

**AN ORDINANCE TO AMEND THE FIRE PREVENTION
AND PROTECTION ORDINANCE FOR THE CITY
OF MOULTRIE; TO REPEAL CONFLICTING
ORDINANCES AND FOR OTHER PURPOSES**

BE IT ORDAINED by the Mayor and Council of the City of Moultrie, and it is hereby ordained by authority of same that:

WHEREAS, the provision of emergency and non-emergency services in response to incidents and motor vehicle accidents and crashes continue to increase each year and compliance with Environmental Protection requirements involving equipment and training, and Homeland Security regulations involving equipment and training, create additional demands on all operational aspects of fire department services; and

WHEREAS, the Moultrie Fire Department, Police Department, and other Emergency Services have investigated different methods to maintain a high level of quality of emergency and non-emergency service capability throughout times of constantly increasing service demands, where maintaining an effective response by the Moultrie Fire Department, Police Department, and other Emergency Services decreases the costs of incidents to insurance carriers, businesses, and individuals through timely and effective management of emergency situations, saving lives and reducing property and environmental damage; and

WHEREAS, raising real property tax to meet the increase in service demands would not be fair when the responsible party(s) should be held accountable for their actions; and

WHEREAS, the Mayor and Council of the City of Moultrie desires to implement a fair and equitable procedure by which to collect said mitigation rates and shall establish a billing system in accordance with applicable laws, regulations and guidelines,

THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Moultrie, and it is hereby ordained by authority of same that an Ordinance establishing and implementing a program to charge mitigation rates for the deployment of emergency and non-emergency services by the Moultrie Fire Department, Police Department, and other City of Moultrie Emergency Services provided and/or rendered by/or for the City of Moultrie, Georgia as follows:

Section 1. That Chapter 50 of the Fire Prevention and Protection Ordinance of the City of Moultrie be and the same is hereby amended by adding a new Section 50-10 with the following:

"Sec. 50-10. – Mitigation rates; increases.

The City of Moultrie shall initiate and establish by resolution Mitigation Rates for the delivery of emergency and non-emergency services by the Moultrie Fire Department, Police Department, and other Emergency Services for personnel, supplies and equipment to the scene of emergency and non-emergency incidents as established by the Mayor and Council and as amended from time to time, a copy of which shall be on file with and may be obtained from the City Clerk's office. Said mitigation rates shall be based on actual costs of the services and that which is usual, customary and reasonable (UCR) which may include any services, personnel, supplies, and equipment and with baselines established.

The then current Mitigation Rates established by the Mayor and Council shall increase annually based on the annual percentage increase in the Consumer Price Index (CPI), as developed by the Bureau of Labor Statistics of the U.S. Department of Labor. Rate adjustments shall occur on the anniversary date of this Ordinance to keep the cost recovery program in conformity with increasing operating expenses."

Section 2. That Chapter 50 of the Fire Prevention and Protection Ordinance of the City of Moultrie be and the same is hereby amended by adding a new Section 50-11 with the following:

"Sec. 50-11. – Uninsured; insured; billing; claims.

- (a) *Uninsured.* If a responsible party is uninsured at the time services are provided pursuant to the Chapter the Mitigation Rates established Mayor and Council the shall be billed directly to the responsible party(s).
- (b) *Insured.* The Mitigation Rates established Mayor and Council shall be only be charged to insurers for accidents involving motor vehicles for which the responsible parti is insured and the following insurance coverage is available:
 - 1. Where coverage for such services is expressly provided by an insurance company to the insured;
 - 2. Where emergency medical services are provided to an insured whenever such insured's medical insurance covers the services provided and the insured assigns the right to collect to the service provider; and

3. Where other services are provided to an insured which are expressly authorized by state or federal law to be billed directly to an insurance company.
- (c) *Billing.* An itemized bill for services shall be sent to the responsible party. If the responsible party is insured, then an itemized bill shall also be sent to the responsibly party's insurance provider.
- (d) *Claims.* If a responsible party is insured, a claim shall be filed directly with said insurer and a responsible party shall cooperate with the Mayor and Council in order to prosecute the claim to conclusion."

Section 3. That Chapter 50 of the Fire Prevention and Protection Ordinance of the City of Moultrie be and the same is hereby amended by adding a new Section 50-13 with the following:

"Sec. 50-13. – Billing services.

Billing may be handled internally in the City or Mayor and Council may designate a third party to handle all claims and billing."

Section 4. That Chapter 50 of the Fire Prevention and Protection Ordinance of the City of Moultrie be and the same is hereby amended by adding a new Section 50-14 with the following:

"Sec. 50-14. – Miscellaneous.

The Fire Chief, Police Chief, and any other department head designated by the Mayor and Council may make such rules or regulations and may amend, revoke, or add rules and regulations, not inconsistent with this Chapter, as they may deem necessary or expedient to the provision of services, billing, invoicing and/or the collection related the Mitigation Rates and services."

Section 5.

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that,

to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

c. In the event any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses and phrases of this Ordinance and that, to the greatest extent allowed by law, all remaining sections, paragraphs, sentences, clauses and phrases of the Ordinance shall remain valid, constitutional, enforceable and of full force and effect.

BE IT FURTHER ORDAINED that the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out therein and the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Moultrie, Georgia and the sections of this Ordinance may be renumbered or relettered to accomplish such intention and that all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed and that this Ordinance be codified in a manner consistent with the laws of the State of Georgia and City of Moultrie.

CITY OF MOULTRIE

By: Wynn M. McRae
Mayor

Attest: Bonnie Lydell
Clerk

Read first and second times

01.28.2025

Read third time and passed

02.18.2025