

AN ACT

To amend sections 505.371 and 505.391 of the Revised Code and to amend Section 165 of Am. Sub. H.B. 215 of the 122nd General Assembly to permit the political subdivisions that comprise a joint fire district to pay the district's charges for ambulance or emergency medical services provided to their respective residents under certain circumstances, to permit two or more municipal corporations to form a joint fire district, to permit a fee to be charged for false fire alarms from residential buildings in townships or fire districts, and to extend to December 15, 2002, the general moratorium on the issuance of new licenses to manufacturers or wholesalers of fireworks and on approvals of the transfer of their licenses to other locations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 505.371 and 505.391 of the Revised Code be amended to read as follows:

Sec. 505.371. (A) The boards of township trustees of one or more townships and the legislative authorities of ~~any~~ one or more municipal corporations, or the legislative authorities of two or more municipal corporations, or the boards of township trustees of two or more townships, may, by adoption of a joint resolution by a majority of the members of each board of township trustees and by a majority of the members of the legislative authority of each municipal corporation, create a joint fire district comprising the municipal corporations and all or any portions of the townships as are mutually agreed upon. A joint fire district so created shall be given a name different from the name of any participating township or municipal corporation.

(B) The governing body of the joint fire district shall be a board of fire

istrict trustees, which shall include one representative from each board of township trustees and one representative from the legislative authority of each municipal corporation in the district. The board of fire district trustees may exercise the same powers as are granted to a board of township trustees in sections 505.37 to 505.45 of the Revised Code, including, but not limited to, the power to levy a tax upon all taxable property in the fire district as provided in section 505.39 of the Revised Code. The board of fire district trustees may be compensated at a rate not to exceed thirty dollars per meeting, not to exceed fifteen meetings per year, and may be reimbursed for all necessary expenses incurred. The board shall employ a clerk of the board of fire district trustees.

~~(C)(1)~~ The board of fire district trustees may establish reasonable charges for the use of ambulance or emergency medical services. The board may establish different charges for residents and nonresidents of the district, and may waive, at its discretion, ~~waive~~ all or part of the charge for any resident of the district. The charge for nonresidents shall be an amount not less than the authorized medicare reimbursement rate, except that if, prior to ~~the effective date of this amendment~~ February 4, 1998, the board had different charges for residents and nonresidents and the charge for nonresidents was less than the authorized medicare reimbursement rate, the board may charge nonresidents less than the authorized medicare reimbursement rate. ~~Charges~~

(2) In the resolution creating the joint fire district, the political subdivisions that create the district may provide that any of those political subdivisions may agree to pay any charges for the use of ambulance or emergency medical services that the board of fire district trustees establishes under division (C)(1) of this section and that are incurred by the residents of the particular political subdivision. Unless the board elects pursuant to that division to waive all or part of the charges for the use of ambulance or emergency medical services that any resident of the district incurs, the residents of a particular political subdivision that has not so agreed to pay the charges for the use of ambulance or emergency medical services incurred by its residents shall pay those charges.

(3) ~~Charges~~ collected under division (C) of this paragraph section shall be kept in a separate fund designated as "the ambulance and emergency medical services fund," and shall be appropriated and administered by the board. ~~These funds~~ The fund shall be used for the payment of the costs of the management, maintenance, and operation of ambulance and emergency medical services in the district. ~~As~~

(4) As used in division (C) of this paragraph section, "authorized

medicare reimbursement rate" has the same meaning as in section 505.84 of the Revised Code.

(D) Any municipal corporation or township, or parts of them, may join an existing joint fire district by the adoption of a resolution requesting such membership and upon approval of the board of fire district trustees. Any municipal corporation or township may withdraw from a joint fire district created under this section, by the adoption of a resolution ordering withdrawal. On or after the first day of January of the year following the adoption of the resolution of withdrawal, the municipal corporation or township withdrawing ceases to be a part of such district, and the power of the ~~joint fire~~ district to levy a tax upon taxable property in the withdrawing township or municipal corporation terminates, except that the ~~joint fire~~ district shall continue to levy and collect taxes for the payment of indebtedness within the territory of the ~~joint fire~~ district as it was comprised at the time the indebtedness was incurred.

