

**TITLE VIII
EMERGENCY RESPONSES**

**CHAPTER 81:
RICHMOND FIRE DEPARTMENT RESPONSES
TO MOTOR-VEHICLE ACCIDENTS**

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81.01 PURPOSE

The Common Council of the City of Richmond, after careful investigation and consideration, finds that certain fees and cost recovery procedures must be utilized to assist the City of Richmond, through its Fire Department, to recover the cost of expenses for supplies and recover the cost of services incurred by the Richmond Fire Department when the department responds to or provides services for motor-vehicle accidents or collisions, which services contribute to and are necessary to the public health, safety, and welfare of the people of the City of Richmond.

80.02 AUTHORITY

This Chapter is adopted under the authority granted by Indiana Code (IC) 36-1-3 (Home Rule) and all act acts supplemental and amendatory thereto. This Chapter shall impose user fees for services provided by the Richmond Fire Department in response to motor-vehicle accidents or collisions, provided however that pursuant to IC 36-1-3-8(a)(6) a service charge or user fee that is imposed shall not be greater than that reasonably related to reasonable and just rates and charges for services.

81.03 APPLICABILITY

This Chapter shall apply to all persons or organizations who receive services for motor-vehicle accident responses from the City of Richmond Fire Department, and shall apply to any Responsible Party as defined by this Chapter.

81.04 DEFINITIONS

For the purposes of this Chapter the following definitions shall apply. Any term in this Chapter not defined below shall take on its common or dictionary meaning.

(a) **Expendable Material** is defined as an item that is regularly used during the course of a motor-vehicle accident or collision response, including, but not limited to, hazardous spill absorption materials, agents including but not limited to foam, absorbing agents, or emulsifiers used in cleanup operations, or any other item that must be replaced due to the rendering of services and/or responses to a motor-vehicle accident or collision by the Richmond Fire Department.

(b) **Hazardous Material Spill** is defined as unexpected, unintentional, or unapproved discharge or other loss of oil or other substances that contain hazardous or otherwise objectionable substances that damage or threaten to damage the public health, safety, and welfare, which, for the purposes of this Chapter only, are the result of a motor-vehicle accident or collision to which the Richmond Fire Department is a responder.

(c) **Non-resident** is defined as a person whose primary residence at the time of the service or response is outside the jurisdictional boundaries of the Fire Department of the City of Richmond, Indiana.

(d) **Resident** is defined as a person whose primary residence at the time of the service or response is within the corporate boundaries of the City of Richmond.

(e) **Response or respond** is defined as the deployment or mobilization of the Richmond Fire Department to motor-vehicle accident or collision calls or calls for hazardous material spills that are the result of a motor-vehicle accident or collision.

(f) **Responsible Party** is defined as:

- (1) the individual who caused the motor-vehicle accident or collision (as determined by the motor-vehicle accident police report) that necessitated the motor-vehicle accident response by the Richmond Fire Department and personnel; or
- (2) the liable insurance company or insurance provider of the vehicle driven or operated by the individual who caused the motor-vehicle accident or collision (as determined by the motor-vehicle accident police report) that necessitated the motor-vehicle accident response by the Richmond Fire Department and personnel; or
- (3) the owner and/or the liable insurance company or insurance provider of the owner of the motor vehicle operated by the individual who caused the motor-vehicle accident or collision (as determined by the motor-vehicle accident police report) for which hazardous material spills or debris around the vehicle are cleaned up,

fires are extinguished, or the site of the accident or collision is secured during a response by the Richmond Fire Department and personnel; or

(4) the legal representative of a deceased party or the legal guardian of an incapacitated or minor party, which deceased party, incapacitated party, or minor party caused the motor-vehicle accident or collision (as determined by the motor-vehicle accident police report) that necessitated the response by the Richmond Fire Department and personnel.

(g) **Service** is defined as any necessary action conducted by the Richmond Fire Department during a motor-vehicle accident response including, but not limited to, cleanup of hazardous substances, evacuation, securing premises, extrication, extinguishment, transportation, equipment operation and utilization, and any and all other services required to assure public health and safety from known hazards which resulted from the motor-vehicle accident which the Richmond Fire Department was called to respond to.

