

COMMISSIONER ORDINANCE NO. C-2006-07

AN ORDINANCE IMPOSING A SERVICE CHARGE ON ALL PERSONS USING
THE SERVICES OF HUNTINGTON COUNTY RESCUE

WHEREAS I.C. 36-1-3-5 confers authority on the Board of Commissioners of Huntington County ("Commissioners") to exercise any power not expressly denied by United States Constitution or the Indiana Constitution and not expressly granted another entity ("Power").

WHEREAS I.C. 36-1-3-6 provides that the Commissioners shall exercise that Power by validly promulgated ordinance, there being no constitutional or statutory provision requiring a specific manner of exercising said Power.

WHEREAS the organization known as Huntington County Rescue provides vital emergency response, life support, first aid, recovery, and rescue services ("Services") to Huntington County, Indiana ("County"), that some of these Services are provided at the County's expense, and that is in the best interests of the residents of Huntington County that the County seeks to recover some of these expenses by imposing a service charge on those who use the services of Huntington County Rescue.

WHEREAS Huntington County finds that the fee schedule herein acted ("Schedule") is reasonably related to reasonable and just rates and charges for such Services.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the County of Huntington:

- (A) There shall be established a Huntington County Rescue Operating Fund ("Fund"), which shall be administered by the Huntington County Auditor.
- (B) Huntington County Rescue shall assess fees according to the Schedule herein enacted ("Fees") on all persons or entities for whom the Services of Huntington County Rescue are requested and on whose behalf such Services are utilized.
- (C) In assessing Fees, Huntington County Rescue shall abide by the following Schedule:
 - (1) Two hundred fifty dollars (\$250) for every request for the Services of Huntington County Rescue, if Huntington County Rescue, in response to that request, provides its Services.

(2) One hundred fifty dollars (\$150) for each hour or fraction thereof of on-scene assistance.

(3) The actual cost of replacement for all materials that Huntington County Rescue uses in the course of providing its Services.

(D) Fees shall be collected by sending an account statement ("Statement") to any or all persons or entities who either requested or were benefitted by the Services of Huntington County Rescue.

(1) All checks or money orders shall be payable to Huntington County Auditor and shall be submitted to an address determined by the Administrator.

(E) The Huntington County Auditor shall account for all monies deposited in the Fund and shall ensure that monies in the Fund are expended exclusively for the purpose of defraying the operating costs of Huntington County Rescue. Monies not expended for the purpose of defraying the operating costs of Huntington County Rescue shall be held in said Fund.

(F) All Persons who fail to pay Fees within thirty-five (35) days period shall be liable for the amount of those Fees, plus all costs and expenses, including court costs and attorney fees, that the County incurs as the result of collecting such Fees.

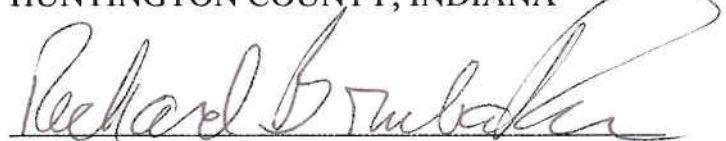
(1) The County may collect these Fees, costs, and expenses, as it would any other civil cause of action that it may own.

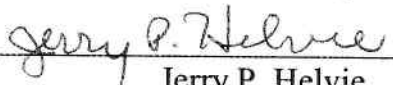
(G) If any Section, subsection, or other part of this Ordinance shall be invalidated by a subsequent statute, constitutional amendment, or Court order, all other Sections, subsections, or other parts of this Ordinance shall remain valid and in effect.

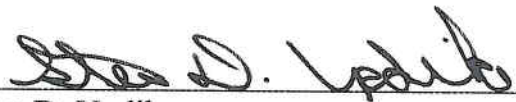
(H) The ordinance shall be effective July 1, 2006

Dated this 17 day of April, 2006.

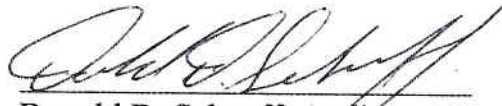
BOARD OF COMMISSIONERS OF
HUNTINGTON COUNTY, INDIANA


Richard Brubaker


Jerry P. Helvie


Steven D. Updike

ATTEST:


Donald D. Schoeff, Auditor
Huntington County, Indiana