Upon the withdrawal of any township or municipal corporation from a joint fire district created under this section, the county auditor shall ascertain, apportion, and order a division of the funds on hand, including funds in the ambulance and emergency medical services fund, moneys and taxes in the process of collection, except for taxes levied for the payment of indebtedness, credits, and real and personal property, either in money or in kind, on the basis of the valuation of the respective tax duplicates of the withdrawing municipal corporation or township and the remaining territory of the joint fire district.

When the number of townships and municipal corporations comprising a joint fire district is reduced to one, the joint fire district ceases to exist by operation of law, and the funds, credits, and property remaining after apportionments to withdrawing municipal corporations or townships, shall be assumed by the one remaining township or municipal corporation. When a joint fire district ceases to exist and an indebtedness remains unpaid, the board of county commissioners shall continue to levy and collect taxes for the payment of such indebtedness within the territory of the joint fire district as it was comprised at the time the indebtedness was incurred.

Sec. 505.391. If, after the fire department of a township, township fire district, or joint fire district, or a private fire company with which the fire department of a township, township fire district, or joint fire district contracts for fire protection, responds to a false alarm from an automatic fire alarm system at a commercial establishment or residential building, the board of township trustees gives written notice by certified mail ~~to the owner and the lessee, if any, of the building in which the system is installed~~

that ~~the board~~ it may assess a charge of up to three hundred dollars for each subsequent false alarm within a period of thirty days after any false alarm by that system, the board of township trustees may assess ~~such a~~ that charge. This notice shall be mailed to the owner and the lessee, if any, of the building in which the system is installed. After the board gives ~~written~~ this notice ~~by certified mail once to an owner and lessee, if any,~~ the board need not give any additional written notices before assessing a charge for a false alarm as provided by this section. If not paid within sixty days after the owner or lessee receives a written notice by certified mail that a charge has been assessed, ~~such charges~~ the charge shall be entered upon the real property tax list and tax duplicate ~~and,~~ shall be a lien upon the property served, and shall be collected as other taxes. Charges collected under this section shall be returned to the township general fund.

As used in this section, "commercial establishment" means a building or buildings in an area used primarily for nonresidential, commercial purposes.

SECTION 2. That existing sections 505.371 and 505.391 of the Revised Code are hereby repealed.

SECTION 3. For those joint fire districts created prior to and in existence on the effective date of this act, the joint resolution creating the district may be amended to permit, on and after the amendment's effective date, any of the political subdivisions involved to agree to pay any charges for the use of ambulance or emergency medical services incurred by the residents of the particular political subdivision in accordance with section 505.371 of the Revised Code, as amended by this act.

SECTION 4. That Section 165 of Am. Sub. H.B. 215 of the 122nd General Assembly be amended to read as follows:

" Sec. 165. During the period beginning on the effective date of this ~~section~~ amendment and ending on December 15, ~~1999~~ 2002, the State Fire Marshal shall not do ~~either~~ any of the following:

(A) Issue a license as a manufacturer of fireworks under sections 3743.02 and 3743.03 of the Revised Code to a person for a particular fireworks plant unless that person possessed such a license for that fireworks plant immediately prior to ~~the effective date of this section~~ June 30, 1997;

(B) Issue a license as a wholesaler of fireworks under sections 3743.15 and 3743.16 of the Revised Code to a person for a particular location unless

that person possessed such a license for that location immediately prior to ~~the effective date of this section~~ June 30, 1997;

(C)(1) Except as provided in division (C)(2) of this section, approve the transfer of a license as a manufacturer or wholesaler of fireworks under Chapter 3743. of the Revised Code to any location other than a location for which a license was issued under that chapter immediately prior to ~~the effective date of this section~~ June 30, 1997.

(2) Division (C)(1) of this section does not apply to a transfer that the Fire Marshal approves pursuant to division (D)(2) of section 3743.17 of the Revised Code."

Sub. H. B. No. 204

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SECTION 5. That existing Section 165 of Am. Sub. H.B. 215 of the 122nd General Assembly is hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. H. B. No. 204

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____