

Ordinance Number 25-01

AN ORDINANCE OF THE SOUTHERN DALLAS COUNTY FIRE PROTECTION DISTRICT ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE MITIGATION RATES FOR EMERGENCY AND NON-EMERGENCY SERVICES PROVIDED/RENDERED BY THE SOUTHERN DALLAS COUNTY FIRE PROTECTION DISTRICT IN THE EVENT OF A HAZARDOUS SUBSTANCE RELEASE.

WHEREAS, Missouri Statute RSMo Sect. 260.546 states, “In the event that a hazardous substance release occurs for which a political subdivision or volunteer fire protection association as defined in section 320.300, RSMo, provides emergency services, the person having control over a hazardous substance shall be liable for such reasonable cleanup costs incurred by the political subdivision or volunteer fire protection association. Such liability includes the cost of materials, supplies and contractual services actually used to secure an emergency situation. The liability may also include the cost for contractual services which are not routinely provided by the department or political subdivision or volunteer fire protection association. Such liability shall not include the cost of normal services which otherwise would have been provided. Such liability shall not include budgeted administrative costs or the costs for duplicate services if multiple response teams are requested by the department or political subdivision unless, in the opinion of the department or political subdivision, duplication of service was required to protect the public health and environment. Such liability shall be established upon receipt by the person having control of the spilled hazardous substance of an itemized statement of costs provided by the political subdivision. Full payment shall be made within 30 days of receipt of the cost statement unless the person having control over the hazardous substance contests the amount of the costs pursuant to this section. If the person having control over the hazardous substance elects to contest the payment of such costs, he shall file an appeal with the director (of the Missouri Department of Natural Resources) within 30 days of the receipt of the cost statement.” and

WHEREAS, the Southern Dallas County Fire Protection District has investigated different methods to maintain a high level of quality of emergency and non-emergency service capability throughout times of constantly increasing service demands, where maintaining an effective response by the District decreases the costs of incidents to insurance carriers, businesses, and individuals through timely and effective management of emergency situations, saving lives and reducing property and environmental damage; and

WHEREAS, raising real property tax to meet the increase in service demands would not be fair when the responsible party(s) should be held accountable for their actions; and

WHEREAS, the Board of Directors of the Southern Dallas County Fire Protection District desires to implement a fair and equitable procedure by which to collect said mitigation rates and shall establish a billing system in accordance with applicable laws, regulations

and guidelines; Now, Therefore

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE SOUTHERN DALLAS COUNTY FIRE PROTECTION DISTRICT:

SECTION 1: The Southern Dallas County Fire Protection District shall initiate mitigation rates for the delivery of emergency and non-emergency services by the District for personnel, supplies and equipment to the scene of emergency and non-emergency incidents as listed in "EXHIBIT A". The mitigation rates shall be based on actual costs of the services and that which is usual, customary and reasonable (UCR) as shown in "EXHIBIT A", which may include any services, personnel, supplies, and equipment and with baselines established by addendum to this document.

SECTION 2: A claim shall be filed to the responsible party(s) through their insurance carrier. In some circumstances, the responsible party(s) will be billed directly.

SECTION 3: The District may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, not consistent with this Section, as they may deem necessary or expedient in respect to billing for these mitigation rates or the collection thereof.

SECTION 5: **Effective Date.** This Ordinance is in full force and effect on the date approved by the Board of Trustees: January 14, 2025.

Gary Thompson, Chair

January 14, 2025

Attest:

Dave Moore

Dave Moore, Secretary

January 14, 2025

EXHIBIT A

MITIGATION FEES

EMERGENCY INCIDENTS

Fire Protection Districts

MO Statute 321.622 Pertaining to Fire Protection Districts provides provisions when responding outside of the district. This statute limits the amounts to be billed to reasonable costs and shall not exceed one hundred dollars for responding to each fire call or alarm and five hundred dollars for each hour or a proportional sum for each quarter hour spent in combating a fire or emergency.

Nothing in the statutes prohibits billing non-residents for services within the boundaries of the District. The "in-boundary" billing rate is one-hundred dollars for responding to an emergency and two-hundred and fifty dollars for each hour or a proportional sum for each quarter hour spent in providing emergency services.

"Spiller-Pays"

MO Statute 260.546 states that a political subdivision, which includes a fire protection districts and volunteer fire departments or associations can charge "reasonable cleanup costs" for hazardous materials cleanups. The individual's liability includes "the cost of materials, supplies and contractual services actually used to secure an emergency situation. The liability may also include the cost for contractual services which are not routinely provided by the department or political subdivision or volunteer fire protection association. Such liability shall not include the cost of normal services which otherwise would have been provided."

Late Fees:

If the invoice is not paid within 90 days, a Late Charge of 10% of the invoice, as well as 1.5% per month, as well as the actual cost of the collections, will be assessed to the responsible party(s).