

Ordinance Number Assigned: **2021-300**

Fire Department Cost Recovery Ordinance

Authority/Purpose:

This ordinance is adopted pursuant to the municipal home rule ordinance authority and title 30A, WIRSA Section 3001 and is provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine.

City of Calais Fire-EMS is engaged in providing fire suppression, fire rescue and fire prevention services; and in consideration of the services rendered hereby desires to set the following restitution policy for the services that were rendered. For the purposes of this Ordinance/policy, it will only cover the Calais Fire Department.

Definition of Services:

Calais Fire Department will seek payment for the cost of services provided by this department when responding to incidents listed below to include but not limited to the following:

- A: Scene and Safety control at traffic accidents:
- B: Disentanglement operations and assist to rescue with extrication from vehicles:
- C: Fluid and Hazardous substance mitigation at traffic accidents
- D: Vehicle Fires
- E. Lift Assist after 3 per calendar year

Rates for Reimbursement

The following fee schedule is to be reviewed yearly by the Fire Chief along with a general review of the policy itself. All fees are set amounts and are not up for negotiation. Changes to fees may only be changed annually and must be annotated on the "Annual Review" section of this policy.

Description	Fee (in US Dollars)	Charged by Unit
Breakout	100	Flat Fee
Hour Minimum		1 hour per line item
*Engine/Quint	300	Hour
*Squad	250	Hour
*Tanker/Brush Unit	250	Hour
*Car 1	75	Hour
* *Lift Assist	150	Flat Fee

Extrication	500	Flat per Vehicle/Incident
HAZMAT	250	Hour
*Boat	100	
Chief	45	Hour
Asst Chief	35	Hour
Ranking Officer (s)	30 (per Officer)	Hour
Firefighter	25 (per Firefighter)	Hour

* These Vehicles will include one driver / operator

** After 3 assist per calendar year per residence / facility

- **Administration and Billing**

- A. Following conclusion of an emergency or non-emergency response incident meeting the requirements of this Ordinance, the Calais Fire Chief, or his/her designee shall prepare a detailed listing of all known expenses.
- B. The Calais Fire Chief shall determine the total assessable costs and shall in consultation with other Town personnel and entities involved in responding to the incident determine whether to assess any, all, or part of such costs against any of the Responsible Parties. In making such determination, the following shall be considered:
 - (1) the total assessable costs;
 - (2) the risk the public safety or fire emergency incident imposed on the city, its residents and their property;
 - (3) whether there was any injury or damage to person or property;
 - (4) the extent the public safety or fire emergency incident required an unusual or extraordinary use of city personnel or equipment; and
 - (5) whether there was any damage to the environment.
- C. After consideration of the factors in (B) immediately above, the Calais Fire Chief may allocate assessable costs among and between Responsible Parties, including allocating all or some of such costs jointly and severally against more than one Responsible Party regardless of whether a Responsible Party has other legal liability therefore or is legally at fault.
- (D) If the Calais Fire Chief determines not to assess all or part of assessable costs against a Responsible Party, such determination shall not in any way limit or extinguish the liability of the Responsible Party to the other parties.
- (E) The Calais Fire Chief, or a designated third-party billing agent, shall prepare and send an invoice to the Responsible Party or the Responsible Party's insurance carrier for their proportionate share of the assessable costs. Such invoice shall be due and payable within thirty (30) days of the date of the mailing.

Billing is to be completed after obtaining a copy of the incident report by current means from the investigating law enforcement agency. A bill will be generated in conjunction with the use of the incident report and the department's run reporting system used at time of the incident.

All money collected shall be placed in an account to be used to replace fire trucks and equipment that was used on scene.

Default in Payment:

Amy failure by the Responsible Party to pay the invoice within the time period provided above shall be considered in default, In case of default, the City Council may authorize commencement of a civil lawsuit to recover such costs, plus any additional costs, or expenses for attorney fees and court costs, as allowed by law.

Conflicts with Other Ordinances

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, by-law, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of the Calais Fire Department's services, the provision of this Ordinance shall control.

Severability Sections of this Ordinance shall be deemed severable. In the event any section, clause, or provision of this Ordinance is declared invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Effective Date: This Ordinance shall become effective upon the date of adoption by the Calais City Council.

Adoption Date: This Ordinance was adopted by the Calais City Council on **March 11, 2021.**

Signed By: _____ City Manager

Amended:

Repealed: