

ORDINANCE NO. 2005-3

**AN ORDINANCE PROVIDING FOR THE IMPOSITION OF AN
EMERGENCY MEDICAL SERVICES (EMS) IMPACT FEE ON ALL
NEW RESIDENTIAL DEVELOPMENT AND NON-RESIDENTIAL
DEVELOPMENT; AND PROVIDING FOR AN EFFECTIVE DATE OF
May 12th, 2005**

**AMENDED March 13, 2008 with an Effective Date of April 1, 2008
AMENDED April 2, 2015 with an Effective Date of May 1, 2015
Amended September 2, 2021 with an Effective Date of September 3, 2021
Amended April 3, 2025 with an Effective Date of June 1, 2025**

WHEREAS, pursuant to the Local Powers Act, W.Va. Code ' 7-20-1 *et seq.*, counties in West Virginia have been authorized to adopt impact fees to fund capital improvements, including emergency medical services (EMS) facilities and equipment, required to accommodate new development projects, subject to compliance with the provisions of the Local Powers Act; and

WHEREAS Jefferson County, West Virginia (the County), has satisfied all of the requirements set forth in W.Va. Code ' 7-20-6 as an initial prerequisite to the imposition of impact fees; and

WHEREAS the Ambulance Authority of Jefferson County provide essential emergency services to all residents and businesses of the County, and

WHEREAS ambulance service are defined by §7-20-3(b) as a County Service, and

WHEREAS the municipalities of Bolivar, Charles Town, Harpers Ferry, Ranson, and Shepherdstown each lack specific municipal emergency medical services and rely upon the services of the Ambulance Authority of Jefferson County, and

WHEREAS the Jefferson County Commission (the County Commission) retained TischlerBise, Inc. (the Consultants) to analyze and assess growth and development projections

for the County to determine the additional demand anticipated to be placed on the County for EMS support buildings, vehicles and equipment; and

WHEREAS the Consultants additionally reviewed the existing demand for EMS facilities, vehicles, and equipment; the existing EMS facilities, vehicles, and equipment available to meet that demand; and the method of financing the existing EMS services; and

WHEREAS the County has adopted the methodology used by the consultant for the purpose of conducting updates to the EMS impact fee, and

WHEREAS the County has reviewed the existing level of service standards; and

WHEREAS the County has relied upon the actual costs of recent EMS facilities, vehicle acquisition, and equipment for a determination of the costs of EMS facilities, vehicles, and equipment; and

WHEREAS the EMS impact fee will be imposed only on new residential development and non-residential development in the County; and

WHEREAS the County has reviewed and relied upon the County Comprehensive Plan, and the County's six-year Capital Improvements Program; and [amended by the County Commission September 2, 2021]

WHEREAS at the initial adoption of this ordinance, the population and new residential development projections for the County indicate: (1) that the population of the County will increase from approximately 44,184 persons in the year 2004 to approximately 71,820 persons in the year 2022; and by an additional 12,040 persons in the entire county between 2024 and 2034; and (2) that housing units will increase from approximately 19,486 in the year 2004 to

approximately 27,837 in the year 2022; and housing units will increase 2,584 between 2024 and 2034; and (3) that non-residential vehicle trips will increase approximately 12,149 trips per day between 2024 and 2034; and

WHEREAS the types of facilities and associated costs that are included in this impact fee cover land acquisition and construction for EMS facilities; and the acquisition of EMS vehicles and related support equipment; and

WHEREAS the EMS impact fee calculation methodology may include incremental expansion methodology, and/or a plan-based methodology, and/or a cost recovery methodology, ; as described in the Impact Fees Report for Jefferson County, West Virginia (prepared by TischlerBise, formerly Tischler & Associates, Inc., June 11, 2003, updated on April 8th, 2005, and updated by the County in December 2007; and updated April 2, 2015; and July 16, 2021; and updated December 5, 2024) with costs fairly and rationally distributed between residential and non-residential development; and [amended by the County Commission April 3, 2025]

WHEREAS, in calculating the appropriate impact fee to be imposed on new residential development and non-residential development, the County assumed that the existing level of service standards would be maintained in the future and that the cost of the construction of EMS facilities and the acquisition of new EMS vehicles and support equipment would be paid for entirely by the EMS impact fees; and [amended by the County Commission, March 13, 2008]

WHEREAS the County has prepared an Impact Fees Report (December 2007, and updated April 2, 2015, and July 16 2021; updated December 5, 2024) including the EMS impact fee assumptions, population projections, residential development projections, capital

improvements and impact fee calculations; which Report has been submitted to and reviewed by County staff and officials; and [amended by the County Commission April 3, 2025]

