Hardy County Special Emergency Ambulance Service Fee Ordinance

Section 1. Purpose and Authority

1.1. Statutory Authority: This Ordinance is enacted pursuant to the Emergency Ambulance Service Act of 1975, W. Va. Code § 7-15-1 et seq., including the authority of county commissions to provide emergency ambulance services and to create ambulance service authorities by ordinance. Under W. Va. Code § 7-15-17, the Hardy County Commission may by ordinance impose a special emergency ambulance service fee, with all proceeds dedicated to the reasonable and necessary costs of providing ambulance services and supporting an ambulance authority.

1.2. Purpose: The purpose of this Ordinance is to impose and administer a special emergency ambulance service fee to fund county-wide emergency ambulance services in Hardy County, including services provided through and in support of the Hardy County Emergency Ambulance Authority and the Hardy County Ambulance Service. For purposes of this Ordinance, the Hardy County Emergency Ambulance Authority is referred to as the "Authority," and the Hardy County Ambulance Service is referred to as the "Ambulance Service." This Ordinance ensures local compliance with all duties and powers set forth in W. Va. Code § 7-15-1 et seq., including that adequate emergency ambulance service be made available to County residents to the extent and at the level supported by funds lawfully available for that purpose.

Section 2. Special Emergency Ambulance Service Fee – Imposition and Purpose

2.1. Imposition of Fee: There is hereby imposed a Special Emergency Ambulance Service Fee ("ambulance service fee" or "fee") on users of emergency ambulance services in Hardy County, pursuant to W. Va. Code § 7-15-17. This fee shall be imposed upon and collected from the persons and entities described in Section 2.3 below by the Hardy County Commission. The ambulance service fee is a special revenue charge dedicated exclusively to the funding of emergency ambulance services in Hardy County. All proceeds from the fee shall be collected by the Hardy County Commission, deposited into a special ambulance service fund, and used for the reasonable and necessary expenses of providing emergency ambulance service to the residents of Hardy County. Such expenses include (but are not limited to) the costs of acquiring, operating, and maintaining ambulances, facilities, and equipment; personnel salaries and training; operational costs of the Hardy County Ambulance Service; payments to volunteer or nonprofit EMS providers under contract; and administrative expenses of the Authority. Proceeds may also be used to pay, in whole or in part, for the "establishment, maintenance and operation of [the] Authority" as permitted by law.

2.2. Legislative Findings: The County Commission finds that an adequate county-wide ambulance system is essential to protect the health, safety, and welfare of Hardy County residents. Emergency ambulance service is hereby declared a public purpose for which public money may be spent. The ambulance service fee established by this Ordinance is necessary to ensure stable funding for emergency medical response, in light of the costs of equipment, personnel, and training required. The Commission further finds that the fee structure set forth herein is reasonable and equitable, distributing the costs of the ambulance system among residents and businesses in proportion to their potential use of emergency medical services.

2.3. Fee Payers (Covered Persons/Entities): The ambulance service fee shall be imposed upon the following classes of users in Hardy County (collectively, "covered premises" or "covered units"):

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Residential Units: Owners of residential real estate located in Hardy County, including each "living unit" as defined herein, shall be liable for the ambulance service fee. A "Living Unit" means any place of residence, occupied or unoccupied, as classified by the records of the Hardy County Assessor, including but not limited to residential homes, vacation and secondary homes, mobile homes, seasonal camps, hunting, fishing and recreational camps, duplexes, Short Term Rental Units, condominiums, apartments, personal care facilities, and rental units. For structures containing multiple addressable units, each addressable unit shall be deemed to be a separate billable unit. Structures that may not have water, electric, or septic still qualify as a living unit for the purpose of this Ordinance. In general, the property owner of record for each living unit is responsible for payment of the fee for that unit, subject to Section 2.6 below (multiple-unit owners and landlord provisions).

Business Units: Owners or operators of business establishments in Hardy County shall be liable for the ambulance service fee on each "business unit" they operate. A "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. For purposes of calculating the business unit fee, "Employee" means any part-time or full-time employee regardless of how many hours he/she may work in a week; however, any person employed through a school-based internship or for educational purposes shall not be considered an employee for purposes of this Ordinance. Each distinct business location in the County constitutes a separate business unit for fee purposes. Businesses that operate multiple locations will pay a fee for each location unless an exemption or special rule applies. Nonprofit organizations and charitable entities operating facilities may be classified as business units for purposes of the fee, except as exempted in Section 2.7.

