

ORDINANCE NUMBER 1082

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE MITIGATION RATES FOR THE DEPLOYMENT OF EMERGENCY AND NON-EMERGENCY SERVICES BY THE FIRE DEPARTMENT FOR SERVICES PROVIDED/RENDERED FOR THE CITY OF BURKBURNETT.

WHEREAS, the emergency and non-emergency services response activity to incidents continues to increase each year; Environmental Protection requirements involving equipment and training, and Homeland Security regulations involving equipment and training, creating additional demands on all operational aspects of the fire department services; and

WHEREAS, the fire department has 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 fire department 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 Board of Commissioners of the City of Burkburnett 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; Now, Therefore

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT:

SECTION 1: The City of Burkburnett Fire Department shall initiate mitigation rates for the delivery of emergency and non-emergency services by the fire department for personnel, supplies and equipment to the scene of emergency and non-emergency incidents as listed in “EXHIBIT A”. The mitigation rates shall be based on actual costs of the services and that which is usual, customary and reasonable (UCR) as shown in “EXHIBIT A”, which may include any services, personnel, supplies, and equipment and with baselines established by addendum to this document.

SECTION 2: A claim shall be filed to the responsible party(s) through their insurance carrier. In some circumstances, the responsible party(s) will be billed directly.

SECTION 3: The fire department’s Board of Commissioners may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, not consistent with this Section, as they may deem necessary or expedient in respect to billing for these mitigation rates or the collection thereof.

SECTION 4: It is found and determined that all formal actions of this Board of Commissioners concerning and relating to the adoption of this Ordinance were adopted in open meetings of this Board of Commissioners, and that all deliberations of this Board of Commissioners and any of its committees that resulted in such formal actions were in accordance with all legal requirements, and the Codified Ordinances of the Board of Commissioners.

SECTION 5: This Ordinance shall be effective immediately upon its passage and adoption as permitted by law.

SECTION 6: The Mitigation Rates lists in Exhibit A will increase by 1.5% annually or 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, whichever is more. Rate adjustments will occur on the anniversary date of this ordinance/resolution to keep the fire department's cost recovery program in conformity with increasing operating expenses.

PASSED AND APPROVED ON THIS 21st DAY OF APRIL 2025.

Lori Kemp, Mayor

ATTEST:

Nikki Tepfer, City Clerk

EXHIBIT A

MITIGATION RATES

MOTOR VEHICLE INCIDENTS

Level 1 MVA - \$602

Provide hazardous materials assessment and scene stabilization. This is the most common "billing level" and will occur most every time the fire department response to an accident/incident.

Level 2 MVA - \$687

Includes Level 1 services as well as clean up and materials used for hazardous fluid clean up and disposal. We will bill at this level if the fire department must clean up any or other automotive fluids that are spilled because of the accident/incident

Level 3 – Car Fire - \$838

Provide scene safety, fire suppression, breathing air, rescue tools, hand tools, hose, TIC use, foam, structure protection, and clean up gasoline or other automotive fluids that are spilled because of the accident/incident

Level 4 – EV Car Fire – \$838 plus cost of blanket

ADDITIONAL RATES

Engine \$554 per hour

Truck \$693 per hour

Chief Officer \$347 per hour

Miscellaneous Equipment \$416

Heavy Extrication Tools Used- \$1,811

Creating Landing Zone - \$553

HAZMAT

Level 1 - \$972

Basic Response: Claim will include engine response, first responder assignment, perimeter establishment, evacuations, set-up and command.

Level 2 – \$3,473

Intermediate Response: Claim will include an engine response, first responder assignments, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, set-up of command and decon center. PPE to include level A or B donning, breathing air and detection equipment.

Level 3 - \$8,199

Advanced Response: Claim will include an engine response, first responder assignments, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, set-up of command and decon center. PPE to include level A or B donning, breathing air and detection equipment. Will include detection equipment, recovery and identification of materials, disposal and environmental cleanup, as well as the rate. Includes 3 hours of on scene time – each additional hour over, is billed at \$366 per hour, per HAZMAT team.

ADDITIONAL APPARATUS ON SCENE (for all levels of service)

Engine billed at \$554.00 per hour.

Truck billed at \$693.00 per hour.

FIRES

Assignment - \$554.00 per hour, per engine / \$693.00 per hour, per truck.

Includes

- Scene Safety
- Investigation
- Fire/Hazard Control

This is the most common “billing level” and will occur for the most common fire response.

OPTIONAL: The department has the option to bill each fire as an independent event with custom mitigation rates. (Itemized meaning, per person, at various pay levels and the products used.)

