

**ORDINANCE NO. 2009-3**

**AN ORDINANCE OF THE CITY OF CUMBY, TEXAS AUTHORIZING THE CUMBY VOLUNTEER FIRE DEPARTMENT TO CHARGE THE COST OF CERTAIN EMERGENCY AND RESCUE SERVICES WITHIN THE RESPONSE AREA OF THE CUMBY VOLUNTEER FIRE DEPARTMENT.**

**WHEREAS**, the Cumby Volunteer Fire Department provides fire suppression, emergency, and rescue services to, in and around the City of Cumby, Texas; and

**WHEREAS**, the Cumby Volunteer Fire Department is equipped with and utilizes certain apparatus, emergency tools, equipment, and materials as a means of saving lives and property; and

**WHEREAS**, the purchase, repair and replacement of said tools, equipment, and materials for the Cumby Volunteer Fire Department is a significant expense for the City of Cumby, Texas; and

**WHEREAS**, the Cumby Volunteer Fire Department has requested that the City Council of the City of Cumby establish a revenue recovery plan through which beneficiaries of the services of the Cumby Volunteer Fire Department are asked to pay a fair and reasonable share of the cost of loss and wear and tear to apparatus, tools, equipment, and materials used and the cost of the specialized training provided to the firefighters of the Cumby Volunteer Fire Department in the use of such tools, equipment, and materials, so that a safe and appropriate level of service can be maintained and made available to the CITY; and

**WHEREAS**, the persons or entities requiring emergency services of the Cumby Volunteer Fire Department and for whom the referenced apparatus, tools, equipment, and materials have been utilized have insurance coverage that will reimburse the costs associated with the use, loss, damage and wear and tear to said tools, equipment, and materials incurred in connection with the act of rendering emergency services to said persons or entities.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CUMBY, TEXAS. THAT:**

**Section 1:** The City of Cumby recognizes and supports the right of the Cumby Volunteer Fire Department to bill persons and entities, including insurance companies that provide insurance coverage to said persons and entities, for reasonable costs that are related to the use, loss, damage, and wear and tear to said apparatus, tools, equipment, and materials necessary to provide the emergency services rendered to said persons and entities subject to the exemptions and limitations set forth in this ordinance.

**Section 2:** Fees shall be collected for services provided by the Cumby Volunteer Fire Department both inside and outside the City limits of Cumby in accordance with "Exhibit A" attached hereto. Fire Administration shall utilize applicable incident report information that will be forwarded to the Cumby Volunteer Fire Department's authorized agent for the collection of fees.

**Section 3:** The Cumby Volunteer Fire Department, or their authorized agent, shall submit an invoice to the person, entity or relevant insurance company covering the particular loss for the emergency services rendered. If it can be reliably determined that there is no insurance coverage for a particular emergency call which causes the Cumby Volunteer Fire Department to use or incur loss, damage, and wear and tear to apparatus, tools, equipment, and materials the Cumby Volunteer Fire Department may collect any such fees from the person or entity that received said

emergency services or the person or entity responsible for the debts and obligations of the person or entity that received such emergency services.

**Section 4:** Residents of the City of Cumby, receiving emergency services rendered by the Cumby Volunteer Fire Department are hereby exempt from the service charges and revenue recovery plan contained herein except where applicable insurance coverage exists.

**Section 5:** Calls for service at residential structure "single family residence" fires within the Cumby City limits shall not be subject to any of the Cumby Volunteer Fire Department service charges contained herein. First Responder/Medical Assist calls to a residence, i.e., not involving a motor vehicle, within the Cumby City Limits are hereby exempted from the Cumby Volunteer Fire Department service charges contained herein.

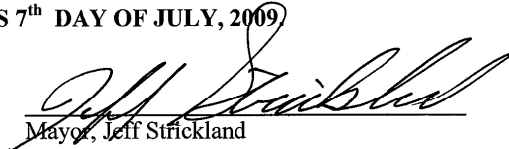
**Section 6:** This ordinance shall be cumulative of all provisions of ordinances of the City of Cumby, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed, and are no longer of any force and effect.

**Section 7:** "Exhibit A" shall be reviewed annually by the Fire Chief of the Cumby Volunteer Fire Department and changes made as required to ensure cost recovery effectiveness.

**Section 8:** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentences, paragraph, or section of this ordinance shall be declared invalid by the final valid judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since it would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph, or section.

**Section 9:** This ordinance shall be in full force and effect immediately upon its passage and approval.

**PASSED, APPROVED, AND ADOPTED THIS 7<sup>th</sup> DAY OF JULY, 2009**

  
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Mayor, Jeff Stifickland

ATTEST:

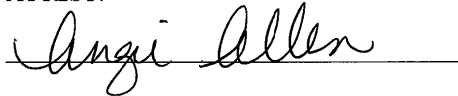
  
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Exhibit A – Ordinance No.2009-3

The following fees shall be assessed and collected for the use of apparatus, tools, equipment, and materials.