Nonresidents Using County EMS: In addition to the above property-based fee payers, any person (resident or not) who utilizes Hardy County emergency ambulance transport services may be subject to billing for such services through transport billing, insurance billing, or other lawful charges separate from the annual special emergency ambulance service fee. No separate per-transport fee is imposed by this Ordinance itself on individuals, as the intent of this Ordinance is to fund services primarily via the annual fees on covered properties and business units.

2.4. Fee Structure and Rates: The ambulance service fee shall be assessed as an annual fee. The amount of the fee is hereby established as follows, subject to the transition schedule and annual adjustments under Section 2.9 and the levy provisions of Section 2.10:

Residential Living Unit Fee: Each residential living unit shall be assessed an annual fee as follows: (i) $120.00 for Fiscal Year 2026-2027, which shall be treated as the first fiscal year billed under this Ordinance if this Ordinance is adopted before or during that billing cycle; (ii) $135.00 for the second fiscal year billed under this Ordinance; (iii) $150.00 for the third fiscal year billed under this Ordinance; and (iv) $165.00 for the fourth fiscal year billed under this Ordinance. Beginning with the fifth fiscal year billed under this Ordinance, the residential living unit fee then in effect shall be subject to the annual adjustment mechanism set forth in Section 2.9. This fee is per living unit, not per person, and is not dependent on the number of residents in the dwelling; it is a flat charge per household or living unit property.

Homestead Exemption Discount: Any property owner who qualifies for the Homestead Exemption on their real property taxes for a given year (pursuant to West Virginia law for seniors or disabled persons) shall be charged a reduced ambulance fee of $75.00 for that year for the qualifying owner-occupied living unit, unless otherwise modified by later ordinance. Only one

living unit per owner may receive the Homestead discounted rate (the unit for which the Homestead Exemption applies).

Business Unit Fee: Each business unit shall be assessed an annual fee determined by the number of employees working at or based out of that business location. For a business unit with one (1) through seven (7) employees, the annual fee shall be the then-current residential living unit fee in effect under this Ordinance. For a business unit with more than seven (7) employees, the annual fee shall be the then-current residential living unit fee plus $25.00 for each employee in excess of seven (7), rounded to the nearest cent. This straight-line calculation is intended to provide a cost-per-employee business fee structure while preserving the base business floor at the then-current residential rate. The County Commission may require businesses to annually report their number of employees or may use available records to assign the appropriate fee. If a business believes its employee count was misclassified, it may seek correction under Section 2.8.

2.5. Cost Based Special Rate Agreements.

(A) Authorization. Notwithstanding the generally applicable fee schedule established by this Ordinance, the Hardy County Commission is expressly authorized to negotiate and enter into a written agreement with a specific business, employer, institution, or organization (a "Covered Entity") establishing a special rate or payment arrangement ("Special Rate Agreement") where the Commission determines, in its sole discretion, that the Special Rate Agreement is more reflective of the actual cost of emergency medical services readiness, response, and related support attributable to the Covered Entity than the standard calculations contemplated by this Ordinance.

(B) Cost-Basis Required; Written Findings. A Special Rate Agreement shall be supported by a written cost basis and findings adopted by the Authority, which shall, at minimum:

Identify the basis for concluding that the standard fee schedule is not reasonably cost-reflective for the Covered Entity (including call volume, risk profile, operational demands, special events, remote location, on-site hazards, staffing impacts, or similar factors);

Describe the method used to estimate the Hardy County Ambulance Authority's cost attributable to the Covered Entity (including direct costs and an appropriate allocation of system readiness/overhead); and

Confirm that the Special Rate Agreement is intended to recover costs or improve cost alignment and is not intended as a waiver or preferential exemption unrelated to cost.

(C) Relationship to Ordinance Fees. A Special Rate Agreement may, as expressly stated in the agreement, do one of the following:

Provide for an additional cost-based payment by the Covered Entity in addition to the otherwise applicable fee under this Ordinance; or

Provide for an alternative cost-based payment in lieu of the otherwise applicable fee for the Covered Entity's covered premises, where the Authority's written findings demonstrate that the alternative rate better reflects actual costs and does not materially shift costs to other payers.

