

ORDINANCE NO. _____

**AN ORDINANCE AMENDING AMC CHAPTER 15.28
REGARDING AF&R COST RECOVERY FEES**

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are **~~lined through~~** and additions are **underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop, 20 Or. App. 293, 531 P 2d 730, 734 (1975);

WHEREAS, the number of emergency service responses continue to increase each year, environmental protection requirements involve an increased level of equipment and training, and hazardous materials incidents create substantial demands on all operational aspects of emergency services;

WHEREAS, motor vehicle collisions are requiring an increasingly complex array of extrication equipment due to modern vehicle construction and materials;

WHEREAS, Ashland Fire and Rescue has investigated numerous methods to maintain high levels of emergency service capability in times of increasing service demand and fiscal challenges;

WHEREAS, many motor vehicle collisions and hazardous materials incidents involve individuals not owning property or paying taxes in the City of Ashland;

WHEREAS, recreational activities in remote locations continue to increase each year, safety requirements mandate technical training, and expensive equipment, increasing demands on all operational aspects of emergency services;

WHEREAS, greater numbers of personnel are needed to rescue a victim from remote areas due to the location and nature of the call; and

WHEREAS, an increase in overtime for call back personnel is needed to maintain department staffing levels during these events.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Ashland Municipal Code, Chapter 15.28 Fire Prevention Code, Sections 15.28.030 Definitions; 15.28.080 Appeals; Section 15.28.140 Firefighting Outside City – Assessment; and 15.28.170 Cost Recovery Fees are hereby amended to read as follows:

SECTION 15.28.030 Definitions.

The following definitions govern the construction of this Chapter:

- 1. ~~Wherever the word "Jurisdiction" is as used in the Oregon Fire Code, it is means~~ the City of Ashland.**
- 2. ~~Wherever the words "Department of Fire Prevention" are as used in the Oregon Fire Code,~~ means "Fire & Life Safety Division."**
- 3. "Apparatus cost" means the standardized cost, including repairs and depreciation, for the use of Ashland Fire and Rescue ("AF&R") and public works apparatus or equipment, as set forth in adopted regulations of the State Fire Marshall or in City resolution, and the cost for the use of apparatus or equipment of another jurisdiction which may respond to an incident pursuant to statute or intergovernmental agreement.**
- 4. "Direct costs" means those costs of supplies, apparatus and labor incurred by the City or another jurisdiction in responding to an incident and as may be set forth in adopted regulations of the State Fire Marshall or in City resolution.**
- 5. "Direct fire or rescue services" means any service provided by employees of the City, (1) to a person whose person or property is injured or threatened with injury; or (2) to a person whose property has injured or threatens to injure another person or another person's property, for which a charge is not otherwise imposed under this code. "Direct fire or rescue services" includes, but is not limited to, the suppression of fires, the rescue of persons or property, the provision of medical assistance, and containment and cleanup of hazardous materials.**
- 6. "Indirect costs" means those costs that are set forth in adopted regulations of the State Fire Marshall or in City resolution, and which are the product of the state "average response availability rate," and the time spent responding to an incident, together with the state "average support services cost per incident," as defined by the State Fire Marshall.**
- 7. "General costs" means direct or indirect costs that are not attributable to any particular person who received direct fire and rescue services.**
- 8. "Gross negligence" means conduct with conscious indifference to or reckless disregard of the rights of others.**
- 9. "Labor costs" means the compensation paid by the City to its employees, including but not limited to base pay, overtime pay and fringe benefits, during the time spent responding to an incident.**

- 10. "Railroad right-of-way" means a right-of-way used for rail transportation.**
- 11. "Transportation route" means a roadway or waterway against which no taxes or assessments for fire protection are levied by the City.**

SECTION 15.28.080 Appeals.

~~Whenever the Fire Code Official disapproves an application or refuses to grant a permit applied for, or imposes a fee, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Code Official to the Ashland Fire Code Appeals Board as defined by Appendix A of the Oregon Fire Code within 30 days from the date of the decision appealed.~~

SECTION 15.28.140 Firefighting Outside City – Assessment.

