

**CITY OF XENIA, OHIO  
ORDINANCE 2019 – 19**

**AMENDING CHAPTER 242, TITLED “DIVISION OF FIRE,” AND SECTION 298.01(a),  
TITLED “FEES FROM PART TWO: ADMINISTRATION CODE,” OF THE CODIFIED  
ORDINANCES OF THE CITY OF XENIA, OHIO**

**WHEREAS**, from time to time, it is prudent for City staff to review the fees and charges set forth by the City for the purpose of raising revenues to assist in covering the cost of operating the respective services;

**WHEREAS**, City staff has completed a review of the Fire Division’s operations, associated expenses, and operational challenges and has presented to this Council recommendations that certain adjustments be made; and

**WHEREAS**, this Council finds it to be in the best interest of the health, safety and welfare of the City and its inhabitants to amend Chapter 242 of the City’s Administration Code, titled “Fire Division,” and Section 298.01(a) of the City’s Fee Schedule to update the Fire Division’s billing structure for EMS services, ambulance services, and fire services.

**NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS**, at least four (4) members of the City Council concurring, that:

**Section 1.** Chapter 242, titled “Division of Fire” (Sections 242.01 to 242.06), of Part Two – Administration Code, Title Six – Administration, of the Codified Ordinances of the City of Xenia is hereby amended, and Sections 242.07, 242.08, 242.09 and 242.10 are hereby enacted, as shown in the attached Exhibit A.

**Section 2.** Section 298.01(a), titled “Fees from Part Two – Administration Code,” of Part Two – Administration Code, Title Twelve – Fees, of the Codified Ordinances of the City of Xenia is hereby amended as shown in the attached Exhibit B.

**Section 3.** Existing Chapter 242 and Section 298.01(a) of the Codified Ordinances of the City of Xenia are hereby repealed.


**Section 4.** It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 5.** This Ordinance shall be effective as of November 1, 2019.

Introduced: September 12, 2019  
Adopted: September 26, 2019

Attest:

  
Michelle D. Johnson  
City Clerk

  
Michael D. Engle  
President, Xenia City Council

CHAPTER 242  
Fire Division

242.01	Establishment	242.06	Criminal Records Check
242.02	Fire Chief	<u>242.07</u>	Conversion of Sick and Vacation Leave
242.03	Functions	<u>242.08</u>	User Fees
242.04	Stationing; Work Period	<u>242.09</u>	Fire Corps/Cadet Program
242.05	Requirements for Original Appointments	<u>242.10</u>	Police and Fire Fund

CROSS REFERENCES

- Age and physical examination requirements – see ORC 124.42
- Authority to establish – see ORC 715.05
- Criminal records check – see ORC 737.081
- Emergency medical services certification – see ORC CH. 4765
- Oath of office – see ORC 705.28; 733.68
- Police and Fire Pension Fund – see ORC CH. 742.
- Requirements for appointment – see ORC 737.08

242.01 ESTABLISHMENT.

(a) **Establishment:** **In accordance with Section 7.01 of the City’s Charter, a Fire Division is hereby created within the Department of Safety; there is hereby established a Division of Fire which shall be composed of two principal sections: the Operations Section and the Special Services Section. - The Fire Division shall have a Fire Chief and such ranks, officers, employees and volunteers as may from time-to-time be determined by the Council.**

(b) **Structure:** **The Fire Division shall be organized and include such sections, if any, (d) the internal organizational structure of the two principal Sections shall be as recommended by the Fire Chief of Fire and as approved by the Director of Public Safety.**

- (1) ~~The Operations Section, which shall have primary responsibility for providing fire protection and ambulance service and protecting the public from other hazards.~~
- (2) ~~The Special Services Section.~~

(c) **Personnel:** All personnel of the Fire Division shall be appointed by the **Director of Public Safety** City Manager and shall be under the supervision and control of the Fire Chief. ~~The rank of the two principal Section commanders shall be as recommended by the Chief of Fire and approved by the Director of Public Safety and the City Council. (b) The commander of each Section shall be directly responsible to the Chief of Fire, who shall be responsible to the Director of Public Safety.~~  
(Ord.74-52. Passed 06/27/74; **Ord. 2019-19. Passed \*\*/\*\*/\*\***)

