

CHAPTER 10 FIRE DEPARTMENT REIMBURSEMENT

Section 1: Purpose. The purpose of this ordinance is to provide fire protection for the Town, prevent, detect, and suppress fire and related fire hazards, and establish recovery of certain costs of emergency services provided by the Town of Wilson Fire Department.

Section 2: Authority. This ordinance is adopted under the Town's village powers pursuant to Wis. Stat., § 60.10. It is also adopted pursuant to Wis. Stat., § 60.55, Wis. Stat., § 60.555, and Wis. Stat., § 60.557 and if further adopted in accordance with the Mutual Aid Box Alarm System Standards and Procedures as set forth in Wisconsin Administrative Code section WEM 8.

Section 3: Recovery of Emergency Service Costs. Any and all extraordinary emergency service costs incurred by the Town of Wilson shall, if billed pursuant to this ordinance, be paid by the owners of the real estate to which the particular emergency service call was made. The charges shall be in an amount equal to the Extraordinary Costs to the Town for the emergency service call. For purposes of this ordinance, "Extraordinary Costs" refer to costs beyond those that are customary for emergency calls of the type involved. "Extraordinary Costs will be determined on a case-by-case basis based on the costs involved in the call. Factors to be considered in determining Extraordinary Costs shall include historical charges for emergency services of the type involved, size or complexity of the emergency, whether mutual aid was involved, and whether extra materials or personnel were required. The Town may bill the owners' insurer, lessee, renter, or agent if the Town is unable to recover from the owners.

Section 4: Recovery of Emergency Service Costs for Vehicle Class on Town, Village, County, State, or Federal Highways. In the event that an emergency service call is made to a vehicle located on any Town, Village, County, State, or Federal highway, any and all Extraordinary Costs incurred by the Town in responding to the call shall, if billed pursuant to this ordinance, be paid by the owners of the vehicle that is subject to the emergency service call. The Town may bill the owners' insurer, lessee, renter, or agent if the Town is unable to recover from the owners.

Section 5: Reimbursement for Fire Calls on County Highways. If the Town incurs costs for a fire call by responding to a vehicle fire on a county trunk highway, the County maintaining that portion of the highway where the vehicle was located at the time of the fire shall reimburse the Town up to \$200.00 for the costs if the Town submits written proof that it has made a reasonable effort to collect the cost from the insurer of the person to whom the fire call was provided or from the person to whom the fire call was provided. The Town may only collect in this manner if the Town attempts to collect the cost from the person's insurer prior to attempting to collect the cost from the person. If the Town collects the cost from an insurer or person after the County reimburses the Town, the Town shall return the amount collected to the County.

Section 6: Recovery of Costs from Department of Transportation. If the Town incurs costs for a fire call on a state trunk highway or any highway that is part of the national system of interstate highways and maintained by the Department of Transportation, the Department of Transportation shall reimburse the Town up to \$500.00 for the costs, even if fire equipment is not actually used, if the Town submits

written proof that the Town has made a reasonable effort to collect the cost from the insurer of the person to whom the fire call was provided or from the person to whom the fire call was provided. The Town may only attempt to collect costs in this manner if the Town is unsuccessful in its efforts to collect from the person's insurer or if the person has no insurer. If the Town collects the cost from an insurer or person after the Department reimburses the Town, the Town shall return the amount collected to the Department of Transportation.

Section 7: Billing Procedure. The Town Board may authorize charges under this ordinance after receiving approval of the charges from the Town of Wilson Fire Department. Before a charge is authorized by the Board, the Town Clerk shall provide not less than 10 days advance notice by first class mail to the person or persons proposed to be charged. The notice shall include a description of the service, an estimate of the charges, and a statement that the person or persons to be charged have the right to appear before the Town Board and be heard before the charges are authorized by the Town Board. The bill should be sent within thirty (30) days of the date the service was rendered; however, failure to send the bill within thirty (30) days shall not affect the ability of the Town to collect on the bill.

If full payment of an emergency service call fee is not made within sixty (60) days after the date that a person is first notified of the bill, the fee shall become a lien on such real estate to which the emergency service call was made.

Section 8: Penalties. Anyone who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), together with the cost of prosecution including reasonable attorneys' fees.

Section 9: Severability. Each of the provisions of this ordinance is severable and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

Effective date: The herein Ordinance shall take effect upon enactment and publication, December 23, 2013.

Enacted this 16th day of December, 2013 Town of Wilson by David L. Gartman, Chairman. This is to certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Wilson on the 16th day of December 2013.
Georgene Lubach, Interim Clerk