

AN ORDINANCE OF THE CITY OF AURORA, MISSOURI AMENDING TITLE V "BUILDING CODE" CHAPTER 520 "FIRE CODE AND PROTECTION" ARTICLE III "FIRE PROTECTION" ADDING SECTION 520.140 "COST RECOVERY FOR SERVICE BY THE AURORA FIRE DEPARTMENT" OF THE MUNICIPAL CODE OF ORDINANCES

WHEREAS, the City of Aurora, Missouri, is a city of the third class and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of the constitution and laws of the State of Missouri, and

WHEREAS, the demand for emergency and non-emergency services continue to increase each year, as well as environmental protections requirements involving equipment and training to deal with calls for service; and

WHEREAS, it has been determined that maintaining a high level of emergency and non-emergency service capability decreases cost for citizens on insurance premiums while at the same time increases the likelihood of saving lives, reducing property damage, and preventing environmental harm; and

WHEREAS, charging the responsible party needing these services for these costs is more equitable than a general real property tax increase; and

WHEREAS, the City of Aurora now wishes to establish a fee for emergency and non-emergency services performed by the Aurora Fire Department. These fees would only be charged to non-residents of the City of Aurora, Missouri.

NOW, THEREFORE, BE IT ORDAINED, by the Aurora City Council of and for the City of Aurora, Missouri, as follows:

SECTION 1: Title V "Building Code" Chapter 520 "Fire Code and Protection" Article III "Fire Protection" be amended to add Section 520.140 "Cost Recovery for Service by the Aurora Fire Department" and read as follows:

SECTION 520.140: COST RECOVERY FOR SERVICE BY THE AURORA FIRE DEPARTMENT

A. The City of Aurora shall initiate mitigation rates for the delivery of emergency and non-emergency services by the fire department for personnel, supplies, and equipment to the scene of emergency and non-emergency incidents as listed in Exhibit "A". The mitigation rates shall be based on actual costs of the services, and which are usual, customary, and reasonable (UCR) as shown in Exhibit "A", which may include any services, personnel, supplies, and equipment and with baselines established by addendum to this document.

B. A claim may be filed through the responsible party (s) insurance carrier. In some circumstances, the responsible party (s) will be billed directly. Those that will be charged are as follows:

1. Hazardous Materials (spiller pays)
2. Technical Rescue
3. Fires involving a crime (criminal damage to property, arson, etc.)
4. Accidents involving non-Aurora Taxpayers
5. Accidents involving a crime (drugs, under the influence or commission of a crime)

C. The Aurora City Council may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, consistent with this Section, as they may deem necessary or expedient in respect to billing for these mitigation rates or the collection thereof.

D. It is found and determined that all formal actions of the Aurora City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of the Aurora City Council, and that all deliberations of the Aurora City Council and any of its committees that resulted in such formal actions were in accordance with all legal requirements, and the Codified Ordinances of the Aurora City Council.

E. If any section, subdivision, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance and each section, subdivision, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses, or phrases be declared invalid.

F. This Ordinance shall take effect thirty days (30) from the date of adoption as permitted by law.

G. The Mitigation Rates listed in Exhibit "A" will increase by five point nine percent (5.9%) annually or based on the annual percentage increase in the Consumer Price Index (CPI), as developed by the Bureau of Labor Statistics of the U.S. Department of Labor, whichever is more. Rate adjustments will occur on the anniversary date of this ordinance to keep the fire department's cost recovery program in conformity with increasing operating expenses.

***PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF AURORA, MISSOURI
THIS 11th DAY OF APRIL 2023.***

APPROVED:

Jason Lewis, Mayor

ATTEST:

Kamy Kulow, City Clerk

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 may be itemized and based on the actual services provided.

These rates are based on actual costs using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance). Labor rates include an average department's actual burdened labor costs and not just a firefighter's wage. These include wages, retirement, benefits, workers comp, etc.

MOTOR VEHICLE INCIDENTS

Level 1- \$584.00

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 - \$667.00

Includes Level 1 services as well as clean up and material used (sorbents) for hazardous fluid clean up and disposal. The City of Aurora 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.

CAR FIRE - \$813.00

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 - \$1,757.00

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. The City of Aurora will not bill at this level if the patient is simply unconscious and the 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 - \$537.00

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).

HAZMAT

Level 1 - \$943.00

Basic Response: Includes engine response, first responder assignment, perimeter establishment, evacuations, set-up, and command.

Level 2 - \$3,369.00

Intermediate Response: Includes 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 - \$7,953.00

Advanced Response: Includes 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 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 @ \$381.00 per HAZMAT team.**

FIRES

Assignment - \$538.00 per hour, per engine / \$673.00 per hour, per truck

Includes:

- Scene Safety
- Investigation
- Fire/Hazard Control

ILLEGAL FIRES

\$538.00 per hour, per engine / \$673.00 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 - Billed at \$538 plus \$66 per hour, per rescue person.

Basic Response: Includes 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.

Level 2 - Billed at \$1,077 plus \$66 per hour, per rescue person.

Intermediate Response: Includes Level 1 services as well as clean up and material used (sorbents), minor hazardous clean up and disposal. The City of Aurora 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.

Level 3 - Billed at \$2,665 plus \$66 per hour, per rescue person, plus \$134 per hour per HAZMAT team member.

Advanced Response: Includes Level 1 and Level 2 services as well as 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.

Level 4

Itemized Response: The City of Aurora will 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. These incidents will be billed, itemized, per trained rescue person, plus rescue products used.

BACK COUNTRY OR SPECIAL RESCUE - Minimum billed \$538 plus \$66 per hour, per rescue person. Additional rates of \$538 per hour per response vehicle and \$66 per hour per rescue person.

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

CHIEF RESPONSE - Billed at \$337 per hour.

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

MISCELLANEOUS/ADDITIONAL TIME ON-SCENE

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

Engine billed at \$538 per hour.

Truck billed at \$673 per hour.

Miscellaneous equipment billed at \$404 per hour.

MITIGATION RATE NOTES

The mitigation rates above are average "billing levels" for one (1) hour of service, and are typical for the incident responses listed, however, when a claim is submitted, it may 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.