

Prepared 1 March 2024

Berkeley County
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Special Emergency Ambulance Service Fee Ordinance

Recommended by

**Berkeley County Emergency
Ambulance Authority**

Amended July 1st, 2024.

Prepared 1 March 2024

BERKELEY COUNTY, WEST VIRGINIA
SPECIAL EMERGENCY AMBULANCE SERVICE FEE ORDINANCE
(As Amended July 1, 2024)

LEGISLATIVE AUTHORITY:

This Ordinance concerns the imposition and collection of a Special Emergency Ambulance Service Fee, and is adopted under the authority of Chapter 7, Article 15, Section 17 of the Code of West Virginia, as amended.

PURPOSE:

This Ordinance is re-enacted as hereinafter amended for the purpose of establishing and maintaining an adequate emergency ambulance system within the geographic boundaries of Berkeley County, West Virginia. An adequate emergency ambulance system is necessary to promote the health and welfare of the citizens of Berkeley County. Emergency ambulance service is a public purpose and a responsibility of government for which public money may be spent.

There shall be exempted from the provisions of this Ordinance any incorporated area within Berkeley County provided that, within thirty (30) days of the effective date of such incorporation, such area files, with the Authority and the County Commission, a written request for such exemption and an affidavit stating that it will provide ambulance services substantially similar to those set forth herein to its residents at its own expense.

COVERAGE:

There are two broad groups of individuals who are covered under this Ordinance. The first group consists of those owners of real estate in the County less the City of Martinsburg. These persons are liable for payment of the Special Emergency Ambulance Service Fee as defined and described below. The second group consists of those individuals, resident or not, who avail themselves of the transport services provided by the Berkeley County Emergency Ambulance Authority. The definitions below are intended to clarify the language of the remaining sections of the Ordinance.

DEFINITIONS:

LIVING UNIT -- Means any place of residence as classified by the records of the Berkeley County Assessor and/or Berkeley County Engineering Department Certificate of Use and Occupancy, including residential homes, vacation and secondary homes, mobile homes, apartments, and personal care facilities.

OWNER - Means the person or persons listed in the records of the Berkeley County Assessor and/or Berkeley County Engineering Department Certificate of Use and Occupancy possessing exclusive rights and control of a property.

OCCUPANT – Means the non-owning resident of a living unit defined as above.

RESIDENT USER -- Means any bona fide owner or occupant of a living unit within the geographic boundaries of Berkeley County except for those persons qualifying for the exemption listed in the above section of this Ordinance entitled PURPOSE.

NONRESIDENT USER – Means any individual who does not qualify as a resident user.

DELINQUENT RESIDENT USER -- Means any resident user, as defined above, whose Special Emergency Ambulance Service Fee, as defined below, has not been paid for any period.

USER -- Means any person to whom emergency ambulance transport service is provided.

EMERGENCY AMBULANCE SYSTEM -- Any emergency ambulance service provided pursuant to this ordinance.

APPROVED ANNUAL BUDGET ESTIMATE -- The final budget formally approved and adopted by the Berkeley County Emergency Ambulance Authority Board of Directors.

BASIC LIFE SUPPORT - A basic level of services including.

- Head to toe assessment.
- Vital sign monitoring such as blood pressure, pulse rate and quality, and respiratory rate and quality.
- Oxygen delivery when needed.
- Wound care and splinting.
- Cardiopulmonary Resuscitation (CPR); and
- Minor non-life-threatening care with or without transport to the hospital.

ADVANCED LIFE SUPPORT - An advanced level of services including all basic level services as well as,

- Heart rhythm monitoring.
- 12-Lead Electrocardiogram (ECG);
- Provision of alternate breathing intervention if the patient is not capable of breathing on their own.
- Intravenous fluid access, and
- Administration of multiple drugs for stabilization of life-threatening heart problems, pain management, shock management, respiratory problems, seizure disorders, and many more illness and injuries.
- Minor to Life-threatening care with or without transport to the hospital.

