

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, AMENDING CHAPTER 30 "EMERGENCY SERVICES" BY ADDING A NEW ARTICLE IV "MITIGATION RATES FOR EMERGENCY AND NON-EMERGENCY SERVICES" TO THE CITY OF BURLESON CODE OF ORDINANCES, AUTHORIZING AND ESTABLISHING MITIGATION RATES FOR THE DEPLOYMENT OF EMERGENCY SERVICES BY THE CITY OF BURLESON FIRE DEPARTMENT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas ("City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City's Fire Department provides fire protection and emergency and non-emergency services to the citizens of Burleson, its extraterritorial jurisdiction and those surrounding areas in which it has an interlocal agreement; and

WHEREAS, the City Council of the City of Burleson, Texas, has determined that it is in the best interests of the citizens of Burleson and the surrounding areas that the City's Fire Department recoup its costs associated with providing fire protection and other emergency services; and

WHEREAS, the emergency services response activity to incidents continues to increase annually, and environmental protection, homeland security, and emergency services licensing regulations involving equipment and training create additional demands on all operations aspects of the City's Fire Department's emergency and non-emergency services; and

WHEREAS, the City's Fire Department has investigated different methods to maintain a high-quality emergency service capability while experiencing constantly increasing service demands, and while maintaining an effective emergency response by the Fire Department that decreases the costs of incidents to insurance carriers through timely and effective management of emergency situations, saving lives and reducing property and environmental damage; and

WHEREAS, the City Council desires to implement a fair and equitable procedure to collect said mitigation rates and establish a billing system in accordance with applicable laws, regulations, and guidelines; and

WHEREAS, the mitigation rates referenced in this ordinance address a wide array of emergency and non-emergency services provided by the City's Fire Department, and it is in the

best interests of the City and its residents that the reasonable mitigation fees set forth herein be adopted.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, THAT:

SECTION 1.

“ARTICLE IV. - MITIGATION RATES FOR EMERGENCY AND NON-EMERGENCY SERVICES

Sec. 30-95 - Mitigation rates.

(a) The City of Burleson authorizes mitigation rates for the delivery of emergency and non-emergency services by the fire department for personnel, supplies, services, and equipment to the scene of motor vehicle and other emergency incidents as listed in this article and set forth in the City of Burleson’s current fee schedule ordinance. The mitigation rates shall be based on actual costs of the services and that which is usual, customary and reasonable (UCR), as such fees are shown in the City of Burleson’s current fee schedule ordinance, which may include any departmental services, personnel, supplies, and equipment and with baselines established in said current fee schedule ordinance.

(b) The city is authorized to file claims with a responsible party or parties through said party’s (or parties’) insurance carrier(s).

(c) The city may contract with a billing service entity for the collection of emergency and non-emergency fees set forth in this article.

Sec. 30-96 - Fire department mitigation fee schedule.

The fees as described below and set forth in the City of Burleson’s current fee schedule ordinance shall be charged as listed.

(a) Motor vehicle accidents.

(1) Level 1 - Provide hazardous materials assessment and scene stabilization. This is the most common "billing level" and will occur almost every time the fire department responds to an accident/incident.

(2) Level 2 - Includes level 1 services and clean up and material used (sorbents) for hazardous fluid clean up and disposal. Level 2 charges are applicable when the fire department is required to clean up any gasoline or other automotive fluids that are spilled as a result of the accident/incident.

(3) Level 3 - Provide scene safety, fire suppression, breathing air, rescue tools, hand tools, hose, tip use, foam, structure protection, and clean up gasoline or other

automotive fluids that are spilled as a result of the accident/incident which results in a vehicle fire.

(4) Add-on services.

a. Extrication - This charge will be added if the fire department has to free/remove anyone from the vehicle(s) using any equipment such as heavy rescue tools, ropes, airbags, or cribbing. The City will not bill for Extrication if the fire department is able to open the door to access the patient, even if the patient is unconscious. This level is to be billed only if equipment is deployed.

b. Creating a landing zone - The City will bill this charge any time a helicopter landing zone is created and/or is utilized to transport the patient(s).

(5) Additional time on-scene.

a. Engine - Charged per hour for any additional time needed on scene.

b. Truck - Charged per hour for any additional time needed on scene.

c. Miscellaneous equipment - Charged per hour for any additional time needed on scene.

(b) Hazmat services.

(1) Level 1 - Includes engine response, first responder assignment, perimeter establishment, evacuations, set-up and command.

