

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2010

COUNCIL BILL NO. CB10-0489
COMMITTEE OF REFERENCE:
Safety Committee

5 **A BILL**

6 **For an ordinance adding Sections 1 through 4 to Chapter 17, of the Revised**
7 **Municipal Code, creating a Fire Department Emergency Services Fee for At Fault**
8 **Non-Resident Drivers who receive Denver Fire Department Emergency Response**
9 **Services on State Highways within the City and County of Denver.**
10

11 **Whereas**, the City and County of Denver is authorized to provide services relating to the
12 protection of lives and property including, but not limited to, fire protection services and rescue
13 services; and

14 **Whereas**, Fire Department emergency services have historically been provided within the
15 corporate limits of the City and County of Denver to at fault non-resident drivers involved in vehicle
16 accidents on State highways within the City and County; and

17 **Whereas**, the costs of providing Fire Department emergency services to at fault non-resident
18 drivers are being disproportionately borne by the residents of the City and County of Denver; and

19 **Whereas**, the establishment of an emergency response cost recovery program is of the utmost
20 importance to the promotion of the general welfare and safety of the people of Denver in order to
21 recover the cost of emergency services provided by the City and County of Denver to at fault non-
22 resident drivers; and

23 **Whereas**, the City and County of Denver may charge a fee to recover the reasonable costs
24 borne by the City and County of Denver for the cost of providing emergency services necessary to
25 protect the public health and safety associated with motor vehicle accidents on State Highways within
26 the City and County of Denver.

27 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**
28 **DENVER:**

29 **Section 1.** Sections 17-1 through 17-4 are hereby added to Chapter 17 of the Revised
30 Municipal Code pertaining to Emergency Vehicles in the City and County of Denver, to read as
31 follows:

32 **Sec. 17-1. Establishment of Emergency Response Cost Recovery Program.**

33 There is hereby created an emergency services response cost recovery program.

34 **Sec. 17-2. Definitions.**

1 The following words and phrases, when used in this article, shall have the meanings
2 respectively ascribed to them:

3 (1) *Driver* means any person who operates a motor vehicle and when so operating is subject
4 to the law and any duty imposed by law in the operation of the motor vehicle.

5 (2) *Emergency service(s)* means service(s) provided by the Denver Fire Department for the
6 purpose of ensuring public health, safety, and welfare within the City and County of
7 Denver.

8 (3) *Non-resident* means a person who does not have a principal or primary home or place of
9 abode in the City and County of Denver or any other jurisdiction where the Denver Fire
10 Department provides services by contract.

11 (4) *Incident* shall include, but shall not be limited to, motor vehicle accidents, collisions, motor
12 vehicle fires, rescues, cause and origin investigations and motor vehicle extrications.

13 (5) *Fault* shall mean that a driver received a traffic citation as a result of a traffic incident and
14 was subsequently found guilty or plead guilty to a charge deriving from the citation.

15 (6) *State Highways* shall include federal-aid primary roads, federal-aid secondary roads,
16 and the interstate system as defined by Colorado law.

17 **Sec. 17-3. Fees for Services; Fee Schedule.**

18 **(1) Fee Schedule Adoption**

19 The Denver City Council authorizes the Manager of Safety to adopt and amend, from time to
20 time, a schedule of fees for emergency services provided to at fault non-resident drivers as described
21 in this section.

22 **(2) Fund Account**

23 All fees collected shall be paid to the Manager of Finance and credited to a separate fund to
24 defray the costs of providing Denver Fire Department emergency services.

25 **(3) Fee Schedule and Assessment**

26 The Manager of Safety, his or her designee, or third- party billing service, is hereby authorized
27 to charge and recover all emergency service costs associated with motor vehicle incidents caused by
28 at fault, non-resident drivers on State Highways within the City and County of Denver. The Manager
29 of Safety or his or her designee will determine the schedule of fees for emergency services provided
30 by the Denver Fire Department, which may, from time to time, be amended by the Manager of Safety.

31 The fees shall be based upon the cost of the incident response by the Fire Department and shall not
32 exceed the actual cost to provide such services. If the fee is not paid, the Fire Chief may send the bill
33 for the fee to collection, and fees and costs of collection under Section 53-4 of D.R.M.C. may be

1 included.

2 **Sec. 17-4 Equal Access to Emergency Services**

3 Under no circumstances shall this article be construed in a manner that would deny or
4 delay emergency services to a person who requests such services or is in need of emergency
5 assistance.

6 COMMITTEE APPROVAL DATE: Committee Consent Agenda week of June 10, 2010

7 MAYOR-COUNCIL DATE: June 15, 2010

8 PASSED BY THE COUNCIL: _____, 2010

9 _____ - PRESIDENT

10 APPROVED: _____ - MAYOR _____, 2010

11 ATTEST: _____ - CLERK AND RECORDER,
12 EX-OFFICIO CLERK OF THE
13 CITY AND COUNTY OF DENVER

14 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2010; _____, 2010

15 PREPARED BY: Steven J. Hahn, Assistant City Attorney DATE: June 17, 2010

16 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
17 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
18 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
19 §3.2.6 of the Charter.

20 David R. Fine, City Attorney

21 BY: _____, Assistant City Attorney DATE: _____, 2010