242.02 FIRE CHIEF.

(a) **Appointment:** **The Chief of the Fire Division shall be appointed by the Public Safety Director, in accordance with Section 7.01 of the City’s Charter.**

**(b) Powers and Duties:**

- (1) **The Fire Chief shall perform such duties and have such obligations and responsibilities as are set forth in the Codified Ordinances of the City or the laws of the State of Ohio, and all other ordinances and resolutions passed by the Council or applicable statutes of this State.**
- (2) **The Fire Chief shall direct the work of the Fire Division and control the assignment, stationing, transferring and training of all Fire personnel, subject to the approval of the Public Safety Director.**

- (3) The Fire Chief shall establish Division policies, rules and regulations for the working conditions, training courses, organization and operation of the Fire Division, subject to the approval of the Public Safety Director.**
- (4) The Fire Chief shall have charge and control of the City's fire and EMS apparatus and equipment, assuring the same are kept in good condition and repair.**

**(c) Reports to Safety Director: The Fire Chief shall be under the supervision and control of the Public Safety Director.**

**(d) Unclassified Service: In accordance with Section 10.04 of the City's Charter, the position of Fire Chief shall be in the unclassified service. (Ord. 2019-19. Passed \*\*/\*\*/\*\*)**

**242.03 FUNCTIONS. ~~242.02 DUTIES.~~**

**(a) Powers and Duties: The Fire Division, under the supervision and direction of the Fire Chief, shall perform the following functions:**

- (1) Fire Services - The Fire Division of Fire shall be responsible for the protection of the lives and property of the people of the City in case of fire, shall investigate the causes of fires and existing fire hazards within the City, and shall endeavor to prevent fires by education and other such methods as may be possible, and shall perform such other and further duties not inconsistent herewith as may be prescribed by the Director of Public Safety.**
- (2) EMS Services - The Fire Division shall be the primary provider of emergency medical services (EMS), ambulance services and rescue services in the City.**

**(b) Additional Powers and Duties: The Fire Division may also perform any other functions consistent with fire protection, fire suppression and prevention, and the provision of emergency medical services as may be necessary or as the City Council, Public Safety Director, City ordinances or State law may designate.**

**(1964 Code §125.03; Ord. 2019-19. Passed \*\*/\*\*/\*\*)**

**242.04 ~~242.03 STATIONING OF FIREFIGHTERS AND OTHER DIVISION PERSONNEL; WORK PERIOD WEEK.~~**

**(a) Stationing: The Fire Chief shall have the exclusive control of the stationing and transferring of all Fire Division personnel firefighters and other officers and employees in the Division, under such general rules and regulations as the Director of Public Safety prescribes.**

**(b) Work Period: The standard work period within the Fire Division shall be 212 hours per twenty-eight (28) days; provided, however, that the Fire Chief, Deputy Chief, Captains or Inspectors and the two principal Section commanders shall may work a forty (40) hour per week work period, as recommended by the Fire Chief and approved by the Public Safety Director. The suppression forces shall be divided into three platoons operating on a 52.3 hour week.**

**(Ord. 74-78. Passed 08/08/74; Ord. 10-20. Passed 06/10/10; Ord. 2019-19. Passed \*\*\*)**

**242.05 REQUIREMENTS FOR ORIGINAL APPOINTMENTS.**

**(a) Age Requirements: No person shall be eligible to receive an original appointment as a full-time, paid firefighter in the Fire Division, subject to the civil service laws of Ohio, unless the person has reached the age of eighteen (18) years. No person is eligible to receive an original appointment when the person is forty-one (41) years of age or older, and no person can be declared disqualified as over age prior to that time.**

**(b) Physical Examination Requirements: No person shall be eligible to receive an original appointment as a full-time, paid firefighter in the Fire Division, subject to the civil service laws of**

Ohio, unless the person has, not more than one hundred twenty (120) days prior to the date of such appointment, passed a physical examination given by a licensed physician, a physician's assistant, a clinical nurse-specialist, a certified nurse-practitioner, or a certified nurse-midwife certifying that the applicant is free of cardiovascular and pulmonary diseases and showing that the applicant meets the physical requirements necessary to perform the duties of a firefighter, as established by the City. The fee for such examination shall be paid by the City.

