

ORDINANCE NO. 3753

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED, "AN ORDINANCE TO ENACT SECTION 7-27 OF THE CODE OF THE CITY OF CUMBERLAND PERTAINING TO THE ESTABLISHMENT AND AMENDMENT OF A SCHEDULE OF FEES FOR SERVICES PROVIDED BY THE CITY OF CUMBERLAND FIRE DEPARTMENT."

WHEREAS, the City's fire department presently charges for a limited number of services it provides to the public at large;

WHEREAS, the Mayor and City Council have determined that the City will broaden its efforts to seek reimbursement for services provided by the fire department (including, but not limited to, emergency medical response services and those services listed as follows) by charging for a greater portion of those services, it being understood that in those instances where reimbursement for fire suppression, motor vehicle collision response, and hazardous materials response services will be sought, indemnification will be limited to that which is available through the service recipients' insurance coverage,, provided the persons to whom those services were provided cooperate with respect to the City's collection efforts; and

WHEREAS, the purpose of this Ordinance is to establish a schedule for the fees for the services the fire department provides to the public at large, the manner in which those fees will be assessed and collected, and such other ancillary matters as are set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, THAT SECTION 7-27 OF THE CODE OF THE CITY OF CUMBERLAND IS ENACTED, TO READ AS FOLLOWS:

Sec. 7-27. – Schedule of Fees.

- (a) *Establishment; maintenance.* The city shall establish, maintain and amend a schedule of fees for services which are provided by the fire department, which schedule shall include fire suppression fees, motor vehicle collision response fees, emergency medical response fees, hazardous materials response fees, false alarm fees, inspection and plan review fees and such other fees as are set forth in the fee schedule set forth in subsection (l) hereinafter. The fee schedule and the amendments thereto shall be adopted by the mayor and city council from time to time upon the recommendations of the chief of the fire department and the city administrator.
- (b) *Fire suppression fees.* The city may charge fees to the owners and/or occupants of properties where fire suppression services are provided. These fees shall be collected to the extent of the availability of homeowners or other insurance

coverage. The different levels of fire suppression service which correspond to the fee schedule attached hereto are as follows:

- (i) Level 1, Basic Response: a single engine response involving a first responder set up and incident command;
 - (ii) Level 2, Intermediate Response: a multi-engine response involving a first responder set up, incident command, structure evacuation and donning of equipment; and
 - (iii) Level 3, Advanced Response: a Level 2 response plus the use of an aerial tower/ladder truck.
- (c) *Motor vehicle collision response fees.* The city may charge motor vehicle collision response fees when fire department personnel respond to the scene of a motor vehicle collision. These fees shall be charged to the party responsible for the collision. In the event several or all of the involved parties are determined to be at-fault, the involved parties shall be jointly and severally liable for the fees. In the event none of the parties are determined to be at-fault, the fee will be split between the drivers involved. These fees shall be collected to the extent of the availability of automobile or other insurance coverage.
- (d) *Emergency medical response fees.* The city may charge fees for the life support services it provides. The recipients of these services shall be personally liable for the payment of these fees regardless of whether insurance coverage is available as a resource for payment. The fees for these services are in addition to the fees for services provided under subsections (b) and (c) above.
- (e) *Hazardous materials response fees.* The city may charge the following fees for calls for service from the fire department which involve a hazardous materials response. These fees shall be charged to the owner or operator of the vehicle or property which necessitated the hazardous materials response and they shall be collected to the extent of the availability of insurance coverage. The different levels of hazardous materials response service which correspond to the fee schedule attached hereto are as follows:
- (i) Minor Spill Response: a response solely involving a spill of petroleum products or motor vehicle coolant of 20 gallons or less;
 - (ii) Level 1, Basic Response: involves first responder response and set up, incident command, perimeter establishment and evacuation, including, but not limited to, petroleum product or motor vehicle coolant spills of more than 20 gallons and other hazardous material spills without regard to their volume;
 - (iii) Level 2, Intermediate Response: a Level 1 response which involves the Allegany County Hazardous Incident Response Team; and
 - (iv) Level 3, Advanced Response: A Level 2 response which involves the hazardous materials truck, Level A or B suit donning, breathing air and detection equipment, and/or set up and removal of a decontamination center.

The fees chargeable by the city for hazardous materials responses do not include those fees which may be charged by the Allegany County Hazardous Incident Response Team.

