

TITLE 50
SERVICE AREAS

Chapter 50.130—North Tongass Fire and Emergency Medical Services Service Area*

Article 50.131—Generally

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50.131.005. Established. There is hereby established the North Tongass Fire and Emergency Medical Services Service Area of the borough.

50.131.010. Description. The North Tongass Fire and Emergency Medical Services Area shall consist of the following described area:

That certain parcel, or tracts of land located on Revillagigedo Island, generally situated between the northern city limits of the City of Ketchikan and the northern end of State Highway #7 located south of Lunch Creek in ASLS 88-87. This will also include the roaded area from the intersection of North Tongass Highway and Revilla Road, north to Harriet Hunt Lake and also the roaded area to Ward Lake.

Included in their entirety are Survey Nos. 812, 815, 1056, 1192, 1208, 1508, 1653, 1655, 1658, 1659, 1706, 1754, 1862, 1923, 1959, 2165, 2190, 2204, 2295, 2343, 2347, 2553, 2554, 2555, 2556, 2603, 2604, 2606, 2632, 2678, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2899, 2923, 3019, 3020, 3021, 3022, 3087, 3088, 3090, 3092, 3152, 3153, 3155, 3157, 3158, 3163, 3275, 3387, 3399, 3524, 3540, 3541, 3663, 3681, 3701, 3703, 3762, 3767, 3768, 3833, 3834, 3848, KGB Subdivision #81-01(Waterfall Service Area), ASLS 79-243 (Mud Bight Service Area), ASLS 81-39, ASLS 85-73 and ASLS 95-14. Portion of ASLS 88-87 that lies at the northerly end of the highway and south of Lunch Creek. Also included, all platted ROW located within township 74S, R90E sections 23, 24, 26, 34 and 35. A portion of U.S.S 3835 that lies easterly and northerly of the northern end of the city limits of Ketchikan, Alaska, more particularly described as follows:

Commencing at Corner No. 5 of U.S.S 1744, the true point of beginning, thence northeasterly to a point perpendicular to the northern boundary of U.S.S 3835, thence along the northerly boundary of U.S.S 3835 to the intersection of U.S.S 3835 and U.S.S 2632, thence S68°10'W a distance of 149.82' along the line of said U.S Survey; thence S56°47'W a distance of 266.44' along the line of said U.S Survey; thence S48°49'W a distance of 237.6' along the line of said U.S Survey to the eastern boundary of U.S.S 1658; thence along the boundary south a distance of 133.32'; thence west a distance of 99.66' to the eastern boundary of U.S.S 1508; thence south a distance of 976.8'; thence S31°48'W a distance of 1067.22'; thence N58°12'W a distance of 463.98' to the northeast corner of U.S.S 1659; thence south a distance of 295.68' to the intersection of U.S.S 1605 and U.S.S 3834; thence S01°17'W a distance of 776.82'; thence west a distance of 271.65' to the intersection of U.S.S 3834 and U.S.S

1653; thence west a distance of 316.8' to the intersection of U.S.S 1653 and U.S.S 3833; thence south a distance of 549.12'; thence west a distance of 399.66' to the intersection of U.S.S 3833 and U.S.S 1656; thence west a distance of 295.68' to the northerly boundary of U.S.S 1207; thence S42°55'E a distance of 199.98'; thence S47°05'W a distance of 500.28'; thence S04°34'E a distance of 717.42'; thence S44°50'E a distance of 246.84'; thence S41°37'W a distance of 1120.68'; thence N52°49'E a distance of 1232.88' to Corner No. 2 of U.S.S 1732; thence westerly along the southerly boundary line of U.S.S 1732 a distance of 55.44' to U.S.S 1271, Corner No. 1; thence south a distance of 561'; thence east a distance of 198.66'; thence south a distance of 1289.64'; thence west a distance of 375.54' to the eastern edge of the North Tongass Highway ROW; thence southwesterly along the said ROW to a point where the ROW intersects U.S.S 1665; thence south a distance of 228.26'; thence east a distance of 114.84'; thence south a distance of 621.06'; thence east a distance of 894.85'; thence south a distance of 704.8'; thence east to U.S.S 1744 Corner No. 5 and the true point of beginning.

All of the above-described parcels, and tidelands adjacent to the above-described areas, are included within the service area

50.131.015. Powers. The North Tongass Fire and Emergency Medical Services Service Area shall have and may exercise within the North Tongass Fire and Emergency Medical Services Service Area all of the powers necessary or incidental to the providing of the following services within said service area:

- (1) Fire protection.
- (2) Emergency medical service.

50.131.020. Management and operation. As provided in Chapter 50.06, an appointed board of directors composed of five (5) members shall supervise the furnishing of services within the North Tongass Fire and Emergency Medical Services Service Area subject to the paramount authority of the borough assembly.

