

ORDINANCE NO. 24-004

TOWN OF WHITE HALL, WEST VIRGINIA

**AN ORDINANCE TO REPEAL ORDINANCE 21-003, UPDATING FIRE FEES IN
WHITE HALL**

Be it ordained by the Town Council of the Town of White Hall, West Virginia:

SECTION 1. PURPOSE THEREOF; PREVIOUS ORDINANCE REPEALED.

ORDINANCE NO. 11-002, AN ORDINANCE TO SPECIFY FIRE FEES COLLECTED WITHIN THE TOWN OF WHITE HALL is hereby repealed in its entirety and the following is hereby enacted in its place and stead:

SECTION 2. General purpose

1. The Town of White Hall is empowered by the West Virginia Code, Chapter 8, Article 13, Section 13, to impose by ordinance, upon the users of any special or essential services, including fire protection, reasonable rates, fees, and charges to be collected in the manner specified in the ordinance for services.
2. The Fire Fee ordinance now hereby compliments the Fire Levy that has been established by the Marion County Commission.
3. The intention of the Council of White Hall is to provide a reasonable fee and expenditure for the purpose of promoting, enhancing, and providing, for modern and state of the art equipment, manpower and facilities for fire protection within the Town of White Hall, WV.

SECTION 3. Administration

1. The Town of White Hall Administrative offices will prepare, collect, and distribute all fire fees from Residents and Businesses in White Hall to the Local named Volunteer Fire Departments. The Town Coordinator shall administer the financing, billing, collection, and disbursements of fire fees. The Town Coordinator shall routinely review billing, collection, and disbursements for accuracy and timeliness. The Town Council shall review financial statements for proper and timely receipts and disbursements.

SECTION 4. Rates, Fees, Charges, Billing, Collections established for structures

1. There is hereby imposed and shall be collected a charge upon the users of the fire service for residential unit structures, multi-family unit structures, and non-residential unit structures which use Fire Service Providers and Services of the Town of White Hall including, the Valley Volunteer Fire Department and the Boothsville Volunteer Fire Department and any similarly situated organizations including, but not limited to, mutual-aid departments or providers.
2. The charge for such service per each residential unit structure and per each unit of each multi-family residential unit structure, whether or not occupied, shall be \$17.50 (Seventeen Dollars and Fifty Cents) per year.

3. The charge for such service per each and every non-residential unit structure shall be 1.75 Cents or \$.0175 per square foot but not less than \$35.00 (Thirty-Five Dollars) per structure.
4. All Fees and charges for the fire service protection or use pertaining to residential unit structures, multi-family unit structures, and nonresidential unit structures shall be billed and collected by the Town of White Hall Administrative offices.
5. Charges for the fire service protection and use will be billed on an annual basis upon the enactment of this ordinance and by July 1st of each fiscal year thereafter.
6. To avoid delinquent charges, payment of the fire service protection is to be made to the Town within Thirty Days from the date the bill for service is received.
7. Delinquency Charges or Penalties. Any charges for service or use remaining unpaid for Thirty days after the receipt shall be deemed \$2.25 (Two-Dollars and Twenty-Five Cents) Monthly Charge (based on \$27.05 (Twenty-Seven Dollars and Five Cents) annual late fee) to cover postage, administrative fee, and fee for possible effects on Fire Department due to late payments being received.
8. The Town shall retain 10% (Ten Percent) of the fire protection user fee revenues and the entirety of all delinquency charges, penalties, collection costs, including attorney fees, collected by the Town of White Hall for expenditure by the Town of White Hall in a manner related to the fire or safety services, including, but not limited to, administrative and collection costs.
9. Effective July 1, 2024, all new businesses will be prorated based on date of occupancy. All new businesses established between January 1, 2024 and July 1, 2024 that paid a full annual fee will be charged a prorated amount that equals the full amount since the date of occupancy.

This Ordinance shall become effective on passage.

SECTION 6. MOTOR VEHICLE ACCIDENTS, NON-STRUCTURAL FIRES, HAZARDOUS CLEANUPS AND SIMILAR ACTIVITIES.

The Town of White Hall directly or any Fire Service Provider including, the Valley Volunteer Fire Department and the Boothsville Volunteer Fire Department and any similarly situated organizations including, but not limited to, mutual-aid departments or providers are hereby authorized to collect a fee equivalent to the actual costs for providing services at any non-structural type accident or incident, including, but not limited to, any motor vehicle accident, emergency hazardous material cleanup, brush or forest fire, environmental incident, safety and rescue incident or similar occurrence. These costs may include, but are not limited to the actual costs of fire fighting materials and equipment, personnel hours, hazardous or environmental abatement materials and chemicals, safety, rescue, or medical supplies and equipment. Any person engaging in any act, whether negligently or intentionally, which causes the aforementioned incidents is a user of said services and is liable for payment of said costs and fees. Further, any insurance provider for said persons shall be directly responsible for the payment of these costs or fees. Said costs or fees may be collected by either the Town of White

Hall or the actual service provider and collection of said fees shall be enforced in the same manner as other fees set-out herein.