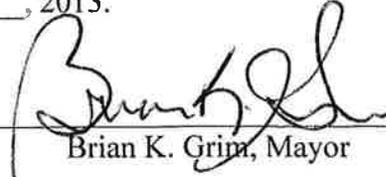
- (f) *False alarms.* After a written warning to the owner of the property or business for a first offense, the city may charge fees to the owners of properties or businesses where false alarms are made. The purpose of these fees is to compensate the city for a portion of the costs incurred in responding to such calls. These fees are in addition to and not in lieu of any sanctions which may be imposed under the criminal law of the State of Maryland.
- (g) *Inspections; plan review.* The city may charge the fees set forth in the fee schedule set forth hereinafter for fire department personnel's performance of the inspections and the plan review (including the review of all construction drawings, mechanical, electrical, sprinkler, fire alarm, and special extinguishing systems drawings and specifications except for the construction of one- and two-family dwellings) described therein. Said fees shall be paid by the party requesting the service before the service shall be provided.
- (h) *Fee billing and collection.* The city may, but is not required to, enter into a contract with a third party billing agency for the performance of the billing and collection of the fees provided for herein.
- (i) *Cooperation.* Insured parties who fail to cooperate with respect to the collection of the fees described in subsections (b), (c) and (e) above shall be personally liable for said fees as well as the attorneys' fees and costs the city incurs in collecting them.
- (j) *General fund.* All fees collected under this section shall be deposited in the city's general fund.
- (k) *Records retention.* The fire department shall keep records of all fees collected under this section.
- (l) *Fee schedule.* The fee schedule for the fees which are the subject of this section is as follows:

SERVICE	FEE
Fire Suppression Service	
Level 1	\$150.00 for initial response up to 1 hr. \$100.00/hr. or part thereof thereafter per apparatus
Level 2	\$300.00 for initial response up to 1 hr. \$100.00/hr. or part thereof thereafter per apparatus
Level 3	\$1,000.00 for initial response up to 1 hr. \$100.00/hr. or part thereof thereafter per apparatus except aerial tower/ladder truck \$200.00/hr. or part thereof for aerial tower/ladder truck
Motor Vehicle Collision Response	
	\$150.00 per hour or part thereof per engine company or ladder company vehicle
	\$100.00 per hour or part thereof per utility vehicle
	\$50.00 per hour or part thereof personnel fee in the event vehicles other than engine company vehicles, ladder company vehicles or utility vehicles deliver personnel to the location of the collision
	Any hazardous materials response fees that may be applicable
Emergency Medical Response	
Basic Life Support Emergency Base Rate	\$425.00
Advanced Life Support Emergency Base Rate	\$600.00

Advanced Life Support II Emergency Base Rate	\$650.00
Mileage (per mile)	\$15.00
Medical Assistance Fee	\$100.00
Hazardous Materials Response	
Minor Spill Response	\$100.00/hr. or part thereof thereafter. Fees incurred by the fire department to replace materials used to clean up the spill, for the disposal of contaminated materials and the cleaning and replacement of contaminated equipment will be charged as well.
Level 1	\$500.00 for initial response up to 1 hr. \$100.00/hr. or part thereof thereafter per fire department responder. Fees incurred by the fire department to replace materials used to clean up the spill, for the disposal of contaminated materials and the cleaning and replacement of contaminated equipment will be charged as well.
Level 2	\$1,500.00 for initial response up to 1 hr. \$100.00/hr. or part thereof thereafter per fire department responder. Fees incurred by the fire department to replace materials used to clean up the spill, for disposal of contaminated materials and the cleaning and replacement of contaminated equipment will be charged as well.
Level 3	\$2,000.00 for initial response up to 1 hr. \$100.00/hr. or part thereof thereafter per fire department responder. Fees incurred by the fire department to replace materials used to clean up the spill, for disposal of contaminated materials and the cleaning and replacement of contaminated equipment will be charged as well.
False Alarms	
Second false alarm within 6 month of warning	\$100.00
Third false alarm within same time frame	\$200.00
Subsequent false alarms within same time frame	\$300.00 each
Inspections and Plan Review	
Fire alarm & detection systems	\$100.00 per panel
Sprinkler, standpipe, water spray, combinations, and chemical suppression systems	\$100.00 per system
Assembly permit	\$50.00
Required inspection for new business	\$50.00
Re-Inspection or retest, first time	\$100.00
Re-inspection or retest, subsequent	\$200.00
Fireworks retail inspection	\$25.00
Fireworks display inspection	\$100.00
Plan review	\$25.00
Miscellaneous Fees	
Bad check fee	\$35.00 per check

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon the date of its passage.

Passed this 2nd day of July, 2013.



Brian K. Grim, Mayor

ATTEST



Marjorie A. Eirich, City Clerk

First Reading: June 18, 2013

Second and Third Readings: July 2nd, 2013

Passed 5 - 0