(c) Ohio Police and Fire Pension Fund: Prior to making any original appointment, the City shall file with the Ohio Police and Fire Pension Fund a copy of the report or findings of the licensed physician, physician assistant, clinical nurse-specialist, certified nurse-practitioner, or certified nurse-midwife required under division (b) of this section.  
(Statutory Reference ORC 124.42)

(d) Required Certifications: No person shall be appointed as a full-time, paid firefighter unless:

- (1) The person has received a certificate issued under former ORC 3303.07 or ORC 4765.55 evidencing satisfactory completion of a firefighter training program; and  
(Statutory Reference ORC 737.08)
- (2) The person holds a current, valid certificate issued under ORC 4765.30 to practice as an EMT or as an EMT-paramedic. Preference in hiring will be given to those persons who are certified as paramedics. Upon appointment, the person must maintain all State-required certifications for continued employment at the highest level of EMT certification obtained or held upon his or her appointment or during his or her employment.  
(Ord. 2019-19. Passed \*\*/\*\*/\*\*)

#### 242.06 CRIMINAL RECORDS CHECK.

(a) Request for Criminal Records Check:

- (1) The Fire Chief may request a criminal records check with respect to any person who is under consideration for appointment or employment as a permanent, full-time employee of the Fire Division.
- (2) If the Fire Chief intends to request a criminal records check for an applicant, the Chief shall inform each applicant, at the time of the person's initial application for appointment or employment, that the applicant is required to provide a set of impressions of the person's fingerprints and that the Fire Chief requires a criminal records check to be conducted and satisfactorily completed as a part of the employment or appointment application process.

(b) Required Forms:

- (1) If the Fire Chief requests a criminal records check under division (a) of this section, the Chief shall provide to each person the required form and a standard impression sheet to obtain fingerprint impressions.
- (2) Any person subject to a criminal records check who receives a copy of the form and a copy of the impression sheet pursuant to division (b)(1) of this section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form, or provide all the information necessary to complete the form, and shall provide the impression sheet with the impressions of the person's fingerprints. If a person fails to provide the information necessary to complete the form, or fails to provide impressions of the person's fingerprints, the Public Safety Director shall not appoint or employ the person as a permanent full-time employee of the Fire Division.

(c) Restrictions on Appointment:

- (1) Except as otherwise provided in division (c)(2) of this section, the Public Safety Director shall not appoint or employ a person as a permanent, full-time employee of the Fire Division if the Fire Chief has requested a criminal records check pursuant to division (a) of this section and the criminal records check indicates that the person previously has been convicted of or pled guilty to any of the following:**

  - A. A felony;**
  - B. A violation of ORC 2909.03 (Arson); or**
  - C. A violation of an existing or former law of this State, any other state or the United States that is substantially equivalent to any of the offenses described in division (c)(1)A. or (c)(1)B. of this section.**
- (2) If the Fire Chief requests a criminal records check pursuant to division (a) of this section, the City Manager may appoint or employ a person as a permanent, full-time employee of the Fire Division conditionally until the criminal records check is completed and the Chief receives the results. If the results of the criminal records check indicate that, pursuant to division (c)(1) of this section, the person subject to the criminal records check is disqualified from appointment or employment, the person shall immediately be released from appointment or employment.**  
**(Statutory Reference ORC 737.081)**  
**(Ord. 2019-19. Passed \*\*/\*\*/\*\*)**