~~Whenever a fire is extinguished or attempted to be extinguished by the fire department outside the City of Ashland, the owner of the property involved in such fire shall pay for the cost of providing such fire suppression service, as follows:~~

~~A. For the first hour or fraction thereof:~~

- ~~1. Pumper apparatus – \$250.00/hour~~
- ~~2. Brush apparatus – \$100.00/hour~~
- ~~3. Rescue standby – \$100.00/hour~~
- ~~4. Staff vehicle – \$ 50.00/hour~~

~~For each piece of apparatus per hour following the first hour, payment shall be on a fractional basis to the nearest 15 minutes.~~

- ~~B. Personnel cost shall be actual cost with a minimum charge of one hour for each person responding to the fire emergency, plus all personnel costs in excess of regular time for each person performing standby services in place of those who respond, to be billed on a fractional basis to the nearest fifteen minutes after the first hour for any fractional portions of hours of service. (Ord. 2711, 1993)~~

SECTION 15.28.170 Cost Recovery Fees.

- ~~A. Fees Established. The City of Ashland Fire and Rescue Services shall charge user fees for the delivery of Fire and Rescue Services, personnel, supplies and equipment to the scene of motor vehicle collisions and hazardous materials incidents as established by resolution.~~
- ~~B. Responsible Party. The user fee shall be charged to the responsible party. The responsible party is the person or entity that was at fault in the incident. If fault cannot be determined, then all parties involved shall be held jointly and severally liable for the costs incurred by AFR when it responded to the incident. The cost shall be in addition to any other costs or claims such as damage to vehicles, damage to property, or injuries.~~
- ~~C. Imposition of Fees.~~
- ~~1. Motor Vehicle Collisions & Hazardous Materials Incidents. The user fees for motor vehicle collisions (MVC) and hazardous materials incidents will only apply to persons not residing within the City of Ashland as the residents within the city~~

~~boundaries currently subsidize emergency service costs through their property taxes. However, responses involving intoxicated drivers, hazardous materials clean-up, and negligent acts may be subject to all applicable fees regardless of residency.~~

- ~~2. Utilities. In the event that damage to utilities is causing a safety hazard on a public right of way that causes emergency responders to deem the area unsafe and remain on scene until the hazard is eliminated, user fees shall be assessed to the responsible party, including the utility if equipment related problems are causing emergency services to respond.~~

~~D. Billing Procedures. Ashland Fire and Rescue shall serve the owner and the person responsible with a notice stating the total cost of all fees shall be paid within thirty (30) days, and stating that the bill can be disputed by filing an appeal pursuant to 2.30.020 [Administrative Appeals Process].~~

A. Fire and Rescue Service Charges Imposed

- 1. Any person receiving direct fire and rescue services from AF&R as a result of a motor vehicle collision, a hazardous materials incident, a victim rescue or an occurrence on a railroad right-of-way or transportation route that requires AF&R service, shall be liable to the City for the direct and indirect costs incurred by the City in responding to the incident.**
2. Whenever a fire is extinguished or attempted to be extinguished by AF&R outside the City of Ashland, the owner of the property involved in such fire shall be liable to the City for the direct and indirect costs of fire and rescue services incurred by the City in responding to the incident.
- 3. When more than one person receives direct fire and rescue services from AF&R in a single incident, the general costs incurred may be apportioned pro rata among the recipients of the services not otherwise exempt from payment or among the parties involved in the incident, or through any other apportionment which reasonably allocates the costs of the benefits received.**

B. Exemptions from Charges

- 1. Except as provided in this section, a person liable for a charge imposed under Section 15.28.170 shall be excused from paying the charge if the person presents satisfactory proof to the City that, at the time of the incident giving rise to the charge, the person was a resident of the City, owned real property within the City, or was the holder of a valid license from the City issued under Chapter 6.04.**
- 2. The exemptions of this section do not apply to:**
 - a. Drivers of vehicles under the influence of alcohol or drugs;**
 - b. Persons who commit acts of gross negligence or are otherwise in violation of local law or state statute;**
 - c. Persons causing incidents that require hazardous materials clean-up; or**
 - d. Fire extinguishment efforts by AF&R on property outside the City of Ashland.**

C. Interest on Charge

Any charge imposed under this section shall be due to the City upon demand or billing by the City. Any person who fails to pay such charge within ninety (90) days of receipt of a bill from the City shall also pay interest on the charge from the date of the billing at the rate of 12 percent (12%) per year; interest for a fraction of a year shall be prorated.

D. Use of Payments Received

Fire and rescue service charges collected by the City shall be deposited in accounts designated for such payments. Funds in such accounts shall be expended only for operational costs of the fire department, police department, or the public works department, to reimburse the City for costs of administering and collecting charges for fire and rescue services.

E. Failure to Pay Charge – Violation

- 1. Any person who fails to pay a fire and rescue service charge within ninety (90) days of receipt of a bill from the City, or within such additional time as may be allowed by a written extension of time by the Fire Chief, is in violation of this code. The issuance and enforcement of a citation for this violation is governed by the provisions of AMC Chapters 1 and 15, and any other remedy provided by municipal or state law.**
- 2. It shall be a defense in any proceeding that:**
 - a. The person did not receive fire or rescue services;**
 - b. The person is exempt from the payment of the charge; or**
 - c. The charges were improperly computed and billed.**
- 3. Failure to pay a fire and rescue service charge when due shall also subject the obligee to the general penalties for violation of City ordinances and any other remedy provided by municipal or State law.**

EF. Appeal Procedures.

A person AF&R determines to be liable for fire and rescue services charges may appeal AF&R’s determination as provided in AMC 2.30.020 [Administrative Appeals Process]. A person whose application for a permit for exemption from fire restrictions is denied by the Fire Code Official or who objects to fire inspection fees or fees imposed by the Fire Code Official for noncompliance with regulations in AMC Chapter 15.28 or the Oregon Fire Code may appeal the decision as provided in AMC 2.30.020, which appeal shall be decided in compliance with Appendix A of the Oregon Fire Code.

SECTION 2. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-3) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the ____ day of _____, 2013, and duly PASSED and ADOPTED this ____ day of _____, 2013.

Barbara M. Christensen, City Recorder

SIGNED and APPROVED this ____ day of _____, 2013.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney

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CHAPTER 15.28

FIRE PREVENTION CODE

SECTIONS:

- 15.28.010 Adoption of Oregon Fire Code**
- 15.28.020 Establishment of Duties.**
- 15.28.030 Definitions.**
- 15.28.040 This section intentionally left blank**
- 15.28.050 This section intentionally left blank**
- 15.28.060 Restricted uses during fire season**
- 15.28.070 Amendments to the Oregon Fire Code**
- 15.28.080 Appeals.**
- 15.28.090 New Materials, Processes, or Occupancies - Permits required**
- 15.28.100 Penalties**
- 15.28.110 Severability.**
- 15.28.120 Firefighting Outside City - Authorized.**
- 15.28.130 Firefighting Outside City - Resources.**
- 15.28.140 Firefighting Outside City - Assessment.**
- 15.28.150 Plan Review/Permits - Fees.**
- 15.28.160 Code Compliance Inspection - Fees.**
- 15.28.170. Cost Recovery Fees**

SECTION 15.28.010 Adoption of Oregon Fire Code

The 2010 Oregon Fire Code and appendices A through L & SR are hereby adopted, except where specifically excluded or modified by this section, will be referred to in the Ashland Municipal Code as the Oregon Fire Code. One copy of the Oregon Fire Code and appendices shall be filed in the office of the City Recorder.

(Ord 3037, amended, 09/07/2010; Ord 2944, Amended, 11/06/2007; Ord 2929, Amended, 08/18/2006; Ord 2925, Amended, 04/18/2006; Ord 2921, Amended, 01/05/2006)

SECTION 15.28.020 Establishment of Duties.

The Oregon Fire Code shall be enforced by the Fire Code Official as defined by the Oregon Fire Code.

(Ord 2929, Amended, 08/18/2006; Ord 2925, Amended, 04/18/2006; Ord 2921, Amended, 01/05/2006)

SECTION 15.28.030 Definitions.

