

ORDINANCE TO PROVIDE FOR MARTIN COUNTY EMERGENCY

MANAGEMENT DEPARTMENT TO CHARGE SERVICE FEES

WHEREAS, the Martin County Board of Commissioners has established the Martin County Emergency Management Department under the provisions of Indiana statutory law; and

WHEREAS, the Martin County Emergency Management Department operates the Martin County Civil Defense Fire and Rescue Department; and

WHEREAS, Martin County Civil Defense Fire and Rescue Department meets the definition of a volunteer fire department under Indiana statutory law; and

WHEREAS, Indiana Code §36-8-12-13 provides that a volunteer fire department may impose a charge upon the owner of property, owner of a vehicle, or a responsible party that is involved in a hazardous material or fuel spill or chemical or hazardous material related fire that is responded to by the volunteer fire department and that members of that department assisted in extinguishing, containing, or cleaning up;

NOW, THEREFORE, BE IT RESOLVED by the Martin County Board of Commissioners as follows:

1. That the Martin County Civil Defense Fire and Rescue Department may impose a charge upon the owner of property, owner of a vehicle, or a responsible party that is involved in a hazardous material or fuel spill or chemical or hazardous material related fire that is responded to by the volunteer fire department and that members of that department assisted in extinguishing, containing, or cleaning up.

2. That the schedule of said fees shall follow the recommended schedule of such fees determined and posted by the State Fire Marshal effective January 1, 2007, which are as follows:

(a) For the initial response with a fire engine, a fire truck, or a fire apparatus, including a hazardous material response unit, or a fire rescue unit dispatched on a fire or hazardous material incident, two hundred fifty dollars (\$250.00) per response vehicle except command/control vehicle, which is one hundred dollars (\$100.00) per vehicle.

(b) For each hour or fraction thereof as on-scene assistance, one hundred fifty dollars (\$150.00) per response unit and fifty dollars (\$50.00) per command/control vehicle.

(c) For expendable materials such as absorption materials, emulsifiers, or other agents used in cleanup operations, the actual replacement costs of those materials.

(d) For collection of debris, chemicals, fuel, or contaminated materials resulting from a spill, the actual cost of removal and disposal at an authorized location.

3. The Martin County Emergency Management Department shall bill the owner or responsible party for the total dollar value of the assistance that was provided. The invoice for the services provided shall advise the owner or responsible party that payment shall be made directly to the Auditor of Martin County.

4. Any money collected under this Ordinance may be deposited by the Auditor

(a) in the county firefighting fund established in I.C. §36-8-13-4; or

(b) used to pay principal and interest on a loan made by the department of homeland security or a division of the department for the purchase of new or used firefighting and other emergency equipment or apparatus; or

(c) used for the purchase of equipment, buildings, and property for firefighting, fire protection, and other emergency services.

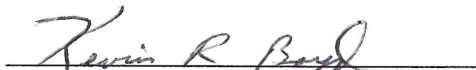
5. The Martin County Emergency Management Department shall issue a bill in writing within thirty (30) days after the services provided and shall include a copy of the fire incident report in the form prescribed by the state fire marshal report if the service was provided for an event that requires such a report.

6. The property owner may provide a written notice to the department to refuse service by the department to the owner's property.

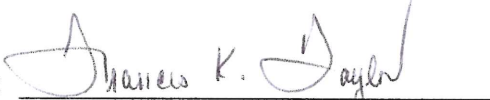
This ordinance shall take effect July 1, 2008.

ADOPTED AND APPROVED at a meeting of the Martin County Board of Commissioners held on the 24th day of June, 2008.


Michael D. Dant, President


Kevin R. Boyd, Commissioner


Paul R. George, Commissioner

ATTEST: 
Frances K. Taylor, Auditor