(D) County Commission Approval; Public Review. No Special Rate Agreement shall be effective unless:

The Authority approves the agreement by formal action at a duly noticed meeting; and

The Hardy County Commission grants final approval at a public meeting, after the proposed agreement has been made available for public inspection for at least thirty (30) days prior to

Commission action; provided, however, that proprietary business information may be redacted to the extent permitted by law.

(E) Term; Audit; Non-Precedent. Each Special Rate Agreement shall:

Be for a stated term not to exceed three (3) years, unless renewed by the same approval process;

Require the Covered Entity to provide reasonable data needed to validate the cost basis (e.g., employee count, operating schedules, special event calendars, on-site safety changes), subject to confidentiality protections;

Permit the Commission to audit or review performance and cost assumptions at least annually; and

State that it is entity-specific and creates no entitlement or precedent for any other payer.

(F) No Limitation on Transport Billing or Other Lawful Charges. Unless expressly provided by the agreement and permitted by law, a Special Rate Agreement shall not be construed to limit the Authority's ability to bill for ambulance transport or related reimbursable services through insurance, Medicare/Medicaid, or other lawful mechanisms, nor to alter clinical dispatch protocols or standards of care.

(G) Suspension/Termination. The Commission may suspend or terminate a Special Rate Agreement upon material breach, nonpayment, or a material change in circumstances that undermines the cost basis, subject to any notice and cure provisions contained in the agreement and subject to Commission notification.

2.6. Multiple Units and Landlord Provisions: A property owner who owns multiple fee-liable units shall be responsible for the fee on each unit, subject to the following special provisions:

Multiple Residential Units (Same Owner): If an individual owns more than one residential living unit in the County, each unit that is occupied by a tenant or other non-owner will incur a separate fee (billed to the owner). However, an owner shall not be charged multiple fees for duplicate coverage on themselves. For example, if an owner resides in one home and also owns a second home that is permanently unoccupied or occupied by the owner's immediate family without rental income, the second unit may be exempted to avoid double-charging the same household. No person should pay more than one residential fee for the same residence. The burden is on the owner to demonstrate that an additional property is not being used as an independent residence (e.g., is vacant or used only occasionally by the owner) if they seek an exemption for it.

Landlord Installment Option: Recognizing the potential burden on landlords with numerous rental units, any property owner who is responsible for paying more than three (3) separate ambulance fees (e.g., a landlord with four or more rental units) in a single year may elect to pay the total annual amount on a monthly installment basis. Specifically, such an owner may divide their aggregate annual fees into twelve (12) equal monthly payments over the year. Example: During a fiscal year in which the residential living unit fee is $120.00, a landlord owning ten rental homes would owe $1,200.00 for the year (10 units × $120.00); that owner could choose to pay $100.00 per month for 12 months instead of a lump sum. To exercise this option, the owner must notify the County Commission and arrange a payment plan at the start of the billing cycle. This installment privilege is intended to ease cash flow for owners of multiple properties. However, if a tenant independently pays the fee for their rented living unit (and provides proof of payment), the landlord/owner will not be held liable for that particular unit's fee. Landlords are encouraged to communicate with their tenants to avoid duplicate payments. Ultimately, responsibility lies with the owner, and any private reimbursement arrangements between owner and tenant do not affect

the County's collection process (except that double payments will be credited or refunded accordingly).

2.7. Exemptions and Exclusions: The following properties or entities shall be exempt from the ambulance service fee, or eligible for fee waivers/modifications, upon proper application and documentation:

Incorporated Municipalities with Independent EMS: If an incorporated city or town within Hardy County provides its own emergency ambulance service to its residents at its own expense (separate from the County's system), that municipality may request exemption from this County fee for properties within its jurisdiction. To qualify, the municipal governing body must, within thirty (30) days of this Ordinance's effective date (or of incorporation, if a new city), file a written request with the Authority and the County Commission for exemption, accompanied by an affidavit affirming that the municipality provides ambulance services substantially similar to those set forth herein to its residents at its own expense. If such request and affidavit are timely filed and approved, all properties located inside that municipality's corporate limits will be exempt from the County ambulance fee so long as the municipality continues to furnish its own equivalent EMS coverage. This exemption is to prevent double charging for services. (As of the adoption of this Ordinance, no municipality in Hardy County operates an independent EMS service; all municipalities remain covered by the County EMS system. This provision is included for future contingencies.)

