

ORDINANCE NO. 2674

AN ORDINANCE CREATING CHAPTER 8.27 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "COST RECOVERY"

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Chapter 8.27 of the Moses Lake Municipal Code entitled "Cost Recovery" is created as follows:

8.27.010 Purpose: The purpose of this chapter is to establish the fees to recover the cost of services which the City of Moses Lake Fire Department provides related to motor vehicle accidents or collisions, motor vehicle fires, motor vehicle extrications, and hazardous materials spills or discharges.

8.27.020 Fee Schedule: Fees to cover the cost of services provided by this section are as follows:

- A. Motor Vehicle Accidents: The following fees shall be charged for recovery of costs associated with motor vehicle accidents or collisions, motor vehicle fires, motor vehicle extrications, technical rescues, and other incidents on the roadway: The fee for services provided by the City of Moses Lake Fire Department in connection with the response to motor vehicle accidents, collisions, fires, extrications, and technical rescues shall be determined on a case-by-case basis by the Fire Chief, his designee, or a third party billing service in an amount not to exceed the amount reasonably borne by the City to provide such services, which may include, but is not limited to, personnel, supplies, and equipment charges. Said fee shall be charged according to the usual, customary, and reasonable hourly rates and actual costs.
- B. Hazardous Materials: Pursuant to RCW 4.24.314, the following fee shall be charged by the City of Moses Lake Fire Department for the following services: Extraordinary costs for hazardous materials mitigation and/or clean up shall be determined on a case-by-case basis by the Fire Chief, his designee, or a third party billing service in an amount not to exceed the amount reasonably borne by the City to provide such services, which may include, but is not limited to, personnel, supplies, and equipment charges. Said fee shall be charged according to the usual, customary, and reasonable hourly rates and actual costs.
- C. Persons Subject to Charges: The aforesaid fees shall be charged as determined by the Fire Chief, his designee, or a third party billing service to any person or persons whose negligent or willful act is the cause of any motor vehicle accident, collision, fire, or technical rescue to any person or persons who is the owner of or has custody and control over any vehicle involved in any motor vehicle accident, collision, fire, or to any person regardless of fault are responsible for the release or discharge of any hazardous material.

The fee in Moses Lake Municipal Code 8.27.020(A) shall be submitted to the appropriate motor vehicle insurance carrier as a claim for damages.

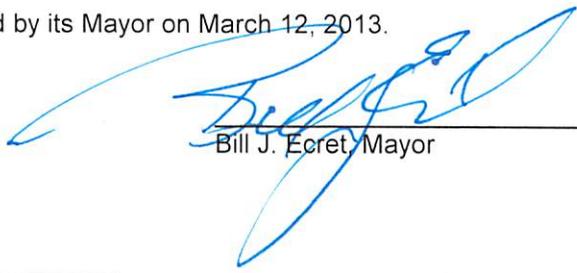
In the event services are required as a result of utilities caused safety problems to roadway areas, and if the area is deemed unsafe by emergency responders, the same billing process shall apply to the responsible party. All claim costs shall be submitted to the insurance carrier of the at-fault owner of a vehicle, uninsured responsible party, or the at-fault owner of the property, contractor, or utility company.

The fee in Moses Lake Municipal Code 8.27.020(B) shall be submitted to the responsible party.

- D. Non-Exclusive Remedies: Nothing in this section shall preclude the City of Moses Lake from using any other available method to recover fees or costs as described in this section by any other means available at law.

Section 2. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

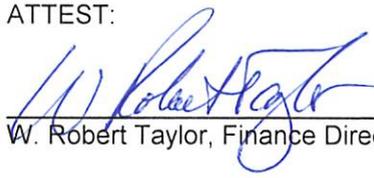
Adopted by the City Council and signed by its Mayor on March 12, 2013.



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Bill J. Ecret, Mayor

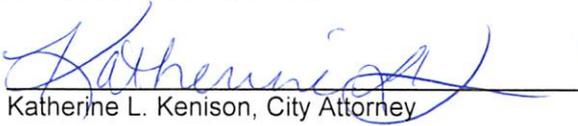
ATTEST:



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W. Robert Taylor, Finance Director

APPROVED AS TO FORM:



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Katherine L. Kenison, City Attorney