

ORDINANCE NO. 26-01

CROOKED RIVER RANCH FIRE & RESCUE

AN ORDINANCE AMENDING AND ADOPTING THE COST RECOVERY AND COST-BASED FEES FOR SERVICES AND REPEALING RESOLUTIONS 2024-04 AND 2024-06

WHEREAS, Crooked River Ranch Fire & Rescue (District) frequently responds to events that require it to provide a range of fire protection and emergency medical services, which results in substantial financial costs to District, and almost all such responses are provided at no additional cost to the District's taxpaying patrons; and

WHEREAS, District also provides certain specialized services which go beyond the scope of the usual fire and EMS services District provides (such as certain technical rescues, non-emergent responses to care facilities, or HAZMAT calls), which can result in substantial financial costs to District; and

WHEREAS, ORS 478.410(4) authorizes Crooked River Ranch Fire & Rescue to adopt, by ordinance, fees for its services to reimburse Crooked River Ranch Fire & Rescue for the actual costs incurred by providing those services, and

WHEREAS, the District's Board of Directors (the Board) desires to adopt an ordinance to enable District to recover its actual costs for the various response and administrative services provided by District personnel; and

WHEREAS, ORS 478.310 authorizes Crooked River Ranch Fire & Rescue to recover its reasonable actual expenses for responses in unprotected areas outside of the Fire District, including the contract or reasonable value of use, including repairs and depreciation of equipment and other expenses reasonably incurred in furnishing the firefighting or public safety service; and

WHEREAS, ORS 478.260 and ORS 682.062 authorize District to operate emergency medical service equipment and vehicles both within and without the boundaries of District; and

WHEREAS, in accordance with ORS 476.280 and 476.290, which authorize a cost-based fee for responses to an uncontrolled fire burning on unprotected lands situated outside District boundaries which may cause undue jeopardy to life or property, the District Board of Directors has examined the current Oregon State Fire Marshal's Standardized Cost Schedule from the Oregon Fire Service Mobilization Plan and determined that such costs are reasonable and would satisfactorily reimburse the District for costs incurred in responding in unprotected or inadequately protected areas outside of the District; and

WHEREAS, ORS 478.965 authorizes District to recover its costs for responses requiring active or standby service to control, extinguish or patrol an unlawful fire, including but not limited to those in violation of outdoor burning rules, including high-fire danger burn bans; and

WHEREAS, the Board wishes to equitably distribute District resources among all its citizens and has further determined that District responses to repeated false alarms and egregious open burning violations are a drain on District resources and may impede legitimate emergency responses; and

WHEREAS, ORS 453.382 authorizes District to recover its emergency response costs, including administration, investigation and legal services, for emergency responses involving a hazardous materials or hazardous substance; and

WHEREAS, the fees established by this Ordinance have been evaluated by the Board of Directors and the Directors have reviewed and approved the actual costs of providing such services, responses, or permits; and

WHEREAS the Board of Directors has determined that the fees do not exceed the actual cost of providing such services, responses, or permits; and

WHEREAS, the Board of Directors has determined that it is fair, reasonable, and appropriate to adopt a cost recovery mechanism to collect the costs of providing such services or responses, and the Board of Directors has determined that such fees will be limited to cost recovery only and will not be used to generate revenue for the District; and

WHEREAS, the District desires to establish a published system of regulations, including fees and charges, to recover the District's reasonable estimate of the actual cost, including labor and material, repairs and depreciation of capital assets, and other overhead; and

WHEREAS, the District previously authorized certain fees for services in compliance with Oregon law, and the Board of Directors now wishes to repeal Resolutions No. 2024-04 and 2024-06, or any other Ordinance or Resolution in conflict with this Ordinance, with the goal of amending existing fees, adopting new fees and clarifying the process for future amendment of such fees; and

WHEREAS, the fees and charges imposed by this Ordinance are not taxes subject to property tax limitations of Article XI, Section 11(b) of the Oregon Constitution; and

WHEREAS, the Crooked River Ranch Fire & Rescue Board of Directors has determined that the fees imposed by this Ordinance accurately reflect Crooked River Ranch Fire & Rescue's actual cost of providing services under ORS 478.410(4) and ORS 478.310 and will not generate revenue; and

WHEREAS, pursuant to ORS 294.160, the Board has provided members of the public an opportunity to comment on the proposed fees;

WHEREAS, the fees imposed by this Ordinance are not taxes subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution.

BE IT THEREFORE ORDAINED:

1. **FEES ESTABLISHED.** The Crooked River Ranch Fire & Rescue Board of Directors hereby establishes and adopts the following cost-based fees, which shall be imposed subject to the Fire Chief or his or her designee's sole discretion in compliance with this Ordinance and any applicable administrative rules or procedures.