Governmental Agencies: All properties and facilities owned by government agencies (municipal, county, state, or federal) are exempt from the ambulance fee. This includes, for example, municipal offices, county offices, public schools, state agencies, and federal installations in the County. Volunteer fire departments and ambulance companies/stations based in the County are likewise exempt from the fee. This exemption ensures that funds are not merely passed from one public service entity to another.

Duplicate Residential/Business Use: If a business is operated at the same physical location as a residence (e.g. a home-based business, farm, or a combined storefront and dwelling) and both are owned by the same person, the owner shall not be required to pay two separate fees for the same property. In such cases, the property will be classified and billed as either a business or a residence, whichever category is primary, but not both. If a qualifying owner-occupied living unit receives the Homestead discounted rate under this Ordinance, the operation of a home-based business at the same physical location by the same owner shall not, by itself, create a separate business-unit fee unless the County Commission determines that the business is operated as a separate or primary business unit. The owner must notify the County Commission if they receive two bills for one location so an adjustment can be made.

Uninhabitable or Unoccupied Structures: Properties that do not have a living unit or active business (for example, structures that are vacant, dilapidated, uninhabitable, or are raw land with no occupied building) are not subject to the fee. If a fee bill is issued for a location where no dwelling or business is actually present or usable, the owner may apply for an "error" exemption. For instance, if a home has been destroyed or condemned and is not occupied, it should not be charged. Similarly, multiple structures on one farm that do not constitute separate residences or businesses should not each be charged. The County Commission shall establish a form and procedure for owners to claim this exemption, subject to verification (e.g., inspection or affidavit attesting the building is unlivable).

Special Hardship Cases: The County Commission may consider additional exemptions or deferrals on a case-by-case basis in the event of extreme hardship or unique circumstances (for example, a property owner who has no ability to benefit from ambulance service, etc.). Any such relief must be approved by the County Commission based upon written findings that the relief is necessary to avoid an inequitable or unreasonable result not otherwise addressed by this Ordinance. The general policy is that all residents and businesses should contribute to the EMS system, exemptions will be narrowly construed, and any hardship determination shall be case-specific and shall not create an entitlement or precedent for any other payer.

2.8. Billing, Collection, and Enforcement:

Billing Cycle: The ambulance service fee shall be billed by invoice on an annual basis, with the billing period running on the County's fiscal year (July 1 through June 30) unless otherwise determined by this Ordinance. Upon completion of the estimated budget by the Hardy County Emergency Ambulance Authority, the Director shall request the Assessor to provide the County Commission with a list of all residential living units and business units to be utilized as the billing database for the fiscal year commencing the following July 1. Each business unit shall provide a form listing the number of employees so employed and shall pay the fee set forth in Section 2.4. Each covered unit on that list shall have an account established in the name of the responsible payer, and an invoice in the amount of the Special Emergency Ambulance Service Fee shall be delivered by U.S. Postal Service on or after July 15 of the fiscal year. Payments may be made in full or, upon request and approval by the County Commission, in semi-annual installments or pursuant to an approved payment plan. Unless otherwise provided by an approved payment plan, all amounts billed for a fiscal year shall be paid in full no later than March 31 of that fiscal year.

County Commission Reporting to Authority: The County Commission shall provide the Authority with regular reports, no less than monthly, reflecting the amount billed, amount collected, delinquent accounts, exonerations, appeals, waivers, payment plan status, and other fee administration information reasonably necessary for the Authority's budgeting and reporting obligations under this Ordinance.