A. Wherever the word "jurisdiction" is used in the Oregon Fire Code, it is the City of Ashland. Wherever the words "Department of Fire Prevention" are used, they shall mean "Fire & Life Safety Division."

(Ord 2929, Amended, 08/18/2006; Ord 2925, Amended, 04/18/2006; Ord 2921, Amended, 01/05/2006)

SECTION 15.28.040 This section intentionally left blank

(Ord 3037, amended, 09/07/2010; Ord 2944, Amended, 11/06/2007; Ord 2929, Amended, 08/18/2006; Ord 2925, Amended, 04/18/2006; Ord 2921, Amended, 01/05/2006)

SECTION 15.28.050 This section intentionally left blank

(Ord 3037, amended, 09/07/2010; Ord 2929, Amended, 08/18/2006; Ord 2925, Amended, 04/18/2006; Ord 2921, Amended,

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01/05/2006)

SECTION 15.28.060 Restricted uses during fire season

- A. When the Fire Code Official determines that an increased fire risk exists in the City of Ashland, the Fire Code Official, may enact a policy to restrict activities that increase the potential for the ignition of fires that create a hazard to life, property or resources.
- B. The policy must indicate what activities are restricted, and the time period for which the restriction will be in effect.
- C. For the purposes of consistency and coordination between all cooperating agencies with adjacent boundaries, a plan shall be developed by the Fire Code Official in cooperation with the Oregon Department of Forestry and other federal, state and local governmental agencies affected by the restrictions. The primary objective of the plan is to achieve uniformity of fire restrictions regardless of land ownership; however, exact uniformity is not required. The plan shall recognize variations in fire danger, and it shall specify levels of restrictions by unique but easily recognizable geographic boundaries.
- D. Permits may be issued by the Fire Code Official or designees, which allow a person to conduct a restricted activity as long as specified fire prevention measures are taken to reduce the potential for fire ignition.

(Ord 3037, amended, 09/07/2010; Ord 2944, Amended, 11/06/2007; Ord 2929, Amended, 08/18/2006; Ord 2925, Amended, 04/18/2006; Ord 2921, Amended, 01/05/2006)

SECTION 15.28.070 Amendments to the Oregon Fire Code

The Oregon Fire Code is amended in the following respects:

Oregon Fire Code section 105.6.30 Open Burning. Delete and replace with the following: See Ashland Municipal Code 10.30.

- A. Section 506.1 Add the following sentence: The key box shall be installed and maintained in accordance with the manufacturer's instructions, and shall contain keys to gain necessary access as required by the fire code official.
- B. Section 507.5.1 Delete and replace with the following: Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
Exceptions:
 - 1. For Group R-3 and Group U occupancies, the distance requirement shall be 300 feet.
 - 2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).
- C. Section 3301: Notwithstanding ORS 480.110 through ORS 480.165 and OAR 837-012-0600 through OAR 837-012-0675, the following are prohibited within the City of Ashland.
 - 1. The sale and/or use of retail fireworks as defined in OAR 837-012-0610 is prohibited at all times;
 - 2. The sale and/or use of sparklers as defined in ORS 480.110 is prohibited at all times;
 - 3. The use of retail fireworks within the City is prohibited at all times; and