2. **ADOPTION OF RATE SCHEDULE.** The Board of Directors of Crooked River Ranch Fire & Rescue hereby adopts the rates set forth in the Rate and Fee Schedule attached hereto and by this reference incorporated within this Ordinance as Appendix A. As part of the Rate and Fee Schedule attached as Appendix A, the Board adopts the current rates and fee schedule established by the Office of the State Fire Marshal (OSFM) (OAR 837, Division 130 and the State Fire Marshal's Oregon Fire

Service Mobilization Plan and any applicable Conflagration Act). This model will be used, when applicable, to set the rates regarding billing of actual costs associated with District resource usage and may include equipment rates. The Board further directs that such rates and fees, other than penalties for late payments, shall not be imposed as a penalty, but shall be calculated to recover the reasonable estimate of the actual cost to the District. The Board may, from time to time, amend the Rate and Fee Schedule attached as Appendix A by resolution, as provided in Section 5 herein.

a. Ambulance and Emergency Medical Services Rates

Cost-based fees for emergency and non-emergency transport for residents and non-residents, and mileage will be based upon the rates in Appendix A.

b. Non-Emergency Facility Response Fees

A cost-based fee may be imposed for certain non-emergency requests for assistance from assisted living, residential care, hospice or nursing facilities as provided in this section. If District staff or resources are requested by a commercial assisted living, residential care, or nursing facility to provide assistance to the facility's staff for non-emergent situations (such as physically moving a non-injured resident), the District may impose the fees provided in this section. In determining whether to impose such fees the Fire Chief shall, in his or her sole discretion, consider whether the response was 1) a result of a non-emergent situation; 2) caused by or related to a lack of adequate staffing or lack of adequate facility resources necessary to meet the residents' non-emergent needs, or 3) requested by a facility who has repeatedly requested non-emergency assistance. Such fees will be based on the rates and fee schedule in Appendix A, as well as other documented actual costs of such response. Cancelled en route requests are considered billable events.

The Fire District is authorized to impose a lift-assist fee for any response to a lift-assist request made by a licensed hospice provider on behalf of an individual receiving hospice care. Hospice patients and hospice providers acting on their behalf, are subject to all lift-assist fees established under this ordinance. Lift-assist requests originating from hospice providers shall not be exempt from fee assessment. The fee shall be applied and collected in accordance with the District's adopted schedule of charges.

c. Public Records Requests Fees

A cost-based fee may be imposed for public records requests as provided for in this section. Requests for disclosure of public documents shall be in writing and on an District form and shall state the name and mailing address of the requestor. District shall comply with Oregon's public records law which requires, in general, that District acknowledge the request within five (5) business days of receiving the request and complete the request within ten (10) business days thereafter. The Fire Chief or designee shall be responsible for reviewing requested materials prior to disclosure and will determine if the records are statutorily exempt from disclosure. Public records requests received from an opposing party or its legal counsel during pending litigation will be referred to District legal counsel.

The District will not impose a fee for public records requests for incident reports from District residents or patients if the work entails less than one-half hour of staff time and the

documents pertain to or involve the requestor. All requests require confirmation of requestor's identification and must comply with the Federal and Oregon HIPAA laws.

If locating a document will require more than one-half hour to complete, or will require extensive research or labor, District will provide to the requestor an estimate of when the materials will be available, and the costs associated with the request. District will require a deposit equal to 50% of the total amount of the fee if the costs of producing the documents will exceed one-half hour of staff time. If the actual costs exceed the estimated costs, District may invoice the requestor for the balance of the costs. All fees are due prior to public record request documents being released.

d. Facility Rental and Training Classes Fees

A cost-based fee may be imposed and set as established in Appendix A at the discretion of the Fire Chief or his or her designee. Profits realized through outside class participants or acquired structure live fire events will be deposited into the District's General Fund and be utilized to replace, repair, or enhance the District's capital assets involved in providing these training opportunities.

e. Events and Festivals Fees

A cost-based fee may be imposed on special events. Such events require the diversion of District personnel from their normal routine and obligations, requiring the District to pay for additional personnel to cover these events. Such fees are established in Appendix A.

f. False Fire Alarm Fees

A cost-based fee may be imposed for responses to repetitive false (nuisance) fire alarms as provided in this section. However, no cost recovery fee shall be imposed for the 1st three false fire alarm responses to any residential or commercial occupancy during a calendar year. No cost recovery fee shall be charged if the fire alarm is a result of a fire. Cancelled enroute false alarms are billable events subject to this fee. Fees under this section will be based upon the rates in Appendix A, as well as a reasonable estimate of the actual cost of similar fire or medical alarm responses.

g. Open Burning Violation Fees

A cost-based fee may be imposed for open burning violation responses as provided in this section. Open burning violations are defined as violations of any locally adopted fire code or violations of any applicable Oregon Revised Statute or DEQ regulation. Such fees may be imposed for repeated violations, egregious or purposeful violations, or for any open burning violation during a burn ban or during high and extreme fire danger. Fees will be based upon the rates in Appendix A, as well as other documented actual costs of responding to the violation.

h. Transportation Route Response Fees

A cost-based fee may be imposed for responses on certain transportation routes, as further provided in this section. "Transportation route" means any roadway, railway right-of-way, or waterway, against which no taxes or assessments for fire protection are levied by the District. Such cost-based fees may be imposed for responses to incidents, responses, or occurrences on such Transportation Routes, including aircraft crashes.

