
**Special
Emergency Ambulance Service
Fee Ordinance**

HARDY COUNTY, WEST VIRGINIA
SPECIAL EMERGENCY AMBULANCE SERVICE FEE ORDINANCE

LEGISLATIVE AUTHORITY:

This Ordinance concerns the imposition and collection of a Special Emergency Ambulance Service Fee, and is adopted under the authority of Chapter 7, Article 15, Section 17 of the West Virginia Code, as amended.

PURPOSE:

This Ordinance is enacted for the purpose of establishing and maintaining an adequate emergency ambulance system within the geographic boundaries of Hardy County/ West Virginia. An adequate emergency ambulance system is necessary to promote the health and welfare of the citizens of Hardy County. Emergency ambulance service is a public purpose and a responsibility of government for which public money may be spent.

There shall be exempted from the provisions of this Ordinance any incorporated area within Hardy County provided that, within thirty (30) days of the effective date of such incorporation, such area files, with the Authority and the County Commission, a written request for such exemption and an affidavit stating that it will provide ambulance services substantially similar to those set forth herein to its residents at its own expense.

COVERAGE:

There are three broad groups of persons who are covered under this Ordinance. The first group consists of those owners of residential real estate in the County. These persons are liable for payment of the Special Emergency Ambulance Service fee as defined and described below. The second group is a business unit which operates a business in Hardy County and avails themselves to the transport services provided by this Ordinance. The third group consists of those persons, resident or not, who avail themselves of the transport services provided by the Hardy County Ambulance Authority. The definitions below are intended to clarify the language of the remaining sections of the Ordinance.

DEFINITIONS:

Living Unit - Means any place of residence as classified by the records of the Hardy County Assessor including residential homes, vacation and secondary homes, mobile homes, apartments, and personal care facilities.

Business Unit - Means any place occupied for the purpose of operating any type of business activity and not for a purpose listed under Living Unit, including public utilities.

Employee - Means any part-time or full-time employee regardless of how many hours he or she may work a week. However, any person who is employed through a school based, internship or for educational purposes shall not be considered an employee for purposes of this ordinance.

Owner - Means the person or persons listed in the records of the Hardy County Assessor possessing exclusive rights and control of a property, *as of July 01 of each year.*

Occupant - Means the non-owning resident of a living unit defined as above.

Resident User - Means any bona fide owner or occupant of a living unit within the geographic boundaries of Hardy County with the exception of those persons qualifying for the exemption listed in the above section of this Ordinance entitled PURPOSE.

Nonresident User - Means any individual who does not qualify as a resident user.

Homestead exemption – means any resident user, as defined above, who are entitled to “Homestead Exemption” on their tax bill, and are of record in the Hardy County Assessors Office on July 01st.

Delinquent Resident User - Means any resident user, as defined above, who's Emergency Ambulance Service Fee, as defined below, has not been paid for any period.

User - Means any person to whom emergency ambulance transport service is provided.

Emergency Ambulance System - Any emergency ambulance service provided pursuant to this ordinance.

Approved Annual Budget Estimate - The final budget formally approved and adopted by the Hardy County Emergency Ambulance Authority Board of Directors.

Basic Life Support - A basic level of services including

- Head to toe assessment;
- Vital sign monitoring such as blood pressure, pulse rate and quality, and respiratory rate and quality;
- Oxygen delivery when needed;
- Wound care and splinting;
- Cardiopulmonary Resuscitation (CPR); and
- Minor non-life-threatening care with transport to the hospital.

Advanced Life Support - An advanced level of services including all basic level services as well as,

- Heart rhythm monitoring;
- 12-Lead Electrocardiogram (BCG);
- Provision of alternate breathing intervention if patient is not capable of breathing on their own;
- Intravenous fluid access, and
- Administration of multiple drugs for stabilization of life threatening heart problems, pain management, shock management, respiratory problems, seizure disorders, and many more illness and injuries.