50.131.025 Accounting procedures. All accounting, billing and collection of taxes, fees or charges shall be performed by the borough.

50.131.030 Fees and charges.

(a) Fees and charges for the fire and EMS service shall be set through a combination of a fee as determined in this section and a service area mill levy by resolution of the assembly and collected in accordance with Title 45 of the KGB Code.

(b) Fire and EMS fees shall be as follows:

(1) Ambulance	<u>Responsible Party*</u>	<u>Fees</u>
a. Ambulance response (may be billed to insurance)	PT	MC/MCD Rates

(c) Annual fees:

<u>Responsible Party*</u>	<u>Fees</u>
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|-----|--|-----|--------|
| (1) | Annual fee per lot with structure or improvement on it | PO | 100.00 |
| (2) | Annual fee per mobile home that is on a leased or rented space | RPO | 100.00 |

* MC/MCD = Medicare and Medicaid approved rates
 PO = Property Owner
 PT = Patient upon transport
 RPO = Real Property Owner

(d) The following structures and improvements are exempt from the annual fee:

- (1) One (1) story buildings used as tool and storage sheds, playhouses, and other similar type uses, provided the roof area does not exceed one hundred twenty (120) square feet.
- (2) Houses with salvage value only listed on the assessment roll.
- (3) Fences of any height, landscaping, sewerage system, storage containers and other non-structural improvements.
- (4) Docks, floats and boat ramps leading to floats are exempt unless they have a structure fitting the definition in (1) and (2) above.

(Ord. 1312, §3, 6-7-04; Ord. No. 1319, §1, 8-16-04)

50.131.035. Delinquency charges.

(a) In the event any fees or charges, excluding the annual fee, are not paid within twenty-five (25) days after the date of billing such fees and charges shall be delinquent. Upon such fees or charges becoming delinquent there shall be added thereto a penalty of five (5) percent of the amount of such fees or charges, and in addition thereto, interest at the rate of one (1) percent per month shall accrue and be charged on the whole of the unpaid amount of such fees and charges, not including penalty, from the date of delinquency until paid in full.

(b) The owner of the property shall be personally liable for the amount of any user fees, charges, penalties and interest, which are assessed, levied or charged.

(c) Notwithstanding other provisions of this section, delinquent accounts may be collected through any lawful means. The cost for collection of such accounts shall be added to the amount owed.

(d) The annual fees provided herein shall be billed annually in the manner provided in section 50.07.080. Such billings shall be mailed annually at the same time general borough property tax billings are mailed. In the event such bills are not paid by October 1 of the billing year, such fees shall be delinquent. Upon such fees becoming delinquent there shall be added thereto a penalty of five (5) percent of the amount of such fee, and in addition thereto, interest at the rate of one (1) percent per month shall accrue and be charged on the whole of the unpaid amount of such fees and charges, not including penalty, from the date of delinquency until paid in full.

(Ord. No. 1312, §3, 6-7-04; Ord. No. 1319, §2, 8-16-04)

50.131.040. Appeal process.

(a) A person whose name appears on the assessment roll or the agent or assigns of that person may appeal to the service area board for relief from an alleged error in fee assessment to the owner's satisfaction.

(b) The appellant shall, within thirty (30) days after the date of mailing of notice of fee, submit to the clerk's office, attention North Tongass Fire and EMS Service Area, a written appeal specifying the appellant's opinion of error for the appeal with supporting evidence in the form that the service area board may require. Otherwise, the right of appeal ceases unless the service area board finds that the owner was unable to comply.

(c) The service area board shall direct the chief to mail to each appellant a notice of the sitting at which the appeal is to be heard, at the appellant's last known address as the same as shown on the assessor's records. Such notice is complete upon mailing. Such notices shall be mailed not later than five (5) days prior to the date of hearing of said appeals. All such notices shall contain at least the following information: physical location of the hearing room; the day of the month and year; and the time of day. All such notices shall also notify the appellant that the appellant has the burden of proof that an improper fee was assessed based on facts that are stated in a valid written appeal timely filed or proved at the hearing; that appellant may be present at the hearing, and may present any relevant evidence.

(d) The fire department chief shall prepare for use by the service area board a summary of data relating to each fee that is appealed.

(e) A hearing officer and an alternate shall be appointed by the borough manager for the purpose of hearing appeals.

(f) Hearings shall be conducted in accordance with Chapter 5.110 of the KGB Code.

(g) At the hearing the appellant has the burden of establishing, by a preponderance of the evidence, that either

(1) the appellant is not the property party to be charged the fee; or

(2) the parcel in question is entitled to an exemption from the fee.

(Ord. No. 1319, §3, 8-16-04)

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- **Editor's note**—Ordinance No. 1246, adopted December 30, 2002, and ratified by the voters at a special election held March 11, 2003, established the North Tongass Fire and Emergency Medical Services Service Area and provided for the provisions of this chapter.