



Morgan County Commission  
77 Fairfax Street, Room 101  
Berkeley Springs, WV 25411  
304-258-8540

**- COMMISSIONERS-**

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**Draft Ordinance Authorizing Volunteer Fire Companies and Paid Fire Companies to Charge Fees**

BE IT ENACTED, an ordinance pursuant to the provision of West Virginia Code §7-1-3d (supp. 2002), as amended, authorizing the County Commission to allow for volunteer fire companies and paid fire companies within the County of Morgan, State of West Virginia, to charge reasonable reimbursement fees for personnel and equipment used in performing firefighting services, victim rescue, and clean up of debris, and hazardous materials by department personnel.

Morgan County Commission meeting this day and in compliance with the provisions of the West Virginia Constitution, and the statutes and laws of the State of West Virginia, find good cause to adopt such Ordinance in the interest of having continuous and effective fire protection for the property and citizens of Morgan County.

WHEREFORE, any volunteer fire company, and paid fire department, operating in and under the jurisdiction of the Morgan County Commission is hereby authorized to charge a reasonable fee for reimbursement for personnel and equipment used in performing firefighting services, victim rescue, cleanup of debris, and hazardous materials by fire department personnel. The rate of any such fee shall be charged to the property owner, or other person responsible or liable for payment of such services.

Further, pursuant to West Virginia Code §7-1-3d (supp. 2002), as amended, provided, that no fee for any single incident or accident shall exceed \$1,500, except that the fee for an incident or accident involving hazardous materials or extended search and rescue and water rescue incidents may exceed this amount based on the necessary and reasonable costs incurred. The Morgan County Commission shall require that any fees charged pursuant to this authorization conferred by this Ordinance must be in writing, and be itemized by specific services rendered, and show the rate for each such service. Such fee for each incident shall be approved by the Morgan County Commission.

Any fire department submitting such fees as authorized by this Ordinance, after approval by the Morgan County Commission, is hereby authorized to directly bill the property owner or other person responsible or liable for payment of such services, however the fire department shall forward a copy of such bill to the Clerk of the County Commission

Unless exempt by law, any person, partnership, corporation, or governmental agency shall be fully responsible for all charges levied by this section within 75 days of the date of the response resulting in such charge. Payment to the fire department or company rendering the services shall be in full, unless a written agreement has been reached between the fire department or company and the responsible party to establish a payment schedule to satisfy all charges.

If payment for services rendered has not been received within 90 days from the date of response, and if a payment schedule has not been established, a fire department or company may proceed

in magistrate court or in other appropriate court action to recover from the responsible party all fees associated with the response, including attorney fees and court costs.

This Ordinance enacted upon by the Morgan County Commission on this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, and shall be made of record in the Office of the Clerk in the County Commission of Morgan County, West Virginia.

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Sean Forney, President  
Morgan County Commission

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Joel Tuttle  
Morgan County Commission

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Bill Clark  
Morgan County Commission

Attest:

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and Ordinance enacted by the Morgan County Commission by majority vote, held this day in a public meeting, the Ordinance having been read, noticed and publicly debated in accordance with the laws of the State of West Virginia, as reflected in the minutes of the Morgan County Commission.

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Kimberly Nickles, Clerk of the County Commission