

CITY OF BELLS, TEXAS

ORDINANCE NO. 09-0519

AN ORDINANCE OF THE CITY OF BELLS, TEXAS AUTHORIZING THE BELLS VOLUNTEER FIRE DEPARTMENT TO CHARGE THE COST OF CERTAIN EMERGENCY AND RESCUE SERVICES WITHIN THE RESPONSE AREA OF BELLS VOLUNTEER FIRE DEPARTMENT. RECOVERED REVENUE WOULD BE USED TO PURCHASE APPARATUS, TOOLS, EQUIPMENT AND MATERIALS FOR THE BELLS VOLUNTEER FIRE DEPARTMENT.

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

WHEREAS, the Bells 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 Bells Volunteer Fire Department is a significant expense for the City of Bells, Texas; and

WHEREAS, the Bells Volunteer Fire Department has requested that the City Council of the City of Bells establish a revenue recovery plan through which beneficiaries of the services of the Bells Volunteer Fire Department are required 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 Bells 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 Fire district; and

WHEREAS, the persons or entities requiring emergency services of the Bells Volunteer Fire Department and for whom the referenced apparatus, tools, equipment, and materials have been utilized have insurance coverage that will reimburse the cost 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 BELLS, TEXAS, THAT:

Section 1: The City of Bells recognizes and supports the right of the Bells Volunteer Fire Department to bill persons and entities, including insurance companies that provide insurance

coverage to said persons and entitles, for the reasonable cost 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 entitles subject to the exemptions and limitations set forth in this ordinance.

Section 2: Fees shall be collected for services provided by the Bells Volunteer Fire Department both inside and outside the City Limits of Bells. Fire Administration shall utilize applicable Incident report information that will be forwarded to the Bells Volunteer fire Department's authorized agent for the collection of fees.

Section 3: The Bells 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 to use or incur loss, damage, and wear and tear to apparatus, tools, equipment, and materials the Bells 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: This ordinance shall be cumulative of all provisions of ordinances of the City of Bells, 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 5: 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, sentence, 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.

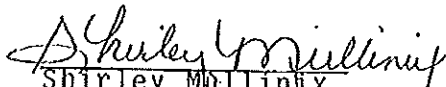
Section 6: This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

PASSED AND APPROVED BY ORDER OF THE CITY COUNCIL OF THE CITY OF BELLS, TEXAS ON THIS 19 DAY OF MAY 2009.

AYE 3

NAY 0

ABSTAIN 1


Shirley Mullinix
Mayor Pro-Tem


Julia Trimble
City Secretary