

ORDINANCE NO. 5075

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE CHAPTER 6, ADDING NEW ARTICLE III – MITIGATION RATES - FOR EMERGENCY AND NON-EMERGENCY SERVICES FOR THE PURPOSE OF ADDING AUTHORIZATION FOR A SCHEDULE OF MITIGATION RATES FOR FIRE DEPARTMENT SERVICES; AMENDING APPENDIX D – COMPREHENSIVE FEE SCHEDULE, ARTICLE VI – FIRE, ADDING NEW SEC. 6-109 MITIGATION RATES - FOR EMERGENCY AND NON-EMERGENCY SERVICES THEREBY ADDING THE SCHEDULE OF MITIGATION RATES; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE WITH A FINE NOT TO EXCEED \$500; PROVIDING FOR PUBLICATION OF THE CAPTION HEREOF; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council of the City of Mesquite, Texas (“**City Council**”), to protect the public health, safety, and welfare; and

WHEREAS, the Mesquite Fire Department (**M.F.D.**) provides emergency and non-emergency services in connection with motor vehicle incidents and other emergency incidents; and

WHEREAS, the emergency and non-emergency services response activity to incidents continues to increase each year, while environmental protection requirements involving equipment and training also create additional demands on all operational aspects of M.F.D. services; and

WHEREAS, the City of Mesquite, Texas (“**City**”) desires to implement a fair and equitable procedure by which to bill for mitigation rates, and establish a collection system in accordance with applicable laws, regulations, and guidelines; and

WHEREAS, the M.F.D. recommends amending the Mesquite City Code for the purpose of adding authorization for a schedule of mitigation rates for fire department services; and

WHEREAS, M.F.D. also recommends amending Appendix D - Comprehensive Fee Schedule to add the schedule of mitigation rates currently aligned with the national insurance standard for billing; and

WHEREAS, the City is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to Article 11, [Section 5](#) of the Texas Constitution and [Chapter 9](#) of the Texas Local Government Code; and

Mesquite Fire Department (M.F.D.) | October 16, 2023

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WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, [Section 51.072](#)(a); and

WHEREAS, the City shall have the power to enact and enforce ordinances necessary to protect health, life, and property and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government, order, and security of the City and its inhabitants, pursuant to Article III, [Section 2](#) of the Mesquite City Charter; and

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life, and property, and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, [Section 54.004](#), as amended; and

WHEREAS, upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion this ordinance should be approved and adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. Recitals Incorporated.

The City Council hereby finds and determines the recitals made in the preamble of this ordinance are true and correct, and hereby incorporates such recitals here in the body of this ordinance as if copied in their entirety.

SECTION 2. Mesquite City Code Text Amendment.

2.01. Amending Chapter 6 – Fire Prevention and Protection.

The Mesquite City Code is hereby amended as identified in **EXHIBIT A**, thereby revising Chapter 6, adding new ARTICLE III – MITIGATION RATES FOR EMERGENCY AND NON-EMERGENCY SERVICES for the purpose of adding authorization for the adoption of a schedule of mitigation rates for fire department services; and said **EXHIBIT A** is attached hereto and made a part hereof, and in all other respects, said Code, Chapters, and Articles shall remain in full force and effect.

2.02. Amending Appendix D – Comprehensive Fee Schedule.

The Mesquite City Code is hereby amended as identified in **EXHIBIT B**, thereby revising ARTICLE VI. - FIRE, adding new Sec. 6-109 – Mitigation Rates – For Emergency and Non-Emergency Services, for the purpose of adding the schedule of mitigation rates for fire department services; and said **EXHIBIT B** is attached hereto and made a part hereof, and in all other respects, said Code, Chapters, and Articles shall remain in full force and effect.

Mesquite Fire Department (M.F.D.) | October 16, 2023

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SECTION 3. Conflicts Resolution Clause.

In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 4. Severability Clause.

Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance and the Mesquite City Code, as hereby or previously amended, which shall remain in full force and effect.

SECTION 5. Penalty Clause.

Any violation of the provisions or terms of this ordinance by any “person,” as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite City Code, Chapter 1, [Section 1-6](#), as amended.

SECTION 6. Publication.

The descriptive caption of this ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#); and Texas Local Government Code, Chapter 52, § 52.013.

SECTION 7. Effective Date.

This ordinance after its passage and publication shall take effect on, and be in force from and after, five (5) days after publication thereof, in accordance with Mesquite City Charter, Article IV, [Section 24](#), and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ON THE 16th DAY OF OCTOBER 2023.

