

**COUNCIL OF THE
VILLAGE OF HIGHLAND HILLS**

ORDINANCE NO. 2024-59

For the October 16, 2024
Council Meeting

Introduced by: Mayor Michael L. Booker

Supported by: Council President Pride and
Councilpersons Greene, Mills, McManus and
Wright

**AN ORDINANCE TO AMEND CHAPTER 156 FIRE DEPARTMENT, AND
DECLARING AN EMERGENCY.**

WHEREAS, This Council adopted Ordinance 1990-11 in June, 1990 shortly after creation of the Village to create the Fire Department for the Village, and

WHEREAS, Chapter 156 has not been reviewed or revised except once in 2008, and now it is necessary to amend this Chapter to establish legislation that codifies the current operations of the existing Fire Department, and

WHEREAS, This Council desires to modify Chapter 156 Fire Department of the Codified Ordinances of the Village to reflect the current operations of the current Fire Department.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HIGHLAND HILLS, OHIO:

Section 1: That Chapter 156 Fire Department of the Codified Ordinances of the Village of Highland Hills is hereby amended as set forth in Exhibit A, which is attached hereto and incorporated herein fully by reference.

Section 2: Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an orderly meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were conducted in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: This Ordinance is declared to be an emergency measure necessary to provide for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village of Highland Hills, and for the reason that said ordinance is immediately necessary for the orderly operation of the Village Fire Department, and provided it receives the affirmative vote of two-thirds (2/3) of all members elected to Council, it shall take effect and be in force immediately upon its passage, otherwise, is shall take effect and be in force from and after the earliest period allowed by law.

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Passed in Council this 16th day of October, 2024.

First Reading ✓ Second Reading _____ Third Reading _____

Vote: Pride ✓ yea ___ nay _____ Greene ✓ yea ___ nay _____ Mills ✓ yea ___ nay _____

McManus ✓ yea ___ nay _____ Wright ✓ yea ___ nay _____

Cassandra Pride 10/16/24
Cassandra Pride Date
President of Council

Attest: Margaret Sikon 10/16/24
Margaret Sikon, Clerk of Council Date

Filed with the Mayor: ✓ 10/18/24
Date

Approved By: [Signature] 10/18/24
Michael L. Booker, Mayor Date

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CHAPTER 156
Fire Department

- 156.01 Established.
- 156.02 Personnel.
- 156.03 Volunteer and non-volunteer positions.
- 156.04 Probationary period. (Repealed) Jurisdiction
- 156.05 Policemen may be firemen.
- 156.06 Appointment of members and oath.
- 156.07 Duties and authority of Chief.
- 156.08 Absence of Chief.
- 156.09 Meetings and drills.
- 156.10 Mutual aid agreements.
- 156.11 Response to emergency calls outside Village limits.
- 156.12 Volunteer Fire Fighters Dependents Fund Board.
- 156.13 Identity Theft Prevention Program for Emergency Medical Services.
- 156.14 ~~Emergency call fee~~ Provision Of Emergency Medical Services; Fees And Charges

CROSS REFERENCES

Volunteer Firemen's Dependents Fund - see Ohio R.C. Ch. 146

156.01 ESTABLISHED.

There is hereby created in the Village of Highland Hills, a Fire Department which shall be a Volunteer Fire Department providing fire prevention services and emergency medical services. ~~and at all times, shall be under the control and direction of the Mayor. The members of the Fire Department shall be paid at the rate set forth in the Compensation Ordinance as may be established by Council.~~

(Ord. 1990-11. Passed 6-18-90.)

156.02 PERSONNEL.

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There shall be a Chief, Deputy Chief and such other positions of rank and number of employees as shall be determined by the Human Resource System Committee with approval from Council by ordinance which may be revised from time to time. The employment compliment including rank and number of positions of the Fire Department shall be staffed as this Council shall, from time to time, establish by separate ordinance.

With the exception of the office of the Fire Chief, nothing in this chapter shall be construed to require the entire authorized strength of the Fire Department to be filled at any given time. (Ord. 2007-36. Passed 9-12-07.)

156.03 VOLUNTEER AND NON-VOLUNTEER POSITIONS.

The Fire Chief may be the only non-volunteer member of the Fire Department, all other officers and men shall be of the volunteer status.

(Ord. 1990-11. Passed 6-18-90.)

156.04 ~~PROBATIONARY PERIOD. (REPEALED)~~JURISDICTION

(EDITOR'S NOTE: Former Section 156.04 was repealed by Ordinance 2008-51.)

The Fire Department shall have jurisdiction over all matters pertaining to fire prevention, equipment, quarters, fire fighting, the installation, supervision and maintenance of fire alarm signal and communications systems, fire suppression systems and enforcement of fire laws and ordinances, and emergency medical services.

156.05 POLICEMEN MAY BE FIREMEN.

Members of the Department of Police of the Village of Highland Hills may also be volunteer members of the Fire Department.

(Ord. 1990-11. Passed 6-18-90.)

