees.

(c) - Special Services - No fee, except and the materials/supplies/equipment expended or damaged in the response, which will be billed at actual cost.

(d) - Inspections -

(1) *Codes official.* A fee of ten dollars (\$10.00) per hour shall be charged for the provision of each codes official, said fee being inclusive of the costs for the personnel, vehicle, equipment, and other associated costs, except for the following where no fee will be charged;

(a) no more than two inspections as part of single-family residential construction subject to a building permit; or

(b) two pre-fire plan inspections each year for commercial establishments with one follow-up re-inspection for each if necessary.

(e) Emergency Medical Services - For the use of the City's First Response Vehicle with or without a paramedic - No charge for the vehicle, but must pay for actual supplies used.

(f) Ancillary Police Services - For the use of police services ancillary to fire and emergency services, including traffic control, no fee except for Hazardous Material Response, for which a fee of Fifty dollars (\$50.00) per hour per vehicle, plus Twenty-five dollars (\$25.00) per hour for each police person responding to the incident will be charged.

2. Residents outside City Limits or on the Interstate 95 corridor, the appurtenant interchanges, the four and two lane roads which service the Interstate, and those roads with speed limits in excess of 55 miles per hour

(a) - All Normally Provided Services - No fee.

(b) - Hazardous Material Response - all costs including, but not limited to actual costs (at the rates for Special Services in Section 4 (A) (2) (c) and (f) below) for the response, abatement, containment and remediation incurred by the City Fire Department and any assisting agency under any mutual, automatic aid or contractual agreement, to include replacement and/or repair of any equipment or materials damage reasonable costs in collecting any reimbursement, including any attorney fees.

(c) - Special Services -

(1) *Standard personnel with pumper/apparatus.* A fee of Twenty-five dollars (\$25.00) per hour shall be charged for each standard personnel responding with pumper/apparatus, or the First Response Vehicle, said fee being inclusive of costs associated with personnel, except the fire vehicle or pumper, which is an additional fee of One Hundred Fifty dollars (\$150.00) for each incremental two hour period it or they are responding to the incident (two hour minimum charge), i.e., if the truck is responding for three hours, the fee is \$300.00, being two increments of two hours), and the materials/supplies/equipment expended or damaged in the response, which will be billed at actual cost.

(2) *Aerial/ladder company.* A fee of Twenty-five dollars (\$25.00) per hour shall be charged for each standard personnel responding with an aerial/ladder truck, said fee being inclusive of costs associated with personnel, except the aerial/ladder truck, which is an additional fee of One Hundred Seventy-five dollars (\$175.00) for each incremental two hour period it or they are responding to the incident (two hour minimum charge), i.e., if the truck is responding for three hours, the fee is \$300.00, being two increments of two hours), and the materials/supplies/equipment expended or damaged in the response, which will be billed at actual cost.

(d) - Inspections -

(1) *Codes official.* A fee of Fifteen dollars (\$15.00) per hour shall be charged for the provision of each codes official, said fee being inclusive of the costs for the personnel, vehicle, equipment, and other associated costs.

(2) *Command staff officer.* A fee of Twenty-five dollars (\$25.00) per hour shall be charged for each command staff officer, said fee being

inclusive of the costs associated with personnel, vehicle and equipment.

(e) Emergency Medical Services - For the use of the City's First Response Vehicle- One Hundred Fifty dollars (\$150.00) per hour per vehicle plus supplies actually used, plus \$50.00 per hour for each paramedic, Emergency Medical Technician, or other similarly certified trained personnel.

(f) Ancillary Police Services - For the use of police services ancillary to fire and emergency services, including traffic control, a fee of Fifty dollars (\$50.00) per hour per vehicle, plus Twenty-five dollars (\$25.00) per hour for each police person responding to the incident.

3. Non-residents within or outside the City limits excluding the Interstate 95 corridor, the appurtenant interchanges, the four and two lane roads which service the Interstate, and those roads with speed limits in excess of 55 miles per hour

(a) - All Normally Provided Services - Same as Special Services below.

(b) - Hazardous Material Response - all costs, including, but not limited to actual costs (at the rates for Special Services in Section 4 (A) (3) (c) and (f) below) for the response, abatement, containment and remediation incurred by the City Fire Department and any assisting agency under any mutual, automatic aid or contractual agreement, to include replacement and/or repair of any equipment or materials damage reasonable costs in collecting any reimbursement, including any attorney fees.

