

ORDINANCE NO. 2024 - ____

AN ORDINANCE AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 54-FIRE PREVENTION AND PROTECTION; EMERGENCY MEDICAL SERVICES, SECTION 54-146 MITIGATION RATES FOR THE DELIVERY OF EMERGENCY AND NON-EMERGENCY SERVICES BY THE FIRE DEPARTMENT; MOVING AND AMENDING DEFINITIONS IN ORDINANCE 2015-66, EXHIBIT A, TO SEC. 54-146; AND MOVING ALL FEES TO APPENDIX D, FEE SCHEDULE; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Section 54-146 of the Code of Ordinances of the City of New Braunfels, Texas, provides fees, charges, and mitigation rates for the delivery of emergency and non-emergency services provided by the fire department of the City of New Braunfels; and

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, the mitigation rates for the delivery of emergency and non-emergency services by the fire department have never been adjusted; and

WHEREAS, Ordinance 2015-66 adopted definitions and rates by reference to Exhibit A, which was not codified so that Exhibit A is now being incorporated in this ordinance amendment for ease of reference in Sec. 54-146; and

WHEREAS, the City Council of New Braunfels, Texas was briefed on mitigation rates for the delivery of emergency and non-emergency services by the fire department at meetings on July 6, 2023, and January 16, 2024; and

WHEREAS, the current mitigation rates for the delivery of emergency and non-emergency services provided by the fire department are not reflective of the current market and need to be adjusted in order to cover the City's costs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1: That the findings and recitations set out in the preamble to this Ordinance are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2: That Chapter 54 "Fire Prevention and Protection; Emergency Medical Services", Article

V, Section 54-146, and Appendix D, Section A, "Fire," of the New Braunfels Code of Ordinances shall be amended to hereinafter read as follows with strikethrough font indicating deleted language, and additions reflected as underlined language:

Chapter 54 – FIRE PREVENTION AND PROTECTION; EMERGENCY MEDICAL SERVICES

ARTICLE V- MITIGATION RATES

Sec. 54-146. Mitigation rates for the delivery of emergency and nonemergency services by the fire department.

The New Braunfels 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 "APPENDIX D". The mitigation rates shall be based on actual costs of the services and that which is usual, customary and reasonable (UCR) as shown in APPENDIX D, which may include any services, personnel, supplies, and equipment and with baselines established by addendum to this document.

(a) The ~~city fire department~~ New Braunfels 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 to Ordinance 2015-66~~ APPENDIX D. 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~~ APPENDIX D, which may include any services, personnel, supplies, and equipment. ~~and with baselines established by addendum to this document.~~ Exhibit B to Ordinance 2015-66 shall serve as an inventory of the apparatus and equipment utilized by the city fire department. Should such items need replacement after incident response, they shall be invoiced at current replacement cost. Said inventory list is subject to updating by the Fire Department with a copy available upon request.

(b) 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.

(c) The city council 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.

(d) No fees shall be directly assessed against residents of the City of New Braunfels, except in those instances in which a resident has been convicted of an offense that constitutes at least a class B misdemeanor that caused or resulted in the collision or fire.

(e) Mitigation Rates Definitions:

MOTOR VEHICLE INCIDENTS:

Level 1

Provide hazardous materials assessment and scene stabilization. This will be the most

common “billing level”. This occurs almost every time the fire department responds to an accident/incident.

Level 2

Includes Level 1 services as well as clean up and material used (sorbents) for hazardous fluid clean up and disposal. We will bill at this level if the fire department has to clean up any gasoline or other automotive fluids that are spilled as a result of the accident/incident.

Level 3 – CAR FIRE

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.

ADD-ON SERVICES:

Extrication

Includes heavy rescue tools, ropes, airbags, cribbing etc. This charge will be added if the fire department has to free/remove anyone from the vehicle(s) using any equipment. We will not bill at this level if the patient is simply unconscious and fire department is able to open the door to access the patient. This level is to be billed only if equipment is deployed.

Creating a Landing Zone

Includes Air Care (multi-engine company response, mutual aid, helicopter). We will bill at this level any time a helicopter landing zone is created and/or is utilized to transport the patient(s).

Itemized Response: You have the option to bill each incident as an independent event with custom mitigation rates, for each incident using, itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus, per personnel, plus products and equipment used.

HAZMAT:

Level

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

Level 2

Intermediate Response: Claim will include 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 decon center.

Level 3

Advanced Response: Claim will include 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. Includes 3 hours of on scene time.

MITIGATION RATE NOTES:

The mitigation rates above are average " billing levels ", and are typical for the incident responses listed, however, when a claim is submitted, it will be itemized and based on the actual services provided. These average mitigation rates were determined by itemizing costs for a typical run from the time a fire apparatus leaves the station until it returns to the station) and are based on the actual costs, using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance) and labor rates (an average department' s " actual personnel expense" and not just a firefighter's basic wage). The actual personnel expense includes costs such as wages, retirement, benefits, workers comp, insurance, etc.

(Ord. No. 2015-66, §§ 1—4, 11-23-15)

APPENDIX D FEE SCHEDULE

Sec. A. Schedule of ~~development f~~ Fees.

FIRE MITIGATION RATES

| | | |
|--|-----------------------|-------------------|
| MOTOR VEHICLE INCIDENTS | | |
| <u>Level 1</u> | \$435.00 | <u>\$546.00</u> |
| <u>Level 2</u> | \$495.00 | <u>\$623.00</u> |
| <u>Car Fire</u> | \$605.00 | <u>\$760.00</u> |
| ADD-ON SERVICES | | |
| <u>Extrication</u> | \$1,305.00 | <u>\$1,641.00</u> |
| <u>Creating a landing zone</u> | \$400.00 | <u>\$502.00</u> |
| ADDITIONAL TIME ON-SCENE (Per Hour) | | |
| <u>Engine On-Scene</u> | \$400.00 | <u>\$503.00</u> |
| <u>Truck On-Scene</u> | \$500.00 | <u>\$629.00</u> |
| <u>Miscellaneous Equipment</u> | \$300.00 | <u>\$378.00</u> |
| HAZMAT | | |
| <u>Level 1</u> | \$700.00 | <u>\$881.00</u> |
| <u>Level 2</u> | \$2,500.00 | <u>\$3,146.00</u> |
| <u>Level 3</u> | \$5,900.00 | <u>\$7,426.00</u> |
| OTHER | | |
| <u>False Fire Alarms*</u> | \$175.00 | <u>\$200.00</u> |
| <u>Fire Investigation (Per Hour)</u> | \$275.00 | <u>\$346.00</u> |

SECTION 3: Savings Clause.

All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. The balance of such ordinance is hereby saved from repeal.

SECTION 5: Effective Date.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing by the City Secretary, except that the effective date of the new fees will be April 1, 2024.

PASSED AND APPROVED: First reading this _____ day of February, 2024.

PASSED AND APPROVED: Second reading this ____ day of March, 2024.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Neal Linnartz, Mayor

ATTEST:

Gayle Wilkinson, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney