

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING CHAPTER 5, "FIRE PREVENTION AND PROTECTION," OF THE TOWN'S CODE OF ORDINANCES, BY REPEALING EXISTING ARTICLE 5.05, "HAZARDOUS MATERIALS INCIDENT RESPONSE," AND REPLACING IT WITH A NEW ARTICLE 5.05, "MITIGATION RATES FOR EMERGENCY AND NON-EMERGENCY SERVICES"; AMENDING APPENDIX A, "FEE SCHEDULE," TO THE TOWN'S CODE OF ORDINANCES BY ADDING A NEW SECTION XXIII, "FIRE DEPARTMENT MITIGATION RATES"; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Prosper Fire Department's emergency and non-emergency services response activity to incidents continues to increase each year; and

WHEREAS, environmental protection requirements involving equipment and training, including Homeland Security regulations involving equipment and training, create additional demands on all operational aspects of the services provided by the Prosper Fire Department; and

WHEREAS, the Prosper 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; and

WHEREAS, it has been determined that maintaining an effective response by a fire department will decrease 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 the ad valorem property tax to meet the increase in service demands would not be justified when in fact the responsible party or parties should be held accountable for their actions; and

WHEREAS, the Town Council desires to implement a fair and equitable procedure by which to collect mitigation rates and to 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 Prosper Fire Department, and it is in the best interests of the Town and its residents that reasonable mitigation fees be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

From and after the effective date of this Ordinance, existing Article 5.05, "Hazardous Materials Incident Response," of Chapter 5, "Fire Prevention and Protection," of the Town's Code of Ordinances is hereby repealed in its entirety and is replaced with a new Article 5.05, "Mitigation Rates for Emergency and Non-Emergency Services," to read as follows:

"ARTICLE 5.05 MITIGATION RATES FOR EMERGENCY AND NON-EMERGENCY SERVICES"

Sec. 5.05.001 Mitigation Rates

The Prosper Fire Department shall initiate mitigation rates for the delivery of emergency and non-emergency services for Fire Department personnel, supplies and equipment utilized at the scene of emergency and non-emergency incidents, as listed in Section XXIII, "Fire Department Mitigation Rates," of Appendix A, "Fee Schedule," to this Code or Ordinances. 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 Appendix A, which may include any departmental services, personnel, supplies, and equipment and with baselines established in said Appendix A.

Sec. 5.05.002 Filing of Claim

The Prosper Fire Department is authorized to file claims with a responsible party or parties through said party's (or parties') insurance carrier(s)."

SECTION 3

From and after the effective date of this Ordinance, Appendix A, "Fee Schedule," to the Town's Code of Ordinances is amended by adding a new Section XXIII, "Fire Department Mitigation Rates," to read as follows:

"Sec. XXIII. Fire Department 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

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

OPTIONAL: The Fire 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 PROSPER 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 PROSPER Fire Department response as a cost, not to exceed, the actual expenses incurred by the PROSPER Fire Department. Similarly, if a fire is started where permits are required for such a fire, and the permit is not obtained and the PROSPER 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 PROSPER 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 PROSPER 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.”

SECTION 4

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, and any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6

This Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 10TH DAY OF JUNE, 2025.

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Siriani, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney