

ORDINANCE NO. 36-2017

**AN ORDINANCE AMENDING CHAPTER 240 OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF LOUDONVILLE, OHIO**

WHEREAS, the Council of the Village of Loudonville believes it is in the best interest of the Village and its citizens to amend and replace Chapter 240 of the codified ordinances of the Village of Loudonville pertaining to the Loudonville Fire Department;

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE
OF LOUDONVILLE, STATE OF OHIO:**

SECTION 1. That Chapter 240 of the codified ordinances of the Village of Loudonville is hereby amended and replaced to now read as set forth on Exhibit A, attached hereto and made part hereof by reference.

SECTION 2. That this Ordinance shall take effect and be in force at the earliest date allowed by law.

Date: _____

Stephen Stricklen, Mayor

Attest:

Elaine Van Horn, Fiscal Officer

Approved:

Thomas R. Gilman, Village Solicitor

Exhibit A

CHAPTER 240 Fire Department

- [240.01](#) Full-time Fire Department; Secretary; certification to Fiscal Officer.
- [240.02](#) Uniform allowance.
- [240.03](#) Use of private automobiles.
- [240.04](#) Additional compensation.
- [240.041](#) Scope of service of volunteers.
- [240.05](#) Reserved
- [240.06](#) Prohibition against fire fighting.
- [240.07](#) E.M.S. Coordinator.
- [240.08](#) Paramedic.
- [240.09](#) ADV EMT-A.
- [240.10](#) EMT-A.
- [240.11](#) Ambulance Driver.
- [240.12](#) Additional benefits, compensation.
- [240.13](#) Probationary period, conditions of employment.
- [240.14](#) Charges for E.M.S. services.
- [240.15](#) Emergency Medical Service Fund.

CROSS REFERENCES

- Composition - see Ohio R.C. 715.05, 737.21 et seq.
- Schooling, buildings and equipment - see Ohio R.C. 715.05, 737.23 et seq.
- Fire protection contracts - see Ohio R.C. 307.05, 505.44, 717.02
- General duties - see Ohio R.C. 737.11
- Regulations and hours - see Ohio R.C. 737.21
- Appointment and removal of Fire Chief - see Ohio R.C. 733.35 et seq., 737.22
- Right to examine buildings - see Ohio R.C. 737.27, 3737.14
- Volunteer Firemen's Dependents Fund - see Ohio R.C. Ch. 146
- Failure to aid a law enforcement officer- see GEN.OFF. [606.13](#)
- Personating an officer - see GEN. OFF. [606.25](#), [642.20](#)

240.01 FULL-TIME FIRE DEPARTMENT; SECRETARY; CERTIFICATION TO FISCAL OFFICER.

(a) There is hereby created a full-time fire department in the Village of Loudonville, Ashland County, Ohio comprised of full time employees, part-time employees and volunteer fire fighters as provided for herein.

(b) The full time employees shall be fire fighter/paramedics as provided for in Ordinance 34-2002 passed by this Council and provided for in the Classification Plan for the Village of Loudonville.

(c) The department shall have a secretary appointed by the Chief of Fire annually. On or before the last day of each month the Chief and Secretary shall certify to the Fiscal Officer the number of meetings and drills attended by each member, the number of EMS calls and hours provided on each, the number of fires to which each member responded, the number of hours each member was on active duty at each fire and the name of the fireman appointed Secretary, which report is to be approved by the Mayor. Services rendered after the date of submission of the certification shall be accounted for on the following month's certification.

240.02 UNIFORM ALLOWANCE.

Effective January 1, 1993, an annual clothing allowance of one hundred fifty dollars (\$150.00) per year shall be allowed for the Fire Chief, the Assistant Fire Chief and each firefighter.

240.03 USE OF PRIVATE AUTOMOBILES.

All members of the Fire Department using their private motor vehicles to respond to fire or emergency call shall be paid for the use of such motor vehicles two dollars and fifty cents (\$2.50) for each time they respond to the scene of a fire or emergency call. Such compensation shall be paid on a monthly basis.

