

ORDINANCE O-17-11

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE AMENDING ARTICLE 4.2.7 OF THE CITY CODE TO AUTHORIZE THE FIRE DEPARTMENT TO CHARGE FEES TO RESPOND TO CALLS FOR SERVICE OUTSIDE CITY LIMITS**

**WHEREAS**, pursuant to Article 4.2.7 of the City Code, the City is authorized to enter into agreements to furnish fire protection outside City limits, and the Fire Department is authorized to render fire fighting services pursuant to such agreements; and

**WHEREAS**, pursuant to A.R.S. 9-500.20 and 28-677(C), the City may provide emergency fire services outside City limits, with or without an agreement, and charge fees to recover its costs for providing those services; and

**WHEREAS**, the City's Fire Department does in fact provide emergency fire services outside City limits, without an agreement, and has not been charging for such services; and

**WHEREAS**, to help fund the important emergency fire services provided by the City's Fire Department to City residents, and surrounding neighbors outside the City limits, the Mayor and Council desire to start charging for services provided outside City limits in accordance with the fee schedule set forth on Exhibit A hereto.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council as follows:

City Code Article 4.2.7 "Providing Fire Protection Outside the City" is amended as follows, with deletions in ~~striketrough~~ and additions in underlined text:

**SECTION 1. 4.2.7 Providing Fire Protection Outside the City**

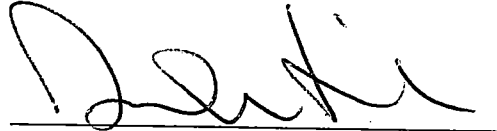
A. The Council may enter into agreements or contracts to furnish fire protection outside the City or enter into mutual aid agreements, and the fire department is authorized to render ~~fire fighting~~ firefighting service pursuant to the terms of such agreements or contracts. In addition, the fire department may provide services or assist in providing services outside the town when those services are unavailable or are provided at the request of any law enforcement agency, fire district, fire department or private person, and may receive reimbursement for the costs of providing the emergency services. The person receiving the services, or on whose behalf the services are provided, is liable to the town for the costs, and these costs constitute a debt of that person and may be collected by the town. The costs of providing such services are those costs set forth in resolutions adopted by the City Council establishing fee schedules for emergency response, standby charges, fees for fire cause determination or any other fee that may be required or appropriate to provide services outside of the town's corporate limits. The City Council may engage a service provider to pursue collection of the fees.

**SECTION 2.** All ordinances, parts of ordinances, resolutions, parts of resolutions, policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.

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**SECTION 3.** If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

**PASSED, APPROVED AND ADOPTED** by the Mayor and Council of the City of Bisbee on this 19<sup>th</sup> day of September, 2017.



David Smith, Mayor

**ATTEST:**



Ashlee Coronado,  
City Clerk

**APPROVED AS TO FORM:**



Britt W. Hanson,  
City Attorney

## **EXHIBIT "A"**

### **MITIGATION RATES BASED ON PER HOUR**

The mitigation rates below are average "billing levels", and are typical for the incident responses listed, however, when a claim is submitted, it will be itemized and based on the actual services provided.

#### **MOTOR VEHICLE INCIDENTS**

##### **Level 1 - \$435.00**

Provide hazardous materials assessment and scene stabilization. This will be the most common "billing level". This occurs almost every time the fire department responds to an accident/incident.

##### **Level 2 - \$495.00**

Include Level 1 services as well as clean up and material used (sorbents) for hazardous fluid clean up and disposal. We will bill at this level if the fire department has to clean up any gasoline or other automotive fluids that are spilled as a result of the accident/incident.

##### **Level 3 – MOTOR VEHICLE FIRE - \$605.00**

Provide scene safety, fire suppression, breathing air, rescue tools, hand tools, hose, tip use, foam, structure protection, and clean up gasoline or other automotive fluids that are spilled as a result of the accident/incident.

#### **ADD-ON SERVICES:**

##### **Extrication - \$1,305.00**

Includes heavy rescue tools, ropes, airbags, cribbing etc. This charge will be added if the fire department has to free/remove anyone from the vehicle(s) using any equipment. We will not bill at this level if the patient is simply unconscious and fire department is able to open the door to access the patient. This level is to be billed only if equipment is deployed.

##### **Creating a Landing Zone – \$400.00**

Includes Air Care (multi-engine company response, mutual aid, helicopter). We will bill at this level any time a helicopter landing zone is created and/or is utilized to transport the patient(s).

**Itemized Response:** The fire department has the option to bill each incident as an independent event with custom mitigation rates, for each incident using, itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus, per personnel, plus products and equipment used.

#### **ADDITIONAL TIME ON-SCENE**

Type One Fire Engine (Pumper) billed at \$400 per hour

Type Six Fire Engine (Brush and Rescue) billed at \$250 per hour

Water Tender billed at \$300 per hour

Support equipment (front end loader, etc.) billed at \$200 per hour

#### **HAZMAT**

##### **Level 1 - \$700.00**

**Basic Responses:** Claim will include engine response, first responder assignment, perimeter establishment, evacuations, set-up and command.

