

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

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 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.

DEFINITIONS:

LIVING UNIT – Any place of residence as classified by the records of the Morgan County Assessor, including residential homes, vacation and secondary homes, mobile homes, apartments, personal care facilities, nursing homes and correctional care facilities.

RESIDENT USER – Any bona fide owner or occupant of a living unit within the geographic boundaries of Morgan County, with the exception of those persons qualifying for the exclusion listed in the above section of this Ordinance entitled **PURPOSE**.

NONRESIDENT USER – Any individual who does not qualify as a resident user.

DELINQUENT RESIDENT USER – Any resident user, as defined above, who has not paid the Special Emergency Ambulance Service Fee, as defined below, for any period.

USERS – Any person to whom emergency ambulance service is made available.

EMERGENCY AMBULANCE SYSTEM – Any emergency ambulance service provided pursuant to this Ordinance.

APPROVED ANNUAL BUDGET ESTIMATE – The final budget formally approved and adopted by the Board of Directors of each respective EMS agency in Morgan County, and submitted to the Morgan County Commission for formal approval of use of collected fees.

SPECIAL EMERGENCY AMBULANCE SERVICE FEE – A specified uniform annual base fee charged to each living unit to which ambulance service is made available for necessary 911 emergency transport calls to the nearest certified medical facility within the Tri-State area. It does not cover the costs of routine transports or secondary emergency transports from one medical facility to another. Additional Emergency Ambulance Rates and Emergency Interagency and Non-Emergency Transports Rates will be charged as applicable.

NEAREST CERTIFIED MEDICAL FACILITY – Limited to any hospital within the boundaries of Morgan County and hospitals in the following locations or closer: Martinsburg, West Virginia; Cumberland, Maryland; Hagerstown, Maryland; and Winchester, Virginia.

EMERGENCY AMBULANCE RATES – The individual transport charges as established and promulgated by the Board of Directors of each respective EMS agency in Morgan County, subject to approval of the Morgan County Commission. These rates shall be applied to any and all users of emergency ambulance service within Morgan County. Rates shall be established for Basic and Advanced Life Support for non-delinquent resident users and for Basic and Advanced Life Support for non-resident and delinquent resident users.

EMERGENCY INTERAGENCY AND NON-EMERGENCY TRANSPORTS – The established individual transport charges as might be established and promulgated by the Board of Directors of each respective EMS agency in Morgan County for routine transports and secondary transports from one medical care facility to another. Such transport charges shall be applied to all users of such transport service, as defined to-wit: resident, non-resident, and delinquent resident.

EMS AGENCY (IES) – Emergency Medical Services agencies shall include any network of services coordinated to provide aid and medical assistance from primary response to definitive care.

**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 Seventy five – (\$75.00) dollars, plus interest, depending upon time of payment, per residential living unit per Fiscal Year. Said fee may be adjusted annually upon approval of the Morgan County Commission.

In the event a resident user owns more than one living unit within Morgan County, that resident may not be charged more than one fee, provided that such other living unit is permanently unoccupied or occupied only by the resident user. Both occupant and owner shall be jointly and severally liable for payment of such fee for each living unit.

If a user believes that he/she is erroneously charged an ambulance service fee, the EMS agency shall provide, upon the resident's request, an exoneration form. The form shall be filled out by the resident/owner and returned to the EMS agency. The EMS agency shall, within a reasonable time, cause to be investigated any request for exoneration. The EMS agency shall, at its next regular meeting after completion of the investigation, make and communicate to the Morgan County Commission its recommendation regarding the exoneration. If good cause for exoneration is found by the Commission, said Commission shall exonerate or modify any or all imposed charges, and shall notify the property owner in writing of its actions. If 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 TWO: EMS AGENCIES BUDGET DEVELOPMENT

No later than February 1st of each year, each EMS agency shall prepare an annual budget estimate for the total cost of providing emergency ambulance service within the geographical boundaries of the county and, upon adoption by the Board of Directors of each respective EMS agency, present said estimated budget to the Morgan County Commission for formal approval of use of collected fees for the new Fiscal Year beginning the following July 1st.

The Morgan County Commission shall review and approve EMS Agencies' Budgets during the general county budget process. The EMS Agencies shall submit an annual financial report of expenditures to the Morgan County Commission by August 1st of each year.