Collection and Late Payments: Fees are payable to the Hardy County Commission or its designated collector for the EMS fund. If an annual or installment fee is not paid by the applicable due date, the amount unpaid shall be considered delinquent. For any account not paid in full by March 31 (absent an approved payment plan or pending appeal), the County Commission shall add a $30.00 late fee and may issue a delinquency invoice or notice on or about April 3 (or the next business day). Delinquent accounts may accrue interest at a rate established by the County Commission, not to exceed the maximum rate permitted by law, beginning no earlier than thirty (30) days after the delinquency notice. The County Commission is authorized to use lawful collection methods to enforce payment, including referral of overdue accounts to a collection agency and/or the filing of civil actions to recover unpaid fees. In any action or collection effort to recover delinquent fees, the delinquent payer shall be responsible for all reasonable costs of collection, including collection agency fees, court costs, service costs, statutory interest, and reasonable attorney's fees, to the extent permitted by law. Such collection costs may be added to the delinquent balance and recovered as part of the County Commission's claim.

Erroneous Billing Appeals: If any person believes they have been erroneously charged an ambulance fee (for example, charged for a property they do not own, or charged a business rate for a property that is actually residential, etc.), they may request an adjustment or exoneration. The County Commission shall provide an "Erroneous Billing Appeal" form upon request. The person

must submit the completed appeal form, with any supporting documentation, within 30 days of the billing date. Upon receipt of an appeal, the Hardy County Commission shall investigate and render a decision within a reasonable time. If the Commission finds that the person was incorrectly billed (good cause shown of an error), it shall correct or cancel the charge and notify the property owner in writing. If the Commission denies the requested change and the person remains aggrieved, they may appeal that decision to the Circuit Court of Hardy County as provided by law. During the pendency of a properly filed appeal, collection activity on the disputed amount shall be stayed.

Fraudulent Statements; Civil Penalty: Any person who knowingly provides materially false, misleading, or fraudulent information to the County Commission or the Authority in relation to this Ordinance, including but not limited to information concerning employee counts, exemptions, ownership, occupancy, appeals, exoneration requests, or payment status, shall be subject to a civil penalty of $500.00 for each violation, to be assessed by the County Commission after notice and an opportunity to be heard, in addition to correction of the applicable fee, recovery of any underpayment, and any criminal penalties or other civil remedies otherwise available under law.

Waiver of Minor Balances: The County Commission may establish a policy to waive or not pursue de minimis balances or small delinquent amounts if the cost of collection would exceed the amount. For instance, if a fee is reduced or pro-rated and a trivial sum remains, it may be forgiven.

2.9. Residential Rate Transition and Annual Fee Adjustments: In order to keep the ambulance service funding aligned with rising costs while also phasing in revised rates in an orderly manner, the residential living unit fee and the business unit fee shall be adjusted as follows:

(A) Residential Transition Schedule. The residential living unit fee shall increase on a fixed schedule for the first four fiscal years billed under this Ordinance, with Fiscal Year 2026-2027 treated as the first fiscal year billed under this Ordinance if this Ordinance is adopted before or during that billing cycle, as follows: $120.00 in year one, $135.00 in year two, $150.00 in year three, and $165.00 in year four. During those first four fiscal years, the base business floor for one (1) through seven (7) employees shall match the then-current residential living unit fee for that same fiscal year.

(B) Annual Adjustment After Year Four. Beginning with the fifth fiscal year billed under this Ordinance, and on each fiscal year thereafter during the Escalator Term, the Special Emergency Ambulance Service Fee rates established by this Ordinance (including the residential living unit rates and all business unit fee rates then in effect) shall automatically increase by three percent (3.0%) per year, compounded annually (the "Annual Adjustment"). For clarity, the residential living unit fee shall be $169.95 in year five, $175.05 in year six, $180.30 in year seven, $185.71 in year eight, $191.28 in year nine, and $197.02 in year ten.

(C) Six-Year Escalator Term. The Annual Adjustment authorized by subsection (B) shall apply for six (6) consecutive annual adjustments (the "Escalator Term"). For avoidance of doubt, the Escalator Term begins with the first annual adjustment after completion of the four-year residential transition schedule described in subsection (A) and concludes upon application of the sixth annual adjustment.

(D) Flatline After Escalator Term; Reevaluation Required. After completion of the Escalator Term, no further automatic increases shall occur under this Ordinance. The fee rates then in effect at the conclusion of the Escalator Term shall remain fixed unless and until modified by subsequent legislative action of the Hardy County Commission. During the final year of the Escalator Term—

or earlier if requested by the Hardy County Commission—the Authority shall conduct a fee and funding review and may recommend revisions.

