

## **NOTICE**

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**CHAPTER 147  
FIRE DEPARTMENT**

147.01	Emergency and Safety Vehicles; Liability	147.03	Emergency Medical Services Reimbursement Program
147.02	Provision of Emergency Medical Services	147.04	Homeland Protection and Emergency Management Division

**CROSS REFERENCES**

Composition and control – see Ohio Revised Code § 715.05, 737.08, 737.21  
 Fire Chief – see Ohio Revised Code § 737.09  
 General duties – see Ohio Revised Code § 737.11  
 Firemen’s Pension and Disability Fund – see Ohio Revised Code § 742  
 Parking near fire – see TRAF. 432.25  
 Driving over fire hose – see TRAF. 432.26  
 Assisting required – see GEN. OFF. 606.13  
 Resisting a fireman – see GEN. OFF. 606.14  
 False fire alarm or report – see GEN. OFF. 606.10, 648.09  
 Misconduct at an emergency – see GEN. OFF. 648.07  
 Fireworks display permits – see GEN. OFF. 672.13  
 Fire prevention regulations – see Part Fifteen – FIRE PREVENTION CODE

**SECTION 147.01. EMERGENCY AND SAFETY VEHICLES; LIABILITY.**

The Fire Department is authorized and directed to operate public safety and emergency vehicles in response to emergency calls received by the Fire Department.

Emergency service is designated as a function of the Fire Department and it is the intention of Council that any fireman operating such an emergency or public safety vehicle in performance of this function shall be immune from personal liability under the provisions of Ohio Revised Code Chapter 2744.

**SECTION 147.02. PROVISION OF EMERGENCY MEDICAL SERVICES.**

The Fire Department shall provide emergency medical services within the corporate limits of the City and may provide, as necessary and in emergency situations, such services outside the corporate limits of the City. All persons in need of such services are entitled to

receive said services without regard to and without prior determination of ability to pay for the services. No person requiring emergency medical services shall be denied such services due to lack of insurance or lack of ability to pay.

**SECTION 147.03. EMERGENCY MEDICAL SERVICES REIMBURSEMENT PROGRAM.**

(a) The Fire Department shall establish an emergency medical services reimbursement program which shall, at all times, be incidental to the provision of emergency medical services. The purpose of such reimbursement program shall be to seek reimbursement for the City of Kettering's fees and charges for emergency medical services from the recipient of the services or an agent thereof. All policies and procedures governing this EMS reimbursement program, excluding the setting of the amount of the fees and charges, shall be jointly determined by the Fire Chief and the City of Kettering Director of Finance.

(b) At least once every two (2) years, and more frequently if necessary, the Fire Department shall make a recommendation to the City Manager regarding the amount of the fees and charges for emergency medical services. The City Manager shall establish, and set in writing, the amount of the fees and charges for emergency medical services. The City Manager shall have authority to reset from time to time the amount of the emergency medical services fees and charges. Such fees and charges shall not exceed the usual and customary fees and charges for emergency medical services provided by other jurisdictions in Montgomery County, Ohio.

(c) The proceeds of and revenues from the emergency medical reimbursement program shall be placed in a City of Kettering fund to be used for City of Kettering Fire Department equipment or structures to house City of Kettering Fire Department equipment or personnel. Authorized uses of such proceeds and revenues include, without limitation, the following: payment of principal, interest, and other costs of debt issued for such equipment or structures; reimbursement of the general fund for loans or advances for such equipment or structures; and payment of costs and expenses of administering and managing the program, including, but not limited to, contract services for program billing and collections.

(d) In the event of any disagreement or dispute regarding an emergency medical service fee or charge, the person or entity disputing or disagreeing with the fee or charge shall have the right to appeal to the City Manager. The City Manager shall have the authority to hear and make a determination as to the appeal of any such disagreement or dispute. The City Manager's determinations shall be final.

**SECTION 147.04 HOMELAND PROTECTION AND EMERGENCY  
MANAGEMENT DIVISION.**

(a) Among the various divisions of the Fire Department shall be a "Homeland Protection and Emergency Management Division". The head of the Division shall be the Fire Chief.

(b) The City Manager is authorized, after consultation with the Fire Chief and by executive order of the City Manager, to declare and issue an Emergency Management and Operations Plan for the City of Kettering.

**Legislative History:** Ord. 3264-87; passed 2-10-87. Ord. 3932-02; passed 11-26-02. Ord. 3940-03; passed 4-22-03. Ord. 3995-05; passed 2-22-05. Ord. 4222-13; passed 8-13-13.