Special Emergency Ambulance Service Fee - Means a specified uniform fee charged to each living unit and each business unit to which ambulance service is made available. It does not entitle the resident user to routine transports or to secondary emergency transports from one medical facility to another or to the provision of advance life support.

Nearest Certified Medical Facility - Limited to any hospital within the boundaries of Hardy County and hospitals in the following locations or closer; Petersburg, West Virginia; Harrisonburg, Virginia; Romney, West Virginia; and Winchester, Virginia.

Emergency Ambulance Rate - Means the individual transport charges as established and promulgated by the Hardy County Ambulance Authority Board of Directors subject to the approval of the Hardy County Commission. These rates shall be applied to any and all users of

emergency ambulance transport service provided by the Hardy County Ambulance Authority. Rates shall also be established for all users of Advanced Life.

Emergency Inter-Agency And Non-Emergency Transport Charges - Means the individual transport charges as might be established and promulgated by the Hardy County Ambulance Authority Board of Directors for routine transports and secondary transport from one medical care facility to another. Such transport charges shall be applied to all users of such transport service, as defined to-wit: resident, non-resident, and delinquent resident.

SECTION ONE: ESTABLISHMENT OF SPECIAL EMERGENCY AMBULANCE SERVICE FEE

Each Special Emergency Ambulance Service Fee imposed under this Ordinance shall be for emergency ambulance service provided for a Hardy County Fiscal Year, July 1st, to June 30th. The Emergency Ambulance Service Fee established by this Ordinance shall be one hundred twenty dollars (\$120.00) per living unit per Fiscal Year if paid by September 30th. *Payments may be made twice a year on September 1st and March 1st. Those persons qualifying for the Homestead exemption tax status, as stated above, shall have the established fee of seventy five, \$75.00 dollars for that unit which said homestead exemption applies on their tax ticket.*

The Emergency Ambulance Service Fee established by this Ordinance for business units shall be based upon the number of employees each business employees as set forth below:

Less than 10 employees	\$120.00
Between 11-25 employees	\$240.00
Between 26-50 employees	\$500.00
Between 51-100 employees	\$1000.00
Between 101-250 employees	\$2500.00
Between 251-500 employees	\$5000.00
Between 501-999 employees	\$7500.00
Over 1000 employees	\$10,000.00

A minimum fee of \$120.00 shall be billed and payable for each business.

All landlords are responsible for the payment of any tenant living in a living unit. Provided, that any landlord or person who is required to pay more than three (3) fees in a calendar year, shall have the right to have the full amount of their yearly payment prorated over a twelve (12) month period for twelve (12) total payments, e.g. Landlord who owns ten (10) living units with ten (10) tenants would owe a yearly fee of \$1200.00 (\$120.00 x 10). Landlord would be allowed to make twelve (12) monthly payments of \$100.00 to cover their yearly fee of \$1200.00. However, a landlord is not responsible for the ambulance fee if their tenant has already paid the fee for that living unit.

In the event an owner owns more than one living unit within Hardy County, he/she may not be charged more than one fee provided that such other living unit is permanently unoccupied or occupied only by the resident owner. No person shall be required to pay more than one fee for the same unit. For example, an owner of a business shall not be responsible for paying both a business fee and living unit fee so long as they both are located in the same building or at the same location.

Any person who is incapacitated or living in a nursing home or assisted living unit, shall not be responsible for the payment of the fee for any unoccupied living unit.

If an owner believes he/ she is erroneously charged an ambulance service fee, the Ambulance Authority shall provide, upon the resident's request, an erroneous billing form. The form shall be filled out by the resident and returned to the Ambulance Authority no later than thirty *30 days from the date of the billing*. The Ambulance Authority shall, within a reasonable time, cause to be investigated any request for exoneration.