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4. The advertising of retail fireworks or sparklers is prohibited within the City of Ashland in accordance with ORS 480.152 and OAR 837-012-0665.
- D. Section 3301 Storage of Explosives - Prohibited. The scope referred to in Chapter 3301.1 of the Oregon Fire Code which references the Oregon Revised Statutes and Oregon Administrative Rules related to explosives is amended as follows. The sale, manufacture, possession, transfer and storage of explosives as defined by ORS 480.200 (3) are prohibited in all areas within the City of Ashland.
- E. Above-ground Storage of Flammable or Combustible Liquids
The limits referred to in Section 3404.2.9.6.1 of the Oregon Fire Code in which the storage of flammable or combustible Class I and II liquids in above-ground tanks outside of buildings is restricted are established as follows: All City of Ashland residential and historical district areas as defined in the Comprehensive Plan.
- F. Storage of Liquefied Petroleum Gases - Restricted.
The limits referred to in Section 3804.2 of the Oregon Fire Code, in which storage of liquefied petroleum gas is restricted, are established as follows: All City of Ashland residential and historical district areas as defined in the Comprehensive Plan are limited to the aggregate capacity of anyone installation shall not exceed a water capacity of 500 gallons.
1. Exception: In particular installations, this capacity limit shall be determined by the Fire Code Official, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed containers, degree of fire protection to be provided and capabilities of the City of Ashland Fire & Life Safety Division.
- G. Appendix D105 – Aerial Fire Apparatus Access Roads
Remove and replace D105.1 with the following: Where required. Buildings or portions of buildings or facilities exceeding 24 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
- Remove and replace D105.2 with the following: Width. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 24 feet in height.
- H. Appendix A1010.11 - If the complainant or appellant is aggrieved by the final order of the Ashland Board of Appeals, the complainant may file an appeal to the Oregon State Fire Marshal's Office within 10 days of the Board's final order
(ORD 3059, amended, 04/17/2012; Ord 3037, amended, 09/07/2010; Ord 3006, amended, 03/02/2010; Ord 2944, Amended, 11/06/2007; Ord 2932, Amended, 10/18/2006; Ord 2929, Amended, 08/18/2006; Ord 2925, Amended, 04/18/2006; Ord 2921, Amended, 01/05/2006; Ord 2876, Amended, 09/04/2001; Ord 2871, Amended, 08/07/2001)

SECTION 15.28.080 Appeals.

Whenever the Fire Code Official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Code Official to the Ashland Fire Code Appeals Board as defined by Appendix A of the Oregon Fire Code within 30 days from the date of the decision appealed.
(Ord 2944, Amended, 11/06/2007; Ord 2925, Amended, 04/18/2006)

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SECTION 15.28.090 New Materials, Processes, or Occupancies - Permits required

The Building Official, the Chief and the Fire Marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the Oregon Fire Code. The Building Official, in accordance with section 104.9 of the Oregon Structural Specialty Code, shall record and enter in the files of the building department any action granting approval of new or alternate materials.

(Ord 2929, Amended, 08/18/2006; Ord 2925, Amended, 04/18/2006; Ord 2921, Amended, 01/05/2006)

SECTION 15.28.100 Penalties

- A. Any person violating or causing violation of any of the provisions of this chapter, has committed a Class I violation, and upon conviction thereof, is punishable as prescribed in Section 1.08.020 of the Ashland Municipal Code. Such person, firm or corporation is guilty of a separate violation for each and every day during which any violation of this Chapter is committed or continued by such person, firm or corporation.
- B. For any violations of this Chapter deemed to be life threatening, a citation can be issued for each and every occurrence, including multiple occurrences in one day. Life threatening hazards include but are not limited to overcrowding, locking or obstructing doors designated to remain unlocked, and shutting off or removing designated fire protection equipment.
- C. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(ORD 3059, amended, 04/17/2012; Ord 2929, Amended, 08/18/2006; Ord 2925, Amended, 04/18/2006; Ord 2921, Amended, 01/05/2006)

SECTION 15.28.110 Severability.

Should any section, paragraph, sentence or word of this ordinance or of the Code hereby adopted be declared for any reason to be invalid, it is the intent of The City of Ashland that it would have passed all other portions of this ordinance independent of the elimination here from of any such portion as may be declared invalid.

(Ord 2929, Amended, 08/18/2006; Ord 2925, Amended, 04/18/2006; Ord 2921, Amended, 01/05/2006)

SECTION 15.28.120 Firefighting Outside City - Authorized.

In accord with ORS 476.290, the Fire Chief or representative is authorized to extinguish uncontrolled fires that are found to be burning in unprotected areas situated outside the boundaries of the City and that are causing or may cause an undue jeopardy to life or property if, in the opinion of the Fire Chief or representative, such fire is causing or may cause an undue jeopardy to life or property. (Ord. 1698 S1, 1971)

(Ord 2929, Amended, 08/18/2006; Ord 2925, Amended, 04/18/2006; Ord 2921, Amended, 01/05/2006)

SECTION 15.28.130 Firefighting Outside City - Resources.