<b>ITEMS TO BE BILLED ON AN HOURLY BASIS.</b>		
**The minimum usage charge for any item on this list is one hour, and for any additional hours or portion thereof, the charge will be prorated accordingly.		
<b>UNIT OF MEASURE</b>	<b>APPARATUS</b>	<b>**Price per Hour</b>
Per Engine	Class A Engine	\$500.00
Per Aerial	Aerial	\$500.00
Per Rescue Unit	Rescue (Heavy)	\$500.00
Per Brush Unit	Brush Truck	\$400.00
Per Command Unit	Command Car / Truck	\$200.00
Per PPV Fan	PPV Fan	\$ 60.00
Per Generator	Generator, Portable	\$ 60.00
Per Generator	Generator	\$ 60.00
Per Saw	Chain Saw	\$ 50.00
Per Pump	Portable Pump	\$ 95.00
Per Pump	Float Pump	\$ 65.00

	<b>FIRE EQUIPMENT</b>	
<b>TOOL</b>	<b>PRICE</b>	<b>UNIT OF MEASUREMENT</b>
Foam Nozzle	\$ 55.00	Per Incident
Foam Eductor	\$ 50.00	Per Incident
AFFF Foam	\$ 40.00	Per Gallon
Class A Foam	\$ 25.00	Per Gallon
Piercing Nozzle	\$ 40.00	Per Incident
MIS Fog Nozzle	\$ 55.00	Per Incident
MIS Straight Bore Nozzle	\$ 30.00	Per Incident
Salvage Cover	\$ 28.00	Each Used
SCBA Pack	\$ 85.00	Each Used
Hall Runner	\$ 18.00	Per Incident
Portable Tank	\$ 75.00	Per Incident
Water Extinguisher	\$ 22.00	Per Incident
Dry Chemical Extinguisher	\$ 45.00	Per Incident
CO2 Extinguisher	\$ 45.00	Per Incident
Scene Lights	\$ 22.00	Each Used
Water Vests	\$ 30.00	Each Used
Thermal Imaging Camera	\$ 75.00	Per Incident
Heat Detection Gun	\$ 75.00	Per Incident
Sawzall	\$ 55.00	Per Incident
Pick head Axe	\$ 20.00	Per Incident
Pry Axe	\$ 20.00	Per Incident
Long Pike Pole	\$ 20.00	Per Incident
Short Pike Pole	\$ 20.00	Per Incident
Sheetrock Pike Pole	\$ 20.00	Per Incident
Fire Rake	\$ 20.00	Per Incident
Fire Flappers	\$ 20.00	Per Incident

<b>HAZARDOUS MATERIAL EQUIPMENT</b>		
<b>Supplies / Service</b>	<b>Price</b>	<b>Unit of Measurement</b>
Absorbent	\$ 20.00	Per Bag
Absorbent Booms	\$ 40.00	Each Used
Top Sol	\$ 35.00	Each Use
Disposable Coveralls	\$ 30.00	Each Used
Neoprene Gloves	\$ 20.00	Each Used
Latex Gloves	\$ 7.00	Each Used
Over 80, ots	\$ 25.00	Each Used
Disposable Goggles	\$ 15.00	Each Used
Gas Plug Kit	\$ 50.00	Each Used
Plug and Dike	\$ 65.00	Each Used
Drum Liners	\$ 10.00	Each Used
Barricade Tape	\$ 25.00	Each Used
Poly Sheeting	\$ 55.00	Each Used
Removal of Hazardous Material	\$150.00	Per Incident
Disposal of Hazardous Material	\$150.00	Per Incident
Gas Multi Meter	\$ 65.00	Per Incident
CO2 Meter	\$ 65.00	Per Incident
Terrazyma	\$ 70.00	Each Used
Microblaze	\$ 10.00	Per Quart
Microblaze	\$150.00	Per 5 Gallons

<b>RESCUE EQUIPMENT</b>		
<b>Tool</b>	<b>Price</b>	<b>Unit of Measurement</b>
Spreaders	\$300.00	Per Incident
Cutters	\$300.00	Per Incident
Rams	\$300.00	Per Incident
Air Bags	\$300.00	Per Incident
K-12 Saw	\$ 55.00	Per Incident
Hooligan Bar	\$ 25.00	Per Incident
Windshield Tool	\$ 15.00	Per Incident
Rescue Blanket	\$ 32.00	Each Used
Rope	\$ 25.00	Each Used
Bolt Cutter	\$ 20.00	Per Incident
Pry Bar	\$ 20.00	Per Incident
Broom	\$ 15.00	Per Incident
LZ Lights	\$ 20.00	Per Incident

Collision Investigation Fee (to be charged in responses where no mitigation services, debris removal, or rescue services are performed), \$275.00