

ORDINANCE NO. 2016-02

Cost Recovery

WHEREAS, the Town of Wrightstown (hereinafter the “Town”) is required to provide fire protection pursuant to Wis. Stat. § 60.55; and,

WHEREAS, the Greenleaf Volunteer Fire Department, Inc. provides fire protection services to the Town; and,

WHEREAS, the Town has entered into fire protection agreement with the afore referenced fire department concerning the provision of fire protection services, responsibility for the costs thereof, and other miscellaneous terms; and,

WHEREAS, the general, fixed, and budgeted costs of fire protection are paid by the Town to said fire department in accordance with the respective agreements; and,

WHEREAS, certain variable costs that occasionally arise on a fire, rescue, or service call are not directly paid by the Town under said agreements but the fire department, as non-taxing authorities, must have a mechanism to recover said costs either through the Town, the affected property owners, responsible party or a combination thereof; and,

WHEREAS, the purpose of this ordinance is to provide a mechanism for said fire department to recover said variable and unbudgeted costs from the Town, with the ultimately goal of passing said costs through by the Town to the affected property owner, responsible party and/or affected party.

NOW THEREFORE, the Town does hereby ordain:

1) “Costs,” as referenced in this ordinance, shall mean any non-budgeted expense of the fire department reasonably necessary for fire protection, rescue, hazardous material, catastrophic event response, disaster response, and other responsibilities of fire departments, including, but not limited to, extraordinary consumption of fuel, water, foam, hydration & nutrition, absorbents, pollution recovery materials, sand, ground, stone, portable toilets, temporary shelter, snow and ice control, and consumable or destroyed equipment and/or protective clothing that may be destroyed including that of first responders; heavy/other equipment rental and operation thereof; reasonable and necessary hiring of contractors and subcontractors; and reimbursements to other fire departments necessitated by said other fire departments’ participation in a response under the Automatic Aid and/or MABAS agreements.

2) The above-referenced fire department may pass a reasonable bill of Costs onto the Town and the Town shall pay said bill of costs if said Costs were incurred in responding to a call within the area of the Town covered in an agreement between said fire department and the Town.

3) The Town shall pass on any Costs to the affected property owner, business entity, other entity, responsible party, and/or person served by the fire departments’ response.

4) The Town shall enforce the property owners', business entities' other entities' responsible parties' or other persons' responsibility to reimburse the Town by any legal means, including, but not limited to:

- a. Sending said property owner, business entity, other entity, responsible party, and/or person a bill;
- b. A lawsuit against said property owner, business entity, other entity, responsible party and/or person;
- c. A special charge against real property pursuant to Wis. Stat. § 66.0327;
- d. A combination of any of the above.

5) The Town recognizes that the Town, but not necessarily the fire department, has the ability to recover costs pursuant to Wis. Stat. § 60.557 (for reimbursement for calls on highways), 44CR151 (for firefighting on federal property), and other available laws and programs. The Town agrees to cooperate with the above-referenced fire department and assist them in recovering Costs in accordance with any law, agency, or program.

6) The Parties agree to act in good faith concerning the operation and enforcement of this Agreement.

This ordinance shall take upon its passage and publication according to the law.

Adopted this 17th day of August, 2017.

William Verbeten, Chairman

Ronald Diny, Supervisor

Jesse Juedes, Supervisor

Attest to:

Donna Martzahl, Clerk