SPECIAL EMERGENCY AMBULANCE SERVICE FEE -- Means a specified uniform fee charged to each living unit or to which ambulance service is made available. For living units, the fee entitles the resident user to the necessary 911 Basic Life Support (BLS) emergency transport to the nearest certified medical facility within the Tri-State area without any charge for mileage and oxygen. It does not entitle the resident user to routine transport(s) or to secondary emergency transport(s) from one medical facility to another or to the provision of advanced life support. This term also includes the fee charged to non-residential properties according to the attached schedule. When the call originates from a non-residential property, the user must be covered by their living unit fee to be entitled to the benefit described above.

NEAREST CERTIFIED MEDICAL FACILITY - Limited to any hospital within the boundaries of Berkeley County and hospitals in the following locations or closer; Berkeley Springs and Charles Town in West Virginia, Hagerstown, Maryland, and Winchester, Virginia.

EMERGENCY AMBULANCE RATES - Means the individual transport charges as established and promulgated by the Berkeley County Emergency Ambulance Authority Board of Directors subject to the approval of the Berkeley County Commission. These rates shall be applied to all users of emergency ambulance transport service provided by the Berkeley County Emergency Ambulance Authority. Rates shall be established for all users of Advanced Life Support and for non-resident and delinquent resident users of Basic Life Support. There will be no "out of pocket" charges incurred for Basic Life Support transports for non-delinquent resident users in accordance with the Safe Harbor Act of 2017.

EMERGENCY INTER-AGENCY AND NON-EMERGENCY TRANSPORT CHARGES - Means the individual transport charges as might be established and promulgated by the Berkeley County Emergency Ambulance Authority Board of Directors for routine transports and secondary transport from one medical care facility to another. Such transport charges shall be applied to all users of such transport service, as defined to-wit: resident, non-resident, and delinquent resident.

SECTION ONE: ESTABLISHMENT OF SPECIAL EMERGENCY AMBULANCE SERVICE FEE

Each Special Emergency Ambulance Service Fee imposed under this Ordinance for residential living units shall be for emergency ambulance service provided for a Berkeley County Fiscal Year July 1, to June 30. The Special Emergency Ambulance Service Fee established by this Ordinance shall be **One Hundred Ten dollars (\$110.00)** per residential living unit per Fiscal Year if paid by September 30 of the Fiscal Year for which billed.

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In the event the homeowner has been granted Homestead Exemption status through the Berkeley County Assessor's office, they may qualify for a **Twenty-Five-dollar (\$25.00)** discount upon application and providing proper evidence to the BCEAA Fee Department of homestead exempt status. **The homeowner accounts may not be in arrears.**

In the event an owner owns more than one living unit within Berkeley County, he/she may exonerate, and or receive a homestead exemption on one living unit only, all others will be subject to, and assessed the user fee. The exoneration will only be granted if that other living unit is permanently unoccupied or occupied only by the owner. If an owner believes he/she is erroneously charged an ambulance service fee, the Ambulance Authority shall provide, upon the owner's request, an exoneration form. The form shall be filled out by the owner and returned to the Ambulance Authority no later than September 30 of the Fiscal Year for which the fee applies. The Ambulance Authority shall, within a reasonable time, cause to be investigated any request for exoneration. The Ambulance Authority shall, at its next regular meeting after completion of the investigation, make and communicate to the County Commission its recommendation regarding the exoneration. If good cause for exoneration is found by the County Commission, said Commission shall exonerate or modify any or all imposed charges, and shall notify the property owner in writing of its actions. If the Commission does not exonerate or modify as requested by the property owner, an appeal may be filed, in pursuance to this article, with the Circuit Court of Berkeley County.

The Special Emergency Ambulance Service Fee imposed under this Ordinance for non-residential property shall be for emergency ambulance service provided during a calendar year from January 1 to December 31. The amount of the fee for non-residential property shall be in accordance with the Non-Residential Fee Structure (Appendix A) attached to this Ordinance.

SECTION TWO: BCEAA BUDGET DEVELOPMENT

No later than one hundred (100) days prior to the beginning of the Berkeley County Fiscal Year (July 1st through June 30th) the Berkeley County Emergency Ambulance Authority shall prepare a budget estimate for the total cost for providing emergency ambulance service within the geographical boundaries of the county for the Fiscal Year commencing on the following July 1st.