In extinguishing a fire pursuant to Section 15.28.120, the Fire Chief or representative may employ the same means and resources used by them to extinguish similar fires within the City.

(Ord 2929, Amended, 08/18/2006; Ord 2925, Amended, 04/18/2006; Ord 2921, Amended, 01/05/2006)

SECTION 15.28.140 Firefighting Outside City - Assessment.

Whenever a fire is extinguished or attempted to be extinguished by the fire department outside the City of

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Ashland, the owner of the property involved in such fire shall pay for the cost of providing such fire suppression service, as follows:

- A. For the first hour or fraction thereof:
 - 1. Pumper apparatus - \$250.00/hour
 - 2. Brush apparatus - \$100.00/hour
 - 3. Rescue standby - \$100.00/hour
 - 4. Staff vehicle - \$ 50.00/hour

For each piece of apparatus per hour following the first hour, payment shall be on a fractional basis to the nearest 15 minutes.

- B. Personnel cost shall be actual cost with a minimum charge of one hour for each person responding to the fire emergency, plus all personnel costs in excess of regular time for each person performing standby services in place of those who respond, to be billed on a fractional basis to the nearest fifteen minutes after the first hour for any fractional portions of hours of service. (Ord. 2711, 1993)

(Ord 2929, Amended, 08/18/2006; Ord 2925, Amended, 04/18/2006; Ord 2921, Amended, 01/05/2006)

SECTION 15.28.150 Plan Review/Permits - Fees.

For application in this city, Oregon Fire Code plan review fees shall be established by resolution of the city council.

(Ord 2929, Amended, 08/18/2006; Ord 2921, Amended, 01/05/2006; Ord 2906, Added, 04/06/2004)

SECTION 15.28.160 Code Compliance Inspection - Fees.

The schedule for fire code compliance inspections shall be established by resolution of the city council.

(Ord 2929, Amended, 08/18/2006; Ord 2921, Amended, 01/05/2006; Ord 2906, Added, 04/06/2004)

SECTION 15.28.170. Cost Recovery Fees

- A. Fees Established. The City of Ashland Fire and Rescue Services shall charge user fees for the delivery of Fire and Rescue Services, personnel, supplies and equipment to the scene of motor vehicle collisions and hazardous materials incidents as established by resolution.
- B. Responsible Party. The user fee shall be charged to the responsible party. The responsible party is the person or entity that was at fault in the incident. If fault cannot be determined, then all parties involved shall be held jointly and severally liable for the costs incurred by AFR when it responded to the incident. The cost shall be in addition to any other costs or claims such as damage to vehicles, damage to property, or injuries.
- C. Imposition of Fees.
 - 1. Motor Vehicle Collisions & Hazardous Materials Incidents. The user fees for motor vehicle collisions (MVC) and hazardous materials incidents will only apply to persons not residing within the City of Ashland as the residents within the city boundaries currently subsidize emergency service costs through their property taxes. However, responses involving intoxicated drivers, hazardous materials clean-up, and negligent acts may be subject to all applicable fees regardless of residency.
 - 2. Utilities. In the event that damage to utilities is causing a safety hazard on a public right of way that causes emergency responders to deem the area unsafe and remain on scene until the hazard is

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eliminated, user fees shall be assessed to the responsible party, including the utility if equipment related problems are causing emergency services to respond.

- D. Billing Procedures. Ashland Fire and Rescue shall serve the owner and the person responsible with a notice stating the total cost of all fees shall be paid within thirty (30) days, and stating that the bill can be disputed by filing an appeal pursuant to 2.30.020 [Administrative Appeals Process].
- E. Appeal Procedures. The person responsible may appeal AFR' s determination of the user fees pursuant to AMC 2.30.020 [Administrative Appeals Process]. In the event of a timely objection or appeal, the costs, if any, shall be due upon conclusion of the objection or appeal process.
(Ord 3021, added, 06/29/2010)