(E) Publication of Updated Rates. During the transition schedule and during the Escalator Term, the Authority shall calculate and publish an updated fee schedule reflecting the rates then in effect for the upcoming fiscal year and shall provide such updated schedule to the Hardy County Commission as part of the annual budget and reporting process.

(F) No Limitation on Other Ordinance Provisions. This section governs only the timing and method of the initial residential rate transition and the later annual adjustments and does not alter exemptions, billing and collection procedures, levy-contingency provisions, or any other requirements of this Ordinance.

2.10. Contingency for Levy Funding (Fee Reduction): In the event that the citizens of Hardy County approve an ambulance levy or any special tax levy dedicated to funding emergency ambulance services, the following provisions shall apply to ensure there is no double-charging and that the most efficient funding mechanism is used:

Fee Suspension Upon Full Funding by Levy: If a special EMS levy is passed and implemented, and if the revenue projected to be generated by the levy for a given fiscal year is equal to or greater than the total revenue that the Authority would project to collect from the ambulance service fees for that year (i.e., the fee revenue at the Projected Fee Rates), then the County Commission shall temporarily suspend the imposition and billing of the ambulance service fee for each such year the levy remains in effect. In other words, no fee invoices shall be issued and no fee shall be due for that fiscal year because the levy funds will adequately finance the ambulance service. This suspension will continue on an annual basis for the duration of the levy (typically the multi-year period authorized by voters) as long as the levy revenue each year meets or exceeds what the fee would have produced that year (specifically contemplating the annual fee adjustments). For avoidance of doubt, during any suspension period, the Authority shall continue to calculate the fee rates that would otherwise apply under this Ordinance (the "Projected Fee Rates," including any Annual Adjustment under Section 2.9) for purposes of the comparison required by this section and for purposes of restoring the fee if the levy is not in effect. The Authority and County Commission shall make this determination as part of the budget process each year, comparing the upcoming levy revenue to the fee projection (if the fee were in place). If it meets/exceeds, the fee bills will not be sent for that year and this Ordinance's fee provisions will lie dormant.

Partial Funding by Levy (Proportional Fee Reduction): If an ambulance levy is passed but the revenue it generates in a given year is less than the amount that the ambulance service fee would have generated for that year (based on prevailing rates and the number of fee-paying units), then the fee shall not be entirely eliminated. Instead, the Authority shall calculate the shortfall amount – i.e., the difference between projected fee revenue and levy revenue. The Authority shall then prepare a proposal to proportionally revise the fee structure for that year so as to recover only the difference needed to fully fund ambulance services. In effect, the fee shall be reduced equitably to account for the partial levy funding. For example, if the fee system would raise $300,000 in a year but a new levy provides $200,000 per year, the fee schedule may be adjusted to collect the remaining ~$100,000 needed. This would be done by reducing each fee category by roughly one-third, or by some equitable formula recommended by the Authority. Any such revised fee schedule (to supplement the levy) must be submitted to and approved by the County Commission.

Public Notice and Approval: Before any revised fee structure under this Section 2.10 takes effect, the Authority and County Commission shall provide at least 30 days' public notice and opportunity

for review of the proposed changes. This may include publishing the proposed adjusted fee rates in the local newspaper or County website and holding a public hearing if deemed necessary. The County Commission must give final approval to the adjusted fee schedule in an open meeting. The adjustment would then apply for the relevant year(s) to ensure the combined levy + fee revenue meets the ambulance service budget requirements.

Restoration of Fee if Levy Ends: If the ambulance levy expires or is not renewed by voters, or is otherwise not in effect for a given fiscal year, then the ambulance service fee shall be restored for that fiscal year by operation of this Ordinance at the Projected Fee Rates that would have been in effect had the fee not been suspended (including any Annual Adjustments that would have applied during the levy period). The County Commission shall resume invoicing accordingly. If levy revenue falls below projections unexpectedly, the Authority may recommend, and the County Commission may approve, an adjustment as provided above to ensure no interruption in funding. Conversely, if a new or increased levy is later passed, the Commission can again suspend or reduce the fee as above.