**242.07 CONVERSION OF SICK LEAVE AND VACATION LEAVE.**

(a) **Conversion of Leave:** Whenever **an employee of the Fire Division** ~~a firefighter or Fire Lieutenant, through promotion or reassignment~~ **or Departmental/Division transfer**, converts from a 53-hour work week to a 40-hour work week, he or she shall have sick leave and vacation leave converted in the following manner:

- (1) *Sick leave:* Accrual accumulation rate is three (3) hours for one (1) hour for job changes between **the Fire Division and another City Department or Division**, ~~firefighters and other City positions~~ not to exceed a maximum allowable accrual balance after conversion; and
- (2) *Vacation leave:* Accrual accumulation rate is twelve (12) hours for eight (8) hours **for job changes between the Fire Division and another City Department or Division**, ~~firefighters and other City positions~~ not to exceed a maximum allowable accrual balance after conversion.

(b) **Authority of Finance Director:** The Finance Director, through pay adjustments, is hereby authorized and directed to implement this policy.  
(Ord. 10-20. Passed 06/10/10; **Ord. 2019-19. Passed \*\*/\*\*/\*\*)**

**242.08 242.05 USER FEES FOR AMBULANCE SERVICE.**

(a) **Establishment:**

- (1) The Public Safety Director, in conjunction with the Fire Chief, shall establish and publish user fees for Ambulance Services, EMS Services, and Fire Services provided by the Fire Division. The Public Safety Director shall periodically review and adjust such fees to reflect any rate changes, state/federal reimbursement schedule changes, or increases in cost.**
- (2) All user fees for Ambulance Services shall be comparable to the usual, customary and reasonable (UCR) fee schedule as may be established from time-to-time by either a State or Federal agency, or by an insurance trade association as may be recognized or otherwise authorized by law to establish such UCR fee schedule.**
- (3) All user fees for EMS Services shall be comparable to the usual, customary and reasonable (UCR) fee schedule as may be established from time-to-time by either a State or Federal agency, or by an insurance trade association as may be recognized or otherwise authorized by law to establish such UCR fee schedule.**

- (4) The rate of the user fee for Fire Services may include the costs of any services, personnel, supplies and equipment the Fire Division incurs in responding to the call for service.**
- (5) User fees may also be established for hazmat situations, refusal of treatment and non-transport, false alarm calls, fire inspections or any other service provided by the Division of Fire for which the Public Safety Director, in conjunction with the Fire Chief, finds reasonable and necessary.**

The city shall establish fees for the provision of emergency medical treatment and transportation of patients, as set forth in the fee schedule in Part Two—Title Twelve, Chapter 298 of these Codified Ordinances.

**(b) Billing: The Public Safety Director, in consultation with the Fire Chief and Finance Director, shall develop billing and collection procedures for the established user fees. The City may enter into an agreement with a billing and/or collection agency or third-party administrator to implement the billing and collection of the user fees. The user fees may be charged to and billed to:**

- (1) The person being treated, attended to or rescued by Fire Division personnel or who otherwise requested or has need of EMS Services, or the person who may be responsible for such person being treated, attended or rescued or who requested or has need of EMS Services, or the insurance carrier of said persons;**
- (2) The person, organization, facility, hospital or other entity who requests the provision of Ambulance Services for its patient;**
- (3) The owner of the motor vehicle when spills or debris around the vehicle are cleaned up, fires are extinguished or the site of the accident around the vehicle is secured, or the insurance carrier of said owner; and/or**
- (4) The owner of property requiring the control or extinguishment of fires and other emergency services as provided by Fire Division personnel, or the insurance carrier of said owner. When the user fee is billed to the insurance carrier, it shall be considered an add-on cost of the individual's, persons' or company's claim for damages of the vehicles, property and/or for injuries.**

The City Manager and/or Finance Director are authorized and directed to contract with a company specializing in the billing of Fire Division services for emergency medical responses, for collection of user fees.