Transportation Route response invoices will use dispatch time records to determine the commitment of apparatus and personnel and will use the rates as listed in Appendix A. Miscellaneous supplies and services may also be invoiced and will be based upon scene documentation of the officer in charge.

i. Unprotected or Inadequately Protected Area Response Fees

A cost-based fee may be imposed for responses to incidents in unprotected or inadequately protected areas outside of District boundaries as provided in this section. These responses may be billed on a "per hour" basis using dispatch time records to determine the commitment of apparatus and personnel as well as rates in Appendix A. Miscellaneous supplies and services may also be invoiced and will be based upon the rates provided in Appendix A as well as scene documentation of the officer in charge.

j. Hazardous Materials Response Fees

Cost-based fees may be imposed for responses involving hazardous materials remediation and for hazardous materials-related incidents. Fees may be imposed regardless of a State Hazardous Materials Team response. If imposed, fees will only reflect the District's hazardous materials-related costs. Such fees will be based on the rates and fee schedule in Appendix A, as well as other documented actual costs of such response. In addition, standardized administrative costs and miscellaneous supplies and services may be billed.

k. Utility Assistance Fees

Cost-based fees may be imposed for responses to requests from utilities for assistance. The Fire District responds to service calls involving utilities such as electric or cable wires down, natural gas leaks, water main leaks, etc. Cost-based fees may be imposed for these responses. Such fees will be based on the rates and fee schedule in Appendix A, as well as other documented actual costs of such response. In addition, standardized administrative costs and miscellaneous supplies and services may be billed.

l. Technical Rescue Fees

Cost-based fees may be imposed for responses requiring technical or specialty rescue equipment or training. The Fire Chief shall determine if such fees shall be charged, but in no event shall the District charge persons who pay taxes directly to the District. Such fees will be based on the rates and fee schedule in Appendix A, as well as other documented actual costs of such response. In addition, standardized administrative costs and miscellaneous supplies and services may be billed.

4. **INVOICES; WAIVER.** The District shall address the invoices for fees to the responsible party or agent, which may be a registered property owner or agent; a service recipient or agent; an occupant, a driver or passenger or agent; a vehicle or plane owner or agent; an insurance company; or any person or entity requesting or receiving services. The Fire Chief, or designee, shall be responsible for determining the responsible party and for reviewing all the cost recovery invoices. The Fire Chief may, at his or her discretion, waive or amend fees assessed in compliance with this Ordinance and any applicable administrative rules.

5. **REVIEW AND AMENDMENT.** The Fire Chief may periodically present the fees or rates adopted under this Ordinance to the Board of Directors for review and possible amendment, in the Fire Chief's sole discretion. The fees and Appendix A, which are adopted and approved by the Board of Directors in this Ordinance, may be amended from time to time by Board resolution, as it deems necessary to recover its actual costs for any service Crooked River Ranch Fire & Rescue provides, at a duly noticed and public Board meeting. Prior to adoption of any new fees or fee increases, the Board shall hold an opportunity for the public to comment on the resolution per ORS 294.160.

6. **RULES.** The Board of Directors hereby grants to the Fire Chief the discretion to interpret and apply this Ordinance and to develop administrative rules to apply this Ordinance equitably, including the waiver of fees imposed by this Ordinance and other matters involving the interpretation and application of this Ordinance. Such administrative rules must be consistent with this Ordinance and with applicable Board policy.

7. **APPEALS.** To file an appeal of a fee assessed under this Ordinance, the appellant must provide a written statement to the Fire Chief within ten (10) days of receipt of the fee invoice. The statement must clearly explain the basis of the appeal, stating why the filer thinks the fee was improper, noting specifically whether it was properly assessed or calculated. The Fire Chief will issue a written decision within ten (10) days. Decisions of the Fire Chief are final and not appealable.

8. **COLLECTION PROCEDURES.** Fees will be invoiced within ten (10) business days of the service delivery date. Payment is due upon receipt. If payment or reasonable payment arrangements are not made within ninety (90) days of billing, the invoice shall be considered delinquent, and the District will proceed with the collections as deemed appropriate by the Fire Chief. Costs of collection shall be charged to the persons responsible, including legal fees incurred at trial or on appeal. Collection costs may include the legal rate of interest on the amounts due and owing.

