

First Reading of Proposed Amendment to Ordinance

The Summers County Commission will meet in special session on Thursday, August 31, 2017 at 1:00 p.m. in the Office of the Summers County Commission for the purpose of the first reading of a proposed amendment to the Summers County Fire Service Fee Ordinance.

Second Reading of Proposed Amendment to Ordinance

The Summers County Commission will meet in special session on Thursday, September 7, 2017 at 1:00 p.m. in the Office of the Summers County Commission for the purpose of the second reading of a proposed amendment to the Summers County Fire Service Fee Ordinance.

Approval of Proposed Amendment to Ordinance

The Summers County Commission will meet in regular session on Wednesday, September 13, 2017 at 10:00 a.m. in the Office of the Summers County Commission to consider the approval of a proposed amendment to Summers County Fire Service Fee Ordinance.

**SUMMERS COUNTY WEST VIRGINIA
AMENDED FIRE SERVICE FEE ORDINANCE**

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 Amended Fire Service Fee Ordinance shall apply to all owners of residential buildings, residential rental buildings, businesses/commercial buildings, and campgrounds located in the areas and zones served by the following volunteer fire departments: Forest Hill Volunteer Fire Department, Green Sulphur District Volunteer Fire Department, Jumping Branch/Nimitz Volunteer Fire Department, Pipestem Volunteer Fire Department, Summers County Volunteer Fire Department, and Talcott 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 assessed per the ordinance.

SECTION 2: AMOUNT ASSESSED

A. There is hereby imposed and assessed 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 assessed 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 assessed upon the owners of all businesses and commercial buildings as users of fire protection service, a fire protection fee of Seventy-Five Dollars (\$75.00) for buildings up to 10,000 square feet and a fee of Three Hundred Dollars (\$300.00) for buildings over 10,000 square feet per year.

D. There is hereby imposed and assessed 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 be assessed a fee of Three Hundred Dollars (\$300.00) per year.

SECTION 3: USE OF ANNUAL FIRE SERVICE FEES

The annual fire service fees imposed pursuant to this Amended Fire Service Fee Ordinance shall be dedicated to the Summers County Fire Board, and shall be used only to defray the cost of continuing, maintaining, and improving fire protection services within Summers County, West Virginia. No part of the annual fire service fee shall be used for any other purposes.

SECTION 4: COLLECTION OF FIRE SERVICE FEE

The fees assessed by this Amended Fire Service Fee Ordinance shall be collected from each owner and user in annual installments due as stated on the invoice.

SECTION 5: DISBURSEMENT

The fees imposed and assessed 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 annually thereafter. Fees or charges assessed by this Ordinance will be utilized for priority needs or purposes of member fire departments which 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 for any and all collection and/or operational expenses and as outlined within this Amended Fire Service Fee Ordinance, fees collected by order of this ordinance will be distributed in equal shares to the following member fire departments no later than January 15th of each year: Forest Hill Volunteer Fire Department, Green Sulphur District Volunteer Fire Department, Jumping Branch Nimitz Volunteer Fire Department, Pipestem Volunteer Fire Department, Summers County Volunteer Fire Department, and Talcott Fire Department.

SECTION 6: ENFORCEMENT AND DELINQUENT PAYMENT

The fees assessed pursuant to the provisions of this article shall be a debt due the Summers County Fire Board and may be collected by proceedings instituted in courts of appropriate jurisdiction. Such fees shall be delinquent if not paid to the Summers County Fire Board by December 31st of each year.

If an Owner fails to pay the annual fire service fee as set forth in this Amended Fire Service Fee Ordinance, then the Summers County Fire Board may proceed with any remedies available under the laws of the State of West Virginia necessary to secure payment, including but not limited to, initiating civil action in the Magistrate or Circuit Court of Summers County, West Virginia. If the Board initiates civil action and is successful in its recovery, the non-paying Owner shall reimburse the Board for any associated costs and expenses, including but not limited to, filing fees, service fees and attorney's fees.

The Summers County Commission shall not have a lien on any property as security for payment due under this Ordinance as outlined in West Virginia State Code Chapter 17: County Commissions and Officers, Article 17: County Fire Boards, Section §7-17-12 County fire service fees; petitions; election; dedication; and increase.

SECTION 7: DEFINITIONS

A. "Residential Building" means any structure which is used or intended by the nature of its 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. "Camping Areas" means any property used for overnight camping including, tent camping, vehicle mounted campers, motor homes, recreational vehicles and tow-behind campers.

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

SECTION 8: INCORPORATION OF STATUTE

This Amended Fire Service Fee 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 9: 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 10: EFFECTIVE DATE

This Amended Fire Service Fee Ordinance shall become effective on the date approved and signed by the Commission of Summers County, West Virginia, and the first annual fee shall become payable as outlined by the ordinance and /or the owners invoice.

SECTION 11: REVIEW

This Amended Fire Service Fee Ordinance shall be brought up for review by the Summers County Fire Board and the Summers County Commission every three years after initial adoption to determine if changes and modifications are required to the ordinance.

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

Date: 9/13/17



Bill Lightner, President



Jack David Woodrum, Commissioner



Tony R. Williams, Commissioner