SECTION THREE: BILLING AND COLLECTION PROCEDURES

Section Three A: Special Emergency Ambulance Service Fees

Upon receipt, review, and approval of the EMS agencies' estimated budgets by the Morgan County Commission, the Morgan County Commission shall request the Assessor to provide the County Commission with a list of all residential "living units." Each living unit on that list shall have an account established in the name of the owner of that living unit and a bill in the amount of the Special Emergency Ambulance Service Fee, as defined in SECTION ONE of this Ordinance, shall be delivered to the owner of that living unit by the US Postal Service. Owners of multiple living units may be billed for their respective total number of living unit fees on one billing statement.

The *Special Emergency Ambulance Service Fee* accounts established under this Ordinance shall be paid annually in the amount of Seventy five – (\$75.00) utilizing the same fee payment and interest and discount schedule methods as for payment of Morgan County real and personal property taxes and fire fees.

Section Three B: Transport Charges

Ambulance transport rates per call for all categories of users shall be in amounts established by the Board of Directors of each respective EMS agency, established during the annual budget estimation process, and approved by the Morgan County Commission.

Charges for individual transports shall be processed by the EMS agencies as appropriate, with due allowance for insurance coverage, if any. Any accounts becoming delinquent shall be submitted to the appropriate Collection Agency as engaged by the respective EMS agency.

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, and the cost of buildings and equipment used in providing emergency ambulance service to residents of the 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 administrative costs in collecting the fees. Administrative costs include file folders, paper, stamps (postage), spec print book, statements & reminders and employees. The balance of the collected fees (excluding 2007, 2008 & 2009), are to be transferred to the Morgan County Emergency Medical Services Board's account on or before the 10th of each month.

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,



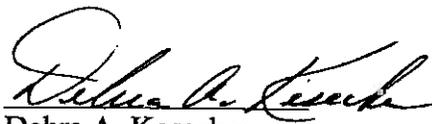
Glen R. Stotler
President



Thomas R. Swaim
Commissioner



Brenda Hutchinson
Commissioner

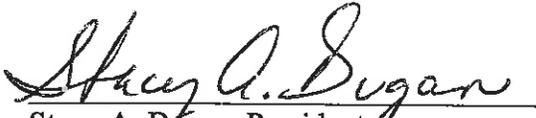
Attest: 
Debra A. Kesecker
Clerk of the County Commission

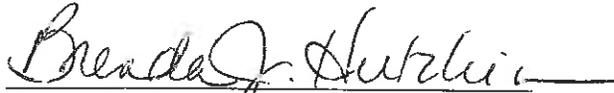
ARTICLE XIV - ENACTMENT

Enacted and ordained this 29th day of June, 2007, effective immediately and as amended February 3, 2011.

AMENDED: This 3rd day of February 20 11 and will go into immediately.

MORGAN COUNTY COMMISSION BY:


Stacy A. Dugan, President


Brenda J. Hutchinson


Bradley J. Close

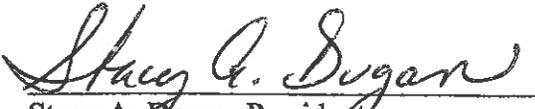
2/3/2011
Date

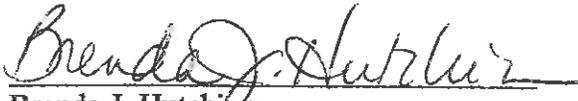
ARTICLE XIV - ENACTMENT

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

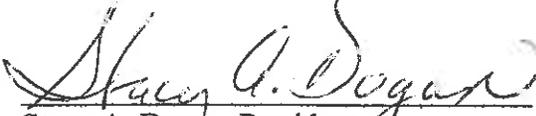
5/19/2011
Date

ARTICLE XIV - ENACTMENT

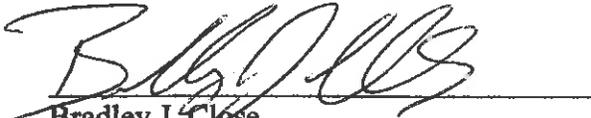
Enacted and ordained this 29th day of June, 2007, effective immediately and as amended June 16, 2011.

AMENDED: This 16 day of June, 20 11 and will go into effect immediately.

MORGAN COUNTY COMMISSION BY:


Stacy A. Dugan, President


Brenda J. Hutchinson


Bradley J. Close

6/16/2011
Date