

PROPOSED DRAFT -

Changes in yellow

3.17.16

Hearing

**MORGAN COUNTY, WEST VIRGINIA
SPECIAL EMERGENCY AMBULANCE SERVICE FEE
ORDINANCE**

Initially Approved:

19 June 2007

Amended:

3 February 2011

19 May 2011

16 June 2011

March 2016

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.

PURPOSE:

This Ordinance is re-enacted, as hereinafter amended, for the purpose of establishing and maintaining an adequate emergency ambulance system within the geographic boundaries of Morgan County, West Virginia. An adequate emergency ambulance system is necessary to promote the health and welfare of the citizens of Morgan County. Emergency ambulance service is a public purpose and a responsibility of government for which public money may be spent.

There shall be exempted from the provisions of this Ordinance any incorporated area within Morgan County provided that, within thirty (30) days of the effective date of such incorporation, such area files, with the Morgan County Commission, a written request for such exemption and an affidavit stating that it will provide ambulance services substantially similar to those set forth herein to its residents at its own expense.

fee will also be charged, within compliance, with the allowances established by the Center for Medicare and Medicaid Services.

EMS AGENCY (IES) – Emergency Medical Services agency (ies) shall include any network of services coordinated to provide aid and medical assistance from primary response to definitive care. Any EMS agency (ies) operating in Morgan County, shall be licensed by the West Virginia Office of Emergency Medical Services at the appropriate level.

MCEMS BOARD- As created and defined in WV Code 7-15-4 by the Morgan County Commission, the MCEMS Board shall cause emergency ambulance service to be made available to all residents the county where such service is not otherwise available. The MCEMS Board shall be appointed by the Morgan County Commission and will act on its behalf in reference to matters concerning Emergency Medical Services for Morgan County. The MCEMS Board will have the authority to comply with WV 7-15-10 Powers and duties of authorities generally, to ensure proper service delivery to the citizens of Morgan County.

SECTION ONE: ESTABLISHMENT OF SPECIAL EMERGENCY AMBULANCE SERVICE FEE

Each Special Emergency Ambulance Service Fee imposed under this Ordinance shall be for emergency ambulance service provided for a Morgan County Fiscal Year from July 1 thru June 30th. The annual Special Emergency Ambulance Service Fee established by this Ordinance shall be One Hundred Fifty – (\$150.00) dollars, plus interest, depending upon time of payment, per residential unit per Fiscal Year. Said fee may be adjusted annually upon approval of the Morgan County Commission.

If an owner believes that he/she is erroneously charged an ambulance service fee, upon the owners request to the MCEMS Board at the Sheriff's Tax Office, an Exoneration request form will be provided. The form shall be filled out by the owner and returned to the MCEMS Board, at the Sheriff's Tax Office, which shall, within a reasonable time, cause to be investigated any request for exoneration. The findings shall be presented to the MCEMS Board, at its next regular meeting after completion of the investigation for their consideration. If good cause is found for exoneration, the said board shall exonerate or modify any and all imposed charges, and shall notify the property owner in writing of its action. In the event the board does not exonerate or modify as requested by the owner, an appeal may be filed with the Morgan County Commission. In the event the Commission does not exonerate or modify as requested by the property owner, an appeal may be filed, in pursuance to this article, with the Circuit Court of Morgan County.

SECTION FOUR: MANAGEMENT OF REVENUES

All revenues received in accordance with this Ordinance shall be deposited into a special fund to be known as the Morgan County Emergency Medical Services Fund. These funds shall be used only to pay reasonable and necessary expenses actually incurred, including personnel, training, supplies, the cost of buildings and equipment used in providing emergency ambulance service to residents of Morgan County and others that might require such services. The County Commission is to retain 6.5% of the Special Emergency Ambulance Service Fees collected for administration. The balance of the collected fees are to be transferred to the MCEMS Board's account on or before the 10th of each month. 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 FIVE: AMENDMENTS AND EXECUTION

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

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

This Ordinance, as amended, shall become effective on June 29, 2007.

Approved,



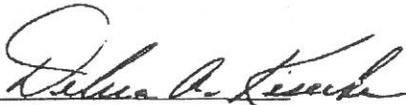
Glen R. Stotler
President



Thomas R. Swaim
Commissioner



Brenda Hutchinson
Commissioner

Attest: 

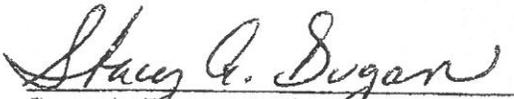
Debra A. Kesecker
Clerk of the County Commission

ARTICLE XIV - ENACTMENT

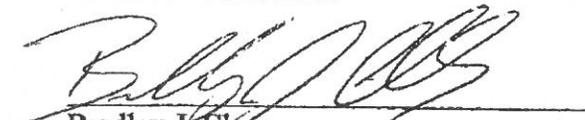
Enacted and ordained this 29th day of June, 2007, effective immediately and as amended May 19, 2011.

AMENDED: This 19th day of May, 20 11 and will go into immediately.

MORGAN COUNTY COMMISSION BY:


Stacy A. Dugan, President


Brenda J. Hutchinson


Bradley J. Close

5/19/2011
Date