

CHAPTER 10 FIRE DEPARTMENT REIMBURSEMENT

Section 1: Purpose. The purpose of this ordinance is to establish the reimbursement of certain costs of emergency services provided by the Town.

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 shall, if billed pursuant to this ordinance, be paid by the owners of the real estate to which the 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 and/or costs for consumable materials used in response to the call. 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, size or complexity of the emergency, whether mutual aid was involved, and whether extra materials or personnel were required. The Extraordinary Costs for common, but not necessarily all, billable emergency services shall be maintained in the Town's Fee Schedule. 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: 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 state Department of Transportation, the Department of Transportation shall reimburse the Town up to the reimbursement limit set for such 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 6: 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 7: 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: This ordinance shall be in effect on the day after posting or publication as required by law.
Enacted this 5th day of March 2018
Posted and Published March 8th, 2018
Town of Wilson by John Ehmann, Town Chairman
Georgene Lubach, Clerk