**(c) Mutual Aid: When EMS Services are provided by the Fire Division to persons outside the City's limits pursuant to a mutual aid agreement, the City's established user fee may be charged to the person receiving such EMS Services in accordance with the City's billing procedures, unless otherwise provided in the mutual aid agreement. When EMS services are provided within the City's limits by another entity pursuant to a mutual aid agreement, the entity may charge the person receiving such services its established user fee in accordance with that entity's billing practices, unless otherwise provided in the mutual aid agreement.**

The City Manager shall determine the collection practices and billing frequency for recovery of the fees, including the right to defer collection of and write off of uncollected amounts.

**(d) Authority of the Public Safety Director: The Public Safety Director shall have following authority in administering the user fees and billing and collection of the same under this section:**

- (1) To make all final determinations in the event of a disagreement or disputed charge;**
- (2) To waive the user fee or any portion thereof where he or she finds and determines that the person who received the services is indigent or otherwise unable to pay for such services and there is no other source for the payment thereof.**

The City Manager and/or his or her agent is hereby authorized to enter into agreements with insurance providers to recover the fees for ambulance service as agreed to by the terms based on the fee schedule of the city.

**(e) Revenue: All amounts collected by or for the user fees established under the authority of this section shall be placed into the City's Police and Fire Fund for use by the Division of Fire.**  
~~The system used to collect these fees shall be a fair and equitable system for all citizens.~~

**(f) Definitions: As used in this section:**

- (1) "Ambulance Services" include, but are not limited to, transports of patients from nursing homes, treatment facilities, or assisted living services to a hospital or other medical facility.**
- (2) "EMS Services" means any of the services described in ORC 4765.35, 4765.37, 4764.38 and 4765.39 that are performed by the Division of Fire and includes such services performed before or during any transport of a patient, including transports between hospitals and transports to and from helicopters, or when such services are performed by the Division of Fire when the patient then refuses transport.**
- (3) "Fire Services" include, but are not limited to, extinguishment of fires, extrication of entrapped individuals, cleaning of spills and debris, structure fires and other services which may be needed at the scene of motor vehicle accidents, vehicle fires, structure fires or other emergency scenes.**

(Ord. 02-21. Passed 07/11/02; **Ord. 2019-19. Passed \*\*/\*\*/\*\***)

~~242.06 — EMERGENCY MEDICAL SERVICES (EMS) STANDBY.~~

~~(a) The city shall establish fees for the provision of emergency medical standby services to include personnel, supplies and equipment as set forth in the fee schedule in Part Two — Administration Code, Title Twelve: Fees, Chapter 298 of the Codified Ordinances.~~

~~(b) The City Manager and/or his or her agent is hereby authorized to enter into agreements with agencies requesting emergency medical service standby.~~

~~(c) The City Manager and/or Finance Director are authorized and directed to bill for fees as a result of Fire Division emergency medical service standby.~~

~~(Ord. 08-42, passed 6-26-2008; Am. Ord. 10-20, passed 6-10-2010)~~

**242.09 FIRE CORPS/CADET PROGRAM.**

**The Fire Chief is hereby authorized, with the approval of the Public Safety Director, to establish a Fire Corps or Fire Cadet Program to employ persons as fire cadets at age eighteen (18) or above for the purpose of training them to become firefighters. Any such Fire Cadet Program shall be governed by the rules and regulations established therefor by the Fire Chief, with the approval of the Public Safety Director. (Ord. 2019-19. Passed \*\*/\*\*/\*\*)**

**242.10 POLICE AND FIRE FUND.**

**(a) Receipt: Property tax moneys from the property tax levy of three-tenths of one mill upon all the real and personal property listed for taxation in the City, as required under and for the purposes listed in ORC 742.34, shall be receipted into the City's Police and Fire Fund.**

**(b) Use of Levy Proceeds: The annual revenues derived from the property tax levied under ORC 742.34 in the Police and Fire Fund shall be used in the following order:**

- (1) First, to pay the current firefighter employers' contribution to the Ohio Police & Fire Pension Fund, and any interest related thereto;**
- (2) Second, to pay any accrued liability chargeable to the City during the current calendar year for its former police relief and pension fund or any interest related thereto; and**
- (3) Third, to defray the current operating expenses of the City.**