If good cause an erroneous billing is found by the *Hardy County Ambulance Authority*, said Ambulance Authority shall modify or change any or all imposed charges, and shall notify the property owner in writing of its actions. If the *Ambulance Authority* does not modify or change the fee imposed as requested by the property owner, an appeal may be filed, in pursuance to this article, with the Circuit Court of Hardy County.

Ambulance Services, Fire Departments and other governmental agencies are exempt from paying any fee imposed herein.

SECTION TWO: HCAA BUDGET DEVELOPMENT

The Hardy County Ambulance Authority shall hold an annual public hearing for the purpose of receiving written or oral public comment pertaining to the operations of the emergency ambulance system within Hardy County. This public hearing shall be advertised as a Class II legal advertisement in all local newspapers within Hardy County.

The required public hearing shall be held in conjunction with the regular February Board of Directors Meeting in order to provide the Hardy County Ambulance Authority sufficient time to consider any improvements or changes in service and to account for said changes when submitting the annual budget request required below.

No later than one hundred (100) days prior to the beginning of the Hardy County Fiscal Year (July 1st through June 30th) the Hardy County Ambulance Authority shall prepare a budget estimate for the total cost for providing emergency ambulance service within the geographical boundaries of the county for the Fiscal Year commencing on the following July 1st and, upon adoption by the Hardy County Ambulance Authority Board of Directors, present said estimated budget to the Hardy County Commission.

SECTION THREE: BILLING AND COLLECTION PROCEDURES

A: Special Emergency Ambulance Service Fees:

Upon completion of the estimated budget by the Hardy County Ambulance Authority, the President of the Ambulance Authority shall request the Assessor to provide the Ambulance Authority Office with a list of all residential "living units" to be utilized as the data base for billing the Special Emergency Ambulance Service Fees for the Fiscal Year commencing the following July 1st. Each business unit shall be provided a form and shall list the number of employees so employed and shall pay the fee set forth in Section One. Each living unit on that list shall have an account established in the name of the owner of that living unit or business unit and a bill in the amount of the Emergency Ambulance Service Fee as defined in SECTION ONE of this Ordinance shall be delivered to that living unit by US Postal Service on or after July 15th

of the Fiscal Year. For those living units not on the Assessor's data base at the time of provision to the Hardy County Ambulance Authority and therefore not receiving a bill for that Fiscal Year, a voluntary payment of the Household Service Fee may be made by the resident owner. Such resident owners will receive the same entitlements for services rendered after the date of payment as non-delinquent resident owners whose living units were on the Assessor' data base.

The Emergency Ambulance Service Fee accounts established under this Ordinance shall be paid in full no later than March 30th of the Fiscal Year for which billed unless payment plan has been established. *On April 3rd of each year* letters shall be sent to all current-year unpaid accounts as a status reminder including a notice that current-year unpaid accounts will be turned over to a collection agency and/or presented to Magistrate Court. If not paid by March 30th, a \$30.00 late fee plus any and all costs associated with collection.

B: Transport Charges

Ambulance transport rates per call for all categories of users shall be in amounts recommended by the Hardy County Ambulance Authority Board of Directors, and approved by the Hardy County Commission. Revisions to transport rates will be recommended to the Hardy County Commission from time to time as the Board of Directors sees fit. Transport rates will include charges for provision of Life Support, Basic or Advanced, oxygen, and mileage, and will be billed to users in accordance with the particular services rendered. Charges for individual transports shall be processed by the Ambulance Authority as appropriate with due allowance for insurance coverage, if any. Any accounts becoming delinquent shall be submitted to the appropriate collection agency as engaged by the Authority.

SECTION FOUR: MANAGEMENT OF REVENUES

All revenues received in accordance with this Ordinance shall be deposited into a special fund to be known as the Special Emergency Ambulance Service Fee. These funds shall be used to pay reasonable and necessary expenses actually incurred including personnel and the cost of buildings and equipment used in providing emergency ambulance service to residents of the county and others that might require such services. Such funds may be used to pay for, in whole or in part, the establishment, maintenance, and operation of the authority. Funds not expended in a given Fiscal Year will be maintained in the above Fund and may be used in subsequent Fiscal Years as necessary.