156.06 APPOINTMENT OF MEMBERS AND OATH.

All members of the Fire Department shall be appointed by the Mayor pursuant to his/her authority as granted by the Village Charter, Article II, Section 4, ~~subject to approval by Council, and the Mayor is herein authorized to commence making such appointments as are necessary to comply with the provisions of this chapter. Upon assuming duties, Each newly appointed~~ member shall take an oath of office prior to commencing employment.

(Ord. 1990-11. Passed 6-18-90.)

156.07 DUTIES AND AUTHORITY OF CHIEF.

(a) It shall be the duty of the Fire Chief to faithfully enforce the laws of the State of Ohio and the Village of Highland Hills. He shall preside at all meetings of the Fire Department. He shall have command over all members of the Department at all meetings, all drills and fires and it shall be the duty of every member of the Department to obey the orders, rules and regulations established by ~~of~~ the Fire Chief at all meetings, drills, ~~and~~ fires, fire prevention services and emergency medical runs. He shall have authority to make, impose and enforce any rules and regulations as are necessary and authorized by law subject to review and approval by the Mayor /Safety Director and Law Director. In the immediate vicinity of ~~a~~the fire and during the period of emergency, the Chief shall have full Marshal and Police powers as authorized by law.

(b) It shall be the duty of the Fire Chief or his/her designee to inspect all Department equipment or to cause the same to be inspected, or to coordinate such inspection to meet all minimum requirements of a volunteer Fire Department as established by law. The Fire Chief shall have the duty to cause the same to be kept in good repair.

(c) In case of infraction, insubordination, malfeasance, misfeasance, nonfeasance or in case of any other cause for suspension or discipline, under the laws of the State of Ohio, of any member of the Fire Department, the Fire Chief shall forthwith file a full report in writing with the Mayor. Any discipline shall be handled as provided by the Charter or the Personnel Employee Handbook.

(d) The Fire Chief shall provide reports to the Mayor and Council on an annual basis or more often as Council or the Mayor may require. Reporting requirements may be waived or amended by Council at any time.

(e) The Chief shall have power and authority, and it shall be his or her duty to demolish buildings or parts of buildings, which in his or her judgment may cause further damage to life or property, or which in his or her judgment may be necessary to prevent the further spread of fire.

(f) The Chief shall order inspections of public buildings and other structures at intervals that he or she deems necessary, for the purpose of ascertaining whether or not said buildings constitute a fire hazard, evacuation procedures including but not limited to emergency first responder plans.

(g) The Chief shall keep or cause to be kept records including an alphabetical roster of all employees, employee personnel files, disciplinary action, sick leaves or leaves of absence, inventories of all equipment, tool and appliances, a record of all communications received or sent, and all permits required by law, and any and all such other records as may be necessary in the operation of a volunteer Fire Department. (Ord. 2011-01. Passed 4-13-11.)

156.08 ABSENCE OF CHIEF.

During the absence, inability or refusal of the Fire Chief to act, his duties shall be assumed by the next ranking officer in charge, whose duties and authority during such time he is acting as Fire Chief shall be the same as the Fire Chief. If there is no ranking officer who, in the absence of the Fire Chief, can assume the duties of the Fire Chief, the Mayor shall have authority to appoint an acting Fire Chief to assume the duties of the Fire Chief until such time as the Fire Chief returns to assume his normal duties. All appointments of the Mayor shall be approved by Council.

(Ord. 1990-11. Passed 6-18-90.)

156.09 MEETINGS AND DRILLS.

It is the duty of each member of the Fire Department to attend all meetings and drills. Regular meetings of the Fire Department shall be held at such times and places for drills and instructions as shall be set by the Fire Chief. Special meetings may be called as often as deemed necessary by the Fire Chief.

(Ord. 1990-11. Passed 6-18-90.)

156.10 MUTUAL AID AGREEMENTS.

Authority is hereby granted to the Mayor and Fire Chief to negotiate Mutual Aid Agreements with neighboring communities subject to review and approval by Council.

(Ord. 1990-11. Passed 6-18-90.)

156.11 RESPONSE TO EMERGENCY CALLS OUTSIDE VILLAGE LIMITS.

(a) Council hereby authorizes the Village Fire Department to provide fire protection services and/or emergency medical services to any county, municipal corporation or township of this State upon authorization of the officer or employer of Highland Hills Fire Department designated in subsection (b) hereof.

(b) The Chief of the Highland Hills Fire Department or his/her designee is designated as the officer or employee of the Highland Hills Fire Department to grant authorization for providing fire protection services as set forth in subsection (a) hereof as may be appropriate in his or her discretion.

(Ord. 1993-28. Passed 2-9-94.)

156.12 VOLUNTEER FIRE FIGHTERS DEPENDENTS FUND BOARD.

There is hereby created the Highland Hills Volunteer Fire Fighters Dependents Fund Board which shall consist of five members appointed in accordance with Ohio R.C. 146.03: Two members elected by Council; two members elected by the Fire Department; and one member elected by the other four members who shall be an elector of the Village but not a public employee or elected official. Each member shall serve a one-year term without compensation. The Board shall comply in all respects with the requirements of Ohio R.C. Chapter 146.