DocuSigned by:

Daniel Aleman Jr.

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Daniel Alemán, Jr.
Mayor

ATTEST:

DocuSigned by:

Sonja Land

C2518095973F46A...

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

DocuSigned by:

David Paschall

666E18891208434...

David L. Paschall
City Attorney

EXHIBIT A

To Ordinance No. 5075

City of Mesquite, Texas
Mesquite City Code, Chapter 6,
ARTICLE III – MITIGATION RATES
FOR EMERGENCY AND NON-EMERGENCY SERVICES

MESQUITE CITY CODE

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Chapter 6 – FIRE PREVENTION AND PROTECTION

[Editor's Note: Please add new Article III as follows.]

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ARTICLE III. – MITIGATION RATES FOR EMERGENCY AND NON-EMERGENCY SERVICES

Sec. 6-801. Purpose. The Mesquite Fire Department provides emergency and non-emergency services in connection with motor vehicle incidents and other emergency incidents. The emergency and non-emergency services response activity to incidents continues to increase each year, while environmental protection requirements involving equipment and training also create additional demands on all operational aspects of the Mesquite Fire Department services. The City desires to implement a fair and equitable procedure by which to bill for mitigation rates, and establish a collection system in accordance with applicable laws, regulations, and guidelines.

Sec. 6-802. Authorization.

- (a) *Rates adopted.* The mitigation rates for emergency and non-emergency services are authorized as set in Appendix D – Comprehensive Fee Schedule, Article VI – Fire.
- (b) *Explanation of rates.* The mitigation rates are average "billing levels", and are typical for the incident responses listed. However, when a claim is submitted, it will be itemized and based on the actual services provided. The rates are based on actual costs using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance). Labor rates include an average of the Fire Department's actual burdened labor costs and not just a firefighter's basic wage. The burdened labor costs include wages, retirement, benefits, workers compensation, etc.

Cross reference – Appendix D – Comprehensive Fee Schedule, Sec. 6-109.

Sec. 6-803. Rules, regulations, and guidelines. The Chief of the Mesquite Fire Department, or his/her designee, is authorized to make rules, regulations, and guidelines consistent with this ordinance, as he/she may deem necessary with respect to billing for the mitigation rates or the collection thereof. The Fire Chief, or his/her designee, may from time to time amend, revoke, or add rules, regulations, and guidelines consistent with this ordinance.

Sec. 6-804. Procedure.

- (a) *Billing for mitigation rates.* The Mesquite Fire Department (M.F.D.), or its designee, shall bill for mitigation rates for the delivery of emergency and non-emergency services by the M.F.D. to the scene of emergency and non-emergency incidents for such items identified in this Article, including, but not limited to personnel, supplies, and equipment.
- (b) *Collection of mitigation rates.* The M.F.D., or its designee, shall establish a collection system in which a claim shall be filed to the responsible party or parties through their insurance carrier in accordance with applicable laws, regulations, and guidelines.
- (c) *Itemized response.* Custom mitigation rates may be billed for any independent event, at the request of the Fire Chief of the Mesquite Fire Department or their designee. Such incidents will be billed, itemized per apparatus, per personnel, plus products and equipment used, at rates deemed usual, customary, and reasonable ("UCR").

EXHIBIT A TO ORDINANCE NO. 5075
Mesquite City Code. Chapter 6 – Fire Prevention and Protection
City Council Meeting Date: October 16, 2023

Sec. 6-805. Mitigation rates for emergency and non-emergency services.

