

PRESTON COUNTY, WEST VIRGINIA  
SPECIAL EMERGENCY AMBULANCE SERVICE FEE

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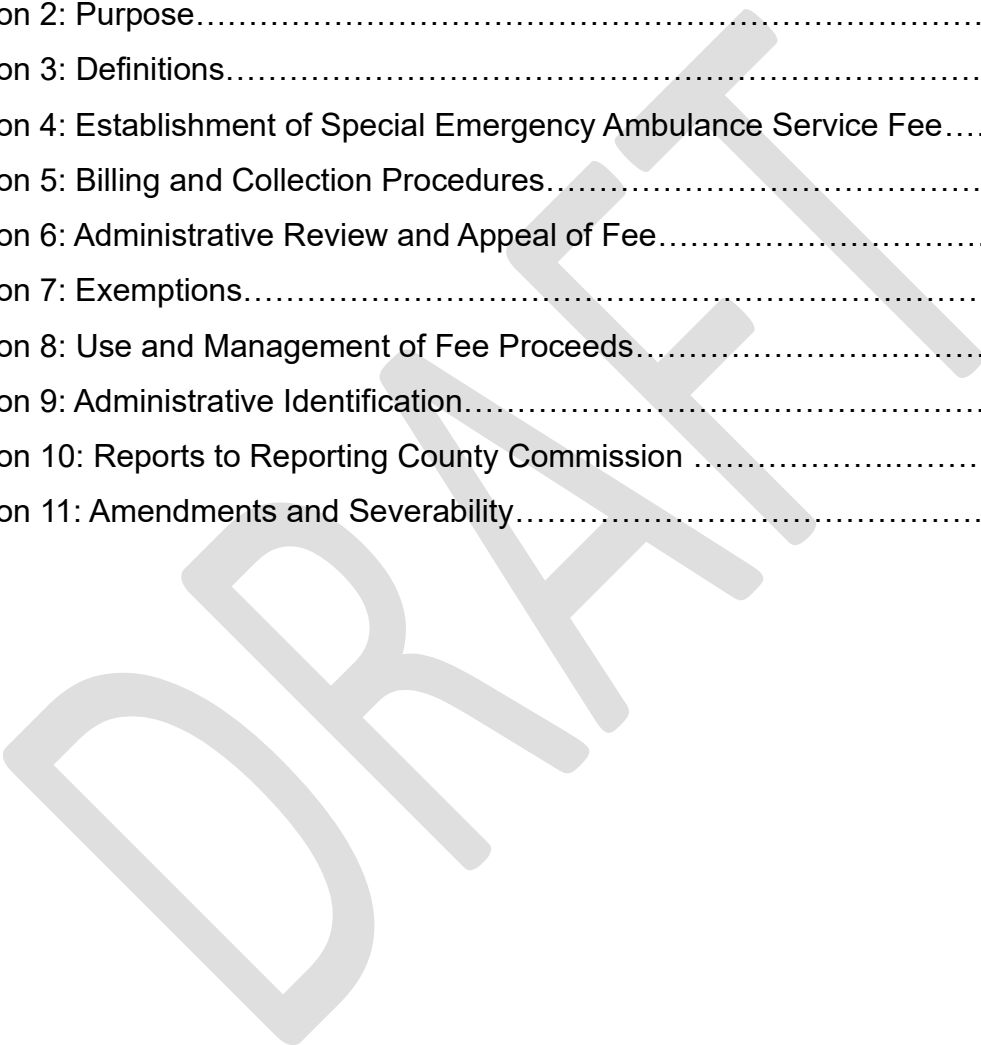
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### **Section 1: Legislative Authority**

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.

### **Section 2: Purpose**

This Ordinance is enacted by the Preston County Commission for the purpose of providing and maintaining an adequate emergency ambulance service system within the geographic boundaries of Preston County, West Virginia.

The County Commission finds that emergency medical services are essential to the health, safety, and welfare of the public and that existing reimbursement sources do not fully cover the cost of providing such services. The Commission further finds that additional funding is necessary to ensure the continued availability and reliability of emergency ambulance services throughout the County.

The fee established by this Ordinance is intended to supplement, not replace, other funding sources and is based upon the availability of emergency ambulance services rather than actual usage.

### **Section 3: Definitions**

*Living Unit*: means any place of residence, occupied or intended for occupancy, as classified by the Preston County Assessor including, but not limited to, residential homes, vacation and secondary homes, mobile homes, duplexes, Airbnb, VRBO, condominiums, apartments, personal care facilities, and rental units. For structures which contain multiple addressable units, such as apartment complexes, duplexes, and personal care facilities, each living unit shall be deemed to be a separate billable unit. Structures which otherwise meet the definition of a Living Unit that do not have active water, electricity, and/or septic utilities shall qualify as a living unit for the purpose of this ordinance.