SECTION THREE: BILLING AND COLLECTION PROCEDURES

Section Three A: Special Emergency Ambulance Service Fees:

Upon completion of the estimated budget by the Berkeley County Emergency Ambulance Authority, the President of the Ambulance Authority shall request the Assessor to provide the Ambulance Authority Office with a list of all residential "living units" to be utilized as the data base for billing the Special Emergency Ambulance Service Fees for the Fiscal Year commencing the following July 1. Each living unit on that list shall have an account established in the name of the owner of that living unit and a bill in the amount of the Emergency Ambulance Service Fee as defined in SECTION ONE of this Ordinance shall be delivered to that living unit by US Postal Service on or after July 15 of the Fiscal Year.

For those living units not on the Assessor's data base at the time of provision to the Berkeley County Emergency Ambulance Authority and therefore not receiving a bill for that Fiscal Year, a voluntary payment of the Household Service Fee may be made by the resident owner. Such resident owners will receive the same entitlements for services rendered after the date of payment as non-delinquent resident owners whose living units were on the Assessor's database. The Berkeley County Ambulance Authority Fee Department will also use the Berkeley County Engineering Departments Certificates of Use and Occupancy to update their records throughout the year. Any additions between July 1st and December 31st on existing construction (defined as a living unit that has been previously occupied at some point and fee assessed) will be responsible for the full yearly fee for that fiscal year. **SEE APPENDIX (B) at the end of this ordinance for the Safe Harbor on New Construction for fee calculation.**

The Emergency Ambulance Service Fee accounts established under this Ordinance shall be paid in full according to the schedule below. The lowest rate applies to accounts paid in full by September 30th each year, with increases as shown below for late payments. In mid-January, letters shall be sent to all current-year unpaid accounts as a status reminder including a notice that current-year unpaid accounts will be turned over to our Collection Agency. On or about April 1, all current-year unpaid accounts at that point shall be turned over to the appropriate Collection Agency as engaged by the Authority. All the above information shall be included in the original bill sent out in July.

July 1 to September 30	October 1 to December 31	After January 1
\$110.00	\$135.00	\$150.00

Owners of residential living units as defined above are responsible for reporting to the Berkeley County Emergency Ambulance Authority the names of all persons residing in those living units. Such information will be reported in the space provided on the bills sent out in July. Persons not reported will not be eligible for the reduced rates available to non-delinquent users.

Section Three B: Transport Charges

Ambulance transport rates per call for all categories of users shall be in amounts recommended by the Berkeley County Emergency Ambulance Authority Board of Directors and approved by the Berkeley County Commission. Revisions to transport rates will be recommended to the Berkeley County Commission from time to time as the Board of Directors sees fit. Transport rates will include charges for provision of Basic or Advanced Life Support, oxygen, and mileage, and will be billed to users in accordance with the services rendered.

Charges for individual transport(s) shall be processed by the Ambulance Authority as appropriate with due allowance for insurance coverage, if any. Any accounts becoming delinquent shall be submitted to the appropriate Collection Agency as engaged by the Authority.

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Section Three C: Non-Residential Properties Fee Structure

Beginning January 1, 2024, non-residential properties will be subject to a Special Emergency Ambulance Service Fee according to the Non-Residential Fee Structure attached and incorporated into this Ordinance as Appendix A. **The billing cycle for non-residential fees will be on a calendar year basis.** Bills will be mailed on or about January 15th of each year.

SECTION FOUR: MANAGEMENT OF REVENUES

All revenues received in accordance with this Ordinance shall be deposited into a special fund to be known as the Berkeley County Emergency Ambulance Authority Fund. These funds shall be used to pay reasonable and necessary expenses actually incurred including personnel and the cost of buildings and equipment used in providing emergency ambulance service to residents of the county and others that might require such services. Such funds may be used to pay for, in whole or in part, the establishment, maintenance, and operation of the authority. Funds not expended in a given Fiscal Year will be maintained in the above Fund and may be used in subsequent Fiscal Years as necessary.

SECTION FIVE: AMENDMENTS AND EXECUTION

This Ordinance may, from time to time, be amended by a majority of the members of the County Commission as they deem it necessary and appropriate.