SECTION 7. FEES, CHARGES, AND PENALTIES ARE COLLECTIBLE DEBTS DUE AND OWED.

The fees or charges provided for by this ordinance shall be a debt due and owing the Town of White Hall beginning on July 1 of each fiscal year. It shall be a personal obligation of the owner and users which shall be enforceable as provided in West Virginia Code §8-13-15, or in any other manner now or hereafter provided by law for compelling the payment of taxes due municipalities. The Town may collect any such fee or charge and all accrued penalties and collection costs, including attorney fees, from the owner or user against whom the service charges have been assessed. The Municipality shall also be entitled to recover any and all outside costs of collecting said tax, delinquency fees, and court costs, including, but not limited to, filing fees, service fees, legal fees, attorney fees, or any related costs. Said collection can be accomplished by commencing an action in the Municipal Court, the Magistrate Court of Marion County, West Virginia, or by appropriate proceedings in the Circuit Court of Marion County, West Virginia, or in any other court of law wherein appropriate jurisdiction can be accomplished, and as set-out in the aforementioned Code section.

SECTION 8. PROPERTY OWNER PRIMARILY RESPONSIBLE, SUBROGATION RIGHTS.

(a) Each and every property owner of residential unit structures, multiple-family residential unit structures and nonresidential structures shall be primarily responsible for the payment of the user fee charges and all related costs assessed, imposed and levied under this article. Provided, however, that nothing herein shall prevent an owner of a structure from obtaining an agreement, by lease or any other agreement, from a tenant to pay said user fees and charges or penalties. However, said lease or agreement or acceptance of any subrogation rights shall not bind the Town of White Hall to release the owner from responsibility for said user fees, charges or penalties. Furthermore, the Treasurer has sole discretion to obtain and accept a subrogation right to collect the user fees, charges and penalties from the owner and pursue said fees directly from the tenant; provided said right to subrogation and assignment of said collection rights is included in the applicable lease or agreement between said tenant and owner. Provided, however, that both the owner and tenant or occupant of every residential unit structure, multi-family residential structure or nonresidential unit structure shall be presumed to be the user of fire and police protection services, and each said user may be solely responsible for payment of the fire service protection fee assessed against each property structure or unit.

(b) It shall be the responsibility of the tenants and owners of all buildings or structures within the Town to notify the Treasurer on a form prescribed by the Treasurer of the names and addresses of any owners, occupants, tenants or lessees of such buildings and structures, and to notify the treasurer of any change of such owner, occupant, tenant or lessee status within thirty days of such change of the names and addresses of any such owner, occupant, tenant or lessee. Otherwise all billings under this article shall be made to the owner or tenant at the discretion of the Treasurer notwithstanding any provisions of this article to the contrary.

SECTION 9. PENALTIES FOR VIOLATIONS.

Whoever violates any provisions of this article, for which no other penalty is provided, shall be fined not more than five hundred dollars (\$500.00).

SECTION 10. EXPENDITURE OF FUNDS.

The revenues derived from the collection of the municipal fire protection fees shall be appropriated or distributed by means of the Town's budget to each service provider on a pro rata basis relative to the number of structures in each service provider's agreed upon territory; provided, however, that the Town of White Hall shall retain ten percent (10%) of the fire protection user fee revenues, and the entirety of all delinquency charges, penalties, collection costs, including attorney fees, collected by the Town of White Hall for expenditure by the Town of White Hall in a manner related to fire or safety services, including, but not limited to, administrative and collection costs.

The revenues derived from the collection of police protection fee shall be appropriated or distributed by means of the Town's budget to the White Hall Police Department account and used for operating, equipping, staffing, training, and related purposes for the provision of police protection to the users of police protection.

The revenues derived from the collection of the Public Safety Building Construction Fee are based on the amount needed to amortize a twenty-year loan for the construction of a building to house the police department, its staff and equipment and the fire department and its personnel and equipment, and shall expire by the terms of Section 11 herein.

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SECTION 11. SEVERABILITY AND SAVINGS CLAUSE.

Should any section, phrase or word of this Ordinance be deemed unenforceable or ineffective or otherwise illegal, the remaining portions of the Ordinance shall be separately construed and remain saved and effective and enforceable.

First Reading: 6/10/24
Public Hearing: 6/24/24
Second Reading: 6/24/24

Passed by Town Council this 24 day of June 2024.

Jason DeFrance

Jason DeFrance, Mayor

Attest:

Charlie Mason

Charlie Mason, Recorder