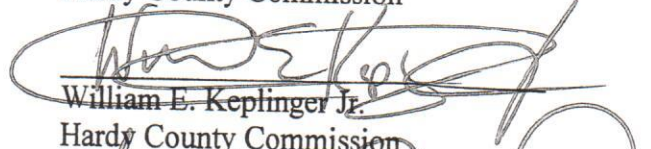
SECTION FIVE: AMENDMENTS AND EXECUTION

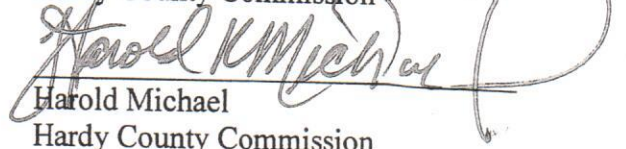
This Ordinance may, from time to time, be amended by a majority of the members of the County Commission as they deem is necessary and appropriate.

If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decisions shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

This Ordinance shall become effective on June 1, 2017 for the 2018 fiscal year beginning on July 1, 2017.


David J. Fansler,
Hardy County Commission


William E. Keplinger Jr.
Hardy County Commission


Harold Michael
Hardy County Commission

Attest:


Gregory L. Ely, Hardy County Clerk

**SPECIAL EMERGENCY AMBULANCE SERVICE FEE
ERRONEOUS BILLING FORM**

I, _____, am requesting that the billing for the residence structure located at

_____.

Reference billing # _____.

- Because: **Circle One:**
- Business located at same location as residence
 - Erroneous billing
 - Multiple living units for owner use only
 - No living unit
 - Unlivable
 - Owner living in nursing home or assisted living unit
 - Government Agency

LANDLORD PAYMENT REQUEST

I, _____, am requesting (monthly payments, quarterly payments of the fee, I understand that Payment in full must be received by June 30th . I am requesting to make payments in the following manner:

_____.

Signed by applicant _____ date: _____

Date: _____

SPECIAL EMERGENCY AMBULANCE SERVICE FEE
BUSINESS BILLING FORM

I, _____, hereby swear and affirm that my business,

_____, has _____ employees.

Employer

ORDER OF ADOPTION
HARDY COUNTY SPECIAL EMERGENCY AMBULANCE
SERVICE FEE ORDINANCE (as amended)

THIS ORDER OF ADOPTION by the County Commission of Hardy County, West Virginia, made and entered on this the 25th day of May, 2017.

WHEREAS, the Hardy County Commission devised and developed a Special Emergency Ambulance Service Fee Ordinance (referred to as "Fee Ordinance" hereafter) for Hardy County, West Virginia,

WHEREAS, the Hardy County Commission has had several meetings regarding amendments to said "Fee Ordinance".

WHEREAS, on this 25th day of May, 2017, at a Special public meeting regarding the adoption of the revisions; it was duly motioned and seconded, and the vote was unanimous for passage of the amendments to said "Fee Ordinance";

President Harold K. Michael YEA

Commissioner William E. Keplinger Jr. YEA

Commissioner David S. Fansler YEA

WHEREAS, Based upon the foregoing, it is hereby ORDERED that the Hardy County Special Emergency Ambulance Service Fee Ordinance, as amended, a true copy of which is attached hereto, is adopted by the County Commission of Hardy County, West Virginia, pursuant to West Virginia Code §7-15-17. The Hardy County Special Emergency Ambulance Service Fee Ordinance shall stand as amended and its effective date shall be July 01st, 2017

The County Clerk is directed to forward a copy of this Order and attachments, including the said "Fee Ordinance" to the Hardy County Emergency Ambulance Authority.

Dated this the 25th day of May, 2017.

HARDY COUNTY COMMISSION