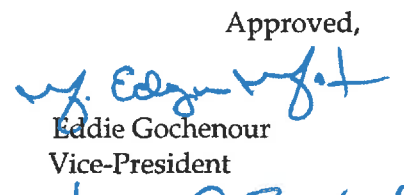
If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decisions shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

This Ordinance, as amended, shall become effective on July 1, 2024.


James P. Whitacre
President

Steve Cattlett
Commissioner


H. D. Boyd
Commissioner

Approved,

Eddie Gochenour
Vice-President

James Barnhart
Commissioner

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Appendix A

Non-Residential Fee Structure

<u>Regular Rate for Non-Residential:</u>	\$2.80 per 100 square feet
(Includes: Industrial, Manufacturing, Commercial, Mixed Use, Miscellaneous.	
<u>Warehouse & Storage Rate</u>	
Employee shift count that is greater than or equal to 1 person per 1,000 square feet:	\$2.00 per 100 square feet
Employee shift count that is less 1 person per 1,000 square feet:	\$1.50 per 100 square feet
<u>Religious Oriented Structures Rate:</u>	\$1.50 per 100 square feet
Does not include Schools or Day Care Centers.	
<u>Board of Education/School Rate:</u>	\$0.75 per 100 square feet
<u>Active Farm Rate:</u> PENDING	\$30.00 Flat Fee
<u>Mass Gathering Rate (School functions exempt):</u>	\$300.00 Flat Fee
Greater than 300 congregate attendees:	

Late Fees for Non-Residential:

Paid on or after April 1 st and before August 1 st of calendar year.	5%
Paid on or after August 1 st of calendar year.	10%

Homestead Exemption

Fee Structure

Homestead Exemption (based on age)	\$25.00
Homestead Exemption (based on disability)	\$25.00

Exemption Prerequisites

1. Account(s) of homeowner(s) requesting abatement cannot be in arrears and must be current.
2. Homeowner(s) request for abatement of fee must be submitted or revalidated Bi-annually, on or before September 30th in odd numbered years (2023, 2025, 2027 etc....) at the BCEAA office. **Amended April 2024 revalidation no longer required.**
3. Abatement will be applied at time of payment.
4. Homeowner(s) owning more than one residential structure, may only receive abatement for one owner occupied home.

As approved by the Berkeley County Council on April 6th, 2023.

Billing Cycle for all Nonresidential Fees will be on a calendar year and mail on or about January 15th of each year.

Appendix B

Safe Harbor for Calculation of Special Emergency Ambulance User Fee on New Construction throughout the Fiscal Year July 1 – June 30

For this ordinance, New Construction is considered a living unit which has never been previously occupied. Typically, the seller of the New Construction is usually the Builder. A living unit Built-to-Contract on a previously vacant lot, where no prior structures existed, will initially be assessed under this provision.

The assessment window begins with the approval date of the Certificate of Use and Occupancy (CU&O), by the Berkeley County Engineering Department or the date the Deed was signed, **not recorded**, whichever comes first. Once the CU&O has been approved, the builder and/or the buyer will incur a fee based on the established formulary in this appendix below. The attorney or agency responsible for the closing will identify each party's responsibility on the HUD 1 or similar documentation, at the time of closing. The attorney or agency responsible for the closing will provide the Berkeley County Emergency Ambulance Authority with an explanation memo as to the breakdown of the remittance to ensure all parties are credited with payment accordingly.

The Berkeley County Emergency Ambulance Authority will then initiate a new account in the homeowner's name and credit it accordingly for the remaining days of the fiscal year.

FORMULARY FOR CALCULATING THE SPECIAL EMERGENCY AMBULANCE USER FEE FOR NEW CONSTRUCTION.

SELLER-- .3014 cents x (# of days approved CU&O in their name) = Fee

BUYER--- .3014 cents x (# of days remaining in the fiscal year at closing) = Fee

Seller Fee + Buyer Fee = Total Due

The Berkeley County Emergency Ambulance Authority Fee Department can be reached for assistance at (304) 264-1921. Monday through Friday 9A to 5P, excluding most major holidays and inclement weather days.