

**ORDINANCE NO. O-11-15**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MARSHALL, TEXAS, AMENDING CHAPTER 2B TITLED AMBULANCE FIRE AND RESCUE SERVICES; ADDING A NEW SECTION TO ARTICLE IV FIRE AND RESCUE SERVICES TO BE TITLED FIRE SERVICES REIMBURSEMENT FEE; PROVIDING THAT THE CITY SHALL CHARGE FOR CERTAIN EMERGENCY SERVICES; ESTABLISHING THE FEES FOR THOSE EMERGENCY SERVICES; PROVIDING THAT FEES FOR EMERGENCY SERVICE BY THE CITY MAY BE SET BY RESOLUTION OF THE CITY COMMISSION; ESTABLISHING THE INITIAL SERVICE FEES; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS CONDUCTED IN STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission finds that the continuing increase in the costs of providing adequate fire protection and other public safety services to the city has created a need for additional funds to provide these services; and,

**WHEREAS**, the City Commission finds that City Fire Department occasionally must respond to emergency situations, both inside and outside the city limits, that are the result of negligent or intentional acts and false alarms, and there should be a means for the City to receive reimbursement for extraordinary expenditures of funds in providing fire suppression services in such instances; and,

**WHEREAS**, it is further declared that the fees are levied solely for the purpose of providing funds to help defray the costs of the services covered by the fees; and,

**WHEREAS**, the City Commission finds that setting City fees and charges by resolution rather than by ordinance will save money and staff time by eliminating the need for continual updates to the Code of Ordinances to reflect changes in such fees and charges; NOW, THEREFORE,

**BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MARSHALL, TEXAS:**

**Section 1.** That the findings set out in the preamble to this ordinance are hereby in all things approved.

**Section 2.** That there is hereby enacted a new section to Article IV. Fire and Rescue Services of Chapter 2B of the Code of Ordinances of the

City of Marshall, Texas, entitled "*Section 2B-71. Fire Services Reimbursement Fee*" said section to read as follows:

**"Sec. 2B-71. Fire Services Reimbursement Fee.**

**(a) The City of Marshall shall assess and collect fees for certain services rendered by the fire department when equipment and/or supplies are used in connection with the following cases:**

**(1) For responses made to a fire which occurred as a result of a negligent or intentional act, the fee shall be imposed against the individual, individuals or entity responsible for the said act; and**

**(2) For responses made as a result of a maliciously set false alarm or repeated non-maliciously set false alarms, the fee shall be imposed against the individual or individuals responsible for the false alarm.**

**(b) The Chief of the Fire Department shall make the determination as to when the fees set forth in this chapter shall be assessed and which individuals or entities shall be responsible for payment of the said fees.**

**(c) The rates and fees charged by the City for these services shall be set by resolution or ordinance of the City Commission. A copy of the current rate schedule shall be on file and available for inspection at the office of the City Secretary."**

**Section 3.** That the initial fire service fees to be assessed and collected pursuant to Section 2B-71 are attached as Exhibit "A". The fee schedule, Exhibit "A", is hereby approved and adopted. (See attached Exhibit "A" which is incorporated herein by reference for purposes.)

**Section 4.** That the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

**Section 5.** That all other prior ordinances or portions of ordinances of the City of Marshall in conflict with the terms and provisions of this ordinance are hereby repealed to the extent of such conflict only.

**Section 6.** That the repeal of any ordinance or portion of an ordinance by this ordinance shall not affect the validity of any pending enforcement action or fees outstanding and due and payable on or before the effective date of this ordinance.

**Section 7.** That if any section, paragraph, subdivision, clause, phrase or provision of this ordinance is hereafter determined to be invalid or in violation of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Commission of the City of Marshall that all other terms and provisions of this ordinance not affected thereby shall remain in full force and effect.

**Section 8.** That this ordinance shall become effective after its passage and publication as required by, law.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAINED: \_\_\_\_\_

PASSED, APPROVED AND ADOPTED this 27th day of October 2011.