Use of Levy Funds: During any period that an EMS levy is in effect, the funds from the levy shall be used in conjunction with (or instead of) fee revenues to fund the Authority and ambulance services. The Authority shall account for levy funds in its budget and ensure they are used solely for authorized EMS purposes, just as fee revenues are restricted. If the levy fully replaces the fee, the Authority remains accountable for using those tax funds in compliance with any ballot restrictions and state law governing special levies.

2.11. Alignment with State Code and Regulations: This ambulance service fee is imposed and administered in compliance with W. Va. Code § 7-15-17 and related statutes. The structure of exemptions, billing, and appeals is designed to meet any due process requirements and to avoid conflicts with state law. The Authority and County Commission shall also adhere to any relevant regulations promulgated by the State of West Virginia regarding EMS funding or charges. For instance, the Commission understands that W. Va. Code § 7-15-18 provides that this article (and by extension, this Ordinance under its authority) constitutes complete authority for the actions authorized therein and is to be liberally construed to effectuate its purposes (with severability for any part found invalid). This Ordinance shall be interpreted consistent with that legislative intent.

Section 3. Miscellaneous Provisions

3.1. Severability: If any provision (or portion thereof) of this Ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application. The provisions of this Ordinance are declared to be severable. The County Commission declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

3.2. Repealer: All orders, ordinances, and parts of ordinances previously enacted by the Hardy County Commission which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. Specifically, any prior County Commission order or ordinance imposing an emergency ambulance service fee, or any inconsistent portion thereof, is superseded by this comprehensive fee ordinance. Provided, however, that any actions taken or fees imposed under previous authority are hereby ratified and confirmed, and nothing in this repealer shall be construed to invalidate any fee liabilities or contracts lawfully in place prior to the effective

date of this Ordinance. Nothing in this Ordinance is intended to alter or repeal any separate ordinance, order, or resolution concerning the existence, governance, or structure of the Hardy County Emergency Ambulance Authority or the Hardy County Ambulance Service, except to the extent directly related to the fee provisions adopted herein.

3.3. Effective Date; Initial Implementation: This Ordinance shall take effect immediately upon adoption. If adopted before or during the Fiscal Year 2026-2027 billing cycle, the ambulance service fee provisions shall apply to Fiscal Year 2026-2027, which shall be treated as the first fiscal year billed under this Ordinance. Initial billing for Fiscal Year 2026-2027 may occur on or after July 15, 2026, or as soon thereafter as administratively practicable following adoption. Any administrative adjustment to the initial billing timeline may be made by order of the County Commission consistent with this Ordinance and shall not alter the fee methodology adopted herein.

3.4. Publication and Notice: Immediately after adoption, the County Commission shall cause this Ordinance to be published according to law and made available for public inspection. The Authority is directed to disseminate information about the new fee structure and policies to the public, including posting a copy of this Ordinance on a County website or at the Courthouse, and providing notice of key changes (such as the annual 3% increase and levy contingency) to payers.

3.5. Compliance with Act and Duties: It is the express intent of the County Commission that this Ordinance and the actions authorized or directed herein comply fully with the Emergency Ambulance Service Act of 1975 and all related statutory duties applicable to the special emergency ambulance service fee. The County Commission and the Authority shall carry out their respective fee-related duties under this Ordinance in a manner consistent with applicable law, including any reporting or audit requirements governing the use of fee revenues and levy revenues. By enacting this Ordinance, the County Commission is providing a fee framework through which emergency ambulance services may be funded effectively and lawfully within the County's means.

3.6. Captions and Headings: The section titles and headings in this Ordinance are for convenience and reference only and shall not be construed to limit or modify the substantive language of any section.

3.7. Liberal Construction: Consistent with W. Va. Code § 7-15-18, this Ordinance shall be liberally construed to effectuate the purpose of providing and funding emergency ambulance services in Hardy County. All powers granted herein shall be in addition to those conferred by other law, and nothing in this Ordinance is intended to limit the Authority or County Commission from exercising any and all incidental powers to carry out the intent of this legislation.

Adopted this 16 day of July, 2026, at a regular meeting of the Hardy County Commission duly noticed and held according to law.

Steven A. Schetrom, II., President
Hardy County Commission

David J. Workman, Hardy County Commission

Attest: Loretta L. Humbertson,
Hardy County Clerk

David S. Fansler, Hardy County Commission