(c) - Special Services -

(1) *Standard personnel with pumper/apparatus.* A fee of Twenty-five dollars (\$25.00) per hour shall be charged for each standard personnel responding with pumper/apparatus or First Response Vehicle, said fee being inclusive of costs associated with personnel, except the fire vehicle or pumper, which is an additional fee of One Hundred Fifty dollars (\$150.00) for each incremental two hour period it or they are responding to the incident (two hour minimum charge), i.e., if the truck is responding for three hours, the fee is \$300.00, being two increments of two hours), and the materials/supplies/equipment expended or damaged in the response, which will be billed at actual cost.

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(e) Emergency Medical Services - For the use of the City's First Response Vehicle - One Hundred fifty dollars (\$150.00) per hour plus supplies actually used, plus \$50.00 per hour for each paramedic, Emergency Medical Technician, or other similarly certified trained personnel.

(f) Ancillary Police Services - For the use of police services ancillary to fire and emergency services, including traffic control, a fee of Fifty dollars (\$50.00) per hour per vehicle, plus Twenty-five dollars (\$25.00) per hour for each police person responding to the incident.

4. Non-residents on the Interstate 95 corridor, the appurtenant interchanges, the four and two lane roads which service the Interstate, and those roads with speed limits in excess of 55 miles per hour

(a) - All Normally Provided Services - Same as Special Services below.

(b) - Hazardous Material Response - all costs including, but not limited to actual costs (at the rates for Special Services in Section 4 (A) (c) and (f) below) for the response, abatement, containment and remediation incurred by the City Fire Department and any assisting agency under any mutual, automatic aid or contractual agreement, to include replacement and/or repair of any equipment or materials damage reasonable costs in collecting any reimbursement, including any attorney fees.

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(e) Emergency Medical Services - For the use of the City's First Response Vehicle with or without a paramedic - One Hundred Dollars per hour plus supplies actually used, plus \$50.00 per hour for each paramedic, Emergency Medical Technician, or other similarly certified trained personnel.

(f) Ancillary Police Services - For the use of police services ancillary to fire and emergency services, including traffic control, a fee of Fifty dollars (\$50.00) per hour per vehicle, plus Twenty-five dollars (\$25.00) per hour for each police person responding to the incident.

5. When the provision of any of the above-described resources for services beyond "normally-provided services" requires that the personnel providing the services be in an overtime status, the rates described above shall be increased by the percentage necessary to cover the direct personnel costs to the city.

6. In the event more than one agency or service is called to an incident, both are entitled to receive compensation for the call under these ordinances. In the event full compensation for a joint call is not recovered, the amount recovered shall be distributed pro-rata to each jurisdiction in proportion to the bill for fees submitted. Nothing herein shall be construed as preventing an emergency response authority other than the City pursuing recovery for its costs independently or in conjunction with the City, to include any fees and charges authorized by the emergency responding authority and/or its governing body.


7. A "per hour" charge means that charge for each hour or any portion thereof, i.e., a one and a half hour response shall pay for two hours of the hourly charge, not one and a half times the hourly charge.

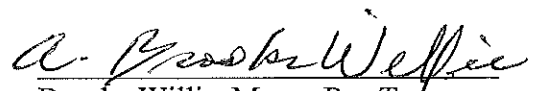
Section 5. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 6: This Ordinance shall take effect immediately after its adoption, the welfare of the people of the City of Hardeeville and Jasper County requiring it.

SO ORDAINED this 3rd day of June, 2004, by the Hardeeville City Council
being duly and lawfully assembled.


First Reading: 5/20/04
Public Hearing: 6/3/04
Second Reading: 6/3/04


Rodney Cannon, Mayor


Brooks Willis, Mayor Pro-Tem

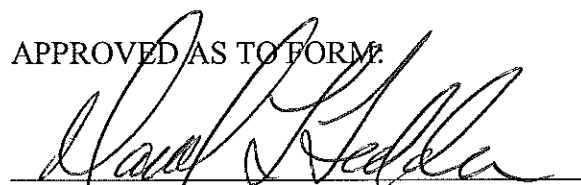

Bea Jones, Councilmember


Bill Horton, Councilmember


Edward Moyd, Councilmember

ATTEST:

Jessica Loudon, City Clerk

APPROVED AS TO FORM:

David L. Tedder, City Attorney