Recreational Unit: means any structure in which a person may reside temporarily including but not limited to campers, travel trailers, recreational vehicles (RVs), cabins, or similar structures, that are designed and/or utilized for recreational and temporary occupancy. A structure located on the same parcel as a living unit, as defined herein, shall not be considered a recreational unit for purposes of this Ordinance.

Homestead Exemption Unit: Shall mean an owner-occupied living unit used exclusively for residential purposes and occupied by the owner or one of the owners who is a citizen of this state and who is sixty-five years of age or older or is permanently and totally disabled as that term may be defined by the Legislature, and which granted by, and recognized in the records of, the Preston County Assessor as exempt from a portion of the ad valorem property taxation of Preston County as prescribed by general law.

Personal Use: means the occupancy or use of a living unit by the owner of record, or by members of the owner's immediate family for residential, or recreational purposes, where no compensation, fee, rent, lease or other form of remuneration is received for such occupancy.

Personal Care Facility: means any residential facility that provides lodging, supervision, and assistance with activities of daily living to individuals who are elderly, disabled, or otherwise require ongoing care. This term includes but is not limited to: nursing homes, long-term care facilities, assisted living facilities, residential board and care homes, group homes, adult family care homes, and behavioral health residential facilities.

Residence: means any structure that is used or intended to be used as a place of human habitation, whether on a permanent, temporary, or intermittent basis, by one or more individuals.

Business Unit: means any fixed, identifiable physical location within Preston County that serves as a place of business or operational site from which business, trade, or commercial activities are conducted for profit or nonprofit purposes. Each such Business

Unit as defined above location shall be deemed a separate billable unit for purposes of this ordinance.

Multiple buildings, structures, or facilities operating together as part of a single business operation at one location shall be considered one Business Unit. Land used solely for agricultural production, including fields or undeveloped land, without an operational site shall not constitute a separate Business Unit. Temporary or mobile activities conducted without a fixed location shall not constitute a Business Unit

*Operational Site:* means any fixed, identifiable physical location within Preston County at which a business, organization, or entity conducts, manages, supports, or facilitates its operations, whether or not such location is open to the public or used for direct customer interaction.

*Owner:*

For a Living Unit: The person, firm, or entity listed in the records of the Preston County Assessor and/or land records as the owner of the Living Unit as of July 1 of the applicable fiscal year shall be responsible for payment of the fees set forth herein. For a Business Unit: The person, firm, or entity that operates, or is responsible for conducting business at the Business Unit within Preston County as of July 1 of the applicable fiscal year shall be responsible for payment of the fees set forth herein. In the case of multiple responsible parties, such parties shall be held jointly and severally responsible for payment of the fees set forth herein.

**Section 4: Establishment of the Special Emergency Ambulance Service Fee**

Each special emergency ambulance service Fee imposed under this ordinance shall be for the Preston County fiscal year, July 1st to June 30th of the prior year.

The Emergency Ambulance Service fee established by this ordinance shall be **ninety dollars (\$90.00)** per living unit per fiscal year.

The Emergency Ambulance Service Fee established by this ordinance shall be **sixty dollars (\$60.00)** per homestead exemption unit per fiscal year.

The Emergency Ambulance Service Fee established by this ordinance shall be **sixty dollars (\$60.00)** per recreational unit per fiscal year.

The Emergency Ambulance Service Fee established by this Ordinance shall be **ninety dollars (\$90.00)** per business unit.

### **Section 5: Billing and Collection Procedures**

Each Special Emergency Ambulance Service Fee imposed under this Ordinance shall be billed and collected on an annual basis for each fiscal year beginning July 1 and ending June 30.

*Billing Responsibility:* The fee imposed under this Ordinance shall be the responsibility of the Owner, as defined herein, of each Living Unit or Business Unit as of July 1 of each fiscal year. For purposes of this Ordinance, the Owner, as defined herein, shall be the responsible billing party for any fee assessed against a Living Unit or Business Unit. The fees set forth herein are assessed against the Living Units or Business Units as defined herein as users of emergency ambulance services within Preston County.

*Issuance of Bills:* On or before July 15 of each fiscal year, a billing statement shall be issued to the Owner at the mailing address on record with the County or as otherwise determined through available records.

The County may issue separate or consolidated billing statements for multiple Living Units or Business Units under common ownership or operation, where appropriate. Failure to receive a billing statement shall not relieve any Owner of the obligation to pay the fee or any applicable penalties.

**Payment Schedule:** The annual fee may be paid in full or in four installments: The first installment (or full payment) shall be due on or before **September 1** of each fiscal year. The second installment shall be due on or before **December 1** of each fiscal year. The third installment shall be due on or before **March 1** of each fiscal year. The fourth installment shall be due on or before **June 1** of each fiscal year. All fee payments in accordance with this statute shall be made payable to the Sheriff of Preston County.

**Late Payments and Penalties:**

Delinquent fees accrue interest at the rate of nine percent (9%) per annum. First quarter fees not paid become delinquent on October 1 of the service year. Second quarter fees not paid become delinquent on January 1 of the service year. Third quarter fees not paid become delinquent on April 1 of the service year. Fourth quarter fees not paid become delinquent on July 1 of the service year.