240.04 ADDITIONAL COMPENSATION.

In addition to his or her regular compensation, the Fire Chief, the Assistant Fire Chief and each firefighter shall receive compensation for each attendance at regular meetings, not to exceed twelve meetings in one calendar year; compensation for each attendance at regular drills, not to exceed twenty-four drills in each calendar year; and compensation for each fire to which he or she responds. Said compensation shall be accordance with the current salary ordinance at the time of the meeting or drill.

In addition to the compensation provided for herein, each emergency medical technician shall receive two dollars (\$2.00) for each emergency medical-service dispatch to which he or she responds, provided that such technician is on call.

240.041 SCOPE OF SERVICE OF VOLUNTEERS.

(a) The Village recognizes that volunteer firefighters and volunteer emergency medical service personnel, who render services on behalf of the Village of Loudonville, are acting within the course and scope of their service as volunteers by the Village of Loudonville when initially responding to a call for services or assistance, and immediately upon being dispatched for the same, notwithstanding whether the individual volunteer responding to the call for services is at their own residence or en route from their residence or any other location to the Village Fire Department building.

(b) Council recognizes that following a request for dispatch for assistance, that the volunteer firefighters and volunteer emergency medical service personnel continue in the course and scope of their service as employees for the Village from the time of dispatch while rendering assistant pursuant to the dispatch or request for assistance, and until such

time as the volunteer personnel return Village equipment and themselves to the Village of Loudonville Fire Department. Council recognizes that said individuals are acting within the course and scope of their service as volunteers following a service run or dispatch inclusive of time required to return equipment to the Village of Loudonville Fire Department and prepare said equipment for the next dispatch or run.

(c) Council recognizes that an individual in the course and scope of their service as volunteers when such volunteer firefighter or emergency medical service personnel vacates the Fire Department building following the completion of a response to a call or dispatch for assistance, and that said volunteers are outside of the course and scope of their service with the Village from the time they vacate said Fire Department building. In the event that a volunteer responds to the scene of a fire or emergency medical call in a vehicle that is not owned and/or operated by the Loudonville Fire Department, said volunteer's service ends when the volunteer leaves the scene of the fire or emergency medical call in that vehicle.

240.05 RESERVED

240.06 PROHIBITION AGAINST FIRE FIGHTING.

Any person employed or volunteering within the Loudonville Fire Department, who does not possess a valid firefighting certificate pursuant to Sections 737.08 or 737.22 of the Ohio Revised Code, shall not engage in any firefighting while acting in the course or scope of their employment by the Village of Loudonville, Ohio. Notwithstanding the foregoing, however, this Section shall not be construed so as to prohibit any person employed within the Loudonville Fire Department from engaging in firefighting if such person in fact possesses a valid firefighting certificate pursuant to Section 727.08 or Section 737.22 of the Ohio Revised Code.

240.07 E.M.S. COORDINATOR.

There is hereby created within the Loudonville Fire Department, the position of "E.M.S. Coordinator" who shall be responsible for administering the daily operations of the emergency medical services of the Loudonville Fire Department under the direction of the Village Fire Chief. By virtue of his or her position, the E.M.S. Coordinator shall be considered to hold the equivalent rank of Captain within the Loudonville Fire Department, and shall report directly to the Village Fire Chief. The E.M.S. Coordinator position may be filled as a full-time, part-time, or volunteer position, as determined by the Village of Loudonville Fire Chief.

240.08 FIREFIGHTER PARAMEDIC.

There is hereby created within the Loudonville Fire Department, the position of "Paramedic" as defined by Section 4765.01(C) of the Ohio Revised Code, who shall perform such duties as required by the Chief of the Loudonville Fire Department and the E.M.S. Coordinator. In addition, the Paramedic shall perform such emergency medical services as permitted by Section 4765.37 of the Ohio Revised Code. More than one Paramedic may be

employed simultaneously by the Loudonville Fire Department. Any person hired as a Paramedic shall possess a valid certificate to practice from the State of Ohio. The Paramedic position may be filled as a full-time, part-time or volunteer basis, as determined by the Village of Loudonville Fire Chief and the E.M.S. Coordinator.