**(Statutory Reference ORC 742.34) (Ord. 2019-19. Passed \*\*/\*\*/\*\*)**

Chapter 298.01(a) Fees from Part Two: Administration Code

**Table A.1**

Xenia Code Section	Chapter 204: City Standards	Fee
204.03	City Flag	\$65.00

(Ord. 14-40. Passed 10/09/14; Ord. 2019-12. Passed 04/11/19)

**Table A.2**

Xenia Code Section	Chapter 206: Public Meetings	Fee
206.03(e)	Notification of all meetings of a specific Board, Commission or Committee at which any specific type of public business is to be discussed	Notice by Email – No Fee
		Notice by Mail - \$15.00 per year

(Ord. 08-25. Passed 04/24/08; Ord. 12-09. Passed 03/22/12; Ord. 2019-12. Passed 04/11/19)

**Table A.3**

Xenia Code Section	Chapter 236: Department of Finance	Fee
236.06(a)	Bad check charge, each check	\$25.00

(Ord. 08-25. Passed 04/24/08; Ord. 12-09. Passed 03/22/12; Ord. 2019-12. Passed 04/11/19)

**Table A.4**

Xenia Code Section	Chapter 242: Division of Fire	Fee
<b>User Fees for Ambulance Service:</b>		
242.05(a)	Advanced Life Support (ALS) 1	\$830.67
	Advanced Life Support (ALS) 2	\$1,038.34
	Basic Life Support (BLS)	\$519.17
	Loaded Mile	\$12.98
<b>Standby Fees for Ambulance Service:</b>		
242.06(a)	Paramedic unit with two assigned paramedics	\$100.00 per hour

(Ord. 08-32. Passed 05/22/08; Ord. 08-42. Passed 06/26/08; Ord. 08-77. Passed 11/25/08; Ord. 10-19. Passed 06/10/10; Ord. 12-09. Passed 03/22/12; Ord. 15-14. Passed 04-23-15; Ord. 2019-12. Passed 04/11/19)



**Table A.4 A-5**

Xenia Code Section	Chapter 248: Department of Parks & Recreation	Fee
Facility Rentals		
Shawnee Park Pavilion Reservations		
248.05	Resident – Four (4) hours A.M.	\$60.00
	Resident – Four (4) hours P.M.	\$80.00
	Resident – Eight (8) hours (Day)	\$125.00
	Nonresident – Four (4) hours A.M.	\$80.00
	Nonresident – Four (4) hours P.M.	\$100.00
	Nonresident – Eight (8) hours (Day)	\$145.00
Xenia Station – Shelter Reservations		
248.05	Resident – Four (4) hours A.M.	\$30.00
	Resident – Four (4) hours P.M.	\$30.00
	Resident – Eight (8) hours (Day)	\$50.00
	Nonresident – Four (4) hours A.M.	\$50.00
	Nonresident – Four (4) hours P.M.	\$50.00
	Nonresident – Eight (8) hours (Day)	\$70.00
Xenia Station – Classroom Reservations		
248.05	Resident – 4 hours	\$25.00
	Resident – 8 hours	\$50.00
	Nonresident – 4 hours	\$45.00
	Nonresident – 8 hours	\$70.00
Miscellaneous		
248.05	Garden Plots	\$20.00 per season
	Tree Carving Sponsorship	\$2,500.00 per tree carving

(1997 Code; §§206.03, 242.05 and 248.05; Ord. 06-62. Passed 09/28/06; Ord. 07-61. Passed 12/27/07; Ord. 08-32. Passed 05/22/08; Ord. 09-56. Passed 08/27/09; Ord. 11-07. Passed 01/27/11; Ord. 14-36. Passed 09/25/14; Ord. 15-45. Passed 10/22/15; Ord. 16-58. Passed 12/29/16; Ord. 2019-12. Passed 04/11/19; **Ord. 2019-19. Passed \*\*/\*\*/\*\*)**