- (a) Motor Vehicle Incidents.
- (1) *Level 1.* Provide hazardous materials assessment and scene stabilization. This will be the most common "billing level". This occurs every time the Fire Department responds to an accident/incident.
 - (2) *Level 2.* Includes Level 1 services as well as clean up and material used (sorbents) for hazardous fluid clean up and disposal. Will be billed at this Level 2 if the Fire Department has to clean up any gasoline or other automotive fluids that are spilled as a result of the accident/incident. Includes three (3) hours of on scene time - each additional hour is billed under "Additional Time on Scene."
 - (3) *Level 3.* Includes car fires. Provide scene safety, fire suppression, breathing air, rescue tools, hand tools, hose, tip use, foam, structure protection, and clean up gasoline or other automotive fluids that are spilled as a result of the accident/incident. Includes three (3) hours of on scene time - each additional hour is billed under "Additional Time on Scene."
- (b) Hazmat.
- (1) *Level 1 – Basic response.* Claim will include engine response, first responder assignment, perimeter establishment, evacuations, set-up, and command.
 - (2) *Level 2 – Intermediate response.* Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, set-up and command, Level A or B suit donning, breathing air and detection equipment. Set-up and removal of decon center. Includes three (3) hours of on scene time - each additional hour is billed under "Additional Time on Scene."
 - (3) *Level 3 – Advanced response.* Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command, Level A or B suit donning, breathing air and detection equipment and robot deployment. Set-up and removal of decon center, detection equipment, recovery, and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene. Includes three (3) hours of on scene time - each additional hour is billed per HAZMAT team under "Additional Time on Scene."
- (c) Illegal Fires.
- (1) When a fire is started by any person or persons that requires a fire department response during a time or season when fires are regulated or controlled by local or state rules, provisions or ordinances because of pollution or fire danger concerns, such person or persons will be liable for the fire department response at a cost not to exceed the actual expenses incurred by the fire department to respond and contain the fire.
 - (2) Similarly, if a fire is started where permits are required for such a fire and the permit was not obtained and the fire department is required to respond to contain the fire the responsible party will be liable for the response at a cost not to exceed the actual expenses incurred by the fire department.
 - (3) The actual expenses will include direct labor, equipment costs, and any other costs that can be reasonably allocated to the cost of the response.

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Mesquite City Code. Chapter 6 – Fire Prevention and Protection
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(d) Water Incidents.

- (1) *Level 1 – Basic Response.* Claim will include engine response, first responder assignment, perimeter establishment, evacuations, first responder set-up and command, scene safety and investigation (including possible patient contact, hazard control). This will be the most common “billing level”. This occurs almost every time the fire department responds to a water incident.
- (2) *Level 2 – Intermediate Response.* Includes Level 1 services as well as clean up and material used (sorbents), minor hazardous clean up and disposal. We will bill at this level if the fire department has to clean up small amounts of gasoline or other fluids that are spilled as a result of the incident.

(e) Add-On Services.

- (1) *Extrication.* Includes heavy rescue tools, ropes, airbags, cribbing, etc. This charge will be added if the Fire Department has to free/remove anyone from the vehicle(s) using any equipment. This add-on service will not be billed if the patient is simply unconscious, and Fire Department is able to open the door to access the patient. This add-on service is to be billed only if equipment is deployed.
- (2) *Creating a landing zone.* Includes Air Care (multi-engine company response, mutual aid, helicopter). This add-on service will be billed any time a helicopter landing zone is created and/or is utilized to transport the patient(s).
- (3) *Additional time on scene (for all levels of service).*
 - a. Engine billed at the specified rate per hour (after first three (3) Hours).
 - b. Truck billed at the specified rate per hour (after first three (3) Hours).
 - c. Miscellaneous equipment billed at the specified rate per hour (after first three (3) Hours).
 - d. Each HAZMAT team billed at the specified rate per hour (after first three (3) Hours).

Cross reference – Appendix D – Comprehensive Fee Schedule, Sec. 6-109.

Secs. 6-806 – 6-1000. – Reserved.

EXHIBIT B

To Ordinance No. 5075

City of Mesquite, Texas
Mesquite City Code, Appendix D – Comprehensive Fee Schedule,
ARTICLE VI – FIRE.

MESQUITE CITY CODE

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APPENDIX D – COMPREHENSIVE FEE SCHEDULE

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ARTICLE VI. – FIRE

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[Editor's Note: Please add new Sec. 6-109 as follows.]

Sec. 6-109. Mitigation Rates – For emergency and non-emergency services.

MOTOR VEHICLE INCIDENTS

Level 1.....\$546.00

Level 2.....\$623.00

Level 3.....\$760.00

HAZMAT

Level 1.....\$881.00

Level 2.....\$3,146.00

Level 3.....\$7,426.00

ILLEGAL FIRES

\$503.00 per hour, per engine

\$629.00 per hour, per truck

WATER INCIDENTS

Level 1.....\$503.00 Plus \$62 per hour, per rescue personnel utilized

Level 2.....\$1,006. Plus \$62 per hour, per rescue personnel utilized

ADD-ON SERVICES

Extrication.....\$1,641.00

Creating a Landing Zone.....\$502.00

Additional Time on Scene (for all levels of service):

Engine billed per hour (after first three (3) Hours).....\$503.00

Truck billed per hour (after first three (3) Hours).....\$629.00

Miscellaneous equipment billed per hour (after first three (3) Hours).....\$378.00

Each HAZMAT team billed per hour (after first three (3) Hours).....\$356.00

Cross reference – Mesquite City Code, Chapter 6, Sec. 6-805 Mitigation rates for emergency and non-emergency services.

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