240.09 FIREFIGHTER ADV EMT-A.

There is hereby created within the Loudonville Fire Department, the position of "Advanced Emergency Medical Technician-Ambulance", hereinafter referred to as "ADV EMT-A", and as defined by Section 4765.01(B) of the Ohio Revised Code, who shall perform such duties as required by the Chief of the Loudonville Fire Department and the E.M.S. Coordinator. In addition, the ADV EMT-A shall perform such emergency medical services as permitted by Section 4765.37 of the Ohio Revised Code. More than one ADV EMT-A may be employed simultaneously by the Loudonville Fire Department. Any person hired as a ADV EMT-A shall possess a valid certificate to practice from the State of Ohio. The ADV EMT-A position may be filled as a full- time, part-time or volunteer basis, as determined by the Village of Loudonville Fire Chief and the E.M.S. Coordinator.

240.10 FIREFIGHTER EMT-A.

There is hereby created within the Loudonville Fire Department, the position of "Emergency Medical Technician-Ambulance", hereinafter referred to as "EMT-A", and as defined by Section 4765.01(A) of the Ohio Revised Code, who shall perform such duties as required by the Chief of the Loudonville Fire Department and the E.M.S. Coordinator. In addition, the EMT-A shall perform such emergency medical services as permitted by Section 4765.37 of the Ohio Revised Code. More than one EMT-A may be employed simultaneously by the Loudonville Fire Department. Any person hired as a EMT-A shall possess a valid certificate to practice from the State of Ohio. The EMT-A position may be filled as a full-time, part-time or volunteer basis, as determined by the Village of Loudonville Fire Chief and the E.M.S. Coordinator.

240.11 AMBULANCE DRIVER.

There is hereby created within the Loudonville Fire Department, the position of "Ambulance Driver", hereinafter referred to as "Driver", who shall perform such duties as required by the Chief of the Loudonville Fire Department and the E.M.S. Coordinator. More than one driver may be employed simultaneously by the Loudonville Fire Department. Any person hired as a Driver shall possess a valid motor vehicle operator's license from the State of Ohio, a thirty-six (36) hour Volunteer Firefighter card or an Emergency First Responder (EMR) card. The Driver position may be filled as a full-time, part-time or volunteer basis, as determined by the Village of Loudonville Fire Chief and the E.M.S. Coordinator.

240.12 ADDITIONAL BENEFITS, COMPENSATION.

In addition to any other benefits, all individuals holding any of the positions of employment described in Sections [240.07](#) to [240.11](#), inclusive, of the Codified Ordinances of the Village

of Loudonville, on a full-time basis, shall receive in addition to any other compensation, an annual clothing allowance of one hundred fifty dollars (\$150.00).

All individuals holding any of the positions of employment described in Sections [240.07](#) to [240.11](#), inclusive, of the Codified Ordinances of the Village of Loudonville, shall be entitled to receive those employment benefits available to the other employees of the Village, where the number of their normal work hours qualify them for such benefits.

All individuals holding any of the positions of employment described in Sections [240.07](#) to [240.11](#), inclusive, of the Codified Ordinances of the Village of Loudonville, on a volunteer basis, shall not be entitled to any additional employment benefits, and shall only be compensated at the hourly rate applicable to the position held for actual time spent in the course and scope of their employment with the Village.

240.13 PROBATIONARY PERIOD, CONDITIONS OF EMPLOYMENT.

All individuals employed for any of the positions of employment described in Section [240.08](#) to [240.11](#), inclusive, of the Codified Ordinances of the Village of Loudonville, on a full-time basis, shall be subject to a probationary period not to exceed (6) six months after completion of all required job certifications. All persons hired for such positions must possess all necessary licenses and certificates prior to their hiring, unless allowed as follows.