(2) Level 2 - Includes engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, set-up and command, Level A or B suit donning, breathing air and detection equipment. Set-up and removal of decontamination center.

(3) Level 3 - Includes engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command, Level A or B suit donning, breathing air and detection equipment and robot deployment. Set-up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene.

(4) Additional time on-scene for all service levels.

a. Engine - Charged per hour for any additional time needed on scene.

b. Truck - Charged per hour for any additional time needed on scene.

c. Miscellaneous Equipment - Charged per hour for any additional time needed on scene.

d. Each additional HAZMAT response team - Charged per hour for each responding team.

(c) Fire investigation team - Includes: Scene safety; investigation; source identification; identification equipment; mobile detection unit; fire report. The claim begins when the Fire Investigator responds to the incident and is billed for logged time only.

(d) Fires. Includes: Scene safety; investigation; fire hazard control. The City has the option to bill each fire as an independent event with mitigation rates based on the other charges authorized by this ordinance if such rates would result in a higher amount.

(1) Engine - Charged per hour for time on scene.

(2) Truck - Charged per hour for time on scene.

(e) Illegal fires. In cases of arson, or when a fire is started by any person or persons that requires a fire department response during a time or season when fires are prohibited by local or state rules, provisions or ordinances because of pollution or fire danger concerns, or when a fire would be permitted by permit but the permit was not obtained, the person or persons responsible for igniting such fire will be liable for the fire department response.

(1) Engine - Charged per hour for time on scene.

(2) Truck - Charged per hour for time on scene.

(f) Water Rescues.

(1) Level 1 - Claim will include engine response, first responder assignment, perimeter establishment, evacuations, first responder set-up and command, scene safety and investigation (including possible patient contact, hazard control).

(2) Level 2 - Claim will include level 1 services and one additional engine response, first responder assignment, perimeter establishment, evacuations, first responder set-up and command, scene safety and investigation (including possible patient contact, hazard control).

(3) Level 3 - Includes Level 1 and Level 2 services as well as DART activation, donning breathing apparatus and detection equipment. Set up and removal of decon center, detection equipment recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material

and contaminated equipment and material used at scene.

(g) Back country or special rescue.

(1) Response vehicle - Charged per hour for time on scene.

(2) Rescue personnel - Charged per hour/per rescue personnel for time on scene.

(h) Chief response - This includes the set-up of command, and providing direction of the incident. This could include operations, safety, and administration of the incident.

(i) Natural Gas Leak incidents.

(1) Level 1 –Natural Gas Leak Outside without Fire - Minimal danger of life, property, and the environment, leak typically for mechanical damage to a meter or pipe. Evacuate immediate area, notify gas company, evaluate hazards including exposures, environment, vehicular traffic etc. Conduct fence line monitoring to determine control zones. Remove ignition sources from the area, consider non-intervention strategy, if offensive tactics selected, ensure proper PPE, respiratory protection, thermal protection, and tactics are utilized.

(2) Level 2 – Natural Gas Leak Outside with Fire - Moderate danger to life, property, and the environment, leak typically caused from mechanical damage with nearby operating equipment (car, backhoe, etc.) causing a fire. Evacuate immediate area, notify gas company, protect hazards from fire damage, do not extinguish the fire unless directed to do so by the gas company, consider water supply options.

(3) Level 3 – Natural Gas Leak inside Structure - Significant danger to life, property, and the environment, leak is typically difficult to identify and locate. Evacuate building and nearby structures, notify gas company, position apparatus away from the structure, attempt to control gas where it enters the building, ventilate the building (using intrinsically safe methods), remove ignition sources from inside the structure and shutting off power on the outside of the structure.”

SECTION 2.

This ordinance shall be cumulative of all provisions of all existing ordinances of the City, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

All rights or remedies of the City are expressly saved as to any and all violations of the City Code or any amendments thereto regarding fees for the provision of emergency and non-emergency services that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety, or public health and sanitation, including dumping or refuse, and shall be fined Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

The City Secretary is hereby directed to publish the caption, penalty clause, and effective date of this ordinance in one issue of the official newspaper of the City, as required by Section 52.013 of the Local Government Code.

SECTION 7.

This ordinance shall be in full force and effect from and after its passage and publication as required by law beginning January 1, 2026, and it is so ordained.

PASSED AND APPROVED the ____ day of _____, 20 ____.

First Reading: the ____ day of _____, 20____.

Final Reading: the ____ day of _____, 20____.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney