

ORDINANCE
SUMMERS COUNTY FIRE SERVICE FEE

WHEREAS, West Virginia Code Chapter 7, Article 17, Section 12, as Amended, provides the Summers County Commission with the authority to impose reasonable fire service rates, fees and charges; and

WHEREAS, it is deemed in the best interest of the citizens and residents of Summers County, necessary and appropriate, to impose such reasonable fire service rates, fees and charges; ***NOW THEREFORE THE SUMMERS COUNTY COMMISSION HEREBY ORDAINS THAT:***

SECTION 1: APPLICABILITY

This Ordinance shall apply to all owners of residential buildings, residential rental buildings, commercial buildings, institutional buildings and vacant property parcels that are ½ acre or greater in which the residential buildings, residential rental buildings, commercial buildings, institutional buildings, and vacant property parcels, one half acre (½) or greater are located in the areas and zones served by the following volunteer fire departments: Forest Hill Volunteer Fire Department, Greenbrier Valley Rural Volunteer Fire Department, Green Sulphur District Volunteer Fire Department, Jumping Branch Nimitz Volunteer Fire Department, Pipestem Volunteer Fire Department, and Summers County Volunteer Fire Department, the geographic areas of which are defined as all of Summers County excluding the area within the corporate limits of the City of Hinton. Owners of record as of the first of January of each year will be responsible for any amount levied per the ordinance.

SECTION 2: AMOUNT LEVIED

A. There is hereby imposed and levied upon the owners of all residential buildings as the users of fire protection service, a fire protection fee of Twenty-Five Dollars (\$25.00) per residential building per year.

B. There is hereby imposed and levied upon the owners of all residential rental buildings as users of fire protection service, a fire protection fee of Twenty-Five Dollars (\$25.00) for each residential rental unit within said building per year.

C. There is hereby imposed and levied upon the owners of all vacant property parcels One-Half Acre (½) or greater as users of fire protection service, a fire protection fee of Ten Dollars (\$10.00) per vacant parcel per year.

D. There is hereby imposed and levied upon the owners of all camping areas as users of fire protection service, a fire protection fee of Ten Dollars per lot under 30 lots to a maximum of Three Hundred Dollars (\$300.00). Thirty (30) or more lots will accessed a fee of Three Hundred Dollars (\$300.00) per year.

E. There is hereby imposed and levied upon the owners of all businesses as users of fire protection service, a fire protection fee of One-Hundred Dollars (\$100.00) for buildings up to 10,000 square feet and a fee of Two-Hundred Dollars (\$200.00) for buildings over 10,000 square feet per year.

SECTION 3: COLLECTIONS AND DELINQUENT PAYMENTS

The fees levied by this Ordinance shall be collected from each owner and user in annual installments due as stated on the invoice. Such fees shall be delinquent if not paid to the Summers County Fire Board forty-five days after due date.

SECTION 4: COLLECTION FOR FIRE PROTECTION SERVICE

The fees imposed and levied by this article shall be collected as aforesaid, and shall be for fire protection services commencing as of the effective date of this Ordinance, and thereafter. Fees or charges levied by this Ordinance will be utilized for priority needs or purposes of member departments with will include expenditures related to the collection and/or operation of the fire protection fee system. Fire Fees will be collected as established by the Summers County Fire Board.

After payment and/or encumbering for any and all collection and/or operational expenses and the establishment of any emergency reserve fund balance as outlined below, fees levied by this Ordinance will be distributed in equal quarterly shares to the following member departments: Forest Hill Volunteer Fire Department, Greenbrier Valley Rural Volunteer Fire Department, Green Sulphur District Volunteer Fire Department, Jumping Branch Nimitz Volunteer Fire Department, Pipestem Volunteer Fire Department, and Summers County Volunteer Fire Department.

The Summers County Commission, Summers County Fire Board, and member departments request and authorize the establishment of an emergency reserve fund balance from the fees generated by this Ordinance. Ten percent (10%) of the fees generated shall be held as an emergency reserve fund balance up to a maximum of Three Hundred Thousand Dollars (\$300,000.00). Revenue held as the emergency reserve fund balance will be utilized by the departments for expenditures as approved and authorized by the Summers County Fire Board.

SECTION 5: ENFORCEMENT AND DELINQUENT PAYMENT

The fees assessed pursuant to the provisions of this article shall be a debt due the Summers County Commission and may be collected by proceedings instituted in courts of appropriate jurisdiction. The Summers County Commission shall not have a lien on any property as security for payment due under this Ordinance.

SECTION 6: DEFINITIONS

A. "Residential Building" means any structure which is used or intended by the nature of it's construction to be used by persons for living and sleeping quarters, but shall not include hotels, motels, or other buildings intended primarily for transient lodging.

B. "Residential Rental Building" means any structure which is rented in whole or in part for the purpose of single or multiple family dwelling.

C. "Vacant Parcel" means any property parcel that does not include assessed building improvements. Only vacant parcels of One-half (½) acre or more will be charged the fee as outlined in the Ordinance.

D. "Camping Areas" means any property used for overnight camping including, tent camping, vehicle mounted campers, motor homes, recreational vehicles and tow-behind campers.

E. "Business " means any structure and or property used for the purpose of conducting business or commerce.

SECTION 7: INCORPORATION OF STATUTE

This Ordinance is enacted under the specific authority granted to the Summers County Commission under the terms of Chapter 7, Article 17, of the West Virginia State Code and the powers and limitations therein contained are incorporated in this Ordinance by reference.

SECTION 8: SEVERABILITY AND LIABILITY

SEVERABILITY If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect. And for this purpose the provisions of this Ordinance are hereby declared to be severable.

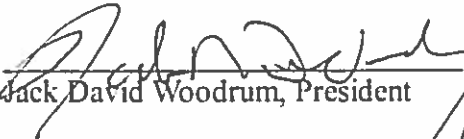
LIABILITY The enactment of this Ordinance shall not constitute a representation, guarantee, or warranty of any kind by the County Commission of Summers County, West Virginia, or by any official or employee thereof, and shall create no liability upon the County Commission of Summers County, West Virginia, any official, employee or agent thereof.

SECTION 9: EFFECTIVE DATE

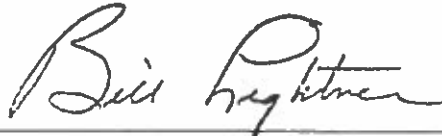
This Ordinance shall become effective this 1st day of January and the first annual fee shall become payable as outlined by the Ordinance and/or the owners invoice.

ENTERED:
JACK DAVID WOODRUM, PRESIDENT
BILL LIGHTNER, COMMISSIONER
TONY R. WILLIAMS, COMMISSIONER

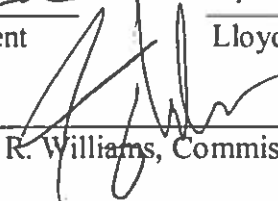
Date: 3/9/2016



Jack David Woodrum, President



Lloyd W. "Bill" Lightner, Commissioner



Tony R. Williams, Commissioner