The Chief of the Loudonville Fire Department may elect to hire a current employee to a position for which that person does not have the necessary license(s) and/or certificate(s). In that case, the Chief may, at his or her sole discretion, authorize the payment for any or all tuition, books, course fees and licensing fees associated with said training by the Village of Loudonville, for one taking of the course/test per individual. Additional fees or cost incurred due to the failure to successfully complete any and all portions of required training are the responsibility of the employee.

If the Chief elects to provide such funding, the Chief may require the employee to enter into an agreement whereby he or she commits to employment with the Loudonville Fire Department for a specified term, in consideration of the payment of such fees and costs.

240.14 CHARGES FOR E.M.S. SERVICES.

Individuals receiving services from the Loudonville Fire Department shall be charged the following fees at a minimum. Fees shall be reassessed annually and charged in accordance with the Medicaid /Medicare billing schedule. Which shall be payable to the Village of Loudonville:

(a) Those persons receiving Basic Life Support (BLS) services from the Village of Loudonville Fire Department shall be charged four hundred dollars (\$400.00).

(b) Those persons receiving Advanced Life Support (ALS) services categorized as ALS1 Emergency service from the Village of Loudonville Fire Department shall be charged five hundred twenty-five dollars (\$525.00). Those persons receiving Advanced Life Support (ALS) services categorized as ALS2 Emergency service from the Village of Loudonville Fire Department shall be charged five hundred fifty dollars (\$550.00).

(c) All individuals, whether residents or nonresidents of the Village of Loudonville, shall be charged an additional fee for the receipt of emergency medical services and emergency

medical transport at the rate of twelve dollars (\$12.00) per "loaded mile" traveled. For purposes of this section, the term "loaded mile" shall mean the distance traveled by any ambulance, Advanced Life Support vehicle, or other emergency medical services vehicle while transporting an individual, whether a resident or nonresident of the Village of Loudonville, for emergency medical service purposes. This "loaded mile" charge shall be in addition to any charge levied under paragraph (a) or (b) of this section.

(d) All individuals shall be charged fifty dollars (\$50.00) for each request for service that requires employees of the Village of Loudonville Fire Department to leave the location at which they are stationed, but does not result in transport of said individual. Any non-transport fee chargeable under this paragraph of this section may be waived by the Fire Chief of the Village of Loudonville upon recommendation of the E.M.S. Coordinator.

(e) The Village of Loudonville recognizes that residents of the Village and non-resident income tax payers provide for a portion of the Village's emergency medical services through their payment of municipal taxes. Therefore, the Village will collect charges against domiciled resident patients and non-domiciled individuals who pay income tax to the Village of Loudonville during the calendar year in which the emergency medical services are provided, with Medicare, Medicaid or health insurance, only to the extent of their Medicare, Medicaid and/or other health insurance coverage and will not take further action to collect for fees owed beyond such coverage or fees existing in the absence of such coverage. All other persons receiving emergency medical services shall be billed pursuant to the rules set forth herein and by the Fiscal Office.

(f) The Fiscal Officer of the Village, or a designee, shall be responsible for the collection of fees. The Mayor or his designee may waive the aforesaid fees or a portion thereof, where it is found and determined the person receiving emergency medical services meets federal poverty guidelines and is unable to pay for such services due to substantial financial hardship and there is no other source for payment.

(g) Any charges owed for emergency medical services provided to an individual who is not a resident of the Village of Loudonville, and not a non-resident income tax payer as set forth above, shall be collected by the Fiscal Officer of the Village or the authorized agent thereof. In the event that the charges cannot be collected after reasonable efforts, then said charges shall be submitted to the collection agent of the Village's choice for collection.

240.15 EMERGENCY MEDICAL SERVICE FUND.

There is hereby created in the Village treasury the Emergency Medical Service Fund.

The fund shall consist of money received from charges assessed for the provision of emergency medical service by the Village to individuals, as well as other money received for the operation of Emergency Medical Service within the Loudonville Fire Department, and shall be used by the Loudonville Fire Department for operating expenses associated with the provision of emergency medical service to the residents and occupants of the Village of Loudonville, as well as the residents and occupants of those unincorporated territories for which the Village provides emergency medical service pursuant to contract.