(Ord. 2005-01. Passed 1-12-05.)

156.13 IDENTITY THEFT PREVENTION PROGRAM FOR EMERGENCY MEDICAL SERVICES.

(a) Council hereby adopts the Identity Theft Prevention Program for Emergency Medical Services attached to Resolution 2009-40 as "Exhibit A" and incorporated as if fully rewritten.

(b) The Fire Chief, with the assistance of the Village Director of Law, is responsible for developing, implementing, administering and updating the Program. The Fire Chief, or his/her designee, will be responsible for developing a training program for EMS Personnel and other Village employees identified by the Fire Chief as having a role in implementing the Program. Training on this Program shall occur upon hiring of EMS Personnel and on an "as needed" basis thereafter. A record of training shall be kept by the Fire Chief.

(c) The Fire Chief will periodically review the effectiveness of the Program and update the Program to reflect the addition or removal of Covered Accounts, and changes in risks to Patients from Identity Theft. An annual report shall be provided by the Fire Chief to the Mayor regarding significant incidents involving Red Flags and the Village's response, the effectiveness of the Program, and recommendations for change.

(Res. 2009-40. Passed 9-11-09.)

156.14 ~~EMERGENCY CALL FEE.~~ PROVISION OF EMERGENCY MEDICAL SERVICES; FEES AND CHARGES

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(a) ~~Emergency medical services shall be provided by the Highland Hills Fire Department on a fee basis in response to any call for such needed emergency service. Every person using such services, or the guardian of such person, or any other person who is financially responsible for such person, shall be liable for the payment of fees and charges as established by this section.~~

(b) Resident ~~Ambulance Emergency Rescue Squad~~ Service. The Village will provide ~~ambulance and~~ emergency rescue squad services to residents and the Village shall only bill residents of Highland Hills and their insurers, including the Federal Health Care Programs of Medicare and Medicaid, for the services provided but only to the extent of their insurance coverage, i.e. there will be no out of pocket costs to the residents of the Village. The Village shall treat the revenues received from Highland Hills' local taxes as payment of any of other applicable co-payments and deductibles that would otherwise be due from the residents of the Village of Highland Hills.

(b) Non-Resident ~~Emergency Rescue Squad~~~~Ambulance~~ Service. The Village of Highland Hills is hereby authorized to charge nonresidents who receive emergency medical and rescue squad services from the Highland Hills Fire Department the usual, reasonable and customary fees that can be charged for such services. Usual, reasonable and customary fees are defined as the fees established by the Medicare operations insurance carrier for the Medicare locality area three, as revised from time to time.

(c) Resident Fire and Rescue & Special Services. Whenever the Village of Highland Hills Fire Department responds to a motor vehicle crash, motor vehicle fire, hazardous materials incident, technical rescue or structure fire, and fire alarms or other emergency service, either inside or outside the fire district response area, the fee structure listed in Sub-Section (e) shall apply and be billed to the Residents of Highland Hills and their insurers for the services provided but only to the extent of their insurance coverage, i.e., there will be no out of pocket costs to the residents of the Village of Highland Hills. The Village shall treat the revenues received from Highland Hills' local taxes as payment of any other applicable co-payments and deductibles that would otherwise be due from the residents of the Village of Highland Hills.

(d) Non-resident Fire and Rescue & Special Services. Whenever the Village of Highland Hills Fire Department responds to a motor vehicle crash, motor vehicle fire, hazardous materials incident, technical rescue or structure fire, and fire alarms or other emergency service, either inside or outside the fire district response area, the fee structure listed in Sub-Section (e) shall apply and be billed to non-residents and their insurers for the services provided.

(e) Fee Structure. All fees as established by Council shall be set forth in Section 105.09 .

(f) The Mayor is authorized to enter into an agreement with a company that will provide electronic claims filing systems for the purpose of collecting insurance proceeds indicated in subsection (e) hereof or as modified thereafter.

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(g) The Mayor and the Finance Director are authorized to establish guidelines and procedures to assist the indigent and the financially needy that are unable to pay for emergency services.

(h) The funds collected pursuant to this Section shall be disbursed as follows:

(1) Such part thereof necessary to defray all expenses of collection shall be paid.

(2) The balance remaining after such payment shall be deposited in the Fire Department Fund for operations of the Fire Department.

(Ord. 2011-52. Passed 1-11-12.)

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(b) Resident Emergency Rescue Squad Service. The Village will provide emergency rescue squad services to residents and the Village shall only bill residents of Highland Hills and their insurers, including the Federal Health Care Programs of Medicare and Medicaid, for the services provided but only to the extent of their insurance coverage, i.e. there will be no out of pocket costs to the residents of the Village. The Village shall treat the revenues received from Highland Hills' local taxes as payment of any of other applicable co-payments and deductibles that would otherwise be due from the residents of the Village of Highland Hills.

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(2) The balance remaining after such payment shall be deposited in the Fire Department Fund for operations of the Fire Department.

(Ord. 2011-52. Passed 1-11-12.)