

## Morgan County WV Fire Protection Service Fee Ordinance

The Morgan County Commission, having been requested by the Morgan County Fire Board in accordance with WV State Code §7-17-12, to increase the Fire Service Fee has, on November 17, 2006, amended the ORDINANCE as follows:

### SECTION I PURPOSE

This increase to the ORDINANCE enacted April 7, 1988 as authorized by Article 17 of Chapter 7 of the West Virginia Code, as amended, is for the purpose of continuing and improving fire protection services in Morgan County.

### SECTION II CALCULATION OF FEE

1. Owners of real property in Morgan County shall be charged an annual Fire Protection Service Fee to be determined as follows:

- a) Each separate property listed in the County Assessor's records shall be assessed a fee based on the floor space of the principal residential or business building on the property, according to the following schedule:

<b>Square footage of principal Home or business building:</b>	<b>R a t e</b>
1 – 1200 square foot	\$ 10.00
1201 - 2000 square foot	40.00
2001 - 3000 square foot	60.00
3001 - 4000 square foot	80.00
4001 - 5000 square foot	100.00

and so on, in steps of \$20.00 per 1000 square foot

- b) A supplemental charge of \$5.00 shall be made on all buildings of more than one story.
- c) All land shall be assessed at the rate of \$0.30 per acre, with a minimum charge per property of \$3.00.

2. Residential and business buildings situated on rented property and therefore treated as personal property in the records of the County Assessor, shall be charged on the same basis as specified for real property in Paragraph 1 a), b), and c) of this Section.

### ARTICLE III EXEMPTIONS

1. Churches, and buildings and land belonging to federal, state, or county governmental entities shall be exempt from payment of the Fire Protection Service Fee.
2. Acreage actively devoted to agricultural production shall be exempt from the acreage fee upon presentation of satisfactory evidence of its productive status. Such evidence will normally be in the form of copies of declarations to federal agencies concerning land in production.

### ARTICLE IV COLLECTION OF FEE

1. Bills for the Fire Service Protection Fee shall be distributed annually by the County Treasurer together with bills for real and personal property taxes, and shall be payable to the County Treasurer in two semi-annual installments due in August and February, with discounts for prompt payment and additional charges for delinquency identical to those applicable to real and personal property taxes.

### ARTICLE V PROCEEDS TO FIRE BOARD

1. Proceeds from collection of the Fire Service Protection Fee shall be delivered on a monthly basis by the County Treasurer to the Treasurer of the Morgan County Fire Board. The Board shall use these funds to support and enhance fire protection services in Morgan County, in accordance with applicable provisions of the West Virginia Code and the by-laws of the Board.

### ARTICLE VI ENFORCEMENT

1. The Fire Protection Service Fee established in this Ordinance shall be a debt due the Morgan County Fire Board and may be collected by proceedings instituted in courts of appropriate jurisdiction.

## ARTICLE VII

1. Disputes with regard to the applicability or amount of the Fire Service Protection Fee shall be presented to the Fire Board for resolution by a majority decision of the Board.

## ARTICLE VIII EFFECTIVE DATE

1. This Ordinance shall become effective on the date of its approval by the Morgan County Commission. This Fire Service Protection Fee shall be billed together with the County's next real property and personal property tax billing.


Date: April 7, 1988

Amended Section II November 17, 2006

MORGAN COUNTY COMMISSION BY:



Glen R. Stotler, President  
Morgan County Commission



Thomas R. Swaim  
Morgan County Commission



Robert L. Ford  
Morgan County Commission



Morgan County Commission 865  
77 Fairfax Street, Room 101  
Berkeley Springs, WV 25411  
304-258-8540

**- COMMISSIONERS-**

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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



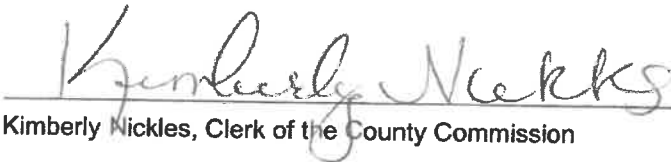
Joel Tuttle  
Morgan County Commission



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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**Morgan County Commission  
77 Fairfax St. Room 101  
Berkeley Springs, WV 25411  
(304)258-8540**



**-Insurance Billing Submission Form-**

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

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- Description of Incident:

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- Materials Used:

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• Apparatus Used in Response:

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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 1<sup>st</sup> 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 McKles*