##### **LEVEL 2 - \$2,500.00**

**Intermediate Response:** Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, set-up and command, Level A or B suit donning, breathing air and detection equipment. Set-up and removal of decon center.

##### **Level 3 - \$5,900.00**

**Advanced Response:** Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command, Level A or B suit donning, breathing air and detection equipment and robot deployment. Set-up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene. Includes 3 hours of on scene time – **each additional hour @ \$300.00 per HAZMAT team.**

**ADDITIONAL TIME ON-SCENE (for all levels of service)**

Type One Fire Engine (Pumper) billed at \$400 per hour  
Type Six Fire Engine (Brush and Rescue) billed at \$250 per hour  
Water Tender billed at \$300 per hour  
Support equipment (front end loader, etc.) billed at \$200 per hour

### **FIRE INVESTIGATION**

**Fire Investigation Team - \$275.00 per hour.**

**Includes:**

- Scene Safety
- Investigation
- Source identification
- K-9/Arson Dog Unit
- Identification Equipment
- Mobile Detection Unit
- Fire Report

**The claim begins when the Fire Investigator responds to the incident and is billed for logged time only.**

### **FIRES**

**Assignment - \$400.00 per hour, per engine/\$500.00 per hour, per truck**

**Includes:**

- Scene Safety
- Investigation
- Fire/Hazard Control

This will be the most common "billing level". This occurs almost every time the fire department responds to an incident.

**OPTIONAL: A fire department has the option to bill each fire as an Independent event with custom mitigation rates.**

**Itemized, per person, at various pay levels and for itemized products use.**

## **ILLEGAL FIRES**

**Assignment - \$400.00 per hour, per engine/\$500.00 per hour, per truck**

When a fire is started by any person or persons that requires a fire department response during a time or season when fires are regulated or controlled by local or state rules, provisions or ordinances because of pollution or fire danger concerns, such person or persons will be liable for the fire department response at a cost not to exceed the actual expenses incurred by the fire department to respond and contain the fire. Similarly, if a fire is started where permits are required for such a fire and the permit was not obtained and the fire department is required to respond to contain the fire the responsible party will be liable for the response at a cost not to exceed the actual expenses incurred by the fire department. The actual expenses will include direct labor, equipment costs and any other costs that can be reasonably allocated to the cost of the response.

## **WATER INCIDENTS**

### **Level 1**

**Basic Response:** Claim will include engine response, first responder assignment, perimeter establishment, evacuations, first responder set-up and command, scene safety and investigation (including possible patient contact, hazard control). This will be the most common "billing level". This occurs almost every time the fire department responds to a water incident.

**Billed at \$400.00 plus \$50.00 per hour, per rescue person.**

### **Level 2**

**Intermediate Response:** Includes Level 1 services as well as clean up and material used (sorbents), minor hazardous clean up and disposal. We will bill at this level if the fire department has to clean up small amounts of gasoline or other fluids that are spilled as a result of the incident.

**Billed at \$800.00 plus \$50.00 per hour, per rescue person.**

### **Level 3**

**Advanced Response:** Includes Level 1 and Level 2 services as well as D.A.R.T. activation, donning breathing apparatus and detection equipment. Set up and removal of decon center, detection equipment, recovery and identification of material. Disposal and

environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene.

**Billed at \$2,000.00 plus \$50.00 per hour, per rescue person, plus \$100.00 per hour per HAZMAT team member.**

#### **Level 4**

**Itemized Response:** You have the option to bill each incident as an independent event with custom mitigation rates for each incident using itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized, per trained rescue person, plus rescue products used.

#### **BACK COUNTRY OR SPECIAL RESCUE**

**Itemized Response:** Each incident will be billed with custom mitigation rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus per hour, per trained rescue person per hour, plus rescue products used.

**Minimum billed \$400.00 for the first response vehicle plus \$50.00 per rescue person. Additional rates at \$400.00 per hour per response vehicle and \$50.00 per hour per rescue person.**

#### **CHIEF RESPONSE**

This includes the set-up of Command, and providing direction of the incident. This could include operations, safety, and administration of the incident.

**Billed at \$250.00 per hour.**

#### **MISCELLANEOUS/ADDITIONAL TIME ON-SCENE**

Type One Fire Engine (Pumper) billed at \$400 per hour  
Type Six Fire Engine (Brush and Rescue) billed at \$250 per hour  
Water Tender billed at \$300 per hour  
Support equipment (front end loader, etc.) billed at \$200 per hour

#### **MITIGATION RATE NOTES**

The mitigation rates above are average "billing levels", and are typical for the incident responses listed, however, when a claim is submitted, it will be itemized and based on the actual services provided.

These average mitigation rates were determined by itemizing costs for a typical run (from the time a fire apparatus leaves the station until it returns to the station) and are based on the actual costs; using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance) and labor rates (an average department's "actual personnel expense" and not just a firefighter's basic wage). The actual personnel expense includes costs such as wages, retirement, benefits, workers comp, insurance, etc.

#### **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 costs of the collections, will be assessed to the responsible party.