



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

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- COMMISSIONERS-

Sean Forney
77 Fairfax St.
Berkeley Springs
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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

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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 17th day of August, 2022, and shall be made of record in the Office of the Clerk in the County Commission of Morgan County, West Virginia.



Sean Forney, President
Morgan County Commission



Joel Tuttle
Morgan County Commission



Bill Clark
Morgan County Commission

Attest:

This 17th day of August, 2022, 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.


Kimberly Nickles, Clerk of the County Commission

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-Insurance Billing Submission Form-

- Name: _____
- Address: _____
- Date of Incident: _____
- Type of Incident: _____
- Insurance Company: _____
- Insurance Policy Number: _____
- Insurance Company Phone Number: _____

- Description of Incident:

- Materials Used:

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• Apparatus Used in Response:

Person Submitting Form: _____ Signature: _____

The rates for any such fees to be charged to property owners or other persons responsible or liable for payment for such services for the first hour are as follows:

- *\$75.00 for the provision of a utility truck*
- *\$150.00 for the provision of an engine/pumper truck/rescue vehicle/water tender*
- *\$200.00 for the provision of an aerial truck*
- *\$150.00 False Alarm Response (after 1st call in 30 calendar days)*
 - *And, \$100.00 per vehicle for every additional hour the vehicles are on scene.*

- *The maximum charge for any combination of vehicles, or services rendered, for any single incident, accident or fire shall not exceed the limits set by WV State Code 7-1-3d or its future revisions or additions. Exceptions to this limit are all incidents involving hazardous materials and incidents requiring repair or replacement of materials or equipment damaged during the event.*

- *If there is no insurance to bill, please submit a letter to the responding fire department within 30 days of receiving a bill.*

County Clerk's Office
Morgan County, West Virginia

AUG 17 2022

The foregoing writing, was this day presented
in said office and thereupon admitted to record.
at _____ Testes _____

Kentley Kokes