

**CITY OF LOWRY CROSSING  
ORDINANCE # 215**

**AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS, AUTHORIZING THE LOWRY CROSSING VOLUNTEER FIRE DEPARTMENT, INC. TO PROVIDE FOR THE COLLECTION OF FEES AND COSTS FOR EMERGENCY AND RESCUE SERVICES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lowry Crossing budgets funds for the Lowry Crossing Volunteer Fire Department, Inc., (the “Department”) to provide fire protection and emergency medical services to, in, and around the City of Lowry Crossing; and,

**WHEREAS**, the Department is equipped with and utilizes certain apparatus, emergency tools, equipment, and materials as a means of saving lives and property; and,

**WHEREAS**, the City Council has determined that the Department should have the ability to recoup some of the costs incurred with the providing of fire protection, vehicular accident response, rescues, emergency medical, fire prevention and other emergency services; and,

**WHEREAS**, the persons or entities who received or otherwise benefitted from the emergency services provided by the Department, and for whom the referenced apparatus tools, equipment, and materials have been utilized, should reimburse the Department a portion of the costs associated with the use, loss, damage, and wear and tear to said apparatus, tools, equipment, and materials incurred in connection with the act of rendering emergency services to said persons or entities;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWRY CROSSING, TEXAS:**

**SECTION 1.** The City of Lowry Crossing hereby authorizes the Department to bill persons and entities, including insurance companies that provide insurance coverage to said persons and entities, for the reasonable fees and costs that are related to the use, loss, damage, and wear and tear to said apparatus, tools, equipment, and materials necessary to provide the fire protection and emergency services rendered to said persons and entities in accordance with the Fee Schedule attached hereto as Exhibit A and made part hereof for all purposes, the same as if fully copied herein. That such fees and costs are subject to the exemptions and limitations set forth in this Ordinance.

**SECTION 2.** Fees may be collected for services provided by the Department both inside and outside the City Limits of Lowry Crossing in accordance with this Ordinance. Applicable incident report information shall be utilized and forwarded to the Department’s authorized agent for the collection of fees.

**SECTION 3.** The Department or its authorized agent shall submit an invoice to the person, entity, or relevant insurance company covering the particular loss, for the emergency services rendered. If it can be reliably determined that there is no insurance coverage for a particular emergency call, which causes the Department to use or incur loss, damage, and wear and tear to apparatus, tools, equipment, and materials, the Department may collect such fees from the person or entity that received said emergency services or the person or entity responsible for the debts and obligations of the person or entity that received or benefited from such emergency services.

**SECTION 4.** That all provisions of the ordinances of the City of Lowry Crossing in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City of Lowry Crossing not in conflict with the provision of this Ordinance remain in full force and effect.

**SECTION 5.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional.

**SECTION 6.** This Ordinance shall take effect immediately from and after its passage, as the law in such cases provides.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF LOWRY CROSSING, TEXAS, ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2010.**

**APPROVED:**

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**Derek C. Stephens, Mayor**

**ATTEST:**

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**Janis M. Cable, City Secretary**