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAINED: \_\_\_\_\_

\_\_\_\_\_  
Chris Paddie  
CHAIRMAN OF THE CITY COMMISSION OF  
THE CITY OF MARSHALL, TEXAS

ATTEST:

\_\_\_\_\_  
Lisa Agnor, City Secretary

**Exhibit “A”**

**FIRE AND RESCUE SERVICES FEES**

VEHICLES		
Vehicle Type	Apparatus	Price
1	Class A Engine	\$500.00
1	Aerial	\$500.00
2	Rescue (Heavy)	\$600.00
4	Command Car/Truck	\$200.00
1	Engine/Ladder 1 (L-1)	\$500.00
1	Engine 2 (E-2)	\$500.00
1	Engine 3 (E-3)	\$500.00
1	Engine 4 (E-4)	\$500.00
1	Engine/Ladder 4 (L-4)	\$500.00
2	Rescue 1 (R-1)	\$600.00
4	Battalion Chief (Batt-1)	\$200.00

HAND TOOLS	
Tool	Price
Flathead Axe	\$17.00
Pickhead Axe	\$17.00
Long Pike Pole	\$17.00
Sheetrock Pike Pole	\$17.00
Short Pike Pole	\$17.00
Pry Axe	\$17.00
Hooligan Tool	\$17.00
Bolt Cutters	\$17.00
Pry Bar	\$17.00
Fire Rake	\$17.00
Shovels	\$17.00
Scoops	\$17.00
Brooms	\$12.00
All Hand Tools	\$12.00

FIRE EQUIPMENT	
Tool	Price
Foam Nozzle	\$55.00
Foam Eductor	\$50.00
AFFF Foam – Per Gallon	\$40.00
Class A Foam – Per Gallon	\$25.00
Piercing Nozzle	\$40.00
M/S Fog Nozzle	\$55.00
M/S Straight Bore Nozzle	\$30.00
Salvage Cover	\$28.00
SCBA Pack	\$85.00
Hall Runner	\$18.00
PPV Fan – Per Hour	\$55.00
Generator, Portable – Per Hour	\$55.00
Generator – Per Hour	\$55.00
Chain Saw – Per Hour	\$45.00
Water Extinguisher	\$22.00
Dry Chemical Extinguisher	\$45.00
CO <sub>2</sub> Extinguisher	\$45.00
Scene Lights	\$22.00
Thermal Imaging Camera	\$75.00
Heat Detection Gun	\$75.00
SAWZALL	\$55.00

**Exhibit “A”**  
**(Continued)**

HAZARDOUS MATERIAL EQUIPMENT	
Supplies/Service	Price
Absorbent – Per Bag	\$17.00
Absorbent Booms	\$40.00
Top Sol	\$35.00
Disposable Coveralls	\$30.00
Neoprene Gloves	\$20.00
Latex Gloves	\$6.00
Over Boots	\$25.00
Disposable Goggles	\$15.00
Gas Plug Kit	\$50.00
Plug and Dike	\$65.00
Drum Liners	\$10.00
Barricade Tape	\$22.00
Poly Sheeting	\$55.00
Removal of Hazardous Material	\$150.00
Disposal of Hazardous Material	\$150.00
Gas Multi Meter	\$65.00
CO <sub>2</sub> Meter	\$65.00
Terrazyme	\$70.00
Microblaze – Per Quart	\$10.00
Microblaze – Per 5 Gallons	\$150.00

RESCUE EQUIPMENT	
Tool	Price
Spreaders	\$250.00
Cutters	\$250.00
Rams	\$250.00
Air Bags	\$250.00
K-12 Saw	\$55.00
Target Saw	\$55.00
Ajax Tool	\$25.00
K-Tool	\$25.00
Windshield Tool	\$15.00
Rescue Blanket	\$32.00
Rope	\$25.00