81.05 RESPONSIBILITY FOR ADMINISTRATION

The City of Richmond shall administer, implement, and enforce the provisions of this Chapter by and through the Richmond Fire Department. Any powers granted or duties imposed upon the City of Richmond in this Chapter may be delegated in writing by the City of Richmond to persons or entities acting in the beneficial interest of or in the employ of the Richmond Fire Department.

81.06 COMPATIBILITY WITH OTHER CHAPTER REQUIREMENTS

This Chapter is not intended to interfere with, abrogate, or annul any other Chapter, rule, regulation, statute, or other provision of the law. The requirements of this Chapter should be considered minimum requirements, and where any provision of this Chapter imposes restrictions different from those imposed by any other Chapter, rule, regulation, or other provision of law, the more restrictive provisions or those provisions that impose higher protective standards for human health or the environment, shall be considered to take precedence.

81.07 RESPONSE FEES TO MOTOR-VEHICLE ACCIDENTS

The fees for response services for motor-vehicle accidents or collisions by the Richmond Fire Department shall be in accordance with motor-vehicle insurance industry standards which may fluctuate from time to time and shall not exceed that which is usual, customary, and reasonable for costs of the services rendered.

Response fees are as follows:

| Level 1 | fee |
|--------------------|------------|
| Scene Safety | \$30 |
| Investigation | \$30 |
| Traffic Control | \$30 |
| Battery Disc | \$40 |
| Hybrid Vehicle | \$75 |
| Veh. Stabilization | \$40 |

| Level 2 | Fee |
|----------------|------------|
| Scene Clean Up | \$60 |
| Absorbant | \$10 |
| Hose Lines | \$15 |
| Discharge Line | \$15 |
| Water Supply | \$14 |
| Extinguisher | \$25 |

| Level 3 | Fee |
|----------------|------------|
| Extrication | \$400 |

| Level 4 | Fee |
|----------------|------------|
| Landing Zone | \$300 |

| HazMat | Fee |
|---------------|------------|
| Foam | \$25 |
| Absorbant | \$10 |
| Emulsifiers | \$25 |

| Personnel | Fee |
|------------------|------------|
| Firefighter | \$32 |
| Driver | \$38 |
| Lieutenant | \$43 |
| Captain | \$50 |
| Batt Chief | \$58 |
| Asst. Chief | \$58 |
| Chief | \$67 |

| Apparatus | Fee |
|------------------|------------|
| Rescue Truck | \$85 |
| Ladder Truck | \$76 |
| Pumper Truck | \$62 |
| Heavy Rescue | \$100 |
| Foam Truck | \$52 |

| | |
|---------------|------|
| Officer's Car | \$15 |
| Chief's Car | \$15 |

81.08 BILLING PROCEDURES

The fees set forth in this Chapter will be charged to and billed to responsible parties within thirty (30) days of the rendering of services. Charges will be due and payable sixty (60) days after the date services are rendered. Unpaid charges are subject to collection action by the City.

81.09 DISPOSITION OF FUNDS

The Richmond Fire Department is responsible for the billing and collection of aforesaid fees. All fees collected (other than fees for hazardous materials billed and collected pursuant to Indiana Code 36-8-12.2) will be allocated to the Special Revenue Fund 205 for the Richmond Fire Department.

81.10 REVIEW OF FEES AND PROCEDURES

In order to remain in compliance with the authority granted by Indiana Code (IC) 36-1-3 (Home Rule) as set forth in Section 80.02 above, the fees set forth by the motor-vehicle insurance industry standards as compared with the fees actually imposed in accordance with this Chapter and Ordinance will be reviewed no less than annually by the Chief of the Richmond Fire Department. In the event the Chief determines there is a need to update the fees set forth in this Chapter and Ordinance, the Chief shall report his findings to the Common Council of the City of Richmond in order for the Common Council to determine if adjustments should be made to assure that charges remain reasonable in relation to the cost of providing the services set out herein. It shall be the obligation of the Richmond Fire Department to provide the Common Council with data sufficient to support the amount of the charges.

81.11 UNCONSTITUTIONALITY CLAUSE

Should any section, paragraph, sentence, clause or phrase of this Chapter be properly declared unconstitutional or invalid for any reason, the remainder of said Chapter shall not be affected thereby.

81.12 EFFECTIVE DATE

This ordinance shall be in full force and take effect upon its passage. (Ordinance No. 14-2011)