**Delinquent Accounts and Collection:** Fees delinquent on or after the first day of April the year after they became due and payable shall be forwarded to the Commission. The Commission, in accordance with law, may collect unpaid fees through civil action filed in a court of competent jurisdiction. Such suit need not be brought in the same fiscal year the fee was billed. In any suit for collection of delinquent fees, the Commission is authorized to recover its reasonable costs of collection, including court costs, attorney's fees, service costs, and statutory interest.

**Section 6: Administrative Review and Appeal of Fee:**

Any owner who believes a Special Emergency Ambulance Service Fee was incorrectly assessed may request a modification by submitting a completed form to the County Commission no later than September 1 of the applicable fiscal year. The County Commission shall review each request within sixty (60) days and consider the request, at a regular meeting. If cause is found, the Commission may exempt or modify the fee and shall provide written notice of its decision. If a request is denied, the applicant may

“appeal” the decision of the Commission by filing suit in a court of competent jurisdiction within Preston County in accordance with this Ordinance.

**Section 7: Exemptions:**

**Automatic Exemptions:** The exemptions set forth shall be automatic and shall not require the submission of the Special Emergency Ambulance Service Fee Exemption Request Form or review by the County Commission.

- A. Any living unit or business unit owned or operated by federal, state, or local government shall be exempt from the fee established by this Ordinance.
- B. Non-profit fire department, emergency medical service agencies, and other non-profit emergency response or rescue organizations operating with Preston County shall be exempt from the fee established by this Ordinance.

**Qualified Fee Exemption:** If an owner as defined herein believes said owner may qualify for a Special Emergency Ambulance Service Fee exemption, the owner shall complete the Special Emergency Ambulance Service Fee Exemption Request Form and return it to the Preston County Commission no later than September 1<sup>st</sup> of the Fiscal Year for which the fee applies. The County Commission shall, within 60 days, investigate any request for exemption. If cause is found by the County Commission, the Commission may exempt charges and shall notify the applicant in writing of its actions. If the Commission does not exempt or modify the fee imposed upon the applicant the Commission shall notify the applicant in writing of its decision. In such event, the applicant may appeal to the Circuit Court of Preston County. The appeal must be filed within 60 days of the Commission exemption decision. Failure to file suit for purposes of appeal set forth herein shall result in a final binding order to pay the fees set forth herein upon which the Commission may file legal action to collect. Qualified Fee Exemptions are as follows:

- A. Any owner of a living unit who has additional living units used solely for personal recreational use shall be assessed a fee of \$45 for those additional units. This exemption shall not apply to any living unit that is rented, leased, temporarily

vacant, or otherwise occupied or used by another person. Any owner receiving this exemption (exemption A), does not qualify for exemption B.

- B. Any Recreational unit as defined herein shall be assessed a reduced Special Emergency Ambulance Service Fee of \$60.
- C. Any living unit that has been removed, demolished, destroyed by fire or act of nature, or is not suitable for habitation since the last billing cycle and has not been rebuilt or placed back into use.
- D. Any business unit where the primary administrative, managerial, and operational functions occur within a living unit as defined herein shall be exempt from the Special Emergency Ambulance Service Fee.
- E. Any business unit that has ceased operations and is no longer actively conducting business at its location prior to or during the applicable billing cycle shall be exempt from the fee for that billing cycle.

### **Section 8: Use and Management of Fee Proceeds**

The proceeds from the Special Emergency Medical Services Fee shall be deposited into a dedicated fund held by the Sheriff of Preston County. The County Commission recognizes that this fee will not fully fund emergency medical services but is intended to support and maintain reliable EMS coverage throughout Preston County.

Funds shall be used, at the discretion of the County Commission, for expenses, including but not limited to personnel, equipment, vehicles, supplies, and operational costs, as well as billing and administration of the program. Any funds not expended in a fiscal year shall remain in the dedicated fund and may be used in subsequent fiscal years.

### **Section 9: Administrative Identification:**

The County Commission may utilize available and reliable records to identify Living Units, Recreational Units, Business Units, and the responsible Owner for billing purposes,

including but not limited to property records, tax records, business registrations, other governmental or commercial records, and self-reporting.

The use of such records is for administrative purposes only and shall not, by itself, establish legal ownership or liability where none otherwise exists.

### **Section 10: Reports to Preston County Commission**

The Director of Preston County EMS shall, on a monthly basis, provide the Commission the following information:

- Dispatched calls for the previous month
- Dispatched calls in which the person refused transport
- Dispatched calls answered by in-county mutual aid
- Dispatched calls answered by out-of-county mutual aid
- The average response time
- Complaints against EMS
- Monthly income and expenditures
- Disbursements to emergency EMS agencies in Preston County

### **Section 11 Amendments and Severability**

This ordinance may, from time to time, be amended by a majority of the members of the Commission as deemed necessary and appropriate.

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