9. **REPEAL.** The Board of Directors of Crooked River Ranch Fire & Rescue hereby repeals any provisions of previous ordinances that conflict with the provisions of this Ordinance and the Fee Schedule attached as Appendix A. Fees assessed for District costs previously incurred remain due and owing to the extent unpaid on the effective date of this Ordinance. Administrative Rules shall remain in full force and effect unless and until amended by the Fire Chief.

10. **EFFECTIVE DATE:** This Ordinance to establish and maintain Crooked River Ranch Fire & Rescue service fees shall take effect on the 30th day after it is adopted by the Crooked River Ranch Fire & Rescue Board of Directors.

Adopted by vote of the Crooked River Ranch Fire & Rescue Board of Directors this _____ day of _____, 2026.

Ayes: _____

Nays: _____

Presiding Officer
Title _____

ATTEST:

Secretary

Certification of Copy

I hereby certify that the foregoing ordinance is a true and correct copy of the original ordinance on file with Crooked River Ranch Fire & Rescue.

Presiding Officer

Title:

APPENDIX A

COST RECOVERY AND COST-BASED FEES FOR SERVICES

RATE & FEE SCHEDULE

- 1) Ambulance and Emergency Medical Services Rates
 - a) Resident of Crooked River Ranch
 - i) BLS Emergency/Non-Emergency Transport \$1,700
 - ii) ALS Emergency Transport \$1,900
 - iii) Mileage \$26.00 per mile
 - iv) Aid Call/Treatment, Non-Transport \$450
 - b) Non-Resident of Crooked River Ranch
 - i) BLS Emergency/Non-Emergency Transport \$2,700
 - ii) ALS Emergency Transport \$2,900
 - iii) Mileage \$30.00 per mile
 - iv) Aid Call/Treatment, Non-Transport \$700
- 2) Non-Emergency Facility Response Fees
 - a) These responses will be billed at the Non-Resident Aid Call/Treatment, Non-Transport rate in Section 1(b)(iv).
- 3) Public Records Request Fees
 - a) Staff time (research, gather, copy, send, etc.) \$40.00 per hour
 - b) Fire or EMS Report for non-owner or non-patient \$10.00 per report copy
 - c) Fax of documents \$1.00 per page
 - d) Copies \$0.25 per page
 - e) CD or USB thumb drive \$17.00 per media
- 4) Facility Rental and Training Classes Fees
- 5) Events and Festival Fees
 - a) Apparatus and personnel costs will be billed for duration of event or festival.
- 6) Fire Apparatus and Personnel Rates
 - a) Apparatus Rates from Oregon State Fire Marshal Mobilization Plan
 - i) Engine, Type I \$100 per hour
 - ii) Engine, Type III \$75 per hour
 - iii) Engine, Type VI \$50 per hour
 - iv) Tender, Type I \$80 per hour
 - v) Command Vehicle, Type III \$45 per hour
 - vi) Rescue Vehicle, Type III \$40 per hour
 - vii) Rescue Vehicle, Type II \$100 per hour
 - viii) Ambulance, Type III (BLS) \$45 per hour

- ix) Ambulance, Type I (ALS) \$55 per hour
- b) Personnel Rates from Oregon State Fire Marshal Mobilization Plan
 - i) Personnel compensation shall be from time of dispatch to the incident until they've returned to station.
 - ii) Career Firefighters
 - (1) Actual compensation paid to employee
 - iii) Volunteer Firefighters
 - (1) Firefighter \$20.10 per hour
 - (2) Apparatus Operator \$22.60 per hour
 - (3) Engine Boss (Volunteer Officer) \$24.00 per hour
 - (4) Strike Team/Task Force Leader (Volunteer Chief) \$26.80 per hour
- 7) False Fire Alarm Fees
- 8) Open Burning Violation Fees \$200 per violation
- 9) Transportation Route Response Fees
 - a) Actual apparatus and personnel costs will be billed.
- 10) Unprotected or Inadequately Protected Area Response Fees
 - a) Actual apparatus and personnel costs will be billed.
- 11) Hazardous Materials Response Fees
 - a) Actual apparatus and personnel costs will be billed along with actual cost of replacing consumable supplies at time of incident.
- 12) Utility Assistance Fees
 - a) Actual Apparatus and personnel costs will be billed.
- 13) Technical Rescue Fees
 - a) Actual apparatus and personnel cost will be billed.
 - b) Equipment use (litters, ropes, hardware, etc.) \$200 per hour
- 14) Other Fees
 - a) FireMed Membership \$60.00 per year
 - b) Emergency Address Sign \$25.00 each