FIRE INVESTIGATION

Fire Investigation Team - \$554 per hour.

Services to include:

- Scene Safety
- Investigation
- Source Identification
- K-9/Arson Dog Unit
- Identification Equipment
- Mobile Detection Unit
- Fire Report

The claim begins with the fire investigation responds to the incident and is billed for only the time logged.

FIRE MARSHAL/OPERATIONS CHIEF RESPONSE

This includes the setup of command and providing direction of the incident. This could include operations, safety, and administration of the incident.

ILLEGAL FIRES

Assignment Rates - \$554/hour per engine
\$693/hour per truck

When a fire is started by any person(s) that requires the Burkburnett Fire Department to respond during a time or season when fires are regulated or controlled by local or state rules, provisions, or ordinances because of pollution or fire danger concerns. The person(s) will be liable for the Burkburnett Fire Department response as a cost, not to exceed, the actual expenses incurred by the Burkburnett Fire Department. Similarly, if a fire is started where permits are required for such a fire, and the permit is not obtained and the Burkburnett Fire Department is required to respond to contain the fire, the responsible party will be liable for the response at a cost not to exceed the actual

expenses incurred by the department. The actual expenses will include direct labor, equipment costs and any other costs that can be reasonably allocated to the cost of the response.

WATER INCIDENTS

Level 1 - Billed at \$554/hour plus \$68 per hour, per person

Basic Response: Claim will include engine response, first responder assignments. This will be the most common "billing level" and will occur almost each time the Burkburnett Fire Department has to respond to a water incident.

LEVEL 2 - Billed at \$1,110/hour plus \$68 per hour, per person.

Intermediate Response: Includes Level 1 actions as well as cleanup and materials needed for hazmat spill. We will bill at this level if the Burkburnett Fire Department must clean up small amounts of gasoline or other fluids, as a result of the incident.

LEVEL 3 - Billed at \$2,747/hour plus \$68 per hour, per person.

Advance Response: Includes services above, as well as DART activation, and recovery and identification of materials associated. Will include the fees for environmental disposal fees.

BACK COUNTRY OR SPECIAL RESCUE

Itemized Response: Each incident will be billed with custom mitigation rates that are deemed usual, customary and reasonable (UCR). These incidents will be billed itemized per apparatus, per rescue person, plus the rescue products used.

Minimum billed at \$554 for the first response vehicle, plus \$68 per rescue person. Additional rates of \$554 per hour per response vehicle and \$58 per hour per rescue person.

GAS LEAKS (Natural)

Level 1 – Natural Gas leak, outside without fire - \$523/hour

Description: Minimal danger to life, property, and the environment, leak typically for mechanical damages to a meter or pipe.

Level 2 – Natural Gas leak, Outside with Fire - \$748/hour, plus \$68 per hour, per person.

Description: Moderate danger to life, property, and the environment, leak typically caused from mechanical damage with nearby operating equipment causing a fire.

Level 3 – Natural Gas leak inside structure - \$932/hour, plus \$68 per hour, per person.

Description: Significant danger to life, property, and the environment, leak is typically difficult to identify and locate.

FIRE MARSHAL INSPECTION AND PERMITTING FEES

a) *Fire Marshal Inspections.*

- 1) Certificate of Occupancy - \$60.00.
- 2) Temporary Certificate of Occupancy - \$60.00.
- 3) After Hours Inspections (after 5:00 p.m. or on weekend)
 - i. \$150.00 per hour for first two hours.
 - ii. \$50.00 per hour for each additional hour beyond the first two hours.

b) *Fire Protection Systems.*

- 1) 1-10 devices - \$75.00.
- 2) 11-25 devices - \$100.00.
- 3) 26-100 devices - \$200.00.
- 4) 101-200 devices - \$275.00.
- 5) 201-500 devices - \$500.00.
- 6) Per device for each device over 500 - \$1.00.

c) *Fire Sprinkler Systems.*

- 1) Underground- \$150.00.
- 2) Aboveground, 1-19 heads - \$75.00
- 3) Aboveground 20-100 heads - \$100.00.
- 4) Aboveground, 101-300 heads - \$200.00.
- 5) Aboveground 301-1,000 heads - \$400.00.
- 6) Per head/or each over 1,000 heads - \$1.00.
- 7) Fire Pump, additional - \$150.00.

d) *Access Control.*

- 1) 1-10 Doors - \$75.00.
- 2) 11-25 Doors - \$100.00
- 3) 26-100 Doors - \$200.00.
- 4) 101-200 Doors - \$275.00
- 5) 201-500 Doors - \$500.00.
- 6) Per device for each device over 500 - \$1.00.

e) *Fire Alarm System Permits.*

- 1) *Residential Permit Fee - \$50.00 annually.*
 - i. This residential fee shall be waived if a burglar alarm permit fee has already been paid.
- 2) *Non-Residential Permit Fee - \$100.00 annually.*

f) *False Alarm Billing Fee (Residential).*

- 1) The first three (3) false alarm calls within a twelve (12) month period are free of charge.
- 2) The fee for the fourth (4th) and fifth (5th) false alarm calls within a twelve (12) month period is \$75.00 per call.
- 3) The fee for the sixth (6th) and seventh (7th) false alarm calls within a twelve (12) month period is \$250.00 per call.
- 4) The fee for the eight (8th) false alarm call and any false alarm call beyond the eighth (8th) within a twelve (12) month period is \$500.00 per call.

g) *False Alarm Fee (Non-Residential).*

- 1) The first three (3) false alarm calls within a twelve (12) month period are free of charge.
- 2) The fee for the fourth (4th) and fifth (5th) false alarm calls within a twelve (12) month period is \$150.00 per call.

- 3) The fee for the sixth (6th) and seventh (7th) false alarm calls within a twelve (12) month period is \$500.00 per call.
- 4) The fee for the eighth (8th) false alarm call and any false alarm call beyond the eighth (8th) within a twelve (12) month period is \$1,000.00 per call.

h) Fire Marshal Annual Inspection Fee.

- 1) 1 - 1,500sq.ft. - \$50.00 annually.
- 2) 1,501 - 3,000 sq. ft. - \$55.00 annually.
- 3) 3,001 - 5,000 sq. ft. - \$60.00 annually.
- 4) 5,001 - 10,000 sq. ft. - \$65.00 annually.
- 5) 10,001 - 25,000 sq. ft. - \$70.00 annually.
- 6) 25,001 - 50,000 sq. ft. - \$75.00 annually.
- 7) 50,001 - 75,000 sq. ft. - \$80.00 annually.
- 8) 75,001 - 100,000 sq. Ft. - \$100.00 annually.
- 9) 100,001 - 200,000 sq. ft. - \$120.00 annually.
- 10) 200,001 sq. ft. and greater - \$280.00 annually.

i) Hazardous Materials Annual Permit (includes flammable/combustible liquids).

- 1) Powders and Solids
 - i. 1,000 lbs. and less - \$25.00
 - ii. 1,001 - 2,000 lbs. - \$37.50.
 - iii. 2,001 - 5,000 lbs. - \$70.00.
 - iv. 5,001 lbs. and over - \$137.50.
- 2) Liquids and Gels.
 - i. 25 gallons or less - \$25.00.
 - ii. 26 -100 gallons - \$37.50.
 - iii. 101- 1,000 gallons - \$70.00.
 - iv. 1,001 gallons or more - \$137.50.

j) Plan Review Fees.

- 1) Plan Review - \$60.00.
- 2) Fire Alarm System - \$70.00.
- 3) Fire Sprinkler System - \$150.00.
- 4) Emergency Lighting- \$37.50.
- 5) Special Lighting - \$30.00.
- 6) Liquid storage tanks, hazardous materials - \$70.00.

k) Reinspection Fee - \$60.00.

l) Special Permits.

- 1) Blasting operation - \$65.00 per day.
- 2) Pyrotechnic display - \$65.00 per day.
- 3) Tent permit.
 - i. 1 - 30 days - \$30.00.
 - ii. Each additional 30 days or portion thereof- \$30.00.

m) Underground Storage Tanks Installation. The fees set forth in this subsection are applicable to both temporary and permanent underground storage tanks.

- 1) 0 - 1,000 gallons - \$50.00.
- 2) More than 1,000 gallons - \$100.00.

n) LPG Tank Installation or Removal - \$50.00.

o) Special Event Fees.

- 1) Fire marshal permit.
 - i. \$125.00 for first day.
 - ii. \$75.00 per each additional day thereafter.
- 2) Fire marshal on premises - \$65.00 per hour.
- 3) Standby fire personnel, no apparatus - \$65.00 per hour (each, three hours minimum).

- 4) Standby ambulance, with personnel - \$130.00 per hour (three hours minimum).
- 5) Standby engine or truck, with personnel - \$195.00 per hour (three hours minimum).

p) State Mandated Inspections.

- 1) Hospitals - \$100.00
- 2) Nursing and long-term care homes - \$75.00.
- 3) Daycare/Mother's Day out- \$50.00.
- 4) Foster home or adoptive home - \$10.00.
- 5) Home inspection (insurance) - \$50.00."