WHEREAS the Impact Fees Report has been presented to and reviewed by the County Commission, which has determined: (1) that the EMS impact fee is necessary to offset the costs associated with meeting the demand of EMS emergency services, pursuant to the development projections; (2) that the EMS impact fee bears a reasonable relationship to the burden imposed upon the County to provide EMS emergency services to new residents and non-residential development, and provides a benefit to such new residents reasonably related to the EMS impact fee, per dwelling unit, by type for residential development; and to non-residential development reasonably related to the law enforcement impact fee by type and size, for non-residential development; (3) that an essential nexus exists between the projected new residential development and the need for additional EMS facilities, vehicles, and support equipment to be funded via the EMS impact fee; and that an essential nexus exists between the projected new non-residential development and the need for additional law enforcement facilities, vehicles, and support equipment to be funded via the EMS impact fee; and (4) that the amount of the EMS impact fee is roughly proportional to the pro rata share of the additional EMS facilities, vehicles, and support equipment needed to provide adequate EMS emergency services to new residential development and non-residential development, while maintaining not less than the existing level of service (LOS) standard currently provided to County residents; and

WHEREAS the County Commission has adopted an Impact Fees Procedures Ordinance setting forth the procedures for the imposition and collection of impact fees; and

WHEREAS the County Commission has conducted a public hearing on the proposed EMS impact fee; and

WHEREAS the initial EMS impact fee adopted pursuant to this Ordinance shall be effective on May 12th, 2005 with amendments to take effect on April 1st, 2008; with fee schedule amendments to take effect on May 1, 2015; and with fee schedule amendments to take effect on September 3, 2021; and amended April 3, 2025 with an effective date of June 1, 2025 [amended by the County Commission September 2, 2021].

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the County Commission of Jefferson County, West Virginia, that:

SECTION 1. RULES OF CONSTRUCTION

(1) Unless otherwise defined within this ordinance, the words used have the meanings given to them in the Impact Fee Procedures Ordinance for Jefferson County.

SECTION 2. ADOPTION OF EMS IMPACT FEE.

(1) The applicable development/service area (the Service Area) for imposition of an EMS Impact Fee is the entire County, including all incorporated Municipalities.

(2) All new residential dwelling units and all new commercial development, including increases in existing commercial floor area and/or changes in commercial use within the Service Area shall be subject to the payment of a EMS Impact Fee payable at the time of issuance of a building permit by the County or a Municipality, as applicable, pursuant to this Section and the Impact Fee Procedures Ordinance, as follows:

Residential Development	Impact Fee per Dwelling Unit
Single Family	\$509
Town home	\$509
Duplex	\$509
Multi-family	\$359

Commercial Development	Nonresidential Fees per 1,000 Square Feet
Light Industrial	\$119
Business Park	\$303
Manufacturing	\$116
Warehousing	\$42
Commercial/Shopping Center	\$596
Office/Institutional	\$265
Hotel (per room)	\$82
Nursing Home (per bed)	\$75

[amended by the County Commission, March 13, 2008; amended by the County Commission, April 2, 2015 to 70% of the February 19, 2015 calculated fee amount; Amended September 2, 2021 with an effective date of September 3, 2021; Amended April 3, 2025 with an effective date of June 1, 2025]

(3) On April 1, 2006, and on April 1st of each year thereafter in which the EMS Impact Fee is in effect, the amount of the development impact fee, per dwelling unit shall be adjusted pursuant to the Annual Review process as set forth in Section 6 of the Impact Fee Procedures Ordinance.

(4) Nothing herein shall prevent the County Commission from electing to retain the existing EMS Impact Fee or from electing to waive the adjustment for any given fiscal year, or years.

SECTION 3. LIBERAL CONSTRUCTION.

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes in the interest of further promoting and protecting the public health, safety and welfare.

SECTION 4. SEPARABILITY.

(1) If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Ordinance nor impair or nullify the remainder of this Ordinance which shall continue in full force and effect.

(2) If the application of any provision of this Ordinance to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the County Commissioners is that such decision shall be limited only to the specific new development expressly involved in the controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify this Ordinance as a whole or the application of any provision of this Ordinance to any other new development.

SECTION 5. EFFECTIVE DATE; ELECTION.

(1) This amended Ordinance shall be effective on June 1, 2025.

(2) In the event that, within forty-five days after the effective date of this Ordinance, fifteen percent (15%) of the qualified voters of the County file with the County Commission a petition, duly signed by them in their own handwriting, the fee or levy protested may not become effective until it is ratified by a majority of the legal votes cast thereon by the qualified voters of the County at any primary, general or special election as the County Commission directs. Voting thereon may not take place until after notice of the subcommission of the fee or levy on the ballot

Jefferson County, West Virginia

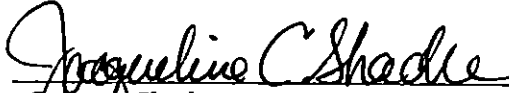
EMS Impact Fee Ordinance – Adopted 5/12/2005 – Amended 4/03/2025

has been given by publication of class II legal advertisement and publication area shall be the County.

The undersigned hereby certifies that this Ordinance was initially approved and adopted by the Jefferson County Commission on the 12th day of May, 2005 and amended on March 13, 2008 and April 2, 2015, and September 2, 2021; and amended April 3, 2025 with an effective date of June 1, 2025.

JEFFERSON COUNTY COMMISSION

ATTEST:



County Clerk

By:



Pasha Majdi

County Commission President

